

**SUPREME
COURT
OF VICTORIA**

T

R

A

N

S

F

O

R

M

**Annual
Report
2017-19**

Letter to the Governor

To Her Excellency Linda Dessau AC, Governor
of the state of Victoria and its dependencies
in the Commonwealth of Australia.

Dear Governor

We, the judges of the Supreme Court of Victoria,
have the honour of presenting to you our annual
report for the 2017-18 and 2018-19 financial years,
reporting on the Court's activities from 1 July 2017
to 30 June 2019.

Yours sincerely



Anne Ferguson
The Honourable Chief Justice
Supreme Court of Victoria

ABOUT THIS REPORT

This report is prepared as a requirement under
provisions of the *Supreme Court Act 1986*. It is
prepared primarily as a report to the Attorney-
General of Victoria on Court activities. The report
also provides information for Supreme Court
users and others with an interest in the Court.

ENQUIRIES AND FEEDBACK

For enquiries on the report
or to provide feedback, email:
info@supcourt.vic.gov.au

ISSN: 1839-9215 (online)

Published by the Supreme Court of Victoria,
Melbourne, Victoria, Australia

October 2019 © Supreme Court of Victoria

This report is published on the Court's website:
supremecourt.vic.gov.au





Goal

To be an outstanding superior Court.

Purpose

To safeguard and maintain the rule of law and to ensure:

- equal access to justice
 - fairness, impartiality and independence in decision-making
 - processes that are transparent, timely and certain
 - accountability for the Court's use of public resources
 - the highest standards of competence and personal integrity.
-

Attributes

The Court aims to achieve its goal and purpose through the following attributes:

- excellence
- equality (before the law)
- accessibility
- fairness and impartiality
- independence of decision-making and competence
- integrity and transparency
- timeliness and efficiency
- certainty and clarity
- innovation and change
- courtesy and respect.

About the Supreme Court of Victoria

The Supreme Court hears some of the most serious criminal cases, and most complex civil cases, in the State of Victoria. It also hears some appeals from Victorian courts and tribunals. The Court has two divisions: Trial Division and Court of Appeal.

The Trial Division has three divisions: Criminal, Common Law and the Commercial Court. It hears serious criminal cases, including about murder and terrorism and civil cases involving significant injuries and large monetary claims and complex legal issues, and other serious matters. It also hears appeals from the Magistrates' Court of Victoria, the Children's Court of Victoria, the Coroner's Court of Victoria and the Victorian Civil and Administrative Tribunal (VCAT).

The Court of Appeal determines whether a trial was conducted fairly, and whether the law was correctly applied. It hears

criminal and civil cases decided in the County Court of Victoria or Supreme Court Trial Division and some VCAT appeals. Most appeals require permission from the Court of Appeal before they can be heard.

The Chief Executive Officer oversees the administrative functions of the Court. These include Court of Appeal Registry, Principal Registry, Juries Victoria, Law Library of Victoria and court administration. Funds in Court is recognised as a support function of the Court, but operates as a discrete division under the direction of the Senior Master.

While most cases are heard in Melbourne, the Supreme Court is a court for all Victorians. It regularly travels on circuit to hear cases across Victoria (see p. 70).

Contents

05

AT A GLANCE

Key points	06
Cases snapshot	08
Services snapshot	11
Chief Justice and Chief Executive Officer foreword	12

14

COURT HIGHLIGHTS

18

WORK OF THE COURT

Court of Appeal	19
Trial Division:	
Commercial Court	22
Common Law	28
Criminal	36
Associate Judges' Practice Court	41
Judicial mediation	42
Costs Court	44
Registry Services	46
Principal Registry	48
Probate Office	50
Corporate Services	52

53

ADDITIONAL COURT SERVICES

Funds in Court	54
Juries Victoria	58
Law Library of Victoria	60

62

LEADERSHIP AND GOVERNANCE

65

APPENDICES

Financial information	66
Judicial officers of the Supreme Court	68
Court locations	70
Contact details	71

An aerial photograph of a large, open public square paved with light-colored stone tiles. The square is filled with numerous people walking, standing, and sitting. A curved stone wall or ledge runs along the top edge of the frame. Overlaid on the image is a geometric pattern of thin, dark lines forming a central square with internal crosshairs and diagonal lines connecting the corners to the center. Small dots mark the intersections of these lines. The text "At a glance" is positioned in the center-right area of the image, within the geometric overlay.

**At a
glance**

Key points

Welcomed new leadership to the Court, including a new Chief Justice, Chief Executive Officer and three new principal judges

Introduced electronic filing (eFiling) for cases in the Commercial Court, Common Law Division, Criminal Division and Costs Court and commenced rollout of major digital upgrades to all courtrooms

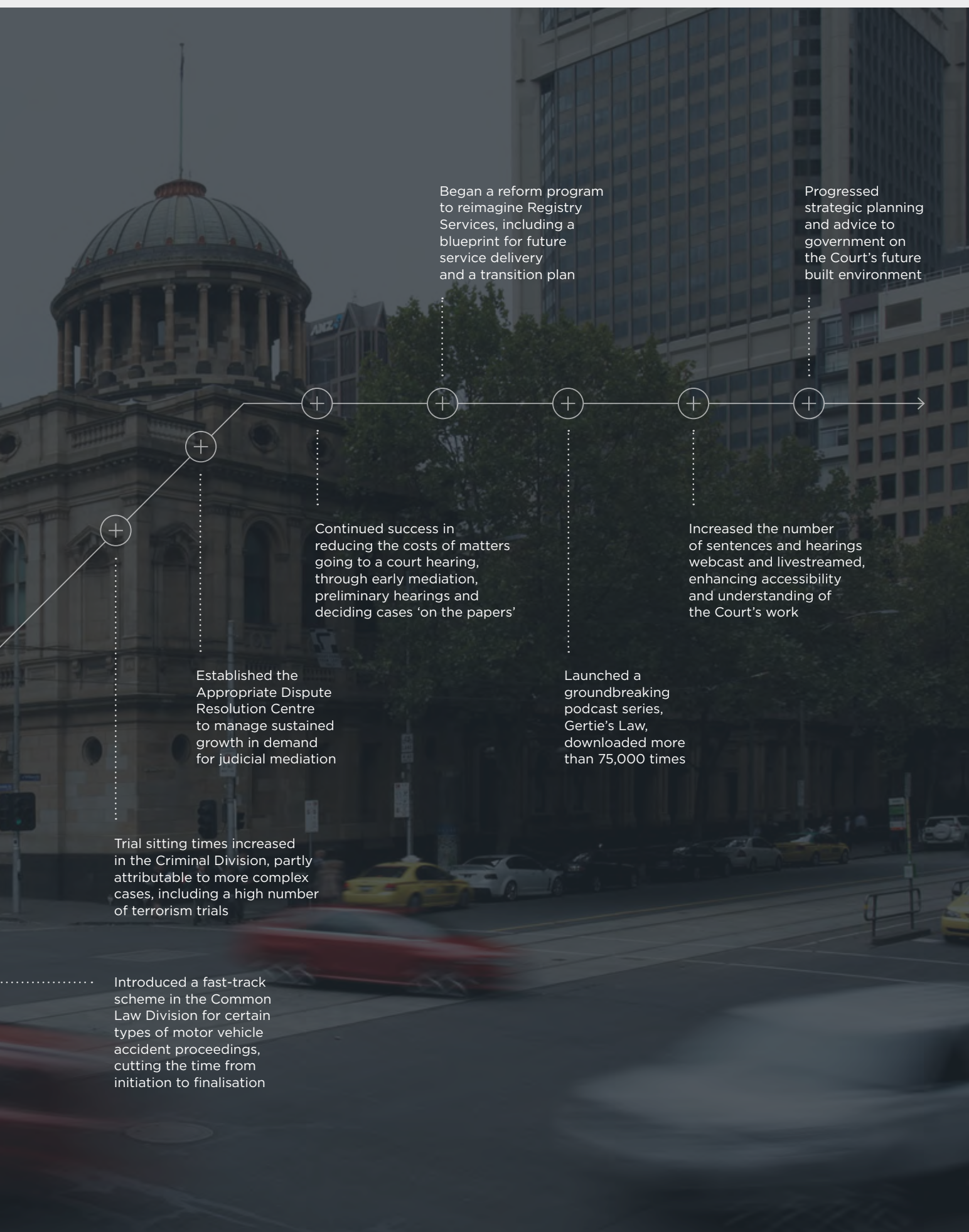
Continued to roll out active case management, improving productivity while ensuring each party is still treated fairly

Significant legislative reforms impacted the Criminal Division, leading to an increase in application workload

For people representing themselves in Court, developed a suite of materials to increase access to justice and began a pilot project, in partnership with Justice Connect, to deliver a free legal service

Installed state-of-the-art technology in six courtrooms that enables hearings and trials to be heard electronically, increasing efficiencies and reducing the need to move prisoners

Sixteen per cent rise in Court of Appeal applications in 2018-19, especially urgent and/or complex applications



Cases snapshot

The Court's performance is measured by its:

1

Clearance rate

Cases finalised in a given period, expressed as a percentage of cases initiated.

2

On-time case processing

Percentage of cases finalised within 12 and 24 months of initiation.

Total caseload

Total cases

	2016-17	2017-18	2018-19	Variance
Initiations	6,140	6,118	6,329	4%
Finalisations	6,315	6,087	6,319	3%
Pending	4,669	4,692	4,745	1%

Clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	103%	99%	100%	100%
Cases finalised within 12 months	78%	77%	77%	75%
Cases finalised within 24 months	92%	91%	92%	90%
Cases finalised > 24 months	8%	9%	8%	-

Case backlog

	2016-17	2017-18	2018-19	Benchmark
Pending > 12 months	45%	33%	32%	20%
Pending > 24 months	20%	16%	14%	5%

Court file integrity

	2016-17	2017-18	2018-19	Benchmark
Court file integrity	83%	90%	89%	90%

3

Case backlog

Length of time that cases to be finalised have been pending

In addition, the Court reports on the quality of its court files, known as court file integrity. This is the percentage of case files that meet established standards of availability, accuracy and completeness, as determined through a process of random audits. Court file integrity is critical to ensuring proceedings are managed efficiently.

Variance is the percentage difference between 2017-18 and 2018-19 figures. Benchmark is a standard that the Court measures its performance against.

Differences between figures contained in this report, compared to the 2016-17 annual report, are due to further refinement of the Court's statistics after their publication.

Court of Appeal

Total cases – Court of Appeal

	2016-17	2017-18	2018-19	Variance
Initiations	446	387	450	16%
Finalisations	428	411	373	-9%
Pending	265	241	318	32%

Civil cases – Court of Appeal

	2016-17	2017-18	2018-19	Variance
Initiations	161	138	153	11%
Finalisations	178	144	130	-10%
Pending	91	85	108	27%

Civil cases – Court of Appeal – Clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	111%	104%	85%	100%
Cases finalised within 12 months	87%	90%	89%	75%
Cases finalised within 24 months	100%	99%	99%	90%
Cases finalised > 24 months	0%	1%	1%	-

Criminal cases – Court of Appeal

	2016-17	2017-18	2018-19	Variance
Initiations	285	249	297	19%
Finalisations	250	267	243	-9%
Pending	174	156	210	35%

Criminal cases – Court of Appeal – clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	88%	107%	82%	100%
Cases finalised within 12 months	90%	89%	87%	75%
Cases finalised within 24 months	100%	99%	100%	90%
Cases finalised > 24 months	0%	1%	0%	-

Trial Division

Total cases – Trial Division – civil and criminal

	2016-17	2017-18	2018-19	Variance
Initiations	5,694	5,731	5,879	3%
Finalisations	5,887	5,676	5,946	-1%
Pending	4,404	4,451	4,427	-1%

Commercial Court – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	2,644	2,711	2,702	0%
Finalisations	2,872	2,735	2,947	8%
Pending	1,826	1,891	1,646	-13%

Commercial Court – clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	109%	101%	109%	100%
Cases finalised within 12 months	82%	80%	82%	75%
Cases finalised within 24 months	92%	88%	91%	90%
Cases finalised > 24 months	8%	12%	9%	-

Common Law Division – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	2,661	2,617	2,820	8%
Finalisations	2,524	2,566	2,668	4%
Pending	2,264	2,315	2,467	7%

Common Law Division – clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	97%	99%	93%	100%
Cases finalised within 12 months	68%	67%	67%	75%
Cases finalised within 24 months	89%	89%	90%	90%
Cases finalised > 24 months	11%	11%	10%	-

Criminal Division – trials and pleas

	2016-17	2017-18	2018-19	Variance
Initiations	110	120	100	-17%
Finalisations	120	84	120	43%
Pending	88	124	104	-16%

Criminal Division – clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	109%	70%	120%	100%
Cases finalised within 12 months	69%	74%	64%	75%
Cases finalised within 24 months	99%	92%	97%	90%
Cases finalised > 24 months	1%	8%	3%	-

Judicial mediations

	2016-17	2017-18	2018-19
Cases referred for mediation	434	613	545
Mediations completed	300	375	372
Cases resolved on day of mediation	199	220	227
Percentage of cases resolved on day of mediation	67%	59%	61%
Number of hearing days saved	1,302	1,758	1,206

Services snapshot

Specialised registry services	2016-17	2017-18	2018-19
Counter enquiries answered*	20,075	18,069	8,159**
Self-represented litigants – enquiries answered	2,766	2,719	3,480
Subpoenas issued	3,263	3,823	3,735
Probate Office			
Counter enquiries answered	16,738	17,149	16,271
Grants of probate	21,595	19,648	18,221
Wills deposited with Probate Office for safekeeping	219	222	254
Small estates grants	48	35	33
Funds in Court			
Money paid into Court (\$ millions)	\$142	\$154	\$152
Money paid out of Court (\$ millions)	\$78	\$71	\$77
Total value of funds under administration, including real estate (\$ billions)	\$1.728	\$1.855	\$2.024
Law Library of Victoria			
Queries, visitors, tours and training attendees	23,499	37,171	46,577
Website visits and database usage	1,340,405	1,256,358	1,961,745
Users' satisfaction with the Library and its services	77.8%	97%	99%
Judgments published on the Library website	1,175	1,103	1,153
Website			
Unique users	412,293	385,982	519,221
Page views	2,381,867	2,383,260	2,809,938
Sessions	924,096	917,122	1,119,193
Community engagement			
Proceedings broadcast by webcast or livestream	27	30	38
Downloads of Gertie's Law podcasts	N/A	N/A	75,808
Visitors at community open days	1,900	2,000	1,500

* Principal Registry ** The drop in counter enquiries reflects the introduction of electronic filing.

Finances	2016-17	2017-18	2018-19
Total operating revenue (\$'000)	\$81,727	\$84,452	\$91,833
Total operating expenses (\$'000)	\$80,426	\$81,028	\$91,015
Net result from transactions (net operating balance) (\$'000)	\$1,301	\$3,424	\$818

Chief Justice and Chief Executive Officer foreword



**The Honourable
Anne Ferguson**
Chief Justice of Victoria

It is a pleasure to present the combined 2017-18 and 2018-19 Annual Report for the Supreme Court of Victoria.

As the new Chief Justice and new Chief Executive Officer for the Court, we have been delighted to meet with judiciary and staff across all courts and VCAT, as well as with members of the legal profession, community groups, members of Parliament, State Government and agencies from across the justice system. We have been impressed by the strength of the shared commitment to serving the community and finding new and better ways to do that.

Improving our user experience

Every Division of the Court is exploring how to serve the community better. By way of example, the Court of Appeal has increased its number of educational and community engagement activities in Melbourne and regional circuit locations. The Commercial Court has started planning for the extension of its early triaging of cases to reduce unnecessary delays and shorten times to resolution. The Common Law Division has extended case management reforms to six additional lists, and the Criminal Division has facilitated electronic trials and adopted a program of confidential case conferencing between the parties with the aim of streamlining particular trials.

The Court has also worked closely with Court users to develop a model for future registry services, with a focus on user-centred design. This work included better designed systems, more support for judicial officers to hear and determine disputes in a timely manner and the provision of high quality support to Court users.

To make it easier to access our Court and run a case, we continued to roll out a digital innovation strategy to deliver a more efficient and accessible justice system. Electronic filing (eFiling) was introduced for all cases in the Commercial Court, Common Law Division, Criminal Division and Costs Court. We are upgrading technology in all our courtrooms and mediation centre, holding eTrials and launched our first full, electronically-enabled eCourt in Courtroom 4 at 436 Lonsdale Street in March 2019. Technology upgrades to courtrooms also enabled some appeals to be heard electronically for the first time, increasing efficiency for the parties and the Court.

Engaging our community

Improving the user experience extends well beyond our walls. Open, accessible justice is more than being able to see what happens in court. Providing a deeper understanding about what goes on and clear information about how to interpret that work is equally important.

Our focus on the community is ongoing. However, in 2019 we significantly expanded our external engagement. As well as increasing the live streaming and webcasting of cases on our website, we made greater use of social media to summarise complex decisions. In a first for Victoria, we also began work on our own podcast series, Gertie's Law. We launched the podcast in March 2019 to provide the community with meaningful context around what our Court does. Gertie's Law has broken new ground in how we engage with the broader community, and the initial response has been overwhelmingly positive.



Matt Hall PSM
Chief Executive Officer

Embracing our future

The changes we are making will not be possible if we cannot find and retain highly capable and committed people to uphold our Court's purpose. That is why we are establishing a workplace that supports and equips all staff well, in what we know is a complex and changing environment. An example of this is the development of a 'One Court' program that will help to build a culture of collaboration and foster inclusive working relationships. The aim is to give everyone who works here a better understanding about the importance of their role and the roles of others, and how these collectively contribute to the Court's broader functions and strategic goals.

Working from multiple locations, including the magnificent heritage-listed building on William Street, presents unique challenges for us and for our many Court users. We will continue to improve the spaces we have and establish new courtrooms and accommodation in other buildings. As our Court grows, we will also progress our consideration of what our future needs will be and determine the best way to deliver them.

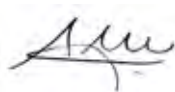
On behalf of the judges and staff, we want to acknowledge former Chief Justice the Honourable Marilyn Warren AC, for her leadership of the Court from November 2003 until her retirement in October 2017. The Court is also very grateful to Louise Anderson for her contribution as Chief Executive Officer until March 2018 and to Judicial Registrar Daniel Caporale for his support and work while subsequently acting in that important role.

Accessibility, equality before the law and impartial decisions after a fair hearing underpin the work of the Court. While these concepts are static, our processes and procedures to support and implement them evolve over time. Ultimately, the measure of our success must be that all those who come to our Court feel that, no matter what the outcome, the process has been open, respectful and just.

We wish to thank the judges, associate judges, judicial registrars and Court staff who work with such commitment and dedication every day to help us achieve that goal. Together, we look forward to building on the work that has gone before us and to continuing to increase community trust and confidence in the Court.



The Honourable Anne Ferguson
Chief Justice of Victoria



Matt Hall PSM
Chief Executive Officer

An aerial photograph of a large crowd of people walking on a light-colored, paved surface. Overlaid on the image is a red geometric pattern consisting of a central square with four diagonal lines extending from its corners to the corners of a larger square. Small red dots are placed at the intersections of these lines. The text 'Court highlights' is written in a bold, red, sans-serif font in the upper right quadrant of the image.

Court highlights

New leadership at the Court

We welcomed new leadership to the Court in 2017-19, including a new Chief Justice, a Chief Executive Officer (CEO) and three new principal judges.

Chief Justice Anne Ferguson took up her appointment on 2 October 2017, following the retirement of The Honourable Marilyn Warren AC. Chief Justice Ferguson has been a Supreme Court judge since 2010 and was appointed to the Court of Appeal in 2014. Her Honour is the twelfth Chief Justice of the Supreme Court of Victoria, the first solicitor to be appointed and the second woman in the role.

In September 2018, we welcomed Matt Hall PSM as our new CEO. Mr Hall took over from Louise Anderson, who had been in the role since 2015, and Judicial Registrar Daniel Caporale, who acted in the role for five months before Mr Hall's appointment. Mr Hall came to the Supreme Court from the National Disability Insurance Agency, where he was General Manager of the Legal and Government Divisions. He brings strong experience from a range of government agencies, working in areas of law reform and operational management.

The Criminal Division, Commercial Court and Common Law Division each welcomed new principal judges. In the Criminal Division, Justice Elizabeth Hollingworth took over from Justice Lex Lasry AM (now a reserve judge with the Court), in the Commercial Court Justice Peter Riordan took over from Justice Kim Hargrave (now a Court of Appeal judge) and Justice John Dixon took over from Justice Jack Forrest (now retired) in the Common Law Division. Justice Hollingworth has been a Supreme Court judge since June 2004, Justice Dixon since September 2010 and Justice Riordan since March 2015.

Rollout of active case management

Active case management continued to roll out across the Court in 2017-19, improving productivity while ensuring each party is still treated fairly, and building on its successful implementation in the Court of Appeal in 2011. The approach includes delegating less complex functions to judicial registrars leading registry-based teams. These teams identify and resolve issues early through management or escalation of issues for judicial determination, improving the flow of cases through the Court.

In the Commercial Court, for example, some cases are scheduled for an initial conference before an associate judge or judicial registrar. The judicial officer assesses if the matter may be resolved by mediation – a confidential process where the parties meet to talk through the issues in dispute, facilitated by a judicial officer. This approach has led to more cases settling outside of a courtroom, saving costs for the parties and time and resources spent on trials (see p. 22).

In the Common Law Division, specialised teams of judicial officers, lawyers and registry staff work as a team on particular case types. Case management functions are performed by the most appropriate members of the team. Ongoing monitoring of the case ensures all courtroom proceedings are necessary and valuable.

The Criminal Division has also implemented new case management procedures including requiring parties to attend a directions hearing in front of the principal judge of the division to identify potential evidentiary or other disputes that would benefit from early judicial involvement and resolution. For some suitable matters, voluntary and confidential case conferences have been conducted in the lead-up to trial to determine if issues can be resolved or defined more precisely, reducing the likelihood of an adjournment.

Embracing a digital future

In late 2015, the Court endorsed a transformational digital strategy. Its aim was to overhaul the Court's reliance on paper and create a modern, sophisticated system of electronic files and digitally-enabled courtrooms that made it possible to hear cases electronically.

The digital transformation project has changed the way documents are filed, managed by registry and viewed by judges. The state-of-the-art technology being installed in courtrooms now completes the transformation. It is possible for a file to progress from initiation to finalisation and archiving without ever having been printed. This enormous shift is increasing access to justice and delivering significant financial and efficiency benefits to parties and the Court.

Electronic filing

Following a successful pilot, in July 2018 the Court introduced electronic filing (eFiling) for all cases in the Commercial Court, Common Law Division and Costs Court. The Criminal Division introduced eFiling in January 2019 and the Court of Appeal and Probate Office are set to follow in 2019-20. Previously, users would need to file documents by post, fax or by delivering them in person to the Court's registry.

Using the purpose-built platform RedCrest, users can now access all their case information and documents in a single and secure electronic file, file documents anytime and from anywhere with an internet connection, and make payments online and have them processed automatically when documents are accepted or approved. RedCrest integrates directly into the Court's case management system, creating a more efficient system for managing cases and removing the need for manual data entry.

Judicial officers have separate and secure access to the electronic court file through a judges' portal, which enables judges to access files anywhere at any time.

Technology upgrades in courtrooms

The Court is undertaking a major project to upgrade the audiovisual technology in its courtrooms. Built on entirely new physical and technological infrastructure, each courtroom will have:

- large ultra High Definition display screens for evidence that is increasingly digital in nature
- video-conferencing technology that enables any person on any device to be a remote witness from any location
- wireless and cabled connectivity from the bar table for evidence presentation
- a touch-screen monitor in the witness box that can be used for complex expert witness accounts and evidence markups and for standard witness accounts
- livestreaming and on-demand webcasting capability, and
- digital audiovisual recording.

At 30 June 2019, six courts had been upgraded with the state-of-the-art technology, including Red Court at 459 Lonsdale Street, courts 7 and 7B at 210 William Street and courts 1, 4 and 6 at 436 Lonsdale Street. Matters heard in upgraded electronic courts have shown efficiencies in trial length and reduced need to move prisoners. All 31 courtrooms and three mediation rooms are scheduled to receive the upgrades by mid-2021.

In April 2019, the Court published documents contained in its files for the proceedings relating to the parties AB, EF & CD (Lawyer X proceedings). The release of the documents was not unusual. It is part of the Court providing open justice on an ongoing basis. But what was different was the electronic method that was used to provide access to the documents. This was aimed at facilitating easier access to help the community and the media understand what had transpired during these important matters.

Increasing access to justice

New services and resources that make it easier to access justice in the Supreme Court were developed in 2017-19. These included a suite of materials for people representing themselves in Court and a pilot partnership with Justice Connect. The initiatives flowed from the Government's 2016 Access to Justice Review, which made recommendations around improving how Victorians access the justice system.

The pilot project with not-for-profit organisation Justice Connect delivered a free legal advice service for eligible self-represented litigants (SRLs) with cases in the Supreme Court or County Court. From February 2019, SRLs who met the eligibility criteria could book an appointment with a Justice Connect volunteer lawyer or barrister at the Court, to get help with tasks such as completing the legal aspects of a form or working out the arguments for their case. The pilot will be evaluated when it finishes in June 2020.

The Court's website was also rebuilt and relaunched in October 2018. Improvements include:

- better search functionality for forms, publications and Practice Notes
- improved page layout (e.g. Common Law class actions now have all related documents together)
- a more dynamic and searchable daily list, automatically updated every 15 minutes
- text-to-voice functionality, enabling web content to be read aloud
- a feedback button on every page.

To increase access to justice and help people representing themselves in Court, the website section for SRLs was repopulated with plain-language information, guides and videos. By 30 June 2019, it included:

- nine guides to common types of proceedings, with links to forms, rules and relevant contacts

- three short instructional videos
- redeveloped answers to frequently asked questions
- high-level information about the Court, translated into eight languages
- a glossary of legal words and terms, which also appear when hovering over them.

In 2018, the Supreme Court also began exploring ways to improve the experience of court users, including better signage, digital wayfinding and improved facilities for parties, families of victims and witnesses. That work is ongoing and is expected to be completed by 2020.

Expanding community engagement

Promoting access to justice and helping Victorians understand how the Court operates builds confidence and trust in our justice system. The Court uses numerous channels to inform and reach the community and legal profession, increasingly through digital means.

Reaching the community

Opening our courtrooms and surrounds to the public on community open days helps to demystify the Court and gives people an opportunity to explore and ask questions about how the Court operates. The Court took part in four community open days in 2017-19, including Open House Melbourne 2017 and 2018 and Courts Open Day 2018 and 2019.

On 20 February 2018, the old High Court building marked 90 years since the first sitting before a full bench in 1928. To mark the occasion, the Court coordinated an exhibition in the Supreme Court Library, a virtual online exhibition, a specially commissioned booklet, a short historical video and information panels detailing the history, famous cases and judicial officers associated with the old High Court building.

The Court launched a school holiday program in January 2018, aimed at families with children at primary school. The program, built on the Court's long-standing VCE Education Program, incorporates children's activities and allows them and their families to learn about the Court's rich heritage and its operations today. The Court conducts the program in most school holidays.

Gertie's Law

In March 2019, the Court launched a groundbreaking podcast series called Gertie's Law – a reference to the Lady Justice statue above 210 William Street entrance, colloquially known as Gertie.

The seven episodes released by 30 June 2019 revisit historic cases, talk to the many people who work at the Court, including judges, and take a closer look at how a modern justice system operates in a 19th century building. As at 30 June 2019, the podcasts had been downloaded 75,808 times, earning favourable reviews and more than 500 five-star ratings on iTunes. Gertie's Law can be accessed on the Court's website at this link: supremecourt.vic.gov.au/podcast.

Webcasting and live streaming

The Supreme Court has increased the number of sentences, judgments or other matters that are webcast (broadcast over the internet) and live streamed (broadcast on the internet in real time). By broadening the availability of these matters, the Court aims to increase accessibility and help raise understanding of the Court's work.

During 2018-19, 23 criminal sentences were live streamed with audio only and five sentences were live streamed with video. Five sentences were recorded with audio only and two were recorded with video, but not live streamed. All were subsequently made available on the Court's website. In 2017-18, nine sentences were recorded with audio only and three with video, with the majority of those sentences also live streamed.

Since June 2017, the Court of Appeal has also piloted webcasting some appeals as well as live streaming other high-profile cases. As part of the webcasting pilot, the Court of Appeal recorded hearings and then judgments in 12 proceedings in 2017-18 and three proceedings in 2018-19, the videos of which were later released on the Court's website.

In addition, the Court of Appeal live streamed the Rebel Wilson defamation appeal (*Bauer Media Pty Ltd v Wilson* [No.2] [2018] VSCA 154) and the hearing in *George Pell v The Queen* [2019] VSCA 186. Figures collated on the day after the Pell hearing (5-6 June 2019) showed the stream had approximately 139,000 views and about 42,000 viewers.

Improving our built environment

The Supreme Court works across seven buildings – some heritage listed – in Lonsdale Street, William Street, La Trobe Street and Little Bourke Street, Melbourne. The oldest of the heritage buildings is the Trial Division building at 210 William Street, which was completed in 1884. Since then, the Court has evolved and expanded to meet increasing workload, and continues to face a number of modern challenges, including the availability and suitability of courtrooms, accommodation spaces for judges and court staff, as well as logistical, practical and safety issues.

To address these issues, the Court is pursuing a number of initiatives. In the short to medium term, it is seeking to improve its courtrooms, chambers, mediation and corporate service spaces. For example, some existing courtrooms can be adapted for more flexible use to hear more criminal and civil jury trials. The Court is also improving its courtroom allocation software and will establish additional courtrooms and chambers in other buildings, including the William Cooper Justice Centre (WCJC).


As to the longer term, the Court is using funding it received from Government to develop a business case establishing what the built environment of the future Supreme Court must accommodate and deliver. This work will integrate with the development of a Strategic Asset Plan across all jurisdictions, being undertaken by Court Services Victoria, which examines the individual needs of each court, as well as how courts can operate within a broader precinct. This work is informed by detailed demand modelling and analysis to ensure that the capacity, functionality and accessibility of the Supreme Court meets the needs of the future.

A number of measures have been identified to improve the security of the Court so that it can effectively control risks that arise as a result of operating as a modern court from heritage buildings. The Court has secured funding to upgrade or replace critical security infrastructure and over the next two years and, in the first instance, will increase after-hours onsite security coverage.



75,808

downloads of
Gertie's Law podcast.

An aerial photograph of a large, paved public square, likely St. Peter's Square in Rome, showing numerous people walking and standing. A complex geometric pattern of purple lines is overlaid on the image, forming a central square with internal lines that create a grid-like structure. Small purple dots mark the vertices and intersections of these lines. The text 'Work of the Court' is positioned in the lower-left area of the image, partially overlapping the purple lines.

Work of the Court

Court of Appeal

ABOUT THE DIVISION

The Court of Appeal hears criminal and civil appeals from decisions made in the Supreme Court Trial Division, as well as appeals from other Victorian jurisdictions, including the County Court and Victorian Civil and Administrative Tribunal. It determines if a trial was conducted properly and if the law was correctly applied. Most appeals need permission from the Court of Appeal before they can be heard.

Key points

1

Significant rise (16 per cent) in applications in 2018-19, especially the number of urgent and/or complex applications, contributing to an overall increase in cases pending

2

Technology upgrades to courtrooms enabled some appeals to be heard electronically for the first time, increasing efficiency for the parties and the Court

3

Increased number of educational and community engagement activities in Melbourne and regional circuit locations

Overview

During the reporting period, initiations in the Court of Appeal remained steady overall. There was a drop in initiations for criminal and civil cases in 2017-18 compared to 2016-17, however this was countered by a significant increase in overall cases in 2018-19 – criminal initiations were up 19 per cent and civil case initiations up 11 per cent.

This increase in initiations led to lower finalisations and higher pending rates in 2018-19. Finalisations were down nine per cent and pending increased 32 per cent compared to 2017-18.

The figures reflect the time taken to prepare matters for hearing, but also the significant number of urgent and/or complex matters coming before the Court. These included applications related to the actions of former barrister Nicola Gobbo and the Royal Commission into the Management of Police Informants.

As a result, the Court experienced a decrease in clearance rate in 2018-19 (82 per cent clearance rate in Crime and 85 per cent in Civil) compared to the previous year. However, the Division continued to meet case backlog and on-time case processing benchmarks.

Court of Appeal – total cases (appeal and leave to appeal)

	2016-17	2017-18	2018-19	Variance
Initiations	446	387	450	16%
Finalisations	428	411	373	-9%
Pending	265	241	318	32%

CHIEF JUSTICE

Chief Justice Ferguson

PRESIDENT

Justice Maxwell

JUDGES

Justice Weinberg

(retired May 2018)

Justice Tate

Justice Osborn

(retired June 2018)

Justice Whelan

Justice Priest

Justice Santamaria

(retired July 2018)

Justice Beach

Justice Kyrou

Justice Kaye

Justice McLeish

Justice Niall

(appointed November 2017)

Justice Hargrave

(appointed December 2017)

Justice T Forrest

(appointed July 2018)

Justice Emerton

*(appointed July 2018)***RESERVE JUDGES**

Justice Ashley

Justice Redlich

Justice Dodds-Streton

Justice Weinberg

Justice Hansen

Justice Coghlan

JUDICIAL REGISTRAR

Judicial Registrar Irving

Civil cases

Civil cases – Court of Appeal

	2016-17	2017-18	2018-19	Variance
Initiations	161	138	153	11%
Finalisations	178	144	130	-10%
Pending	91	85	108	27%

Civil cases – Court of Appeal – Clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	111%	104%	85%	100%
Cases finalised within 12 months	87%	90%	89%	75%
Cases finalised within 24 months	100%	99%	99%	90%
Cases finalised > 24 months	0%	1%	1%	-

Civil cases – Court of Appeal – Median time to finalisation (months)

	2016-17	2017-18	2018-19
Civil appeals	7.67	6.95	7.39

Criminal cases

Criminal cases – Court of Appeal

	2016-17	2017-18	2018-19	Variance
Initiations	285	249	297	19%
Finalisations	250	267	243	-9%
Pending	174	156	210	35%

Criminal cases – Court of Appeal – Clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate	88%	107%	82%	100%
Cases finalised within 12 months	90%	89%	87%	75%
Cases finalised within 24 months	100%	99%	100%	90%
Cases finalised > 24 months	0%	1%	0%	-

Criminal cases – Court of Appeal – Median time to finalisation (months)

	2016-17	2017-18	2018-19
Appeals against conviction/conviction and sentence	9.46	10.1	9.6
Appeals against sentence only	5.52	6.7	7.4
Time to finalisation (total for all criminal cases)	7.10	6.7	7.4

Circuit sittings

The Court of Appeal has set dates for when it hears cases in regional Victoria – called circuit sittings. In 2017-19, the Court sat at Geelong (August 2017), Shepparton (April 2018), Bendigo (August 2018) and Warrnambool (May 2019) and heard a total of nine cases over seven sitting days.

Webcasting and livestreaming

During the reporting period, the Court piloted webcasting of some criminal applications and the livestreaming of matters of high public interest. This included livestreaming the judgment and the appeal hearing in *Bauer Media Pty Ltd v Wilson* [No.2] [2018] VSCA 154 and the hearing in *George Pell v The Queen* [2019] VSCA 186. In matters selected for webcasting, the Court recorded the proceedings and later made them available on the Court's website (see p. 17).

The Court took advantage of technology upgrades to the Green and Red Courtrooms to trial electronic appeal hearings (see p. 16). The Court intends to expand the number of electronic hearings in 2019-20.

Engaging with the community

In addition to hearing appeals on circuit, the judges of the Court of Appeal met with local school students, legal practitioners and community organisations to talk about the work of the Court and gain a greater understanding of regional issues and challenges.

In October 2017, the Court of Appeal delivered a legal education seminar in Geelong, providing practical and procedural information about civil appeals. The seminar gave practitioners an opportunity to meet key judicial officers and case management staff and to discuss court processes.

In April and May 2018, judges of the Court of Appeal, with assistance from Victorian Bar members, ran advocacy workshops in Melbourne for barristers and solicitors practising or intending to practise in the Court of Appeal. The two-part sessions focused on written and oral advocacy and provided practical advice and demonstrations, to help practitioners develop their skills when representing a client in an appeal case. The workshops were booked out and feedback from participants was overwhelmingly positive.

In May 2019, the Court of Appeal began the pilot of a one-day student observation program with university students from a number of Victorian law schools. Students had the opportunity to meet with judges of the Court of Appeal, court staff and counsel and to observe an appeal proceeding, all in one day. Given the positive feedback the program received it will continue in 2019-20.

Court of Appeal Registry

The Court of Appeal Registry is responsible for the administrative functions of the Court of Appeal and provides support services to the judiciary, the legal profession and the public.

Judicial Registrar Ian Irving is supported by deputy registrars (Legal and Administration), Court of Appeal lawyers and registry officers. Registry staff undertake legal and administrative functions including case managing criminal and civil applications, providing procedural advice and listing appeals or applications for hearing. Court of Appeal lawyers provide legal research support to the judges, which contributes to the efficient hearing and resolution of applications before the Court.

Trial Division

Commercial Court

ABOUT THE DIVISION

The Commercial Court determines commercial disputes, including complex matters that involve significant monetary claims. Judges with extensive commercial expertise and experience oversee specialist lists within the Division, including the Corporations, Arbitration, Taxation, Admiralty, Intellectual Property, Insurance, and Technology, Engineering and Construction Lists. They are supported in this work by associate judges and judicial registrars, as well as a specialist Commercial Court Registry.

Key points

1

New leadership for the Commercial Court, with Justice Riordan taking over as Principal Judge from Justice Hargrave and the retirement of Deputy Principal Judge Justice Judd

2

Introduced electronic trials for some cases and electronic filing across the Division, saving time and money for parties and the Court

3

The Commercial Court has started planning for the extension of its early triaging of cases to reduce unnecessary delays and shorten times to resolution

Overview

Initiations in the Commercial Court remained steady during the reporting period. By 30 June 2019, the number of cases finalised had increased eight per cent compared to 2017-18 and the number of pending cases had decreased 13 per cent.

The Court's clearance rate also surpassed the benchmark of 100 per cent in 2018-19, clearing 109 per cent of cases. In addition, 80 per cent of cases were processed within 12 months of initiation in 2018-19, exceeding the benchmark of 75 per cent.

These results have been achieved despite matters heard within the Division becoming increasingly complex in recent years. This has been possible as a result of reforms introduced, such as some work being undertaken by registry staff, and associate judges and judicial registrars dealing with a greater number of less complex matters. This frees up Commercial Court judges to work on more complex cases.

Commercial Court – total caseload

	2016-17	2017-18	2018-19	Variance
Initiations	2,644	2,711	2,702	0%
Finalisations	2,872	2,735	2,947	8%
Pending	1,826	1,891	1,646	-13%

Commercial Court – clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate (%)	109%	101%	109%	100%
Cases finalised within 12 months	82%	80%	80%	75%
Cases finalised within 24 months	92%	88%	91%	90%
Cases finalised > 24 months	8%	12%	9%	-

PRINCIPAL JUDGE

Justice Hargrave
(until December 2017)
Justice Riordan
(from March 2018)

DEPUTY PRINCIPAL JUDGE

Justice Judd
(A/g Principal Judge
from December 2017 until
retirement in March 2018)

JUDGES

Justice Vickery
(until April 2018)
Justice Croft
Justice Sifris
Justice Almond
Justice Digby
Justice Elliott
Justice Sloss
Justice Kennedy
Justice Connock
(from April 2018)
Justice Lyons
(from May 2018)

RESERVE JUDGES

Justice Robson
Justice Garde

ASSOCIATE JUDGES

Associate Justice Derham
Associate Justice Efthim
Associate Justice Daly
Associate Justice Gardiner
Associate Justice Mukhtar
Associate Justice Randall

JUDICIAL REGISTRARS

Judicial Registrar Heteyey
Judicial Registrar Matthews
Judicial Registrar Caporale
(from January 2018)



80%

of cases processed within
12 months of initiation in 2018-19,
exceeding the benchmark.

Judge-managed cases

Judge-managed cases refers to cases that are managed and heard by a judge rather than an associate judge or judicial registrar.

In 2018-19, a significant decrease in cases under active judge management (down 38 per cent) reflected a particularly high number of initiations in 2017-18. Finalisations were also down 23 per cent in 2018-19 compared to the previous year.

There were a number of reasons for this anomaly. In 2017-18, a total of 143 High Volume Debt Recovery matters were transferred from the County Court to the Supreme Court, which artificially

inflated the number of initiations that year. In addition, during 2018-19 the Commercial Court Registry identified and tracked about 20 cases that were more suitable for early referral to an associate judge. As these matters were triaged and referred early on in the course of the proceedings, they were counted as being initiated as an associate judge case, rather than as a judge-managed case.

When adjusted for these factors, the decrease in judge-managed matters in 2018-19 is 14 per cent compared to the previous year. This adjusted figure more accurately reflects business as usual initiations.

Commercial Court – Judge-managed caseload

	2016-17	2017-18	2018-19	Variance
Initiations	477	596	370	-38%
Initiations adjusted for anomalies (see above)	-	453	390	-14%
Finalisations	624	729	561	-23%
Pending	914	851	660	-22%

Corporations List

Judge in charge

Justice Sifris

Judges

Justice Kennedy

Justice Connock

Justice Robson (reserve judge)

Associate judges

Associate Justice Efthim

Associate Justice Gardiner

Associate Justice Randall

Judicial registrars

Judicial Registrar Hetey

Judicial Registrar Matthews

The Corporations List manages applications brought under the *Corporations Act 2001* (Cth) and/or the *Australian Securities and Investments Commission Act 2001* (Cth).

In 2014, the Corporations List began piloting an Oppression Proceeding Program as the key way of managing shareholder disputes within the List. An oppression proceeding is brought under section 233 of the *Corporations Act 2001* (Cth), generally when a minority shareholder in a company believes the company has not acted in their best interests. The program recognises that a large percentage of these shareholder claims relate to small businesses where the value of the business is not substantial.

Under the Oppression Proceeding Program, there are restrictions on the volume of material that can be filed when initiating the proceeding. Matters are also listed for an initial conference to prepare for an early mediation. Both measures have helped improve the speed at which these matters can be resolved. In May 2018, the Oppression Proceeding Program was recognised as a business as usual function of the Court.

There were 164 oppression matters filed in the Commercial Court in 2017-19 and of these, 98 matters were referred to the Oppression Proceeding Program.

The table below includes corporations matters managed and determined by judges, associate judges and judicial registrars.

Commercial Court - Corporations List

	2016-17	2017-18	2018-19	Variance
Initiations	1,167	1,053	1,154	10%
Finalisations	1,130	1,066	1,200	13%
Pending	705	389	343	-12%



13%

increase in
finalisations in the
Corporations List.

In 2017-19, 164 oppression matters were filed in the Commercial Court. Of these, 98 were referred to the Oppression Proceeding Program.

Taxation List

Judge in charge

Justice Croft

Deputy judge in charge

Justice Kennedy

The Taxation List hears Victorian Civil and Administrative Tribunal appeals in relation to taxation and objections to decisions of the Commissioner of State Revenue. It also hears cases that raise a substantial issue about taxation, including taxation recovery or disputes regarding the Goods and Services Tax.

From 2 January 2018, new cases initiated in the Taxation List were required to file documents using the Court's electronic filing system RedCrest (see p. 15). In December 2018, Judicial Registrar Hetey and other Court staff conducted a number of training sessions for tax practitioners to assist them with this transition.

Commercial Court - Taxation List

	2016-17	2017-18	2018-19	Variance
Initiations	32	41	15	-63%
Finalisations	40	60	19	-68%
Pending	34	20	16	-20%

Technology, Engineering and Construction List

Judges in charge

Justice Vickery (*until April 2018*)

Justice Digby (*May 2018 onwards*)

The Technology, Engineering and Construction List draws together three strands of related disputes in the areas of technology, engineering and construction.

Commercial Court - Technology, Engineering and Construction List

	2016-17	2017-18	2018-19	Variance
Initiations	15	47	34	-28%
Finalisations	15	35	41	17%
Pending	43	54	47	-13%

Arbitration List

Judge in charge

Justice Croft

Deputy judge in charge

Justice Riordan

Proceedings are initiated in this List for both Australian and international commercial arbitration disputes. They are brought under the *International Arbitration Act 1974* (Cth) or *Commercial Arbitration Act 2011* and are often urgent.

Commercial Court - Arbitration List

	2016-17	2017-18	2018-19	Variance
Initiations	4	6	9	50%
Finalisations	3	6	10	67%
Pending	3	2	1	-50%

Insurance List

Judge in charge

Justice Hargrave
(until December 2017)
Justice Almond
(January 2018 onwards)

Deputy judge in charge

Justice Almond
(until December 2017)

The Insurance List hears cases where the underlying issue in dispute is commercial. This includes disputes about the application of an insurance or reinsurance policy, claims of loss incurred in a commercial transaction or claims where the insurance relates to a business or property.

Commercial Court - Insurance List

	2016-17	2017-18	2018-19	Variance
Initiations	8	7	6	-14%
Finalisations	5	8	8	0%
Pending	8	9	7	-22%

Admiralty List

Judge in charge

Justice Digby

The Admiralty List hears and determines shipping litigation matters brought under the *Admiralty Act 1988* (Cth). This includes disputes about loss and damage to a ship, or caused by a ship, and loss or damage to goods as a result of them being shipped.

Commercial Court - Admiralty List

	2016-17	2017-18	2018-19	Variance
Initiations	0	2	5	150%
Finalisations	1	1	2	100%
Pending	0	2	5	150%

Intellectual Property List

Judge in charge

Justice Vickery (until April 2018)
Justice Elliott (May 2018 onwards)

Deputy judge in charge

Justice Elliott (until April 2018)

The Intellectual Property List hears disputes about allegations of infringement of intellectual property and exploitation or protection of confidential information.

Commercial Court - Intellectual Property List

	2016-17	2017-18	2018-19	Variance
Initiations	3	5	2	-60%
Finalisations	2	6	4	-33%
Pending	6	6	4	-33%

Electronic trials

The Commercial Court embraced electronic trials (eTrials) for some types of cases, along with the Common Law Division. Although still in its infancy, the Court is working towards making eTrials a business-as-usual function for some types of proceedings.

In an eTrial, documents that in the past would have been viewed as hard copies are provided electronically, to enable the judge and parties to view the documents on screen at the trial, display documents side-by-side, navigate quickly to a page and search a document. Electronic documents also enable functionality such as enlarging text and hyperlinked cross-referencing (see p. 16).

On 16 November 2018, Justice Elliott conducted for the first time a number of audiovisual electronic directions hearings for the Division. These were conducted without practitioners or parties physically attending the Court. Rather, counsel appeared by connecting to the eHearing from their office.

Throughout the reporting period, Justices Croft, Elliott, Almond, Digby and Riordan conducted a number of eTrials that led to these cases being efficiently resolved. Judicial Registrar Hetey conducted the Court's first electronic public examination in November 2018. Feedback from the legal profession has been extremely positive.

Commercial Court reforms

The Commercial Court continues to develop reforms aimed at making the court process run more efficiently, providing a seamless experience for users.

As part of these reforms, we began planning for a single gateway for the early triaging of commercial matters

for allocation to a judge, an associate judge, a judicial registrar or for transfer to the Common Law Division or a lower court. By triaging matters at an earlier stage, the Court reduces unnecessary delays and shortens times to resolution.

This second wave of reforms builds on previous reforms which introduced active case management, appointed the Division's first judicial registrar and created a specialist Commercial Court Registry.

Commercial Court Registry

The Commercial Court Registry provides a range of administrative, case management and legal and policy support to the Commercial Court judges. This includes active case management, support to schedule trial dates and high-quality case summaries used at regular case allocation meetings. It also includes preparation of key information, such as statistics and listing information, to assist in case management.

Additional case management support

During the reporting period, three Commercial Court judges retired or left the Division and were replaced by three new judges. Registry staff played a key role in facilitating transitions, including by auditing proceedings to identify any matters that could be finalised, preparing summaries of cases for reallocation, providing case management support during the transitions and inducting new judges to the Commercial Court. Staff also audited pending oppression matters. This helped Justice Sifris, the judge in charge of the Corporations List, tailor a case management approach for each matter and ensure these proceedings were managed as quickly and efficiently as possible.

Change to electronic filing

As part of the Supreme Court's move to less paper in the future, electronic filing for the Taxation, Arbitration and Admiralty Lists was required from 2 January 2018, using the Court's RedCrest electronic filing system (see p. 15). The Commercial Court Registry provided training to Court users in anticipation of this change and managed the necessary updates to affected Practice Notes. Staff were also involved in planning for the rollout of RedCrest electronic filing to the remainder of the Commercial Court in July 2018.

Support for electronic trials

The Commercial Court is increasing its use of electronic trials (eTrials). Staff assisted judges and their associates with the planning and management of eTrials, including:

- identifying matters that may be suitable for hearing as an eTrial
- liaising with any third party providers and contractors ahead of an eTrial hearing to arrange security and technology needed
- coordinating the pilot of eTrials and eHearings using in-house expertise (rather than external providers)
- managing courtroom logistics, including equipment set up and pack down of the Court and any maintenance issues throughout the trial
- compiling and providing template eTrial orders to judges and their associates to facilitate the efficient hearing of the trial, and
- providing guidance to parties and judges' associates on the structure and maintenance of the digital Court book.

Trial Division

Common Law

ABOUT THE DIVISION

The Common Law Division manages four categories of proceedings: claims in property, tort or contract law (including employment and industrial disputes), proceedings relating to wills and estates, proceedings relating to the Court's supervisory jurisdiction over other Victorian courts, tribunals and public officials, and proceedings arising out of breaches of trust or equitable obligations. The proceedings are allocated to one of 12 specialist lists for management by judicial officers with expertise in these areas.

Key points

1

Extended case management reforms to six additional lists as part of the Common Law Improvement Program

2

Introduced a fast-track pilot scheme for certain motor vehicle accident proceedings

3

Introduced an eLitigation Coordinator to support electronic trials, including electronic presentation of evidence, case and trial management and judgment writing

Overview

The Common Law Division continues to attract a high number of cases, with 2,820 cases initiated in 2018-19, an increase of eight per cent compared to the previous year. Finalisations were up four per cent in 2018-19 and pending cases up seven per cent.

Personal injury claims arising from historical sexual abuse have significantly increased (see p. 32). Asbestos claims also continue to increase.

Common Law Division - total cases

	2016-17	2017-18	2018-19	Variance
Initiations	2,661	2,617	2,820	8%
Finalisations	2,524	2,566	2,668	4%
Pending	2,264	2,315	2,467	7%

Common Law Division - clearance rate and on-time case processing

	2016-17	2017-18	2018-19	Benchmark
Clearance rate (%)	97%	99%	93%	100%
Cases finalised within 12 months	68%	67%	67%	75%
Cases finalised within 24 months	89%	89%	90%	90%
Cases finalised > 24 months	11%	11%	10%	-

PRINCIPAL JUDGE

Justice J Forrest
(retired 28 March 2018)
Justice John Dixon
(from March 2018)

JUDGES

Justice Bell
Justice Cavanough
Justice T Forrest
(to 9 July 2018)
Justice Emerton
(to 9 July 2018)
Justice John Dixon
Justice Macaulay
Justice McMillan
Justice Garde
(sitting at VCAT until
1 June 2018, retired
1 April 2019)
Justice Ginnane
Justice McDonald
Justice Cameron
Justice Zammit
Justice Riordan
Justice Keogh
Justice Quigley
(from 19 December 2017,
sitting at VCAT from
1 June 2018)
Justice Richards
(from 24 April 2018)
Justice Moore
(from 10 July 2018)
Justice Forbes
(from 16 April 2019)

RESERVE JUDGES

Justice Bongiorno
Justice Osborn

ASSOCIATE JUDGES

Associate Justice Lansdowne
Associate Justice Daly
Associate Justice Derham
Associate Justice Ierodiaconou
Associate Justice Mukhtar

JUDICIAL REGISTRARS

Judicial Registrar Clayton
Judicial Registrar Matthews

Civil Circuit List

Judge in charge

Justice Keogh

Judicial registrar

Judicial Registrar Clayton

The Civil Circuit List manages cases where there is a significant link to regional Victoria. The vast majority of cases in the List are personal injury matters.

The Supreme Court schedules civil sittings in 12 regional courts: Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga. Shepparton circuit matters were listed in Wangaratta and Wodonga in 2017-18 during the Shepparton Court redevelopment.

Civil Circuit List - cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	165	156	139	-11%
Finalisations	155	156	174	12%
Pending	214	214	179	-16%

Confiscation and Proceeds of Crime List

Judge in charge

Justice J Forrest (until March 2018)
Justice T Forrest (until July 2018)
Justice Moore (from July 2018)

This List manages civil proceedings brought under Victorian and Commonwealth legislation that provides for the restraint or forfeiture of property connected with criminal

activity, principally the *Confiscation Act 1997* (Vic) and the *Proceeds of Crime Act 2002* (Cth).

Most proceedings in this List cannot proceed until related criminal proceedings have concluded. This impacts the age and backlog of cases. Proceedings typically require multiple interlocutory hearings to resolve disputes about the scope of restraining orders over property.

Confiscation and Proceeds of Crime List - cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	14	9	16	78%
Finalisations	9	15	7	-53%
Pending	31	25	34	36%



12%

increase in initiations
in the Dust Diseases
List compared to
the previous year.

The number of cases initiated by people claiming to have been exposed to asbestos during home renovations or other environmental exposures increased in 2018-19.

Dust Diseases List

Judges in charge

Justice Zammit
Justice Keogh

Associate judge in charge

Associate Justice Ierodionou

Judicial registrar

Judicial Registrar Clayton

The Dust Diseases List manages proceedings in which a plaintiff claims to suffer from a condition attributable to the inhalation of dust.

The vast majority of cases in the List are claims relating to asbestos exposure during the course of employment. However, a rising number of cases are initiated by people claiming to have been exposed to asbestos during home renovations or other environmental exposures. Expedited trials are a feature of this List as many plaintiffs have a limited life expectancy.

Silicosis claims are also managed in this List. Further growth in this area is expected, as the effects of exposure to silica dust in the course of employment, particularly in the manufactured stone industry, becomes more apparent.

Dust Diseases List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	274	249	278	12%
Finalisations	240	286	266	-7%
Pending	237	200	212	6%

Employment and Industrial List

Judge in charge

Justice McDonald

Associate judge in charge

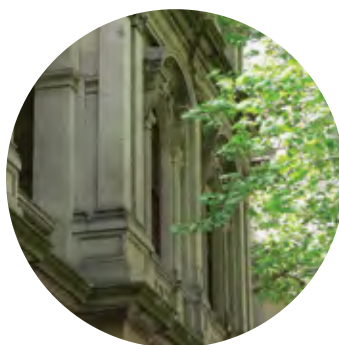
Associate Justice Ierodionou

The Employment and Industrial List manages contractual and industrial disputes, appeals from disciplinary and other tribunals and other employment-related matters.

During the reporting period, the List introduced more intense case management processes. This resulted in parties being better prepared for their hearing and consequently there were fewer adjournments. As in some other lists, small numbers of cases can show as large statistical variations.

Employment and Industrial List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	37	49	32	-35%
Finalisations	42	42	30	-29%
Pending	25	32	34	6%



20%

Initiations in the Judicial Review and Appeals List rose steadily over the reporting period, with a 20 per cent increase in 2018-19 compared to 2016-17.

Judicial Review and Appeals List

Judges in charge

Justice Cavanough
Justice Ginanne

Judicial registrar

Judicial Registrar Clayton

The Judicial Review and Appeals List includes proceedings relating to the judicial review of (or statutory appeal from) the conduct or decisions of lower courts, tribunals and other external persons or bodies. This includes appeals on a question of law from the Magistrates' Court, VCAT and the Children's Court.

Initiations in the List rose steadily over the reporting period, with a 21 per cent increase in 2018-19 compared to 2016-17. This can partly be attributed to an increase in VCAT appeals, up 27 per cent in 2018-19 compared to 2017-18. There was a significant increase in appeals from the Residential Tenancies List at VCAT.

Given the inherently low rate of settlement, constraints on judicial availability to hear and determine cases were a barrier to significant further improvement in case processing time. This had an impact on time to final hearing.

Judicial Review and Appeals List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	197	228	240	5%
Finalisations	211	210	212	1%
Pending	132	150	178	19%

Major Torts List

Judge in charge

Justice John Dixon

Associate judge in charge

Associate Justice Daly

Judicial registrar

Judicial Registrar Clayton

Torts are a civil wrong that causes harm, intentionally or otherwise. A person affected by a tort can claim compensation for the wrong. The Major Torts List manages large or otherwise significant tortious claims,

including defamation proceedings, contempt proceedings and common law class actions.

Initiations and finalisations in this List remained relatively steady over the reporting period. At 30 June 2019, there were nine class actions in the List, including two noteworthy new class actions initiated in 2018-19 – Uber and

Essure. Three class actions remained under settlement supervision by the Court through the distribution process. Class actions are mostly case managed in conferences with judges, while changes to case management from late 2018 mean most directions hearings in the Major Torts List are now heard by a judicial registrar rather than a judge.

Major Torts List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	68	65	67	3%
Finalisations	65	62	63	2%
Pending	86	89	93	5%

Personal Injuries List

Judge in charge

Justice Zammit

Associate judge in charge

Associate Justice Ierodiaconou

Judicial registrar

Judicial Registrar Clayton

Proceedings managed in the Personal Injuries List include personal injury claims arising out of industrial accidents, motor vehicle accidents, occupier's liability, medical negligence and sexual abuse.

This List has seen substantial growth, with a 19 per cent increase in initiations and 13 per cent rise in finalisations in 2018-19 compared to the previous year.

Since the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, there has been a 124 per cent increase in institutional liability cases in 2018-19 compared to

2017-18. Case management to deal with the increase has involved compulsory attendance at the first directions hearings, early and proactive identification of preliminary questions and the use of case management conferences.

Medical negligence claims rose 19 per cent. These cases tend to take longer to finalise due to their complexity.

Personal Injuries List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	494	526	624	19%
Finalisations	510	517	584	13%
Pending	746	755	795	5%

Professional Liability List

Judge in charge

Justice Macaulay

Associate judge in charge

Associate Justice Daly

Judicial registrar

Judicial Registrar Clayton

The Professional Liability List manages claims for financial loss against a professional for breach of duty in tort or contract, related statutory breaches and breach of equitable duties (excluding

claims against medical and health practitioners and building, construction and engineering practitioners).

Following a review of the List's case management processes, completed in 2017-18, additional resources were allocated to the List in September 2018, including a case management lawyer and

judicial registrar to hear directions and some applications. Case management has included allocation of trial dates at first directions and streamlining processes with the Personal Injuries and Major Torts Lists. Since the case management reforms were introduced in 2017-18, finalisations have increased 46 per cent.

Professional Liability List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	24	33	37	12%
Finalisations	42	28	41	46%
Pending	56	61	57	-7%

Property List

Judge in charge

Justice Riordan (*until May 2018*)
Justice Garde (*until April 2019*)
Associate Justice Derham
(*from April 2019*)

Associate judge in charge

Associate Justice Derham

Judicial registrar

Judicial Registrar Matthews

The Property List manages proceedings concerning rights over real estate, including proceedings for summary possession or sale of real estate under the Supreme Court Rules. The list also hears proceedings arising under the *Property Law Act 1958*, the *Transfer of Land Act 1958* and the *Sale of Land Act 1962*.

Associate judges and judicial registrars manage and hear most directions hearings and interlocutory applications

in this list. Final hearings are usually heard by Associate Justice Derham in the Associate Judges' Practice Court (see p. 41).

Fluctuations in the number of Property List matters tend to reflect the overall economy. For example, people are more likely to default on a sale of land agreement in a falling market.

Property List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	289	288	318	10%
Finalisations	219	272	273	0%
Pending	130	146	191	31%

Testators Family Maintenance List

Judges in charge

Justice McMillan
Justice Zammit
(*from April 2018*
until December 2018)
Justice Moore
(*from January 2019*)

Associate judge in charge

Associate Justice Derham

Judicial registrar

Judicial Registrar Englefield

The Testators Family Maintenance List manages all applications brought under Part IV of the *Administration and Probate Act 1958*. Under the Act, an eligible person for whom the deceased had a moral duty to provide, can apply to the Court for an order that further provision be made out of the estate of the deceased person.

Applications made under Part IV of the *Administration and Probate Act 1958* can be commenced in the Supreme Court or the County Court of Victoria. About two thirds are commenced in the Supreme Court. Most proceedings are managed by the associate judge and judicial registrar from commencement through to the end of mediation. Unresolved proceedings are then referred to the judges in charge for management to trial.

The Court must approve settlement of a proceeding if any party or affected person has a disability and is incapable of managing their own affairs. Approvals

of settlements, known as 'approval of compromise,' are usually determined by an associate judge or judicial registrar without the need for a hearing.

In September 2018, the List introduced *A Guide to Practitioners: Applications for Approval of Compromises in Testators Family Maintenance (TFM) Cases* and precedent orders for approvals. Available on the Court's website, these documents provide information on procedural matters relevant to making an application for approval. They have led to increased efficiencies in the approval process.

Testators Family Maintenance List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	376	369	421	14%
Finalisations	342	397	381	-4%
Pending	371	343	383	12%

Following additional case management support in the Trusts, Equity and Probate List, finalisations increased 17 per cent and pending cases decreased 10 per cent in 2018-19 compared to the previous year.

Trusts, Equity and Probate List

Judges in charge

Justice McMillan
Justice Zammit
(from April 2018 until
December 2018)
Justice Moore
(from January 2019)

Associate judge in charge

Associate Justice Derham

The Court has exclusive jurisdiction to hear matters concerning probate and the administration of deceased estates that are not in the Testator Family Maintenance List. Almost a third of all proceedings initiated in the Division are managed in the Trusts, Equity and Probate List and the Testator Family Maintenance List.

The Court increased case management support during the reporting period to manage the significant increase in initiations. This involved additional judicial resources and increased registry lawyer support. An additional judge in charge was appointed in April 2018, which increased the number of matters listed for directions, applications and determination.

Additional support has resulted in more cases resolving without the need for a hearing. Early identification of matters that could be determined 'on the papers' has reduced unnecessary directions hearings.

The requirement to obtain approval of the return date prior to filing a summons has resulted in more interlocutory applications being heard by associate judges or judicial registrars, leaving judges available for trials.

Following the additional case management support, finalisations have increased 17 per cent and pending cases decreased 10 per cent in 2018-19, compared to the previous year.

Trusts, Equity and Probate List – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	362	375	345	-8%
Finalisations	328	311	365	17%
Pending	141	205	185	-10%

Valuation, Compensation and Planning List

Judge in charge

Justice Emerton
(until July 2018)
Justice Richards
(from July 2018)

Judicial registrar

Judicial Registrar Clayton

The Valuation, Compensation and Planning List manages proceedings involving valuation of land, compensation for compulsory acquisition of land, planning appeals from VCAT and disputes involving land use or environmental protection.

Since February 2018, the List has had a dedicated registry lawyer. This more intense case management has enabled a judicial registrar to hear almost all directions hearings and some applications.

Valuation, Compensation and Planning – cases summary

	2016-17	2017-18	2018-19	Variance
Initiations	34	40	25	-38%
Finalisations	30	30	27	-10%
Pending	36	46	44	-4%



A new case management procedure, introduced in January 2019, streamlined the process for certain types of motor vehicle accident proceedings. As a result, time to trial has been significantly reduced.

Engaging with court users

The Division continued to engage with Court users, to identify and explore new ways to improve case management.

In April 2018, the Court invited legal practitioners and representatives from the Transport Accident Commission and the Law Institute of Victoria to attend a workshop that explored new ways to manage personal injury damages claims arising from motor vehicle accidents. This resulted in a new case management procedure, introduced in January 2019, to streamline the process for certain types of motor vehicle accident proceedings where parties have engaged in pre-litigation alternative dispute resolution. As a result, the time to trial has been significantly reduced, with cases guaranteed a trial date within six months of initiation.

The Division also held regular user group meetings in the specialist lists, providing a forum for judicial officers to consult with practitioners about proposed case management reforms in the Division. The meetings also enable practitioners to give feedback on how Court procedures impact litigation.

The user groups have helped inform the Court's response to the growing number of claims arising out of historical child sexual abuse. In the Dust Diseases List, user groups have helped achieve an appropriate balance between the interests of terminally-ill plaintiffs to an expedited trial and the rights of defendants to a fair trial.

Deputy Registrar Kate Clark addressed the Asbestos Safety and Eradication Agency Conference, held in Sydney in

November 2018. Deputy Registrar Clark spoke about the Court's specialist Dust Diseases List and answered questions about the Court's experience of asbestos-related damages claims since 1985, including case management reforms in this area.

In collaboration with the County Court, the Division also hosted biannual free seminars for members of the profession. The session held in May 2019, on Wellbeing for Young Practitioners: Dealing with Vicarious Trauma, was chaired by Chief Justice Ferguson. A psychologist, judge, barrister and solicitor discussed how to recognise and deal with vicarious trauma experienced in the course of their work.

Support for eLitigation

The Division also created the role of eLitigation coordinator as part of a pilot program to support the Court's developing eLitigation capability. With input from IT developers, external Court users and judges, the coordinator designed, developed and implemented a tailored eTrial model, supporting electronic presentation of evidence, case and trial management and judgment writing. The software has been used to run internally-supported eTrials and public examinations across the Common Law Division and Commercial Court.

This pilot has improved the capability and efficacy of eLitigation, and encouraged engagement with this mode of hearing. There has been positive feedback from judges, associates and Court users. It saves the Court time, reduces stress on witnesses, reduces reliance on paper and enables everyone to focus on the giving of evidence rather than searching for documents.

Common Law Team

The Common Law Team is composed of deputy registrars, registry lawyers and administrative staff, led by Judicial Registrar Clayton. It provides divisional and case management support to the principal judge and judicial officers of the Division.

The Common Law Improvement Program (CLIP) was established in mid-2015 following a review of Trial Division processes. Initiatives include the introduction of a Common Law judicial registrar and registry lawyers, who provide enhanced case management support. This has helped reduce litigation costs by reducing the number of adjournments and attendances at Court.

Key CLIP initiatives that expanded across the Division in 2017-19, include:

- recruitment of additional lawyers to support the Division's specialist lists
- extension of case management support provided by registry lawyers to the Trusts, Equity and Probate; Testators Family Maintenance; Major Torts; Valuation, Compensation and Planning and the Professional Liability Lists
- expanded role for the Common Law judicial registrar in the management of the Judicial Review and Appeals; Major Torts; Valuation, Compensation and Planning and the Professional Liability Lists
- continued development of specialist list web pages, including publication of judgment and verdict summaries
- continued engagement with legal professionals through seminars, user group meetings and presentations.

Trial Division Criminal

ABOUT THE DIVISION

The Criminal Division is exclusively responsible for trying the most serious criminal cases, such as murder, manslaughter and attempted murder. The Division also hears other very serious criminal matters, including terrorism, major fraud and drug offences as well as appeals against conviction and sentence imposed by the Chief Magistrate and the President of the Children's Court. Additionally, the Division hears applications and reviews under various legislation, including, but not limited to, the *Bail Act 1977*, the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, and the *Serious Offenders Act 2018*.

Key points

1

The Criminal Division introduced electronic trials for some matters and electronic filing across the Division

2

Trial sitting times increased, attributable in part to more complex cases, including a high number of terrorism trials

3

Significant legislative reforms were introduced during the reporting period, which led to an increase in the Division's workload relating to applications

Overview

Overall, the number of trials and pleas initiated in the Criminal Division remained steady over the reporting period. Since 1 January 2019, the Division has been operating under a new Practice Note, which sets out the case management procedure for criminal trials. The new Practice Note SC CR 8 requires all trial matters to be mentioned before the principal judge of the Division for case management. In 2018-19, the Division's clearance rate improved significantly, surpassing the benchmark of 100 per cent, clearing 120 per cent of cases.

The total number of trial hearing days in 2018-19 was significantly higher than any other period in the last five years, attributable in part to a greater number of complex cases heard by the Division.

The average trial length has also increased substantially since 2016-17, reflecting the impact of the terrorism trials which were heard during the reporting period.

The Division continues to hear a high number of criminal applications. In each of the two reporting years, the Division received an average of 401 applications. These applications have also become increasingly complex as a result of the recent legislative reforms, including amendments to the *Bail Act 1977* and the expansion of the post-sentence detention and supervision regime to include serious

violent offenders in addition to serious sex offenders. The volume of applications has impacted on the availability of judges to hear substantive trials and pleas.

During 2017-19, judges from the Court of Appeal and the Common Law Division assisted the Division in meeting this additional demand. The Division is indebted to these judges for the invaluable assistance provided, as it is to the Division's Reserve Judges, Justices Coghlan and Justice Lasry.

Electronic filing (eFiling)

On 29 January 2019, eFiling was introduced in the Criminal Division. Since that date, eFiling through RedCrest has been mandatory for all criminal proceedings within the Division, except for confidential applications.

In preparation for the implementation of eFiling, the Division held information sessions for the profession, revised the *Supreme Court (Criminal Procedure) Rules 2017* and published a Notice to the Profession on eFiling procedures. The transition to eFiling has been smooth, with the profession adapting to the change with minimal issues. As part of the transition, a judges' portal was created, which enables more efficient access to electronic court files by judges.

Separately, the Division has established a secure link with the Office of Public Prosecutions through which electronic depositions can be lodged.

PRINCIPAL JUDGE

Justice Hollingworth
(from June 2018)
Justice Lasry
(until June 2018)

PERMANENT JUDGES

Justice Hollingworth
Justice Croucher
Justice Beale
Justice Jane Dixon
Justice Champion
(appointed December 2017)
Justice Taylor
(appointed July 2018)
Justice Tinney
(appointed July 2018)

RESERVE JUDGES

Justice Coghlan
Justice Lasry

JUDGES WHO SERVED IN THE DIVISION IN 2017-2019

Justice Priest (Court of Appeal)
Justice Beach (Court of Appeal)
Justice Kaye (Court of Appeal)
Justice Niall (Court of Appeal)
Justice T Forrest (Court of Appeal)
Justice Emerton (Court of Appeal)
Justice Bell (Common Law)
Justice John Dixon (Common Law)
Justice Macaulay (Common Law)
Justice Elliott (Common Law)
Justice Zammit (Common Law)
Justice Riordan (Common Law)
Justice Keogh (Common Law)
Justice Robson (Reserve Judge)
Justice Weinberg (Reserve Judge)
Justice Osborn (Reserve Judge)
Justice J Forrest (Retired)

JUDICIAL REGISTRAR

Judicial Registrar Pedley
(appointed January 2017)

Upgrades to in-court technology

In July 2017, the Court upgraded in-court technology in courtrooms 2, 3, 4 and 11, including new display screens improving the quality of the audio and visual presentation of evidence. Further upgrades to technology in courts 3 and 11 are planned for 2019-20 through the eCourts Renewal Project. Courts 5 and 12 will also be renovated to enable criminal matters to be heard in these courtrooms, easing pressure on existing criminal courtrooms.

Significant legislative reforms

A number of significant legislative reforms were introduced in 2017-19, impacting the work of the Division. These included amendments to the *Sentencing Act 1991*, the *Criminal Procedure Act 2009*, the *Bail Act 1977*, and commencement of the new *Serious Offenders Act 2018*.

Sentencing reforms

Amendments to the *Sentencing Act 1991* came into effect on 1 February 2018, following recommendations made by the Sentencing Advisory Council. The amendments repealed the baseline sentence scheme and introduced the standard sentence scheme that requires a court to consider the standard sentence when sentencing an offender for certain serious offences, such as murder. This is an additional factor that must be considered alongside those already required under the Act. The scheme applies to relevant offences committed after 1 February 2018. The first sentence imposed under the new standard sentence scheme was in the matter of *R v Brown* [2018] VSC 742 on 29 November 2018. As at 30 June 2019, three further offenders had been sentenced under the new scheme.

Intermediaries and ground rules hearings

The use of ground rules hearings and intermediaries were introduced by Part 8.2A of the *Criminal Procedure Act 2009*, which commenced on 28 February 2018. A ground rules hearing is a pre-hearing process used to discuss and establish how vulnerable witnesses can be assisted to give their best evidence, by the court setting ground rules for the questioning of the witness. Intermediaries are trained professionals with specialist communication skills whose expertise is utilised to facilitate vulnerable witnesses giving their evidence in court.

The introduction of an intermediary scheme was recommended in the 2016 Victorian Law Reform Commission Report 'The Roles of Victims of Crime in the Criminal Trial Process', and endorsed by the Court of Appeal in *R v Ward* (a pseudonym) [2017] VSCA 37. The Intermediary Pilot Program commenced on 1 July 2018 and will operate until 30 June 2020. On 29 June 2018, the Court coordinated with the County Court, the Magistrates' Court and the Children's Court to publish the *Multi-Jurisdictional Court Guide* for the Intermediary Pilot Program, which provides practical information on working with intermediaries and conducting a ground rules hearing. On 10 August 2018, the principal judge appointed the first intermediary in this Court under the Pilot Program. The feedback from the profession so far has been that the scheme has improved the process of child witnesses and witnesses with a mental impairment giving evidence.

Bail reforms

The two-stage bail amendments, which commenced on 21 May 2018 and 1 July 2018 respectively, implemented key recommendations made by Mr Paul Coghlan QC AO following the Bourke Street tragedy in January 2017. The amended legislation, among other things, requires bail decision-makers to place a higher priority on community safety when making bail decisions.

Stage One of the amendments expanded the circumstances in which the presumption in favour of bail is reversed, particularly, by increasing the number of offences requiring 'exceptional circumstances' before bail can be granted, and by introducing a new 'compelling reason' test. This replaces and covers a broader range of offences than the former 'show cause' test. Stage Two amendments restricted police powers to grant bail, requiring more bail matters to be dealt with by courts, and reorganised a number of provisions in the Act.

Reforms to post-sentence detention and supervision regime

The new *Serious Offenders Act 2018* commenced on 3 September 2018, expanding the post-sentence detention and supervision regime contained in the *Serious Sex Offenders (Detention and Supervision) Act 2009* to include serious violent offenders.

The new legislation requires the Court, on an application from the Secretary to the Department of Justice and Community Safety or the Director of Public Prosecutions, to determine whether serious violent offenders and/or sex offenders should remain in detention or be subject to supervision after they have completed their sentence. In cases where the Court orders further detention, the legislation requires the Court to conduct an annual review of that detention. If the offender is deemed suitable for supervision in the community, the Court is required to impose conditions on their supervision. Any allegation of breach of those conditions must be heard and determined by the Court.

Trials and pleas

Finalised trials and pleas

	2016-17	2017-18	2018-19
Trial/special hearing	43	33	33
Plea	61	40	71
Discontinuance	7	1	7
Transfer to County Court	4	9	8
Other	5	1	1
Total	120	84	120

In 2018-19, the Division finalised criminal matters against 120 defendants, compared to 84 defendants in 2017-18, and 120 in 2016-17. The drop in finalisations in 2017-18 is partly attributed to adjournments of listed trials, including mistrials, interlocutory appeals and a lack of readiness to proceed. In order to facilitate greater case management of criminal trials, a new Practice Note was published on 1 January 2019, which requires all trial matters to be mentioned before the principal judge after the Post-Committal Directions Hearing.

During the reporting period, 33 matters went to trial or special hearing. In 2018-19, there was a significant increase in matters finalised by way of plea compared to 2017-18. In 2018-19, a total of 71 matters resolved to a plea, representing a 77 per cent increase compared to the previous year. The reduced number of pleas in 2017-18 can be partly attributed to a reduction in the number of committals to the Court for sentence only.

In 2018-19, there was a decline in the number of matters committed to the Court.

Between 2017-19, the Division continued to experience an increase in average trial length. In 2017-18, the Division heard six lengthy criminal trials, with the longest

trial sitting over 48 days. In 2018-19, there was a significant increase in the number of sitting days compared to the previous two years, with 903 sitting days in 2018-19 compared to 606 and 516 for 2016-17 and 2017-18 respectively. The increased total trial sitting days is attributed to a number of factors, including a higher number of terrorism-related charges heard by the Division, which tend to increase the complexity of trials and thus their length. State Government funding in 2017-18 enabled the Court to bring on an additional judge to help meet this demand.

Case conferences

During the reporting period, case conferences were conducted by reserve judges or the judicial registrar in the lead-up to suitable listed trials on a voluntary and confidential basis. The purpose of a case conference is to facilitate discussions between the parties on the issues in contention in the trial and to ascertain if some of the issues can be resolved, or, if not resolved, more accurately defined. A case conference also helps to identify all pre-trial issues and ensure the trial commences as listed by reducing the chance of adjournment. In 2017-18, 25 case conferences were conducted and in 2018-19, 10 were conducted.

Criminal applications

In addition to its jurisdiction to try criminal offences and impose sentences, the Court hears a number of applications under statute and its inherent and supervisory jurisdiction. In 2017-18, the Division heard 411 applications, an increase of 38 per cent from 2016-17. In 2018-19, the total number of applications heard was 392.

Bail related applications

	2016-17	2017-18	2018-19
Bail related applications heard	188	199	197

In 2017-18, the Division heard a total of 199 bail related applications, with the 2018-19 reporting year following closely behind with 197 applications for bail. At 30 June 2019, bail related applications made up 50 percent of all applications. The complexity of the applications has also increased as a result of the bail reforms.

Currently, bail related applications are listed subject to judicial and courtroom availability, which is limited. In addition, bail related applications can be delayed

because of outstanding evidence or information, as well as requests from practitioners to delay the listing for various reasons. The Division continues to prioritise applications made by vulnerable applicants, including children, Aboriginal and Torres Strait Islander people and people with an intellectual or mental disability.

Approximately 16 per cent of all bail related applications involve child applicants. These applications are given particular priority for hearing, with most

matters heard within a week of receiving the respondent's material. To recognise the rights of children and the obligations the Court has under the *Charter of Human Rights and Responsibilities Act 2006*, the Division established a protocol that outlines the practice and procedure to be adopted for the management of children in the Court's custody. In addition, the Division oversaw the creation of a dedicated custody room for child applicants within the Trial Division building in 2018-19.

Serious offenders applications and reviews

	2016-17	2017-18	2018-19
Serious offenders applications heard	7	5	17

There was a marked increase in serious offenders applications in 2018-19 following the commencement of the *Serious Offenders Act 2018* in September 2018. During 2018-19, the Division heard 17 applications under the new legislation, which is an increase of 12 from 2017-18.

The first application for an interim supervision order in respect of a serious violent offender was granted in December 2018.

The effect of this new legislation is that the Court is now the proper venue for applications relating to serious violent offenders sentenced by the Court in addition to its existing caseload relating

to serious sex offenders. As a result, it is expected that the Division will receive a significantly higher number of applications for supervision and detention orders, and will accordingly be required to hear an increasing number of annual reviews and renewal applications, as well as any proceedings relating to contravention of those orders.

Confidential applications

	2016-17	2017-18	2018-19
Confidential applications heard	123	172	143

While the majority of confidential applications heard by the Division in the reporting period were made under the *Surveillance Devices Act 1999*, the Division also heard applications under the *Major Crime (Investigative Powers) Act 2004*, *Terrorism (Community Protection) Act 2003*, *Witness Protection Act 1991*, *Independent Broad-based*

Anti-corruption Commission Act 2011, *Service and Execution of Process Act 1992* (Cth) and *Corrections Act 1986*.

During 2017-18, the Division heard 172 confidential applications, compared to 123 heard in 2016-17. In 2018-19, the total number of confidential applications decreased to 143.

Notwithstanding the decrease in the number of confidential applications, the Division has seen an increase in the complexity of surveillance devices warrant applications, reflecting the sophistication and complexity of underlying investigations. This has led to a higher number of warrants being sought per hearing which consumes greater judicial resources per case.

Crimes mental impairment applications and reviews

	2016-17	2017-18	2018-19
Total number of applications and reviews heard*	33	27	35

The Court has ongoing supervisory jurisdiction and responsibility for people who are found not guilty by reason of mental impairment. These people are managed under either custodial or non-custodial supervision orders made under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMI Act).

During 2017-18, the Division heard a total of 27 applications and reviews under the Act, compared to 33 from the previous year. In 2018-19, the Division heard a total of 35 applications and reviews. These include applications to vary or revoke supervision orders, applications for extended leave,

* Not including fitness investigations and special hearings under the CMI Act, which are not managed under the Division's supervisory jurisdiction.

applications for suppression orders, court ordered reviews and major reviews. Each hearing takes from one to two days. However, the time spent in court is, proportionately, a small part of the judicial time devoted to these applications.

Circuit sittings

During 2017-19, the Criminal Division sat in Melbourne and the regional centres of Ballarat, Bendigo, Geelong, Horsham, Morwell, Mildura, Shepparton, Wangaratta and Warrnambool. The Division acknowledges the importance of these circuit sittings and the assistance of court staff at circuit locations.

The new purpose-built Shepparton Law Courts officially opened on 23 March 2018. The building accommodates the needs of all jurisdictions and incorporates recommendations made by the Royal Commission into Family Violence, including safe waiting areas, enhanced entry screening and remote witness facilities. Since opening, the Division has conducted two criminal trials at Shepparton Law Courts.

Criminal Division Registry

The Criminal Division Registry provides legal and administrative support to the judges of the Criminal Division. Judicial Registrar Pedley, who was appointed in January 2017, continues to support the judges in the case management of criminal trials, applications and pleas.

During this reporting period, the Criminal Registry:

- developed guidelines for the preparation of bail applications and a template affidavit in response
- held an in-house seminar for the judges on bail reforms
- contributed to the development and implementation of the *Multi-Jurisdictional Court Guide* for the Intermediary Pilot Program

- introduced case conferencing for upcoming trials on a selective basis
- established a protocol to manage requests to hear a prosecution outside the Court's exclusive jurisdiction
- developed and implemented eFiling in the Criminal Division
- assisted in the drafting of the *Supreme Court (eFiling in Criminal Proceedings and Other Matters Amendment) Rules 2019*, published a Notice to the Profession on eFiling procedures and developed a Joint Jurisdictional Practice Note on eFiling of indictments, and
- oversaw the creation of a dedicated custody room for child accused at the Court.

Associate Judges' Practice Court

Associate judges hear a large number of applications, usually interlocutory and final applications, for Commercial Court and Common Law Division cases. The Associate Judges' Practice Court sits nine days per fortnight in Court 2, 436 Lonsdale Street.

ASSOCIATE JUDGES

Associate Justice Lansdowne
Associate Justice Mukhtar
Associate Justice Derham
Associate Justice Ierodiaconou

JUDICIAL REGISTRAR

Judicial Registrar Matthews

A wide range of matters are heard in the Associate Judges' Practice Court, mostly referred from the Employment and Industrial List (see p. 30), Corporations List (see p. 24), Property List (see p. 33) and Testators Family Maintenance List (see p. 33). These include, but are not limited to:

- summary judgment applications
- security for costs applications
- disputes over discovery and subpoenas
- disputes over pleadings
- discharge or modification of restrictive covenants

- recovery of possession of land
- applications to extend the validity of writs for service.

Since the introduction of the *Supreme Court (General Civil Procedure) Rules 2015* (specifically order 84.02), judicial registrars have had increased powers to provide assistance in various areas of practice.

In addition, Judicial Registrar Matthews hears a range of matters referred from either a judge or associate judge. This has helped free up the associate judges to spend more time on complex matters, such as special fixtures, trials and subsequent judgment writing.

Associate Judges' Practice Court

	2016-17	2017-18	2018-19	Variance
Hearings listed in the Associate Judges' Practice Court	1,472	1,522	1,600	5%

Judicial mediation

Mediation is a process for settling civil disputes where parties meet to talk through their issues and try to reach agreement with the help of a skilled mediator. The Court may order that a case be referred to judicial mediation or parties can arrange this themselves with a private mediator. Court-ordered mediations are conducted by an associate judge or judicial registrar. Cases settled by mediation can avoid lengthy, stressful and expensive civil trials.

Key points

1

Rising demand for judicial mediation, up 30 per cent during the reporting period compared to 2016-17

2

Established Appropriate Dispute Resolution (ADR) Centre, a central point for managing mediation referrals, scheduling mediations and other ADR activities such as training judicial mediators

3

Drafted the Judicial Mediation Model to educate and inform parties on what to expect at a mediation and the role of the judicial mediator

Overview

Judicial mediation is now recognised as an integral part of case management at the Supreme Court, with cases referred to judicial mediation from all divisions of the Court.

The demand for judicial mediation continues to grow. In 2017-19, on average 30 per cent more cases were referred than in 2016-17. Many cases are referred to judicial mediation from the Commercial Court, particularly oppression cases (see p. 24).

However, there has been an increasing number of cases referred that relate to disputed wills under Part IV of the *Administration and Probate Act 1958*. These cases are highly suitable for early mediation and have high success rates for resolution on the day of the mediation.

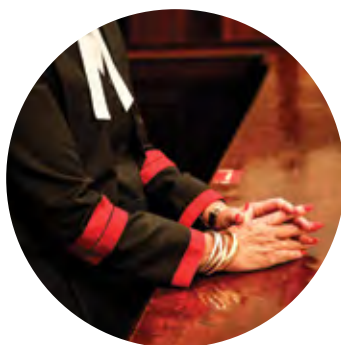
Although the number of cases referred for mediation in 2018-19 dropped compared to the previous year, the number of mediations completed remained steady.

The number of hearing days saved in 2017-18 was higher than other years. This was due to a case settling in September 2017 that led to almost 200 other similar cases settling, saving the Court 400 hearing days.

Of cases referred for mediation, a number were either vacated or adjourned. Though they did not proceed, management of these cases encouraged communication between the parties, which often led to a resolution or a narrowing of the issues in dispute. These outcomes are not included in the success rate.

Sustained growth in the demand for judicial mediation prompted the Court to establish the Appropriate Dispute Resolution Centre (ADR Centre) in October 2018. The Centre manages enquiries from the public and practitioners about ADR, receives orders from judges referring a matter to mediation and allocates the mediation to a judicial mediator. It also reports on ADR activity, recommends necessary changes to the Court's Rules and Practice Notes in relation to ADR and organises training for judicial mediators.

The ADR Centre is operated by a judicial registrar, the Court's ADR registrar and an ADR administrator and is overseen by the ADR Committee chaired by Justice Kennedy.



30%

average increase in cases referred for mediation in 2017-19, compared to 2016-17.

ASSOCIATE JUDGES

Associate Justice Efthim
Associate Justice Wood
Associate Justice Daly
Associate Justice Gardiner
(July-December 2017)
Associate Justice Ierodiaconou
(Nov 2017 and March 2018)

JUDICIAL REGISTRARS

Judicial Registrar Gourlay
Judicial Registrar Heteyey
Judicial Registrar Irving
Judicial Registrar Englefield
Judicial Registrar Matthews
Judicial Registrar Clayton
Judicial Registrar Caporale
(from January 2018)

In October 2018, with input from judicial mediators, the ADR Centre drafted the Judicial Mediation Model. The Model educates practitioners and parties on what to expect at the mediation, including the role of the judicial mediator in helping parties resolve their dispute. It is included in a dedicated mediation section of the Court's website, redeveloped in June 2018 to provide clearer and more complete information about judicial mediation and judicial mediators.

During 2018-19, Supreme Court and County Court judicial mediators regularly attended roundtable discussions on common issues encountered during mediations, with the aim of sharing experiences and enhancing mediation skills. Issues discussed included the importance of process during a mediation and ethical issues that arise in mediations.

Judicial mediation activity

	2016-17	2017-18	2018-19	Variance
Cases referred for mediation	434	613	545	-11%
Mediations completed	300	375	372	-1%
Cases resolved on day of mediation	199	220	227	3%
Percentage of cases resolved on day of mediation	67%	59%	61%	3%
Hearing days saved by cases being resolved at mediation	1302	1758*	1206	-31%

* This high number was due to a case settling that resulted in 200 similar cases settling, saving 400 hearing days.

Costs Court

The Costs Court hears and determines disputes arising from costs orders made in court proceedings (party-party matters) and costs disputes between legal practitioners and their clients (solicitor-client matters). Costs are charges for lawyers' professional services and for disbursements, such as court fees and fees for expert reports. Solicitor-client disputes usually involve a client disputing the cost of their solicitor's bill.

Key points

1

Continued success in reducing costs matters going to a court hearing, through early mediation, preliminary hearings and deciding cases 'on the papers'

2

Costs Court decisions made available for the first time through the Law Library of Victoria, making it easier for practitioners and self-represented litigants to research other cases and understand the decisions made

3

Threshold for matters that can be assessed without a court hearing increased to \$50,000, enabling more cases to be resolved this way

Overview

All party-party matters in the Costs Court are initially assessed or mediated prior to a hearing, depending on the amount in dispute, by a judicial registrar or costs registrar. Early mediation often results in the case settling, saving time and cost for the parties and the Court. The case may also have a preliminary hearing to resolve disputed points of law.

For example, in February 2018, Costs Registrar Conidi successfully mediated the costs dispute in Boral Resources v CFMEU (2421/17) over 2.5 days of mediation, numerous telephone mentions and a directions hearing. Without mediation, the parties estimated the process of hearing the costs dispute would have taken at least 50 days over 12-18 months to finalise.

Depending on the type of case, applicants to the Costs Court receive a date for mediation, a directions hearing (called a callover) or preliminary hearing on the day they file their application. Some cases are determined 'on the papers' (without a hearing), if the amount in dispute is less than a set amount. On 1 July 2017, the set amount increased from \$30,000 to \$50,000, following a change to the Costs Court Practice Note. This enabled more cases to be settled in this timely and cost-effective way.

The adoption of early mediation together with the increase in the cut-off point for in-house assessments has led to quicker finalisations than had previously occurred. In 2017-18, a total of 319 party-party cases were initiated and 293 were finalised. In 2018-19, a total of 247 party-party matters were initiated, with 238 finalised.

Although the Costs Court hears cases in relation to costs from all Victorian courts and VCAT proceedings, most applications relate to Supreme Court proceedings. In 2018-19, about 50 per cent of initiations and 49 per cent of finalisations related to Supreme Court costs orders.

The application of the WorkCover Litigated Costs order, which fixes costs for most personal injury matters, continued to contribute to the drop in County Court cases listed in the Costs Court in 2018-19.

In August 2018, for the first time, Costs Court decisions were made widely available via the Law Library of Victoria's judgments service, including decisions since 2011. Previously, judgments were only provided to the parties involved or, in a limited number of cases, were published on the AustLII website. This change makes it easier for practitioners and self-represented litigants to research other cases and understand the decisions made.

ASSOCIATE JUDGE

Associate Justice Wood

JUDICIAL REGISTRAR

Judicial Registrar Gourlay

COSTS REGISTRARS

Costs Registrar Conidi

Costs Registrar Walton

The Legal Costs Committee, established under the *Legal Profession Uniform Law 2014*, is chaired by Associate Justice Wood. As in other years, the Committee met to consider increases in amounts in the Practitioner Remuneration Order and Court scales of costs to apply from 1 January 2018 and 1 January 2019. These are critical documents in the Costs Court. They set the amounts considered reasonable for lawyers to charge for particular pieces of work.

County Court continues to refer solicitor-client costs orders to the Supreme Court in relation to section 134AB(30) of the *Accident Compensation Act 1985*. These applications steadily increased in number and complexity

over 2017-19. They were finalised on the papers by Judicial Registrar Gourlay and the costs registrars.

Reduced initiations in the Costs Court, assessments on the papers, preliminary hearings and mediations have freed up Associate Justice Wood to conduct more mediations in relation to Commercial Court, Common Law Division and Court of Appeal matters. These included more than 70 mediations in 2017-18 and more than 90 in 2018-19. Judicial Registrar Gourlay also conducted mediations under Part IV of the *Administration and Probate Act 1958* and Commercial Court matters on a weekly basis, to assist the associate judges in that area.

Initiations – Costs Court

	2016-17	2017-18	2018-19	Variance
Party-party – Supreme Court	174	183	171	-7%
Party-party – County Court	83	73	52	-29%
Party-party – Magistrates' Court	22	39	7	-82%
Party-party – VCAT	18	24	17	-29%
Solicitor-client taxation*	112	86	95	10%

* Taxation is the process of the Costs Court reviewing and assessing a solicitor's bill.

Finalisations – Costs Court

	2016-17	2017-18	2018-19	Variance
Party-party – Supreme Court	180	163	163	0%
Party-party – County Court	76	72	49	-32%
Party-party – Magistrates' Court	20	35	13	-63%
Party-party – VCAT	15	23	13	-43%
Solicitor-client taxation	100	93	94	1%

Registry Services

Registry Services includes a range of specialist and general services that support the work of the Court. Working in teams across the Court they support court users with general enquiries, filing services and access, case management, storage and archiving, subpoena management and fee collection. The services are provided under the direction of judicial registrars and the Director, Registry Services. The services of the Probate Office are managed separately by the Registrar of Probates.

Key points

1

Began a transformative program aimed at reimagining Registry Services, developed a blueprint for future service delivery and a transition plan

2

Delivered two major Access to Justice projects, improving resources available to people who represent themselves in court and trialling a partnership with a non-profit organisation to provide legal assistance

3

Supported the transition to electronic filing and electronic hearings across the Court

Overview

Registry Services includes the Principal Registry (see p. 48), Commercial Court Registry (see p. 27), Criminal Registry (see p. 40), Probate Office (see p. 50) and the Court of Appeal Registry (see p. 21) as well as the Business Intelligence Team and the Digital Litigation Team.

The Principal Registry includes the Office of the Prothonotary and provides services for the Common Law Division and the Commercial Court, for cases allocated to associate judges and judicial registrars.

In 2018-19, a Digital Litigation team commenced to help the Court conduct electronic hearings. Digital Litigation is an evolving area of the Court's operation and will continue to develop in 2019-20 as courtrooms become better equipped to hear cases in this way (see p. 16).

Reimagining Registry Services

In late 2018-19 the Court began the first phase of a reform program called Reimagining Registry Services.

Phase one of the project involved comprehensive consultation with a range of key stakeholders, which informed both the *Current State Analysis* stage of the project and subsequent design of the *Future Model of Registry Services*.

In June 2019, the Court committed to the new model for Registry Services, developed a blueprint for future service delivery and a transition plan. These identified six key reform directions, underpinned by 21 projects, to be delivered over the next three years. Registry Services expects to deliver 14 of the 21 projects in 2019-20, including:

- providing tailored services to judicial officers
- assessing our data capabilities and implementing a data governance framework
- implementing a digital court book service
- projects that support registry staff to achieve the new service model, including creating a capability charter, a culture change strategy, a new on-boarding program and staff training.



21 projects to be delivered over three years as part of the reform program, Reimagining Registry Services.

Improving access to justice

In 2017-18, the Court started work on two Access to Justice projects that focused on improving access for people who represent themselves in court proceedings – self-represented litigants (SRLs). The projects deliver on recommendations of the 2016 Access to Justice Review.

One project improved the range and type of information available on the Court's website. The other project was launched as a pilot program in February 2019 in partnership with Justice Connect. SRLs who meet the eligibility criteria can book a one-hour appointment with a Justice Connect volunteer lawyer or barrister onsite at the Court, to get help with tasks such as completing the legal aspects of a form, working out the arguments for their case or getting advice about options to resolve their matter (see p. 16).

Since the pilot commenced, Justice Connect has taken 116 requests for assistance, provided 37 appointments and made seven referrals for ongoing representation. Anyone who seeks help is either provided with assistance through the service, given information about other services or referred to online information.

In addition, Registry Services has SRL coordinators working onsite at 436 Lonsdale Street to provide face-to-face, email and phone support to SRLs enquiring about court process. The coordinators are not allowed to give legal advice. In 2017-18, SRL coordinators helped 2,719 people with enquiries about Court process and helped 3,480 people in 2018-19.

Transition to eFiling and digital files

During the reporting period, the Court rolled out electronic filing and digital court files across the Court, supported by embedded Registry Services teams. At 30 June 2019, eFiling had been introduced to the Commercial Court, Common Law Division and Criminal Division. Court of Appeal and Probate Office are set to introduce eFiling in 2019-20.

Principal Registry

The Principal Registry is often the first point of contact with the Court and a key source of information for the legal community and public. It is a primary services hub providing support, procedural guidance and assistance to judicial officers and their staff, the legal profession and the public. The Principal Registry is supported by the statutory role of the Prothonotary and is overseen by the Director, Registry Services.

Key points

1

The number of hard copy documents accepted over the counter dropped and ultimately stopped after the introduction of mandatory eFiling on 2 July 2018

2

The Court reported against the measure of court file integrity for the first time

3

The number of self-represented litigants increased

Overview

In 2017-19, the Principal Registry worked to continuously streamline and modernise its services to meet the needs of its users and deliver an outstanding service. It remained a busy centre of activity, accepting 63,830 documents for filing in 2017-18, increasing to 75,839 in 2018-19.

In 2017-18, the Principal Registry had a strong focus on operational changes in order to increase its capability to be more responsive to the needs of its clients and to plan for the digitisation of some services. In 2018-19, the digitisation of client services became the primary focus, with service excellence continuing to underpin the work of the Principal Registry as it moved towards a more agile team model.

Counter service

Consistent with the trend in customers moving from more traditional hardcopy filing methods to eFiling, 2017-19 saw a continuing decrease in customers presenting at the counter on Level 2/436 Lonsdale Street, Melbourne. An average of 73 customers per day attended in 2017-18, reducing again to an average of 33 per day in 2018-19. Hard copy documents accepted over the counter continued to decrease and ultimately ceased following the introduction of mandatory eFiling on 2 July 2018. In 2018-19, counter service remained available for self-represented litigants, for parties undertaking litigation and file search activities and for subpoena inspections.

28%

increase in people contacting the self-represented litigants' service in 2018-19, compared to 2017-18.

eFiling and digital court files

There was a clear shift towards eFiling in 2017-19, with traditional hard copy filings for civil proceedings declining while use of eFiling services increased. The decrease in customers attending the counter over 2017-18 and 2018-19 directly corresponded with the exponential increase in documents filed via eFiling Services.

The Principal Registry was heavily engaged in the second half of 2017-18 in extensive planning, change management and training activities in preparation for the implementation of mandatory eFiling on 2 July 2018 on a new, integrated eFiling platform for the Common Law Division, Costs Court and remainder of the Commercial Court. The new eFiling platform, RedCrest, replaced the previous eFiling platform Citec, which was first introduced to the Court in 2007. Coinciding with the introduction of the new eFiling platform was the shift from paper based to digital court files. The Supreme Court now generates only digital court files, in place of paper based files, in all civil proceedings.

Modernising service delivery

Throughout the first half of 2017-18, the Principal Registry completed its planning for, and undertook a refurbishment of, the Prothonotary and Probate customer areas and team member work spaces. While this required some service areas and team members to physically relocate during the works, this was able to be achieved with minimal disruption to client services.

The new physical environment improved the experience for clients and team members, moving sensitive meetings into private and secure interview rooms and creating a new private space

for interactions with self-represented litigants. Additionally, a new custom-designed area for subpoena inspection was constructed, improving the user experience and efficient facilitation of inspection of documents. In early 2018, the Principal Registry also transitioned onto improved and updated information technology platforms. The transition included planning for and managing a brief network outage to ensure continuity of client services.

Changes to Court Fees

On 30 September 2018, the Supreme Court (Fees) Regulations 2018 came into effect, establishing a new three-tiered fee structure, introducing automatic fee waivers and setting new court fees.

The new structure and fees were introduced to appropriately reflect the manner in which court services are delivered and the costs of delivering those services following a series of service reforms instituted by the Court since 2012. The Principal Registry team led the specialised Registries and affected areas of the Court to implement the necessary system and process changes to plan for and smoothly transition to the new structure.

Self-represented litigants

The Principal Registry provides specialised assistance to Supreme Court self-represented litigants through its Self-Represented Litigants Coordinator, providing information, procedural advice, links to legal services and referrals to the Victorian Bar's pro bono scheme.

In 2017-18, 2,719 individual contacts were made with the service by phone, email and in person. The increasing use of

the self-represented litigant service was seen in the growth in reliance on the service, with a total of 3,480 individual contacts occurring in 2018-19, reflecting an increase of 28 per cent.

In 2017-18, 28 referrals were made to the Duty Barrister Scheme of the Victorian Bar to have a barrister appear in Court. During 2018-19, 18 referrals were made to the Duty Barrister Scheme of the Victorian Bar. The Court and the Victorian Bar also started work on the design of a new referral scheme for pro bono assistance. Final implementation of the new scheme is expected early in 2019-20.

Court file integrity

In the 2017-19 reporting period, the Court reported against the measure of court file integrity for the first time. A 90 per cent performance benchmark, applied to all jurisdictions, measures the percentage of case files that meet established standards of availability, accuracy and organisation.

The Principal Registry committed to working towards improving the overall performance by increasing internal audits, feedback and training of staff from all areas of the Court to achieve the performance benchmark. In 2017-18, the Principal Registry successfully achieved overall performance equal to the established 90 per cent benchmark. In 2018-19, the overall performance average fell slightly to 89 per cent. The Principal Registry continued to work closely with all areas of the Court and within the Registry to maintain awareness of the performance measure, and to deliver reform initiatives to continue to achieve significant results in court file integrity.

Probate Office

Probate is the process by which the Court approves that a will is valid and that the executor(s) can act on the will. The Court has exclusive authority to make orders about the validity of wills, appointment of an executor or administrator of a deceased estate and administration of deceased estates. It manages all applications for grants of probate and administration and maintains a register of grants issued by the Court, and wills deposited with the Court for safekeeping.

Key points

1

Managed on average 20,000 requests per year for grant of probate, making Probate Office the highest-volume area of the Court by number of applications

2

Helped on average 65 people per day with enquiries at the Probate Office counter

3

Began an initiative to transition Probate Office to electronic filing and electronic court files

Overview

The Probate Office continued to provide an important service to the public, responsible for a range of functions in relation to the administration of deceased estates.

In May 2019, the Court updated the probate section of the website to include a more complete glossary of words and terms used in probate and to provide plain language answers to frequently asked questions.

In June 2019, the office began work to introduce electronic filing (eFiling) and electronic court files for probate matters, consistent with similar initiatives underway across the Court. Currently, The Probate Office relies heavily on paper-based processes and services, with many documents needing to be posted or faxed to the office or handed in over the counter.

A project plan was developed and a working committee formed to identify the impact of this initiative, including the legislative support framework required, the need for training and communications, the impact on workflow and business processes and the process of managing the transition for the people who use probate services. The committee also needed to identify technical requirements of the change.

Given the highly specialised nature of probate, a tailored solution needs to be developed that builds on the Court's experience of using RedCrest eFiling platform for other matters. The committee will continue this work in 2019-20, with the aim of introducing eFiling and electronic court files in 2020.

18,221

grants of probate made in 2018-19, a slight decrease on 2017-18 figures.

In June 2019, the Probate Office began work to introduce electronic filing and electronic court files for probate matters, consistent with initiatives underway across the Court.

Probate Office activities

	2016-17	2017-18	2018-19	Variance
Grants of probate	21,595	19,648	18,221	-7%
Grant applications made by people without legal representation (%)	7.8%	7.8%	7.5%	-4%
Administration upon intestacy	1,921	2,058	1,992	-3%
Administration with the will annexed (attached)	434	465	410	-12%
Reseals of foreign grants	127	145	145	0%
Other grants, including limited grants	43	29	44	52%
Advertisements published on Probate Online Advertising System (POAS)	24,970	25,696	24,332	-5%
Wills deposited with Probate Office for safekeeping	219	222	254	14%
Small estates enquiries managed	200+	200+	200+	N/A
Small estates grants	48	35	33	-6%
Documents accepted for filing	251,000+	255,000+	260,000+	N/A
Enquiries managed at the Probate counter	16,738	17,374	16,271	-6%
Granted files transferred to Public Record Office Victoria	20,000+	21,000+	N/A	N/A
Visits to Probate section of the Court's website	297,780	291,352	292,858	1%
Emails received by Probate and POAS email accounts	2,228	3,181	4,300	35%
Exemplifications and office copy grants issued	309	237	285	20%

Corporate Services

Under the guidance of the Chief Executive Officer and Executive Director Corporate Services, the Court is supported in its work by various corporate teams. These include People, Wellbeing and Culture, Finance Services, IT and Digital Support, Communications and Engagement, Media and Public Affairs, Assets and Facilities, Security and Risk, and Archives and Records.

Key points

1

Developed the Court's first Health and Wellbeing Action Plan

2

Launched a new Supreme Court website and a new IT services model to support the Court's adoption of electronic filing and hearings

3

Implemented a new Business Continuity Plan and Risk Management Policy

4

Initiated a wave of digital reforms supporting the delivery of a number of human resources, finance and archiving services through digital platforms

5

Commenced a program to strengthen the security infrastructure and policies at the Court

Overview

To support the Court's growing information technology (IT) needs, the IT and Digital Support team continued to implement and build on the reforms under the Court's Digital Strategy. This included commencing a program of major physical upgrades to technology in courtrooms, webcasting and live streaming of trials and judgments, upgrading of the Court's case management system, and the roll out of a new help desk model in 2017-18. Specialist IT staff were recruited to help support key IT infrastructure, including providing specialist support at regional circuit courts and in recently upgraded eCourts (see p. 16).

The Communications and Engagement team and IT and Digital Support team collaborated to deliver the Court's new website, which went live in October 2018. The new website features enhanced search functionality and a vastly improved homepage layout. Accessibility has also been improved with text-to-voice functionality on each page to assist people who are visually impaired or have low literacy or English skills.

The Media and Public Affairs team assisted journalists in matters before the Court and produced the Court's new podcast, *Gertie's Law*, a first for an Australian court (see p. 17).

Preservation and maintenance works on the Court's buildings continued, contributing to a more functional and safe working environment for judicial officers, staff and court users within the inherent heritage limitations. Government funding of \$4.7 million, received in 2017-18, is helping complete critical building and

infrastructure capital works projects over 2017-20 that will improve and upgrade essential services for the Court's buildings and facilities. In addition, there was a focus on minor refurbishment of courtrooms to enable them to hear both criminal and civil matters, and repurposing existing facilities to create additional working spaces for judicial officers and staff.

Throughout 2017-18, Human Resource Services underwent a significant re-branding, resulting in a name and service delivery model change to People, Wellbeing and Culture. Under its new branding, in 2018-19 the team developed the Court's first Health and Wellbeing Action Plan. As part of this work, the team conducted a Court-wide occupational health and safety risk assessment to identify areas of concern.

The Archives and Records team continued to facilitate transfers of Court records to the Public Records Office of Victoria (PROV). During 2017-18, over 20,000 probate records from 2016 were transferred to PROV. The team also transferred several volumes of taxation registers dating back to the 1930s and commenced its new digital archiving process.

The Security and Risk team facilitated the development and implementation of a new Business Continuity Plan (BCP) and Risk Management Framework for the Court. It facilitated a desktop exercise to test the BCP and introduced improvements to the Court's emergency management protocols. Work also commenced on a significant reform project to improve security infrastructure, technology and procedures across a range of Court buildings.

An aerial photograph of a large, open plaza with a light-colored tiled floor. Numerous people are scattered throughout the plaza, some walking in groups, others alone. Overlaid on the image is a blue geometric design consisting of a central square with lines extending to the edges, forming a larger square frame. Diagonal lines also extend from the corners of the central square towards the edges. Small blue dots are placed at the intersections of these lines.

Additional Court services

Funds in Court

Funds in Court (FIC) is a function that assists the Senior Master to administer money paid into Court as the result of a court order or award of the Victims of Crime Assistance Tribunal (VoCAT). Money is usually paid into Court as compensation for an accident, medical negligence or as financial assistance for a victim of crime. Funds may also be held for a child who has inherited money, until they turn 18, or may be held as a result of a dispute, as security for costs or under the requirements of an Act. The Senior Master, Associate Justice Efthim, is legally responsible for managing and distributing the funds.

Key points

1

Managed funds valued at \$2.024 billion in 2018-19, achieving market-leading interest rates for beneficiaries

2

Provided active support to almost 6,000 beneficiaries, making almost 13,000 orders in 2018-19 to release money to beneficiaries as needed

3

Answered on average more than 41,000 calls per year, with 96 per cent answered within one minute

Overview

FIC manages funds for almost 6,000 people who have been awarded money by a Victorian court or VoCAT, known as beneficiaries. It is usually ordered to administer money if a person is unable to do this themselves, due to physical or intellectual disability or being aged under 18.

Money is paid into FIC for various reasons, usually to compensate an individual for an injury. For example, an insurance company may pay compensation for medical negligence or personal injury, WorkCover may pay compensation for workplace accidents or the Transport Accident Commission for vehicle accidents. FIC also administers funds awarded by VoCAT as financial assistance – for example, for a person who has been injured as a result of a crime.

FIC manages and invests the money in the best interests of its beneficiaries

and pays money out to them as needed for day-to-day living. A court order is needed for all payments. This ensures beneficiaries' money is managed responsibly and that beneficiaries are not taken advantage of by others in the community. FIC supports beneficiaries to apply for their funds and to make responsible decisions about how to use them.

During the reporting period, 1,700 payments were made into FIC as ordered by a court or VoCAT. There were also 174 payments made as a result of a dispute, as security for costs or under the requirements of an Act, such as the *Trustee Act 1958*.

At 30 June 2019, the total value of funds under administration was \$2.024 billion, an increase of 9 per cent compared to 2017-18.

Total value of funds under administration including real estate (\$ billions)

	2016-17	2017-18	2018-19	Variance
Total value of funds under administration, including beneficiaries' real estate (\$ billions)	\$1.728	\$1.855	\$2.024	9%

Most properties held in trust for beneficiaries are residential. FIC held a total of 515 properties in trust at 30 June 2019, valued at about \$314 million.

Beneficiaries' properties held in trust

	2016-17	2017-18	2018-19	Variance
Property value (\$ millions)	\$262m	\$315m	\$314m	N/A
Number of properties	538	525	515	-2%

Performance

FIC met or exceeded all key performance indicators relating to the delivery of services to beneficiaries during the reporting period. Almost 94 per cent of one-off payments to, or on behalf of, beneficiaries were processed within five days of requests being received and approved. On average, FIC managed about 3,500 calls each month in 2018-19, with about 96 per cent answered within one minute of the person calling.

Number of orders, supporting documents and financial transactions made

	2016-17	2017-18	2018-19	Variance
Orders made to pay out funds to beneficiaries	6,312	6,003	6,744	12%
Supporting documents – memoranda or reports prepared for the Senior Master or judicial registrar in relation to applications for the use of funds	25,382	26,704	27,195	2%
Financial transactions – payments made to or on behalf of beneficiaries	129,557	133,196	140,081	5%

Money paid into / out of Court (\$ millions)

	2016-17	2017-18	2018-19
Paid into Court	\$142m	\$154m	\$152m
Paid out of Court	\$78m	\$71m	\$77m

Number of accounts opened for beneficiaries as a result of a court or VoCAT order

	2016-17	2017-18	2018-19	Variance
Supreme Court order	474	362	370	2%
County Court order	79	94	80	-15%
Magistrates' Court order	0	0	0	0%
VoCAT order	461	501	467	-7%
Total	1014	957	917	-4%

Beneficiary services

Client liaison

Many beneficiaries are involved in complex legal or financial matters and need the help of FIC-employed trust officers, client liaison officers and legal officers to work through their issues.

FIC assigns each beneficiary a trust officer as their primary point of contact. Legal officers help prepare complex court orders and supervise the funding to legal practitioners, who are paid from FIC to

handle legal matters on behalf of beneficiaries. Client liaison officers visit beneficiaries and their families to help with complex applications for payments.

Client liaison officer visits

	2016-17	2017-18	2018-19	Variance
Number of visits to beneficiaries	676	664	764	15%

Support to access NDIS

During the reporting period, the rollout of the National Disability Insurance Scheme (NDIS) had major implications for many beneficiaries with permanent and substantial disabilities. In particular, the Scheme's requirement to take into account certain payments made into Court, regardless of the date the payment was made, increased the risk that NDIS-funded supports would be delayed or beneficiaries would be incorrectly assessed to receive them.

To reduce this risk, FIC engaged a legal officer with specialist expertise in NDIS law and policy. The officer worked with our staff and the specialist compensation team at the National Disability Insurance

Agency to ensure beneficiaries were not disadvantaged during their transition to the Commonwealth NDIS.

In some cases, FIC identified NDIS supports a beneficiary would be entitled to receive and helped them lodge an access request and prepare for their NDIS meeting. This has had a significant, positive impact on the lives of these beneficiaries and their capacity to access otherwise unavailable supports and services.

In addition, in some cases FIC supported beneficiaries to develop and implement their NDIS plans, if they did not have enough informal support to help them do this.

Showcase event Embrace 2018

A key goal of FIC is to enhance the lives of beneficiaries. This is not confined to managing day-to-day requests – it is also about celebrating the people, their capabilities and accomplishments. On 23 November 2018, FIC hosted Embrace 2018 – a biennial event held to showcase FIC beneficiaries' skills and abilities and to celebrate their achievements in arts, craft, singing and music. More than 200 people attended, with a record number of beneficiaries showcasing their skills and achievements.

764 visits to beneficiaries.

Client liaison officers visit beneficiaries and their families to help with complex applications for payments.

Investments

FIC invests the funds held for beneficiaries in shares, real estate and other assets. This keeps the funds secure and maximises investment returns. Investments are monitored by the FIC Investment Compliance Committee, in accordance with the *Supreme Court Act 1986* and *Trustee Act 1958*. The Committee also reports on any breaches of compliance, including in the duties of the Senior Master. No breaches were reported during the reporting period.

There are two main investment accounts where funds for beneficiaries are held – Common Fund No. 2 (CF-2) and Common Fund No. 3 (CF-3). Each has a different objective, risk profile and composition of investments. The investments are held in the name of the Senior Master, on behalf of beneficiaries. Common Fund

No. 1 is used for funds paid into Court pending the resolution of a dispute or to provide security for a party's costs.

Common Fund No. 2

The primary objective of Common Fund No. 2 (CF-2) is to provide the maximum return achievable with approved securities. FIC adds up the interest earned each day and pays it into each person's account on 1 June each year (hence interest is reported on at 31 May).

The Senior Master is legally required to declare interest rates. The interest rates declared for 2017-18 and 2018-19 continued to exceed industry benchmarks and FIC key performance indicator benchmarks.

Common Fund No. 3

Common Fund No. 3 (CF-3) invests in a portfolio of publicly-listed Australian shares and cash. The aim is to provide beneficiaries with capital growth and regular income over an investment timeframe of at least six years. Investments are made on behalf of just over 2,600 beneficiaries (about 45 per cent of all beneficiaries).

In 2018-19, CF-3's total return of 15.8 per cent outperformed the S&P/ASX 50 Leaders Accumulation Index benchmark by 1.7 per cent. Over the 10-year period to 30 June 2019, CF-3 has delivered a total return per annum of 9.4 per cent, against the benchmark return per annum of 10.1 per cent.

Declared interest rate

	Year end 31 May 2017	Year end 31 May 2018	Year end 31 May 2019	Variance
CF-2	3.55%	2.85%	2.70%	-5%
CF-2 and CF-3	3.35%	2.65%	2.50%	-6%

Accounting and taxation

The Victorian Auditor-General audits the financial reports of the Senior Master each year. The reports are available at fundsincourt.vic.gov.au. FIC lodged annual trust tax returns for each beneficiary and did not charge any direct fees for taxation services.

FIC annually benchmarks its administration expense ratio, which is calculated by dividing the total operating expenditure for the financial year (excluding depreciation) by the total net assets at the end of the financial year (including property).

The administration expense ratio dropped again in 2018-19 and is now down to 0.53 per cent of all funds administered.

Administration expense ratio

	2016-17	2017-18	2018-19	Variance
Administration expense ratio	0.58%	0.56%	0.53%	-5%

Complaints

All complaints are documented and measured to adhere to the Australian Complaints Standard ISO 10002:2014. During 2018-19, FIC received a total of 49 complaints compared to 37 complaints in 2017-18.

Juries Victoria

Juries Victoria is responsible for ensuring that enough Victorians, broadly representative of the community, are available and ready to serve on Supreme Court and County Court trials in Melbourne and regional Victoria. It works closely with the Courts to confirm the number of jury trials expected. It also educates jurors, employers and the community on why serving as a juror is important and valuable.

Key points

1

Assessed eligibility, availability and personal circumstances of about 200,000 Victorians randomly selected for jury service each year

2

Monitored and adjusted the number of jurors summoned each month, week and day across the state

3

Improved the user experience by making our website, forms and correspondence easier to understand and more logical to navigate

Overview

Juries are an essential part of our justice system and serving on a jury gives Victorians a unique insight into the operations of the Court. During the reporting period, Juries Victoria focused on improving jurors' experience.

This included updates to the online Jury Management System (JMS). The JMS gives jurors a one-stop-shop for managing their juror journey. On receiving a Notice of Selection, potential jurors can log into JMS to complete an eligibility form. Those who provide evidence of ineligibility are excused from jury service immediately. Those deemed eligible can submit available dates or can apply to defer jury service to a more convenient time. Jurors can subscribe to SMS notifications and print attendance certificates for employers.

A new Juries Victoria website was launched in May 2019, along with revamped forms and correspondence. The website makes it easier for jurors and employers to understand their obligations and what to expect. It was rigorously tested with users to ensure information was intuitively easy to find. The website also includes seven short animated clips that explain common steps in jury service.



222,982

Victorians randomly
selected for jury service.

Jury activity*

Citizens randomly selected	2017-18	2018-19	Variance
Melbourne	63,383	86,201	36%
Regional Victoria	110,962	136,781	23%
Total	174,345	222,982	28%
Jurors summoned			
Melbourne	23,467	26,669	14%
Regional Victoria	30,903	33,260	8%
Total	54,370	59,929	10%
Jurors attending (not all jurors summoned are required to attend)			
Melbourne	12,710	13,620	7%
Regional Victoria	7,107	7,001	-1%
Total	19,817	20,621	4%



68

Supreme Court jury trials in 2018-19, compared to 54 in 2017-18.

Jury trials – Supreme Court*

	2017-18	2018-19	Variance
Civil – Melbourne	13	16	23%
Civil – regional Victoria	5	6	20%
Criminal – Melbourne	33	39	18%
Criminal – regional Victoria	3	7	133%
Total	54	68	26%

Jury trials – County Court*

	2017-18	2018-19	Variance
Civil – Melbourne	48	31	-35%
Civil – regional Victoria	13	9	-31%
Criminal – Melbourne	289	306	6%
Criminal – regional Victoria	110	110	0%
Total	460	456	-1%

* 2016-17 data is not available due to a change to a new reporting system that disrupted data collection.

Law Library of Victoria

The Law Library of Victoria provides legal research and education services to judicial officers, court staff and the wider legal profession in Victoria. It has headquarters in the iconic Supreme Court Library and five branches, which between them manage one of the largest collections of digital and hard copy law materials in Australia. The Library is managed by the Law Library Committee, chaired by Justice Garde AO RFD.

Key points

1

Established a registered-user portal that enables Victorian legal practitioners to access a range of legal research information and content that might otherwise be unavailable to them and increased access to Library services for Victorian barristers

2

Continued to manage the Judgments Publishing service which provides fast and accurate publication and notification of judgments

3

Demand for library services continues to grow, with visitors to the Law Library more than doubling over the reporting period and use of digital resource searches increasing 50 per cent

Overview

The Board of the Law Library of Victoria is chaired by the Chief Justice and comprises the heads of all Victorian jurisdictions and the presidents of the Victorian Bar and the Law Institute of Victoria. The Director of the Law Library and Justice Garde AO RFD, who also chairs the Supreme Court Library Committee, attend Interim Board meetings, along with the CEOs of Court Services Victoria and the Supreme Court.

During 2017-19, several major new initiatives helped broaden the reach of Library services and make them easier to access. In February 2019, with funding from the Legal Services Board, the Library launched a registered-user portal on its website that gives Victorian lawyers access to exclusive and curated content, including subscription-based content. Previously, lawyers could only access these resources by visiting the Library. The portal is a valuable resource for busy practitioners and suburban and regional lawyers. It reduces overheads and improves access to justice by enabling more lawyers to access this valuable information.

In another major development, in July 2018 we extended access to our digital and librarian services to members of the Victorian Bar, by commercial agreement between the Supreme Court Library Committee and the Victorian Bar

Council. Using computers in the Victorian Bar Library, barristers can now access the same content as they could by visiting the Library. This initiative includes a dedicated librarian working half a day per week on research assistance and collection management.

We introduced an electronic system to help manage the many requests we receive via the website and other channels and continued to manage the Judgments Publishing service. This service provides fast and accurate publication and notification of judgments, as well as managing the liaison with vendors such as LexisNexis, Thomson Reuters, JADE and AustLII to ensure accurate presentation. Through this service, with support and approval from the Council of Law Reporting, each year the Library publishes more than 1000 Supreme Court decisions in six different places.

Since October 2017, we have permitted photography inside the Library, which continues to provide a spectacular venue and backdrop for events. These include the ongoing Lyrical Lunchtime series, in conjunction with BottledSnail Productions and the Victorian Bar Choir, the popular 'Legal Luminaries and their books' events as part of Rare Book Week and regular information sessions.



Law Library of Victoria – activities and user engagement

	2016-17	2017-18	2018-19	Variance
Queries, visitors, tours and training attendees	23,499	37,171	46,577	25%
Website visits and database usage	1,340,405	1,256,358	1,961,745	56%
Library training rated effective or very effective	99%	95%	98%	3%
Users' satisfaction with the Library and its services	77.8%	97%	99%	2%
Judgments published on the Library website	1,175	1,103	1,153	5%

An aerial photograph of a large, open plaza paved with light-colored square tiles. A large, diverse crowd of people is scattered across the plaza, some standing in small groups, others walking. Overlaid on the left side of the image is a dark teal geometric graphic consisting of a square frame with internal lines forming a grid and diagonal patterns. Small dots are placed at the intersections of these lines.

Leadership and governance

The Supreme Court of Victoria has existed since 1852, but was established in its present form under section 75 of the *Constitution Act 1975*. The Court's governance structures are prescribed in the *Supreme Court Act 1986* (Supreme Court Act).

The Chief Justice, as the head of the Supreme Court, is responsible for ensuring the effective, orderly and efficient execution of the business of the Court.

The Chief Executive Officer (CEO) oversees the administrative functions of the Court. This includes ensuring the judiciary are supported to do their work and that Court users are supported with information and guidance on Court process.

Some other administrative areas are overseen by the CEO but operate independently from the Court, including Juries Victoria and the Law Library of Victoria. Although Funds in Court is recognised as a support function of the Court, it operates as a discrete division under the direction of the Senior Master.

Governance established by law

Council of Judges

The Council of Judges, also established under the Supreme Court Act and chaired by the Chief Justice, considers the operation of the Court in compliance with statutory requirements and makes the rules of the Court.

Court Services Victoria

The *Court Services Victoria Act 2014* established Court Services Victoria (CSV) as an independent statutory body corporate to provide services and facilities to Victoria's courts, including the Supreme Court. CSV was formed to strengthen the independence of Victoria's courts and tribunals, and to put court administration into the hands of an entity directed by the judiciary. The governing body of CSV is the Courts Council,

chaired by the Chief Justice. It comprises the heads of other Victorian courts and the Victorian Civil and Administrative Tribunal and up to two non-judicial members. CSV is the body through which the support staff of the Court are employed, and through which operations are funded.

Internal governance

Leadership Group

The Council of Judges established a Leadership Group to provide strategic advice to the Chief Justice on the effective execution of the Supreme Court's business. Membership comprises the:

Chief Justice

Chief Justice Ferguson

President of the Court of Appeal

Justice Maxwell

Principal Judge of the Criminal Division

Justice Hollingworth

Principal Judge of the Common Law Division

Justice John Dixon

Principal Judge of the Commercial Court

Justice Riordan

Principal Associate Judge

Associate Justice Derham

Chief Executive Officer

Matt Hall PSM

Board of Management

The Council of Judges established a Board of Management to assist with the Chief Justice's role in determining the strategy, plans, procedures and policies for the court administration in accordance with the Court's overarching goals and objectives.

The Board of Management's Charter provides for the Chief Justice to perform the role of Chair and for the Board to include judicial representatives from particular administrative portfolios, the Chief Executive Officer (as a non-voting member), as well as up to two independent members with appropriate expertise to provide external unbiased

advice on the administration of the Court. The members of the Leadership Group and the Executive Director of Corporate Services may also attend as observers.

Administrative Leadership Group

The CEO established an Administrative Leadership Group in October 2018, to support the execution of administrative functions of the Court, including operations and administration, policy and planning, communications, digital innovation and registry services. It includes:

Chief Executive Officer

Matt Hall PSM

Executive Director, Corporate Services

Kathryn Martin

Director, Registry Services

Louise Kenworthy

Judicial Services Manager

Alette Rennie

Director, Communications and Public Affairs

Sarah Dolan

Policy and Planning Manager

Sean Ryall

Program Director, Digital Transformation

Pauline Diano

Court committees

A number of Court committees have been established to oversee and guide decision-making in relation to the effective administration and operation of the Court. These include the:

Rules Committee

chaired by Justice Niall

Communications Committee

chaired by Justice Whelan

Digital Strategy Steering Committee

chaired by Justice Elliott/Matt Hall

Library Committee

chaired by Justice Garde

Appropriate Dispute Resolution Committee

chaired by Justice Kennedy

Self-represented Litigants Committee

chaired by Justice Zammit

Audit and Risk Committee

chaired by Justice McDonald

Court administration organisational chart

Chief Executive Officer
Matt Hall

Executive Adviser
Tim Hillman

Executive Director, Corporate Services
Kathryn Martin

Director, Registry Services
Louise Kenworthy

Director, Communications and Public Affairs
Sarah Dolan

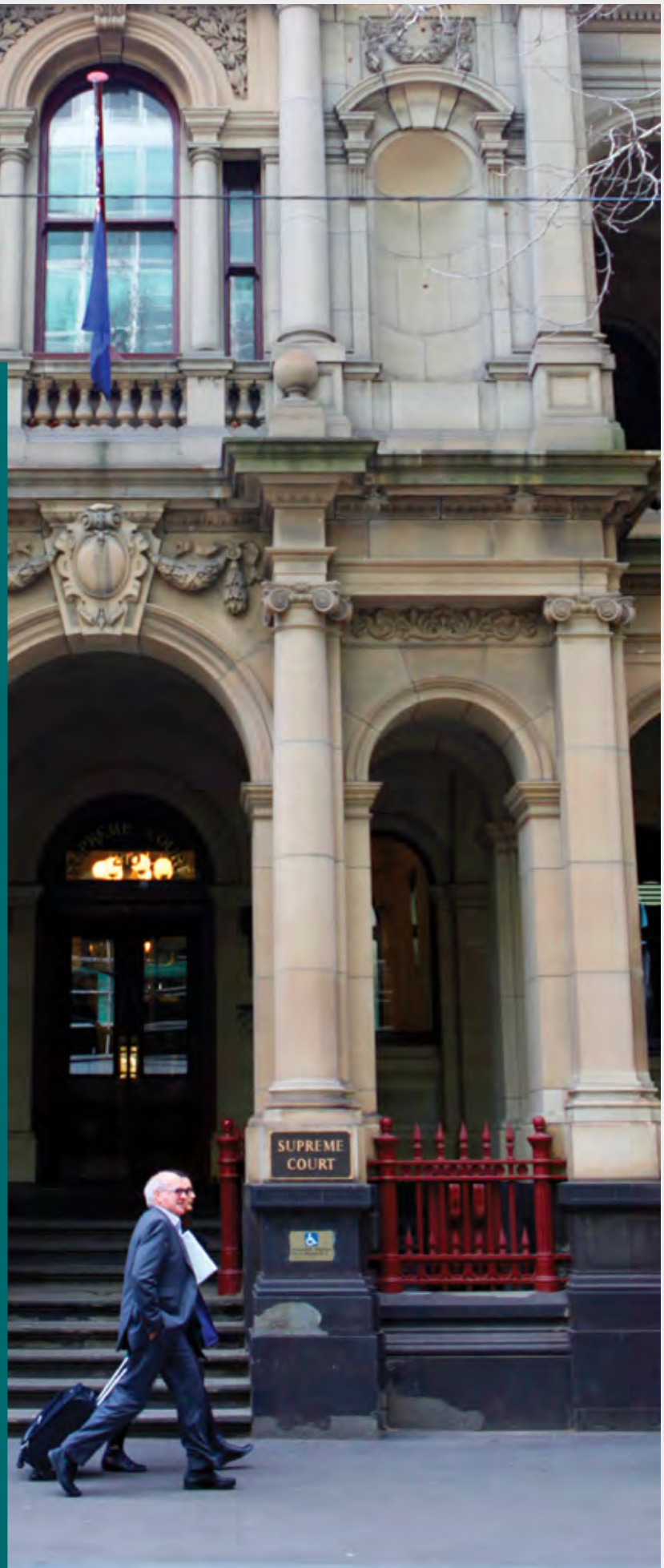
Policy & Planning Manager
Sean Ryall

Judicial Services Manager
Alette Rennie

Director, Law Library of Victoria
Laurie Atkinson

Juries Commissioner
Paul Dore

Program Director, Digital Transformation
Pauline Diano



An aerial photograph of a paved plaza with many people walking. Overlaid on the image is a red geometric diagram consisting of a large rectangle with its corners marked by dots. Inside this rectangle, there are two smaller rectangles, one in the upper right and one in the lower left, also with corner dots. Diagonal lines connect the outer corners to the inner corners of these smaller rectangles. The word "Appendices" is written in red in the lower right area of the diagram.

Appendices

Financial information

The Supreme Court's financial accounts are published as part of Court Services Victoria (CSV)'s audited financial accounts. This information is available in CSV's annual report, by visiting courts.vic.gov.au.

Operating statement

	2016-17* \$'000	2017-18 \$'000	2018-19 \$'000
Continuing operations			
Output appropriations	54,668	52,452	57,253
Special appropriations	26,913	31,995	34,580
Grants and other income	146	5	-
Total income from transactions	81,727	84,452	91,833
Expenses from transactions			
Employee expenses	50,408	52,328	58,051
Depreciation and amortisation	6,341	6,327	6,570
Interest expense	65	61	61
Grants and other transfers	350	350	350
Capital asset charge	8,280	8,233	9,406
Supplies and services	14,982	13,730	16,576
Total expenses from transactions	80,426	81,028	91,015
Net result from transactions (net operating balance)	1,301	3,424	818
Other economic flows included in net result			
Net gain/(loss) on non-financial assets	124	150	99
Net gain/(loss) on financial instruments	-	-	-
Other gains/(losses) from other economic flows	830	251	(1,850)
Total other economic flows included in net result	954	401	(1,751)
Net result from continuing operations	2,255	3,825	(933)
Other economic flows – other comprehensive income Items that will not be reclassified to net result			
Changes in physical asset revaluation reserve	-	22,021	8,218
Total other economic flows – other comprehensive income	-	22,021	8,218
Comprehensive result	2,255	25,846	7,285

* 2016-17 figures have been updated to include non-financial assets, Capital Asset Charge and changes in physical asset revaluation reserve.



Judicial officers of the Supreme Court of Victoria 2017-2019

Chief Justice

The Honourable Chief Justice Anne
Ferguson (2010*, 2014**)
2 October 2017 – present

The Honourable Chief Justice
Marilyn Warren AC
25 November 2003 – 1 October 2017

President of the Court of Appeal

The Honourable Justice
Chris Maxwell AC
18 July 2005 – present

Judges of the Court of Appeal

The Hon. Mark Weinberg AO
22 July 2008 – 12 May 2018

The Hon. Pamela Mary Tate
14 September 2010 – present

The Hon. Robert Stanley Osborn (2002*)
7 February 2012 – 21 June 2018

The Hon. Simon Paul Whelan (2004*)
16 October 2012 – present

The Hon. Phillip Geoffrey Priest
23 October 2012 – present

The Hon. Joseph Santamaria
20 August 2013 – 14 July 2018

The Hon. David Francis
Rashleigh Beach (2008*)
22 October 2013 – present

The Hon. Emiliios John Kyrou (2008*)
29 July 2014 – present

The Hon. Stephen
William Kaye AM (2003*)
3 February 2015 – present

The Hon. Stephen
Geoffrey Edwin McLeish
3 March 2015 – present

The Hon. Richard Michael Niall
28 November 2017 – present

The Hon. Kim William
Spencer Hargrave (2005*)
19 December 2017 – present

The Hon. Terence Michael Forrest (2009*)
10 July 2018 – present

The Hon. Karin Leigh Emerton (2009*)
10 July 2018 – present

Judges of the Trial Division

The Hon. Elizabeth Jane Hollingworth
7 June 2004 – present

The Hon. Kevin Harcourt Bell AM
10 February 2005 – present

The Hon. Anthony Lewis Cavanough
8 May 2006 – present

The Hon. John Herbert Lytton Forrest
7 August 2007 – 28 March 2018

The Hon. Lex Lasry AM
25 October 2007 – 22 June 2018

The Hon. James Gregory Judd
4 March 2008 – 31 March 2018

The Hon. Peter Norman Vickery
6 May 2008 – 8 May 2018

The Hon. Clyde Elliott Croft AM
4 November 2009 – present

The Hon. Michael Leon Sifris
13 July 2010 – present

The Hon. Peter Waddington Almond
28 July 2010 – present

The Hon. John Russell Dixon
14 September 2010 – present

The Hon. Cameron Clyde Macaulay
14 September 2010 – present

The Hon. Kate McMillan
6 March 2012 – present

The Hon. Gregory Howard Garde AO RFD
29 May 2012 – 1 April 2019

The Hon. Geoffrey John Digby
19 November 2012 – present

The Hon. James Dudley Elliott
25 March 2013 – present

The Hon. Timothy James Ginnane
4 June 2013 – present

The Hon. Melanie Sloss
30 July 2013 – present

The Hon. Michael Croucher
30 July 2013 – present

The Hon. Joanne Cameron
12 August 2014 – present

The Hon. Christopher William Beale
2 September 2014 – present

The Hon. Michael Phillip McDonald
16 September 2014 – present

The Hon. Rita Zammit (2010****)
3 February 2015 – present

The Hon. Peter Julian Riordan
10 March 2015 – present

The Hon. Jane Dixon
17 August 2015 – present

The Hon. Andrew John Keogh
4 April 2016 – present

The Hon. Peter Barrington Kidd
24 May 2016 – present

The Hon. Maree Evelyn Kennedy
25 July 2016 – present

The Hon. Michelle Lesley Quigley
19 December 2017 – present

The Hon. John Ross Champion
19 December 2017 – present

The Hon. Matthew Connock
10 April 2018 – present

The Hon. Melinda Jane Richards
24 April 2018 – present

The Hon. Kevin Joseph Aloysius Lyons
22 May 2018 – present

The Hon. Lesley Ann Taylor
10 July 2018 – present

The Hon. Steven James Moore
10 July 2018 – present

The Hon. Andrew James Tinney
10 July 2018 – present

The Hon. Jacinta Mary Forbes
16 April 2019 – present

Reserve judges

The Hon. Philip Mandie (2012***)
2 July 2013 – 1 July 2018

The Hon. Hartley Ronald Hansen (2012***)
2 July 2013 – 1 July 2018

The Hon. Bernard
Daniel Bongiorno (2012***)
2 July 2013 – 1 July 2018

The Hon. Malcolm Blue
28 April 2015 – present

The Hon. Julie Dodds-Streton (2010***)
24 November 2015 – present

The Hon. Robert Frank Redlich (2016***)
4 March 2016 – 3 November 2017

The Hon. Ross McKenzie Robson (2016***)
20 July 2016 – present

The Hon. David John Ashley AM (2012***)
2 February 2017 – present

The Hon. Paul Anthony
Coghlan AO (2014***)
11 July 2017 – present

The Hon. Mark Weinberg AO (2018***)
13 May 2018 – present

The Hon. Robert Stanley Osborn (2018***)
23 June 2018 – present

The Hon. Lex Lasry AM (2018***)
3 July 2018 – present

The Hon. Gregory Howard
Garde AO RFD (2019***)
1 April 2019 – present

Associate judges

The Hon. John Efthim
18 July 2005 – present

The Hon. Alexander Jamie Wood
23 January 2006 – present

The Hon. Robyn Gay Lansdowne
18 September 2006 – present

The Hon. Melissa Lee Daly
10 October 2006 – present

The Hon. Simon Peter Gardiner
6 November 2008 – present

The Hon. Nemeer Mukhtar
18 August 2009 – present

The Hon. Rodney Stuart Randall
17 May 2011 – present

The Hon. David Mark Brudenell Derham
11 December 2012 – present

The Hon. Mary-Jane Ierodiaconou
12 May 2015 – present

Judicial registrars

Judicial Registrar Meg Gourlay
28 January 2011 – present

Judicial Registrar David Ware
20 May 2014 – 29 January 2017

Judicial Registrar Julian Heteyey
3 November 2014 – present

Judicial Registrar Ian Andrew Irving
1 March 2016 – present

Judicial Registrar Leonie Englefield
5 July 2016 – present

Judicial Registrar Mark Pedley
24 January 2017 – present

Judicial Registrar Patricia Matthews
24 January 2017 – present

Judicial Registrar Julie Clayton
20 February 2017 – present

Judicial Registrar Daniel Donato Caporale
15 January 2018 – present

* Date appointed to the Trial Division

* Date appointed to the Court of Appeal

*** Date retired from the Bench

**** Date appointed as an Associate Judge

Court locations

The Supreme Court hears cases in a number of different buildings in Melbourne's CBD and in 12 locations in regional Victoria.

Melbourne CBD

Supreme Court of Victoria

210 William Street
Melbourne Victoria 3000
Phone: 03 8600 2000

- Courts 1 to 15
- Practice court

Court of Appeal

459 Lonsdale Street
Melbourne Victoria 3000
Phone: 03 8600 2001

- Green court
- Red court
- Blue court

Old High Court

450 Little Bourke Street
Melbourne Victoria 3000
Phone: 03 8600 2002

- Courts 1 to 3 (OHC)

Associate judges' courtrooms

Ground floor, 436 Lonsdale Street
Melbourne Victoria 3000
Phone: 03 8600 2000

- Courts 1 to 6

Costs Court

Level 4, 436 Lonsdale Street
Melbourne Victoria 3000
Phone: 03 8600 2000

- Courts 7 and 8
- Hearing rooms 1 and 2

William Cooper Justice Centre

223 William Street
Melbourne Victoria 3000
Phone: 03 8600 2000

- Court 6 (level 3)

Regional locations

When hearing cases in regional Victoria, the Supreme Court sits at the following courts. These courts also provide multi-jurisdictional registry services. Supreme Court documents can be filed at any of these courts:

Ballarat Magistrates' Court

100 Grenville Street South
Ballarat Victoria 3350
Phone: 03 5336 6200

Bendigo Magistrates' Court

71 Pall Mall
Bendigo Victoria 3550
Phone: 03 5440 4140

Geelong Magistrates' Court

Railway Terrace
Geelong Victoria 3220
Phone: 03 5225 3333

Hamilton Magistrates' Court

Martin Street
Hamilton Victoria 3300
Phone: 03 5572 2288

Horsham Magistrates' Court

22 Roberts Avenue
Horsham Victoria 3400
Phone: 03 5362 4444

Latrobe Valley Magistrates' Court

134 Commercial Road
Morwell Victoria 3840
Phone: 03 5116 5222

Mildura Magistrates' Court

56 Deakin Avenue
Mildura Victoria 3500
Phone: 03 5021 6000

Sale Magistrates' Court

79-87 Foster Street (Princes Highway)
Sale Victoria 3850
Phone: 03 5144 2888

Shepparton Magistrates' Court

14 High Street
Shepparton Victoria 3630
Phone: 03 5895 4444

Wangaratta Magistrates' Court

24 Faithfull Street
Wangaratta Victoria 3677
Phone: 03 5721 0900

Warrnambool Magistrates' Court

218 Koroit St
Warrnambool Victoria 3280
Phone: 03 5564 1111

Wodonga Magistrates' Court

5 Elgin Boulevard
Wodonga Victoria 3690
Phone: 02 6043 7000



Contact details

Principal Registry

Level 2, 436 Lonsdale Street
Melbourne Victoria 3000

T 03 8600 2000

Ground floor, County
Court of Victoria
250 William Street
Melbourne Victoria 3000

Self-represented litigants

T 03 8600 2031

E unrepresented@supcourt.vic.gov.au

T 03 8636 6800

E info@juries.vic.gov.au

W juries.vic.gov.au

Commercial Court Registry

Ground floor, 450
Little Bourke Street
Melbourne Victoria 3000

T 03 8600 2002

E commercialcourt@supcourt.vic.gov.au

Level 5, 469 La Trobe Street
Melbourne Victoria 3000
Phone: 1300 039 390

E fic@supremecourt.vic.gov.au

W fundsincourt.vic.gov.au

Court of Appeal Registry

Level 1, 436 Lonsdale Street
Melbourne Victoria 3000

T 03 8600 2001

E coaregistry@supcourt.vic.gov.au

210 William Street
Melbourne Victoria 3000

T 03 8600 2009

E llv@courts.vic.gov.au

W lawlibrary.vic.gov.au

An aerial, high-angle photograph of a large, open public space, likely a plaza or square, paved with light-colored rectangular tiles. A large, diverse crowd of people is seen walking in various directions across the space. In the center of the image, there is a large, solid red rectangular overlay. Within this red area, white text is centered, providing the name and address of the Supreme Court of Victoria. The overall scene conveys a sense of a busy, public urban environment.

Supreme Court of Victoria
210 William Street
Melbourne VIC 3000