

**SUPREME COURT
OF VICTORIA**

ANNUAL REPORT 2019-20



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 2019–20 financial year, reporting on the Court's activities from 1 July 2019 to 30 June 2020.

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

March 2021 © Supreme Court of Victoria

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

Goal

To be a modern superior court that is accessible to and trusted by all, fulfilling a fundamental role in our democratic society.

Purpose

To serve the community by upholding the law through just, independent and impartial decision making and dispute resolution.

Attributes

Our goal and purpose are underpinned by the following values:

- excellence
- equality (before the law)
- accessibility
- integrity and transparency
- timeliness and efficiency
- certainty and clarity
- innovation and change
- courtesy and respect
- unity and wellbeing.

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, the Trial Division and the Court of Appeal.

The Trial Division is made up of three divisions: the Criminal Division, the Commercial Court and the Common Law Division. It hears serious criminal cases, including murder and terrorism, and civil cases involving significant injuries, 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 Coroners Court of Victoria and the Victorian Civil and Administrative Tribunal (VCAT).

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

of 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 functions include the Court of Appeal Registry, the Supreme Court registries, the Probate Office, Juries Victoria, the Law Library of Victoria and Court administration. The Funds in Court operates as a discrete Office of the Court under the direction of the Senior Master.

While most cases are heard in Melbourne, the Supreme Court is a court for all Victorians, regularly travelling on circuit to hear cases across the entire state.

CONTENTS

05

AT A GLANCE

Cases Snapshot	06
Services Snapshot	09
Joint Foreword: Chief Justice and Chief Executive Officer	10

12

COURT SNAPSHOT

16

WORK OF THE COURT

Court of Appeal	17
Criminal Division	20
Commercial Court	25
Common Law Division	31
Associate Judges' Chambers	39
Judicial Mediation	42
Costs Court	44
Registry and Court Support Services	47
Office of the Prothonotary	52
Probate Office	53
Corporate Services	55

57

ADDITIONAL COURT SERVICES

Funds in Court	58
Juries Victoria	63
Law Library of Victoria	65

67

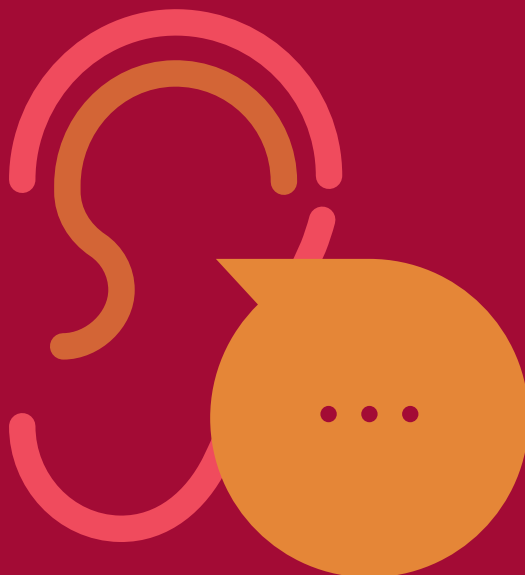
LEADERSHIP AND GOVERNANCE

69

APPENDICES

Financial Information	70
Judicial Officers of the Supreme Court	72
Court Locations	74
Contact Details	75

AT A GLANCE



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

	2018-19	2019-20	Variance
Initiations	6,670	6,543	-1.9%
Finalisations	6,608	6,626	0.3%
Pending	5,087	4,981	-2.1%

Clearance rate and on-time case processing

	2018-19	2019-20	Benchmark
Clearance rate	99%	101%	100%
Cases finalised within 12 months	74%	72%	75%
Cases finalised within 24 months	89%	87%	90%
Cases finalised >24 months	11%	13%	0%

Case backlog

	2018-19	2019-20	Benchmark
Pending >12 months	34%	32%	20%
Pending >24 months	17%	14%	5%

Court file integrity

	2018-19	2019-20	Benchmark
Court file integrity	89%	91%	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 2018-19 and 2019-20 figures. Benchmark is a standard that the Court measures its performance against.

Differences between figures contained in this report, compared to the 2017-19 annual report, are due to further refinement of the Court's statistics after their publication.

Court of Appeal

Total cases – Court of Appeal

	2018-19	2019-20	Variance
Initiations	450	361	-19.8%
Finalisations	372	400	7.5%
Pending	316	277	-12.3%

Civil cases – Court of Appeal

	2018-19	2019-20	Variance
Initiations	153	121	-20.9%
Finalisations	129	140	8.5%
Pending	108	89	-17.6%

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

	2018-19	2019-20	Benchmark
Clearance rate	85%	116%	100%
Cases finalised within 12 months	88%	68%	75%
Cases finalised within 24 months	99%	100%	90%
Cases finalised >24 months	1%	0%	0%

Criminal cases – Court of Appeal

	2018-19	2019-20	Variance
Initiations	297	240	-19.2%
Finalisations	243	260	7.0%
Pending	208	188	-9.6%

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

	2018-19	2019-20	Benchmark
Clearance rate	82%	108%	100%
Cases finalised within 12 months	87%	64%	75%
Cases finalised within 24 months	100%	100%	90%
Cases finalised >24 months	0%	0%	0%

Trial Division

Total cases – Trial Division – civil and criminal

	2018-19	2019-20	Variance
Initiations	6,017	5,968	-1%
Finalisations	6,035	6,013	0%
Pending	4,712	4,667	-1%

Criminal Division – trials and pleas

	2018-19	2019-20	Variance
Initiations	100	91	-9%
Finalisations	121	109	-10%
Pending	104	86	-17%

Criminal Division – clearance rate and on-time case processing

	2018-19	2019-20	Benchmark
Clearance rate	121%	120%	100%
Cases finalised within 12 months	65%	52%	75%
Cases finalised within 24 months	97%	83%	90%
Cases finalised >24 months	3%	17%	0%

Commercial Court – cases summary

	2018-19	2019-20	Variance
Initiations	2,727	2,570	-5.8%
Finalisations	2,916	2,876	-1.4%
Pending	1,874	1,568	-16.3%

Commercial Court – clearance rate and on-time case processing

	2018-19	2019-20	Benchmark
Clearance rate	106.9%	111.9%	100%
Cases finalised within 12 months	82.0%	82.3%	75%
Cases finalised within 24 months	90.7%	88.4%	90%
Cases finalised >24 months	9.3%	11.6%	0%

Common Law Division – cases summary

	2018-19	2019-20	Variance
Initiations	2,848	2,993	5.1%
Finalisations	2,645	2,732	3.3%
Pending	2,617	2,878	10.0%

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

	2018-19	2019-20	Benchmark
Clearance rate	92.9%	91.3%	100%
Cases finalised within 12 months	59.6%	59.3%	75%
Cases finalised within 24 months	82.7%	82.1%	90%
Cases finalised >24 months	17.3%	17.9%	0%

Judicial Mediations

	2018-19	2019-20	Variance
Cases referred for mediation	545	691	27%
Mediations completed	372	405	9%
Cases resolved on day of mediation	227	236	4%
Percentage of cases resolved on day of mediation	61%	58%	-3%
Number of hearing days saved	1,206	1,209	0.2%

Services snapshot

Registry Services	2018-19	2019-20
Counter enquiries answered ¹	8,159	5,965 ²
Self-represented litigants – enquiries answered	3,480	5,094
Subpoenas issued	3,735	3,571
Probate Office	2018-19	2019-20
Counter enquiries answered	16,271	13,261
Grants of probate	18,221	19,729
Wills deposited with Probate Office for safekeeping	254	247
Small estates grants	33	69
Funds in Court	2018-19	2019-20
Money paid into Court (\$ millions)	\$152	\$164
Money paid out of Court (\$ millions)	\$77	\$117
Total value of funds under administration, including real estate (\$ billions)	\$2.024	\$1.96
Law Library of Victoria	2018-19	2019-20
Queries, visitors, tours and training attendees	46,577	33,856 ³
Website visits and database usage	1,961,745	2,206,125
Users' satisfaction with the Library and its services	99%	100%
Judgments published on the Library website	1,153	1,088
Juries Victoria ⁴	2018-19	2019-20
Citizens randomly selected	222,982	127,055
Jurors summonsed	59,929	38,306
Jury trials ⁵	524	232
Community Engagement ⁶	2018-19	2019-20
Website page views	2,809,938	3,118,713
Social media followers (Twitter and Facebook)	20,212	21,960
Downloads of Gertie's Law podcasts	75,808	233,717
Visitors at community open days	1,500	2,000
Court education program participants	6,000	4,000
Finances ⁷	2018-19	2019-20
Total operating revenue	\$93,215	\$96,275
Total operating expenses	\$92,397	\$98,751
Net result from transactions (net operating balance)	\$818	(\$2,476)

¹ Principal Registry.

² The drop in counter enquiries reflects the impact of COVID-19.

³ The drop in queries, visitors, tours and training attendees reflects the impact of COVID-19.

⁴ Juries Victoria services both the Supreme Court and County Court.

⁵ Figures include both Supreme and County Court trials.

⁶ Figures relate to Supreme Court activity, excluding additional Court services (Funds in Court, Juries Victoria and Law Library of Victoria).

⁷ 2018-19 figures have been re-stated as a result of corrections made in relation to the Capital Asset Charge.

Joint Foreword:

Chief Justice and Chief Executive Officer

It is a pleasure to present the 2019-20 Annual Report for the Supreme Court of Victoria.



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

This report covers an extraordinary time in the Court's history.

While in the first nine months of the reporting year we continued the Court's work as normal, achieving much along the way, in March 2020 the coronavirus (COVID-19) pandemic struck, requiring a rapid and radical transformation to the way we operated.

We needed to continue to deliver justice for the community, while balancing the health and safety of Court users, our judges and staff.

It is a great credit to all involved that we were able to do that.

Serving the community

Throughout the reporting period, every area of our Court continued to explore how to better serve the community.

The Court of Appeal marked its 25th anniversary on 13 June 2020. Before that, in October 2019, the Court sat for the first time at a university, Monash Law School's moot courtroom. The Court of Appeal also travelled on circuit to Mildura and Latrobe Valley, before COVID-19 restrictions prevented further regional sittings. When the pandemic hit, hearings continued through the use of courtroom technology and platforms such as Zoom and Webex. These virtual hearings improved access for the media and the public, who could watch online.

The Criminal Division introduced entirely remote hearings via Webex and new cross-jurisdictional initiatives, such as the fast-tracking of homicide cases. The fast-tracking process meant that

homicide cases came to our Court more quickly to get ready for the trial instead of first going through a committal process in the Magistrates' Court. Despite the suspension of jury trials from March 2020, more accused had their cases finalised than in the previous two financial years. The Criminal Division also reformed its bail listing practices and procedures and adopted a more intensive case management approach to criminal trials.

The overall workload in the Commercial Court remained consistent across the reporting period, despite the pandemic. The Commercial Court rapidly transitioned to a remote operating environment, embracing technology to continue hearings virtually wherever possible to minimise adjournments. The Court also implemented early triaging of cases to reduce unnecessary delays and shorten times to resolution.

In February 2020, the Common Law Division created a new Institutional Liability List. This list was created in response to an influx of cases brought by people seeking compensation in relation to sexual or physical abuse when they were a child. The Court welcomed the appointment of a second judicial registrar to support case management in the Judicial Review and Appeals List; the Trusts, Equity and Probate List; the Valuation, Compensation and Planning List; and the Property List. Like so many other areas of the Court, the division moved swiftly to virtual hearings in response to the pandemic, with judge-only trials instead of jury trials.



Matt Hall PSM
Chief Executive Officer

Strategic outlook

This snapshot of some of the work across the financial year reflected our overarching goal to be a modern superior court that is accessible to and trusted by all.

In November 2019, our Court released its 2020-25 Strategic Statement. That statement sets the direction for our strategic planning and is underpinned by some important values.

One of those values is fostering wellbeing and respect among our people. A respectful workplace is fair, positive and inclusive, with leaders who model ethical behaviour. In 2019-20, the Heads of Victorian Jurisdictions made a strong commitment to uphold the standards the community expects of us and do all we can to prevent and address improper conduct. As leaders, we will continue to do all we can to build a culture of respect in our Court.

Another value that underpins our work is embracing changes in technology and processes, while still respecting traditions that continue to serve the Court and the community well. For some years, our Court has been working to create a modern system of electronic filing (eFiling) and digitally enabled courtrooms, to provide a better service

for all court users. Significant progress was made in the reporting year, with eFiling launched in the Court of Appeal in September 2019 and all preparatory work completed in the Probate Office to provide an online method for solicitors and people representing themselves to apply for probate. We thank all involved in this transformational work, which ensured our Court was well placed to respond to the disruptive change that we experienced.

Delivering justice

Following public health advice, the Court worked closely with all other jurisdictions and Court Services Victoria (CSV) to build new technical capabilities, skills, procedures and processes to keep people safe while delivering justice. Responding to the pandemic brought out the very best in our people.

Hundreds of hearings went online, and by June 2020 most of our judicial officers and staff were operating off-site. This was a significant logistical operation in itself, and its success speaks volumes about everyone's adaptability, patience and perseverance.

We thank the many people who worked so quickly and with such goodwill during 2019-20.

We acknowledge and thank Louise Anderson in her role as chief executive officer of CSV, particularly her calm and supportive leadership as CSV and all jurisdictions faced the challenges and uncertainty of the pandemic. We also thank the legal profession for working so constructively with us as we moved to managing most appearances through the electronic and digital environment.

We could not have achieved what we did without the dedication and effort of our people. We sincerely thank our judges, associate judges, reserve judges, reserve associate judges, judicial registrars and staff for the work they do to build trust and confidence in our Court.

We would never have wished for change in the way it arrived in 2019-20. But in responding through necessity we have accelerated longer-term projects to continue to modernise the Court and honed our focus on the needs of our Court users. From here, we will continue to draw from the lessons learned in order to serve the community by upholding the law through just, independent and impartial decision making and dispute resolution.



The Honourable Anne Ferguson
Chief Justice of Victoria



Matt Hall PSM
Chief Executive Officer

COURT SNAPSHOT



New judicial officers

During the 2019–20 reporting period there were changes among the Court's judicial officers, including the appointment of three new judges, the elevation of a judge from the Trial Division to the Court of Appeal and changes to the roles of judicial registrars.

Justice Michael Sifris was appointed to the Court of Appeal from the Trial Division on 2 June 2020, and three judges were appointed to the Trial Division:

- Justice Lisa Nichols (22 October 2019)
- Justice Jim Delany (2 June 2020)
- Justice Kathryn Stynes (22 June 2020).

Judicial Registrar Julian Hetey was appointed an associate judge on 11 February 2020.

On 5 February 2020, Martin Keith was appointed as a judicial registrar, joining the Court's Common Law Division and working alongside Judicial Registrar Julie Clayton in a newly created position. Judicial Registrar Keith is responsible for early case management and hearing and determining interlocutory applications, primarily in the Court's Trusts, Equity and Probate List and Judicial Review and Appeals List.

The announcement that Tim Freeman and Fiona Steffensen would be appointed as judicial registrars was made on 23 June 2020. Judicial Registrar Freeman's role was effective 13 July 2020, and he fills the judicial registrar position in the Criminal Division following Judicial Registrar Mark Pedley's return to the Court of Appeal (see below). Judicial Registrar Steffensen's role was effective from 14 December 2020 and she fills the position vacated by former Judicial Registrar Julian Hetey.

The reporting period also marked the return of Judicial Registrar Mark Pedley to the Court of Appeal in March 2020. Judicial Registrar Pedley was one of the Supreme Court's first judicial registrars, working in the Court of Appeal from 2011 until 2015. He was appointed as judicial registrar in the Criminal Division in 2017, before his latest move back to the Court

of Appeal. Judicial Registrar Irving joined the Supreme Court in March 2016 as judicial registrar in the Court of Appeal. Judicial Registrar Irving moved to the Trial Division in March 2020, into a role previously held by former Judicial Registrar Daniel Caporale, who was farewelled from the Court on 28 February 2020 to become chief executive officer of the County Court of Victoria.

Key upgrades

During the 2019–20 financial year, the Court continued to adapt and transform both physically and digitally to continue operating as an outstanding, modern superior court.

Physical buildings

Critical building and infrastructure capital works projects continued to improve essential services across the Court's multiple sites.

The Court continued to look at how it could most effectively use its buildings and spaces, many of which are heritage listed. Upgrades designed to increase capacity and flexibility of courtrooms commenced in the Trial Division building. Jury boxes, witness stands and docks in Court 5, Court 10 and Court 12 were refitted and expanded to better allow both criminal and civil division matters to be accommodated under normal conditions. With the myriad challenges posed by the COVID-19 pandemic, the Court initiated a project to enable the resumption of criminal trials and to identify spaces that will allow for jury trials to be accommodated in a COVID-safe manner and in line with anticipated State Government advice on restrictions and social distancing requirements as the pandemic response develops.

The eCourts transformation project is rapidly drawing to a conclusion, with 13 courtrooms upgraded during the reporting period. These upgrades include a vast network of new cabling, television screens and acoustic improvements, allowing for virtual hearings, evidence display, improved video links with prisons, greater flexibility for witnesses and Court users, and

clearer audio quality. The changes will support the increasingly digital nature of hearings. The work that had been done pre-pandemic greatly assisted in transitioning the Court to a primarily remote operating model.

A detailed design to renew security infrastructure across the Court's buildings was also finalised by the Security, Risks and Assets team, with implementation works due to be completed in 2020–21, subject to funding.

eFiling

Provisions for electronic filing (eFiling) of documents continue to transform the work of the Court.

There was considerable planning and development to prepare for eFiling of probate matters to allow solicitors and self-represented litigants to apply for grants of probate and administration, and track their applications online. The transition will be completed in the next reporting period.

The Court of Appeal also introduced eFiling in September 2019. All registries are now operating with the eFiling system following the earlier transition of the Commercial Court, Common Law Division and Costs Court in July 2018, and the Criminal Division in January 2019.

Engaging the community

The Court continued to engage with the public, the legal profession and students in 2019–20.

The Court of Appeal sat in Mildura and the Latrobe Valley, although circuits planned for Horsham and Ballarat did not proceed because of COVID-19 restrictions. In October 2019, however, the Court of Appeal sat at a university for the first time, with Monash University's Law School making its moot court available.

The Court continued to be active on Twitter and Facebook. Tweets more than doubled in 2019–20, with 328 tweets by the Court, compared with 140 in 2018–19. Follower numbers grew by more than 7%, from 17,715 to 19,072. The Court also

made 92 posts on Facebook during the financial year, with follower numbers growing by more than 15%, from 2,497 to 2,888.

Following on from the successful release of seven episodes of the Court's *Gertie's Law* podcast in 2018-19, a further seven episodes were made and released between 1 July and 11 September 2019. In April 2020, *Gertie's Law* was recognised at the *New York Festivals Radio Awards*, winning the Education Podcast category from a shortlist of international entrants. As at 30 June 2020, the full 14 episodes have been downloaded 233,717 times across 137 countries.

Prior to COVID-19, the Court held several community engagement events. On Sunday 28 July 2019, roughly 2,000 people visited the Trial Division building, including the Law Library of Victoria, Court 4 and Banco Court, as part of the Open House Melbourne festival. Planning was underway for the Supreme Court to participate in the annual Courts Open Day, held as part of the Victoria Law Foundation's Law Week in May 2020. However, the event was cancelled in March 2020 as a result of COVID-19.

The Law Library of Victoria also launched a refreshed website in early 2020, improving the search function and providing seamless access to authoritative legal information when and where members of the judiciary and the legal profession needed. Additional exclusive content was also made available to practitioners. With the temporary closure of physical library spaces on 25 March 2020, the website became the primary place to access library services. The library conducted more than 33 inductions and legal database training sessions for legal practitioners, and more than 1,052 practitioners attended library events in 2019-20.

Response to COVID-19

The onset of COVID-19 saw changes to the way judicial officers and Court staff worked, how the Court provided services and how matters and hearings were conducted. Many projects planned for the months and years ahead were accelerated in response to a need for remote and partially remote Court arrangements.

Preparing the Court

When the pandemic struck, the Court activated its Business Continuity Plan, supported by a team drawn from across different areas of the Court. As part of that response, a Virtual Hearing Taskforce was established on 19 March 2020 to oversee the development of broader solutions, processes and procedures to support a virtual hearing model, where matters could be heard with some or all participants connecting remotely. Much of the work of the Taskforce has now been incorporated into the relevant business-as-usual teams, particularly the IT and Digital Support and Digital Litigation teams.

The IT and Digital Support team also steered a number of infrastructure, hardware, software and platform integration and upgrade projects, including expanding the IT service desk function to assist the Court to seamlessly transition to a predominantly remote working model.

The People, Wellbeing and Culture team prepared information guides and assistance for Court staff working remotely and on-site, introduced a variety of wellbeing initiatives, and conducted virtual ergonomic assessments. The team coordinated the delivery of a wide range of equipment to judicial officers and staff to ensure proper occupational health and safety standards were maintained while working remotely.

Additionally, guided by specialised advice in relation to COVID-safe practices, procedures and systems to ensure the safety of people working in and visiting the Court's buildings were developed and implemented.

Sharing information with Court users and the legal profession

A virtual hearings page was established on the Court's website, and a range of publications to assist the legal profession with the transition to virtual hearings was developed, including an explanation of virtual hearings in the Court, technical FAQs and platform user guides for remote access technology.

The Court ensured that the legal profession was kept aware of developments and changes as the year progressed. In May 2020, for example, Chief Justice Anne Ferguson participated in an online webinar with the Victorian Bar and spoke about how COVID-19 was impacting the Court. The Court also assisted the ABC with a news story about how virtual hearings and videoconferencing were being used.

In another example, on 11 June 2020 the Supreme Court and the County Court jointly hosted the webinar 'The dos and don'ts of virtual hearings', with more than 240 members of the legal profession participating. The webinar took form of a panel discussion between the Supreme Court's Justice Andrew Keogh and Judicial Registrar Julie Clayton, County Court Judge Arushan Pillay and Richard Attiwill QC. The panel discussed their experience with virtual hearings and provided their dos and don'ts and tips and tricks, from putting yourself on mute when not speaking to cross-examining witnesses in virtual proceedings. Webinar participants had the opportunity to submit questions to the panel via a live Q&A function.

Remote hearings and access

Across the Court's divisions, technology such as Webex, Zoom and Vimeo was used to facilitate virtual hearings (with all parties and judicial officers appearing remotely) or partially virtual hearings, and remote access to hearings for observers. Between 16 March and 30 June 2020, the Court held 2,575 virtual hearings in addition to hundreds of other online court meetings. Of those virtual hearings held, 65% were held via Zoom and 25% via Webex, with the remainder using teleconference and Skype technology. On 28 April 2020, changes were approved to enable the daily

hearing list to reflect the current methods of hearing matters, including virtual hearings.

Vimeo video streams, which allowed observers to remotely view hearings without having to be connected via Webex or Zoom, were also used, avoiding overburdening the remote hearing technology and ensuring that hearings remained accessible to a wide range of participants. Many judgments and decisions were also sent by email to the parties and some matters were determined 'on the papers', so physical attendance at the Court would not be required.

Conduct of proceedings

Jury trials in both the Criminal Division and the Common Law Division were suspended from mid-March 2020. In the Common Law Division, save for exceptional circumstances, trials in which parties had requested a jury proceeded before a judge sitting alone. Significant work was undertaken by the Criminal Division, including consulting with the legal profession and other courts, to prepare for jury trial resumptions with COVID-safe measures, implement changes allowing for judge-alone trials, and judge-alone fitness investigations and special hearings. The Criminal Division also introduced a system for fast-tracking homicide cases from the Magistrates' Court to relieve the pressure of their growing backlog and to expedite Supreme Court cases into its jurisdiction.

Alternative Dispute Resolution Centre

In late March 2020, the Alternative Dispute Resolution (ADR) Centre transitioned to an entirely remote operating model, conducting all mediations via Zoom. The efficiencies of online operations, including removing the need for parties to travel and managing the availability of rooms, allowed more matters to be accommodated.

This coincided with a change to mediation eligibility which saw the Centre receive 27% more referrals than the previous financial year. In 2019-20, resolutions at mediation saved 1,209 trial days, while

further savings were achieved through the narrowing of issues as a result of mediation.

Court registries

Registries across the Court adjusted their operations to ensure there was minimal disruption to service delivery. As the Court had already transitioned to eFiling in many areas, it was well placed to commence working remotely. Solutions were also found for elements of the Court's operations that were not yet digitised, including subpoena management and document delivery. A limited on-site registry presence was also maintained throughout the pandemic. Registry doors remained open for those members of the Victorian community that required in-person support, within the health restrictions issued by the Chief Health Officer. The Probate Office dispensed with the requirement to file an affidavit of searches on the day of filing an application, enabling all applications to be filed via post (pending the introduction of eFiling for probate matters).

Law Library of Victoria

The Law Library of Victoria provided 24/7 access to full-digital services for judicial officers, practitioners and library staff working from home. Key decisions made early ensured the Library was able to maintain services and extend the digital offering to legal practitioners, in particular through publisher offers and fast-tracking digital access projects. Legal practitioners were also provided with unprecedented, continuous access to an extended range of curated content via the library website. A webpage was also developed listing freely available resources on the public website.

New lawyers

Due to restrictions on crowd numbers implemented in March 2020, the Court suspended admission ceremonies for new lawyers. Before the suspension, 1,311 lawyers were admitted in person. An 'on the papers' method was developed, where new lawyers electronically submitted their signatures, which were then added to the physical roll. During the reporting period, 543 lawyers were admitted in this way.

WORK OF THE COURT



Court of Appeal

ABOUT THE DIVISION

The Court of Appeal hears appeals from decisions made in the Supreme and County Courts as well as some decisions of the Victorian Civil and Administrative Tribunal (VCAT). The Court reviews the record of the trial in order to decide whether it was conducted properly and that the law was correctly applied.

The Court hears both civil appeals and criminal appeals.

Key points

1

The Court of Appeal marked its 25th anniversary in 2020.

2

New matters filed decreased 20%, while finalisations increased 8%, resulting in pending matters decreasing 12%.

3

Courtroom technology upgrades enabled hearings to continue during COVID-19 restrictions, improving access for the press and public to view proceedings remotely.

Overview

Both the criminal and civil divisions saw an increase in the median finalisation time (civil: 7.4 months to 8.9 months; criminal: 7.4 months to 10.4 months), linked to an increase in complex and urgent matters. Applications related to the Royal Commission into the Management of

Police Informants required particularly lengthy preparation time.

The clearance rate of matters over 12 months old declined, although the Court met case backlog and on-time case processing benchmarks.

Total cases (appeal and leave to appeal)

	2018-19	2019-20	Variance
Initiations	450	361	-19.8%
Finalisations	372	400	7.5%
Pending	316	277	-12.3%

Civil cases

Civil cases

	2018-19	2019-20	Variance
Initiations	153	121	-20.9%
Finalisations	129	140	8.5%
Pending	108	89	-17.6%

CHIEF JUSTICE

Chief Justice Ferguson

PRESIDENT

Justice Maxwell

JUDGES

Justice Tate

Justice Whelan

(retired March 2020)

Justice Priest

Justice Beach

Justice Kyrou

Justice Kaye

Justice McLeish

Justice Niall

Justice Hargrave

Justice T Forrest

Justice Emerton

Justice Sifris

*(appointed June 2020)***ADDITIONAL JUDGES OF APPEAL**

Justice Croucher

Justice Incerti

Justice Riordan

Justice Kidd

Justice Kennedy

Justice Quigley

Justice Taylor

Justice Tinney

RESERVE JUDGES

Justice Ashley

Justice Weinberg

Justice Osborn

Justice Lasry

JUDICIAL REGISTRARS

Judicial Registrar Irving

(until March 2020)

Judicial Registrar Pedley

*(from March 2020)***Clearance rate and on-time case processing**

	2018–19	2019–20	Benchmark
Clearance rate	85%	116%	100%
Cases finalised within 12 months	88%	68%	75%
Cases finalised within 24 months	98%	100%	90%
Cases finalised >24 months	1%	0%	0%

Median time to finalisation (months)

	2018–19	2019–20
Civil appeals	7.39	8.9

Criminal cases**Criminal cases**

	2018–19	2019–20	Variance
Initiations	297	240	-19.2%
Finalisations	243	260	7.0%
Pending	208	188	-9.6%

Clearance rate and on-time case processing

	2018–19	2019–20	Benchmark
Clearance rate	82%	108%	100%
Cases finalised within 12 months	87%	64%	75%
Cases finalised within 24 months	100%	100%	90%
Cases finalised >24 months	0%	0%	0%

Median time to finalisation (months)

	2018–19	2019–20
Appeals against conviction/conviction and sentence	9.6	12.90
Appeals against sentence only	7.4	10.50
Time to finalisation (total for all criminal cases)	7.4	10.40

Court of Appeal's 25th anniversary

June 2020 marked 25 years since Victoria first gained a permanent appellate court. After a ceremonial sitting on 8 June 1995, the first appeal was heard on 13 June 1995, which is honoured as the Court of Appeal's anniversary.

The inaugural president, Justice John Winneke, held office until 2005, succeeded by Justice Maxwell. Originally comprising 8 permanent judges (including the Chief Justice), there are now 13 permanent members.

Circuit sittings

The Court has regular circuit sittings in regional Victoria. In 2019-20, the Court sat at Mildura (August 2019) and the Latrobe Valley (March 2020). COVID-19 restrictions prevented circuits planned for Horsham (May 2020) and Ballarat (May 2020).

Monash University sitting

In October 2019, the Court of Appeal sat for the first time at a university. An appeal hearing against conviction and sentence for drug-related offences was held at Monash Law School's moot courtroom. While the judges and lawyers were present in the courtroom, the applicant appeared via video link. This sitting gave law teachers and students an opportunity to witness an appeal hearing and meet judges of appeal.

Webcasting and livestreaming

The Court continued webcasting some criminal applications and livestreaming matters of high public interest, including the two-day hearing (and publication of judgment) in *George Pell v The Queen* [2019] VSCA 186. Judgments in *Orman v*

The Queen [2019] VSCA 163, *Cardamone v The Queen* [2019] VSCA 190, *Hague v The Queen* [2019] VSCA 218, *Aston v The Queen* [2019] VSCA 225, *DPP v Ristevski* [2019] VSCA 287 and *Jaymes Todd v The Queen* [2020] VSCA 46 were also recorded and made available.

eFiling Court documents

In September 2019, the Court of Appeal introduced eFiling of criminal and civil appeal documents through the RedCrest system. Parties can also access copies of selected documents through RedCrest.

COVID-19 response

Courtroom technology upgrades enabled the hearing of most listed matters during the COVID-19 pandemic. While initially parties appeared remotely, ultimately all parties and judges appeared remotely as restrictions increased. Private links on Vimeo allowed remote viewing of proceedings by parties, the press and the public, avoiding overburdening the remote hearing technology.

Virtual hearing technology will continue to be used post-COVID-19, given they provide greater capacity for the press and the community to view proceedings.

Changes to appeals legislation

In December 2019, new provisions of the *Criminal Procedure Act 2009* came into force, allowing for second or subsequent appeals against conviction.

A convicted person who has already exhausted rights of appeal may seek to bring a new appeal, provided there is fresh and compelling evidence showing a substantial miscarriage of justice has occurred. Former clients of barrister Nicola Gobbo, whose conduct is being examined by the Royal Commission into the Management of

Police Informants, filed several of these applications. The *Supreme Court (Criminal Procedure) Rules 2017* were subsequently updated and Practice Note SC CA 4 'Second or subsequent appeal against conviction for an indictable offence' was issued.

Community engagement

Following the successful pilot of a one-day student observation program, the Court of Appeal hosted Victorian university law students. Students had the opportunity to meet judges, Court staff and counsel and observe an appeal proceeding. The program is expected to continue.

Appeal judges met with community organisations, legal practitioners and local students while on circuit, enabling the judges to talk about the work of the Court and gain an understanding of challenges facing regional communities.

Court of Appeal Registry

The Court of Appeal Registry is responsible for the administrative functions of the Court. Judicial Registrar Mark Pedley and registry staff, including deputy registrars (legal and administration), lawyers and registry officers, work collaboratively to support judges, the legal profession and the public and ensure the efficient management of matters.

Registry officers undertake legal and administrative functions, including case managing criminal and civil applications, providing procedural advice and listing appeals or applications for hearing.

Lawyers within the Court actively manage matters from commencement to completion, working closely with judges and their staff to ensure they have all the relevant information to make a decision, such as preparing a summary of facts and issues arising in an appeal.

Trial Division

Criminal Division

ABOUT THE DIVISION

The Criminal Division hears and determines the most serious criminal cases prosecuted in Victoria, such as murder, manslaughter and attempted murder, as well as other very significant criminal prosecutions such as terrorism offences, major fraud and drug offences. The Criminal Division also hears appeals against convictions and sentences imposed by the chief magistrate and the president of the Children's Court, and applications and reviews under various legislation, including the *Bail Act 1977*, the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, and the *Serious Offender Act 2018*.

Key points

1

A dynamic response to the impact of the COVID-19 pandemic included the introduction of entirely remote hearings via Webex, reforms to the Criminal Division's bail listing practices and procedure and adoption of a more intensive case management approach to criminal trials.

2

More accused had their cases finalised by way of trial than in the previous two financial years despite the suspension of jury trials from March 2020.

3

The 'fast-tracking' of homicide cases was introduced from March 2020 and involved the Criminal Division managing a number of pre-trial steps normally conducted during a committal hearing. This process aimed to relieve some of the listing pressures on the Magistrates' and Children's Courts during the COVID-19 pandemic.

Overview

The 2019-20 financial year was like no other in the history of the Criminal Division. The impact of the COVID-19 pandemic on the entire criminal justice system required a dynamic and flexible response from the Criminal Division to ensure the state's most serious criminal cases continued to progress to determination.

Key performance indicators such as clearance rates, case backlog and on-time case processing, show that the Criminal Division played an important role in the continued delivery of justice, despite the challenges caused by the pandemic from mid-March 2020. The most significant challenge was the suspension of jury trials for the remainder of the financial year.

A move to entirely remote hearings via online video conferencing software (Webex) from March 2020 required the devotion of significant resources and training, but was overall a success.

The Criminal Division's case clearance rate in 2019-20 was 120%. Lower than usual initiations had an impact on this indicator: there were no new Commonwealth prosecutions initiated during this financial year, and the pandemic slowed, but did not entirely halt, new initiations. This

clearance rate was the culmination of approximately 2 years of heightened trial activity, with the number of pending cases being reduced from 140 in January 2019 to 86 at the end of 2019-20.

During the reporting period, the number of pending cases aged greater than 12 months more than halved to 20 cases, compared to a high of 45 in April 2019. The number of complex Commonwealth cases also reduced to just 4, after being as high as 25 (in November 2018). This is important as the complexity of Commonwealth cases, together with the required commitment of judicial resources and number of hearing days, can significantly impact the Criminal Division's overall performance data.

On-time case processing, which measures time from initiation to finalisation, shows cases took longer to finalise in 2019-20 than in previous years. This is not a consequence of the pandemic, as cases impacted by the pandemic are yet to finalise and are therefore not captured in this measure. Seventeen per cent of cases that finalised this financial year were aged over 24 months, compared with about three per cent in the previous financial year. This longer-than-usual time to finalisation can be attributed primarily to

PRINCIPAL JUDGE

Justice Hollingworth

JUDGES

Justice Hollingworth
Justice Croucher
Justice Beale
Justice Jane Dixon
Justice Champion
Justice Taylor
Justice Tinney

RESERVE JUDGES

Justice Coghlan
Justice Lasry

**JUDGES WHO SERVED IN
THE DIVISION IN 2019-20**

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 Incerti (*Common Law Division*)
Justice Macaulay (*Common Law Division*)
Justice Keogh (*Common Law Division*)
Justice Riordan (*Commercial Court*)
Justice Elliott (*Commercial Court*)
Justice Almond (*Commercial Court*)
Justice Nichols (*Commercial Court*)
Justice Weinberg (*Reserve Judge*)

JUDICIAL REGISTRAR

Judicial Registrar Pedley
(until February 2020)

the finalisation of a number of complex Commonwealth cases – 14 over this financial year alone, compared with 20 over the preceding 4 financial years combined – as well as the finalisation of 2 long-standing prosecutions (involving 5 separate accused) connected with the Hazelwood mine fire.

Additionally, the Criminal Division reduced its backlog of cases aged greater than 12 months to the lowest level since early 2018, largely due to the finalisation of the Hazelwood mine proceedings.

The impact of the pandemic

The impact of the pandemic on the Criminal Division's key performance indicators was modest for the 2019-20 financial year, but will continue to manifest in the next financial year and beyond.

In the last quarter of 2019-20 during the first phase of the pandemic, the Criminal Division was still able to finalise 34 indictment cases despite the suspension of jury trials from 16 March 2020. This is compared with 32 finalisations for the same period in the previous financial year.

The Criminal Division did not see a substantial decline in cases being committed despite the suspension of committal proceedings in the Magistrates' Court. In collaboration with the Magistrates' Court, the Criminal Division introduced a new initiative to 'fast-track' murder and manslaughter cases to the Supreme Court. This process, aimed at assisting the Magistrates' Court with its backlog of committal proceedings and expediting cases into the jurisdiction of the Supreme Court, involves an accused electing to be committed to the Supreme Court prior to the substantive committal process occurring. Instead, pre-trial case management, including resolving issues around disclosure and pre-trial examination of prosecution witnesses pursuant to s 198B of the *Criminal Procedure Act 2009*, are managed in the Supreme Court.

During the last quarter of 2019-20, 16 cases were committed to the Supreme Court, including 11 under the 'fast-track'

option. This is compared to 12 cases during the same period in 2018-19.

The rapid move to virtual hearings was also a hallmark of the pandemic, and was integral to the continuation of the Criminal Division's work while movement was restricted within the community. Using Webex, judicial officers and Court staff, the accused, their lawyers and the prosecution all appeared at hearings remotely. Two-thirds of hearings in the last quarter of 2019-20 were conducted virtually, with at least one participant (excluding the accused or applicant) appearing remotely from the courtroom.

Bail applications increased significantly from March 2020. Over the last quarter of 2019-20, the highest quarterly number of new bail applications on record were made (65 applications), 91% higher than the equivalent period in the previous financial year.

To avoid significant interruptions to those subject to Crimes (Mental Impairment and Fitness to be Tried) Act ('CMIA') orders, CMIA matters were managed largely 'on the papers', overseen primarily by Justice Taylor. Eight matters were determined or otherwise dealt with during the last quarter of 2019-20, half of which were in accordance with the Court's guidance 'Managing Crimes Mental Impairment applications during COVID-19'. One other matter was adjourned to February 2021 in light of the impact of COVID-19 on the reviewee's plans for transitioning into the community that are to be presented at the upcoming review.

Virtual hearings

The introduction of eFiling in 2019 meant that the Criminal Division was well-equipped to move towards entirely virtual hearings during the pandemic. The eCourt transformation project also meant that most of the Criminal Division's courtrooms were already equipped to facilitate entirely remote hearings, with the balance upgraded towards the end of the financial year.

Close collaboration with other jurisdictions, as well as Corrections Victoria and other Court users, was required in order to ensure all parts

of the justice system integrated to accommodate remote hearings. This required extensive consultation between the Criminal Division and Corrections Victoria in particular, which assisted in the rollout of Webex technology in Victorian prisons.

Significant legislative reforms

The *COVID-19 Omnibus (Emergency Measures) Act 2020* (the COVID Act) introduced a number of significant changes to practice and procedure across the Criminal Division from April 2020. The COVID Act made amendments to the Criminal Procedure Act, the Bail Act, the CMIA, the *Oaths and Affirmations Act 2018*, the *Open Courts Act 2013* as well as a number of other acts and regulations relevant to the operations of the Criminal Division.

Significantly, for the first time in Victoria's history, the COVID Act introduced the option of judge-alone trials for prosecutions on indictment in the superior courts. It also introduced judge-alone fitness investigations and special hearings for proceedings under the CMIA. The full impact of these, and other changes introduced under the COVID Act, did not fully materialise given their introduction in the fourth quarter of the financial year. However, the Criminal Division undertook significant work to prepare for and implement these changes, including extensive consultation with the profession and other courts, intensive case management of trial matters to determine their suitability for judge-alone trials and the publication of protocols and guides for the legal profession, such as the 'COVID-19 trial by judge-alone' protocol, and a guide to the fast-tracking of homicide cases.

Additionally, significant work was undertaken in the fourth quarter of the financial year to prepare for the resumptions of jury trials when the

Trials and pleas

Finalised trials and pleas

	2018-19	2019-20
Trial/special hearing ¹	34	39
Plea ²	71	53
Discontinuance	7	4
Transfer to County Court	8	7
Other ³	1	6
Total	121	109

¹ This category includes cases finalised by way of a jury verdict as well as CMIA findings – consent or otherwise.

² Cases where there is a plea of guilty during trial are counted within the 'Plea' category.

³ 'Other' includes proceedings where a stay of the prosecution was ordered.

easing of restrictions permitted it.

Overall, trial activity was down in 2019-20 to 579 days compared with 903 days in 2018-19. This can be attributed to the suspension of jury trials from 16 March 2020. At the end of February 2020, the Criminal Division had heard 506 trial days. Over the last 4 financial years, the Criminal Division had heard an average of 413 trials days by the end of February. Only 2018-19 had more trial days by the end of February (559 days).

Criminal applications

In addition to hearing and determining serious criminal cases on indictment, the Criminal Division deals with a large volume of criminal applications. These applications are mainly those made pursuant to the Bail Act, the CMIA and Serious Offenders Act. The Criminal Division also determines a significant volume of confidential and covert applications under various Victorian and Commonwealth Acts, which are further

detailed below. In 2019-20, the Criminal Division heard 385 criminal applications, compared with 392 in 2018-19.

Of all applications dealt with by the Criminal Division, bail applications were the most significantly impacted by the pandemic. In relation to CMIA applications, as noted above, the Criminal Division implemented a COVID guidance, 'Managing Crimes Mental Impairment applications during COVID-19', which allowed for a more flexible approach to CMI applications and reviews, particularly due to the limitations on in-person hearings and clinician contact with patients. Almost all covert or confidential applications, traditionally heard in closed court, were determined on the papers without appearances by the parties in court during the pandemic. This was achieved as a result of cooperation from the investigative agencies, their legal representatives and the Office of the Public Interest Monitor.

Bail related applications

The pandemic had a significant impact on the number of bail applications made in 2019-20. Of the total of 210 bail applications, 44% (92 applications) were filed, heard and determined during the pandemic, despite the pandemic accounting for just over a quarter of the financial year. During the final quarter of 2019-20, the Criminal Division recorded the highest-ever number of primary bail applications initiated (65 applications). The next highest number by quarter (54 applications) was initiated in the second quarter of 2017-18.

	2018-19	2019-20
Bail related applications heard ¹	197	210

¹ The 'heard' figures in the above table include straight-forward extensions and variations granted 'on the papers' or pursuant to an oral application. The number of these secondary orders/applications is disproportionately high relative to the number of primary applications filed that typically consume more judicial time.

Serious Offenders Act proceedings

Following the significant increase in detention and supervision order applications last financial year due to the commencement of the new Serious Offenders Act (which expanded the regime to capture serious violent offenders), in 2019-20 the Criminal Division again heard 17 serious offender proceedings. Included in that number are two prosecutions for contraventions of supervision order conditions, the same

	2018-19	2019-20
Serious Offender Act applications, reviews and breaches heard	17	17

as last financial year. This represents a sustained increase from the previous financial years in which no contravention proceedings were heard between 2012-13 and 2017-18. The increase can largely be attributed to the increase in

offenders made subject to supervision orders by the Court. During 2019-20, the Court also used its power to make an emergency detention order under the Serious Offenders Act for the first time.

CMIA proceedings

People placed on custodial or non-custodial supervision orders by the Court following a finding under the CMIA are managed by the Criminal Division for the duration of that order, including hearing applications for variation or revocation of supervision orders, applications for extended leave, court-ordered reviews and major reviews required by the CMIA.

During the pandemic, between April and June 2020, eight CMIA matters were heard. Four were determined on the papers in chambers following

	2018-19	2019-20
CMIA applications and reviews heard ¹	35	33

¹ This only involves applications and reviews following the imposition of a supervisory order – it does not include CMI findings – consent or otherwise.

agreement by the parties. In some matters where agreement on a particular issue could not be achieved, a virtual hearing took place. Practitioners in these matters were especially proactive in confining the issues requiring viva voce

evidence, and a number of matters were determined by way of further written submissions or addendums to expert reports where appropriate.

Confidential applications

Each year, the Criminal Division determines a large number of confidential or covert applications, which are dealt with in closed court or on the papers. The majority of confidential applications are made under the *Surveillance Devices Act 1999*, but in 2019–20 the Criminal Division also heard a number of applications under the *Major Crimes (Investigative Powers) Act 2004*, the *Witness Protection Act 1991*, the

	2018–19	2019–20
Confidential applications heard	143	125

Independent Broad-based Anti-corruption Commission Act 2011 and the *Service and Execution of Process Act 1992*.

During the pandemic, the Court experienced a significant decrease in

the number of confidential applications brought during periods of restricted movement in the community. Significantly, the Court heard only 15 applications in the last quarter of 2019–20, compared to 35 in 2018–19.

Circuit sittings

A fundamental element of the criminal justice system is access to justice regardless of physical location, remote or otherwise. Hearing and determining cases in regional court locations is therefore an important part of the Criminal Division's work. In 2019–20, there were 106 hearings in the 8 regional courts of Ballarat, Bendigo, Geelong, Horsham, Mildura, Morwell, Shepparton and Warrnambool.

As was the case with Melbourne jury trials, all regional sittings were suspended from mid-March 2020 due to the pandemic. This prevented the Court from attending a number of circuit sittings that had been listed in the final quarter of the financial year. Nonetheless, in conjunction with the County Court, significant work and planning commenced during the end of 2019–20 around the return of regional sittings as soon as circumstances permit.

Criminal Division Registry

The Criminal Registry provides specialist legal and administrative support to the judges of the Criminal Division. Judicial Registrar Pedley worked with the Criminal Division until February 2020, after which he took up the role of Judicial Registrar of the Court of Appeal.

The start of the pandemic in March led to huge changes in the operations of

the Court and the Criminal Division. The Criminal Registry played a key role in this work, including supporting the Criminal Division through the transition to virtual hearings, leading discussions around management of CMIA matters with stakeholder groups, designing and implementing electronic filing methods where material was unable to be eFiled via RedCrest due to the sensitivity of the material or its size, and focusing on continually improving internal practices to dynamically respond to the challenges the pandemic presents to a court environment.

Engaging with Court users

The Criminal Division Liaison Group met on a number of occasions during the year. Chaired by Justice Hollingworth, the group comprises representatives from the Office of Public Prosecutions (Vic), Commonwealth Director of Public Prosecutions, Law Institute of Victoria, Criminal Bar Association, Victoria Legal Aid, Victoria Police and the other courts.

Meetings of this group are an essential form of communication between the Court, the profession and other Court users, providing a forum for consultation with and feedback from Court users on changes to practice and procedure within the Criminal Division. The Court thanks the constructive and collaborative manner in which members of this group have worked with the Criminal Division,

particularly in relation to the significant changes to operations that were introduced in response to the pandemic.

The Criminal Division also participated in a number of projects and working groups led by external stakeholders, including:

- the Intermediary Pilot Program (IPP) Multi-Jurisdictional Committee, which has developed a consistent approach to practice and procedure in relation to the use of intermediaries for child and cognitively impaired witnesses in criminal proceedings
- the Body Worn Camera Reference Group, which involved input on the implications and impact of the body-worn camera roll-out by Victoria Police across the justice system
- the Summary Appeals Reform Working Group, whose focus is on the procedural changes required to implement reforms relating to *de novo* appeals
- the AVL Scheduler Replacement Project Working Group
- a number of different cross-jurisdictional collaboration efforts in response to the COVID-19 pandemic.

Trial Division

Commercial Court

ABOUT THE DIVISION

The Commercial Court determines commercial disputes, including complex matters involving significant monetary claims. Judges with extensive commercial expertise and experience oversee both generalist and specialist lists within the division, and are supported by associate judges, judicial registrars and the specialist Commercial Court Registry.

Key points

1

In response to the COVID-19 pandemic, the Court rapidly embraced technology to continue hearings remotely wherever possible and minimise adjournments.

2

Initiations spiked at the onset of COVID-19, with overall workload across the division remaining consistent throughout the reporting period.

3

The Court implemented early triaging of cases to reduce unnecessary delays and shorten times to resolution.

Overview

The Commercial Court's workload remained consistent during the reporting period, with initiations decreasing 5.8% and finalisations decreasing 1.4% compared to 2018-19. However, these decreases were generally 'corporations – winding up in insolvency' and 'mortgage recovery' matters, both of which were subject to changed regulatory conditions to avoid unnecessary insolvencies due to COVID-19.

The division's overall clearance rate was 112%, surpassing the benchmark of 100%. In addition, 82% of cases were processed within 12 months of initiation, exceeding the benchmark of 75%, while 88% of

cases were processed within 24 months of initiation, just below the benchmark of 90%. Pending matters also decreased 16.3% during 2019-20.

These results have been achieved despite the impact of COVID-19 and matters within the division becoming more complex. Commercial proceedings are underpinned by the Court's long-term move towards eFiling, electronic court files and digital litigation. Continued reforms also contributed to the results, such as some less-complex matters being dealt with by associate judges and judicial registrars, thus freeing judges up for more involved cases.

Total Cases

	2018-19	2019-20	Variance (%)
Initiations	2,727	2,570	-5.8%
Finalisations	2,916	2,876	-1.4%
Pending	1,874	1,568	-16.3%

Clearance rate and on-time case processing

	2018-19	2019-20	Benchmark (%)
Clearance rate	106.9%	111.9%	100%
Cases finalised within 12 months	82.0%	82.3%	75%
Cases finalised within 24 months	90.7%	88.4%	90%
Cases finalised >24 months	9.3%	11.6%	0%

PRINCIPAL JUDGE

Justice Riordan

JUDGESJustice Bell *(until 12 March 2020)*Justice Croft *(until 5 October 2019)*Justice Sifris *(until 1 June 2020 –
elevated to Court of Appeal)*

Justice Almond

Justice Digby

Justice Elliott

Justice Sloss

Justice Kennedy

Justice Connock

Justice Lyons

Justice Nichols

*(from 22 October 2019)*Justice Delany *(from 2 June 2020)*Justice Stynes *(from 22 June 2020)***RESERVE JUDGES**

Justice Robson

Justice Garde

ASSOCIATE JUDGES

Associate Justice Derham

(until 10 January 2020)

Associate Justice Efthim

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Randall

Associate Justice Hetyey

*(from 11 February 2020)***RESERVE ASSOCIATE JUDGE**

Associate Justice Derham

*(from 5 March 2020)***JUDICIAL REGISTRARS**

Judicial Registrar Hetyey

(until 10 February 2020)

Judicial Registrar Matthews

Judicial Registrar Caporale

(until 2 March 2020)

Judicial Registrar Irving

(from 10 March 2020)

Judge-managed cases

Commercial Court judge-managed initiations decreased 1.2%, a difference of only 5 cases compared with the previous financial year. Finalisations increased 3.8% and pending judge-managed cases decreased a significant 22%. These results are both positive and unexpected given the restrictions and challenges presented by COVID-19.

Judge-managed caseload

	2018–19	2019–20	Variance (%)
Initiations	402	397	-1.2%
Finalisations	558	579	3.8%
Pending	846	664	-21.5%

Judge in chargeJustice Sifris (*until 1 June 2020*)Justice Connock (*from 1 June 2020*)**Judges**

Justice Kennedy

Justice Connock

Justice Robson (*reserve judge*)**Associate judges**

Associate Justice Efthim

Associate Justice Gardiner

Associate Justice Randall

Associate Justice Hetyey

(*from 11 February 2020*)**Judicial registrars**

Judicial Registrar Hetyey

(*until 10 February 2020*)

Judicial Registrar Matthews

Judicial Registrar Irving

(*from 10 March 2020*)**Judge in charge**

Justice Digby

Judge in charge

Justice Stynes

Judge in charge

Justice Croft

(*until 5 October 2019*)

Justice Kennedy

(*from 6 October 2019*)**Deputy judge in charge**

Justice Kennedy

(*until 5 October 2019*)

Corporations List

The Corporations List manages applications brought under the *Corporations Act 2001* (Cth) and the *Australian Securities and Investments Commission Act 2001* (Cth) and constitutes a significant proportion of the division's workload.

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

Corporations List

	2018-19	2019-20	Variance (%)
Initiations	1,251	1,257	0.48%
Finalisations	1,370	1,402	2.34%
Pending	599	453	-24.37%

Despite the decrease in 'corporations - winding up in insolvency' matters, initiations and finalisations in Corporations List proceedings remain consistent.

Technology, Engineering and Construction List

The Technology, Engineering and Construction List draws together three strands of related disputes in these three areas.

Technology, Engineering and Construction List

	2018-19	2019-20	Variance (%)
Initiations	35	42	20.0%
Finalisations	42	33	-21.4%
Pending	49	58	18.4%

Taxation List

The Taxation List hears taxation-related Victorian Civil and Administrative Tribunal appeals 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.

Taxation List

	2018-19	2019-20	Variance (%)
Initiations	15	20	33.3%
Finalisations	19	22	15.8%
Pending	16	14	-12.5%

Judge in charge

Justice Croft
(until 5 October 2019)

Justice Riordan
(from 6 October 2019)

Deputy judge in charge

Justice Riordan
(until 5 October 2019)

Justice Lyons

Judge in charge

Justice Almond

Judges in charge

Justice Digby

Arbitration List

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

Arbitration List

	2018–19	2019–20	Variance (%)
Initiations	9	15	66.7%
Finalisations	9	9	0.0%
Pending	2	8	300.0%

Insurance List

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.

Insurance List

	2018–19	2019–20	Variance (%)
Initiations	7	9	28.6%
Finalisations	7	4	-42.9%
Pending	9	14	55.6%

Admiralty List

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

Admiralty List

	2018–19	2019–20	Variance (%)
Initiations	5	0	-100.0%
Finalisations	2	3	50.0%
Pending	5	2	-60.0%

Judge in charge

Justice Elliott

Intellectual Property List

The Intellectual Property List is suitable for matters concerning allegations of infringement or determination of intellectual property, including copyright, design, patents and trademarks.

Intellectual Property List

	2018-19	2019-20	Variance (%)
Initiations	3	4	33.3%
Finalisations	4	4	0.0%
Pending	5	5	0.0%

Impact of COVID-19 and operating remotely

Impact on workload

There was a significant spike in initiations in March 2020 when COVID-19 restrictions were commencing. By 31 March 2020, initiations across the entire Commercial Court had increased almost 10% compared to the same time last year.

Registry staff triaged an influx of requests for urgent applications. The most urgent matters were referred to the duty judge, as per usual practice. However, some matters, while not requiring a duty judge, were nevertheless relatively urgent. These applications often related to the anticipated effects of COVID-19 on businesses and litigation, and were prioritised during the case allocation process.

To facilitate urgent applications, a 'Notice to the Profession – Urgent Applications in the Commercial Court – COVID-19', provided guidance on how the division would manage these types of matters during the pandemic.

The greatest impact was felt in 'corporations – winding up in insolvency' and 'mortgage recovery' matters due to regulatory changes as a result of COVID-19 reducing the number of initiations in these matters. Between 1 July 2019 and 31 March 2020, the number of initiations in these matters managed by an associate judge or judicial registrar exceeded those in the

same period last year. The regulatory changes halved these initiations between 1 April and 30 June 2020.

There were 397 initiations in judge-managed matters, a relatively small decrease of only 5 initiations from the previous financial year. Consequently, the overall workload for Commercial Court remained consistent throughout the reporting period.

Move towards operating remotely

In March 2020, the division began rapidly transitioning to a remote operating environment. As initiations were spiking at the time, a number of approaches were implemented to smooth this transition, such as in-person, socially distanced hearings and some directions hearings and applications being decided 'on the papers'. These strategies were quickly overtaken as the move to remote hearings progressed and became the COVID-19 operating norm.

The division was well-placed for this transition, building upon previous work such as the implementation of RedCrest eFiling, the development of electronic court files and holding eTrials for some matters. This allowed for a seamless transition to a remote working environment, reflected in the relatively few proceedings adjourned due to COVID-19.

The Commercial Court Registry greatly assisted this transition, providing in-court remote technology support

for Commercial Court matters and proceedings in other divisions of the Court, particularly during the early stages of remote working, until sufficient eLitigation coordinators could be recruited and trained.

Commercial Court reforms

Second wave of reforms

The division continues to develop reforms to improve efficiency and provide a more seamless experience for users.

In September 2019, implementation of the 'second wave' of reforms commenced. This included beginning the creation of a single gateway for early triaging and allocating commercial matters to a judicial officer or transfer to the Common Law Division or a lower court. The division aims to reduce unnecessary delays and shorten resolution times through early triaging of matters.

As part of these reforms, the Commercial Court Registry assumed responsibility for the filing and management of matters that ordinarily require active case management, and which had historically been managed by the Principal Registry.

This involved supporting associate judges and judicial registrars in the management of matters such as:

- setting aside statutory demands

- company reinstatements
- extensions of convening periods
- liquidators' remuneration
- leave to proceed
- general insolvency matters.

The reforms also resulted in the Mortgage Recovery List becoming externally facing, enabling legal practitioners to enter proceedings into this list upon initiation.

This second wave of reforms builds upon previous reforms, such as active case management, appointing the division's first judicial registrar and creating a specialist Commercial Court Registry.

Group proceedings

Group proceedings, or class actions, are proceedings brought on behalf of seven or more people, where the claims arise out of the same, similar or related circumstances and raise substantial common factual and legal questions.

The number of active Commercial Court group proceedings increased from 3 at 1 July 2019 to 7 at 30 June 2020. It is expected that this trend of increasing workload will continue. As a result, Justice Nichols commenced overseeing all Commercial Court group proceedings.

The Commercial Court Registry has also worked closely with other areas of the Court in unifying group proceedings practices and processes between the Common Law Division and Commercial Court.

Commercial Court Registry

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

Judicial Registrar Hetey, who oversaw the operations of the registry,

was elevated to an associate judge on 11 February 2020, although he continued to oversee the registry pending the appointment of a new judicial registrar.

Judicial officer movements and additional case management support

During the reporting period, Justice Sifris was elevated to the Court of Appeal and Justices Bell and Croft retired. Justices Nichols, Delany and Stynes subsequently replaced them.

Judicial Registrar Hetey was also elevated to an associate judge, with his position remaining vacant for the remainder of 2019-20 and into the following financial year.

Registry staff played a key role in facilitating transitions, including auditing proceedings to identify matters that could be finalised, preparing summaries of cases for reallocation, providing case management support during the transitions and inducting new judges to the division.

Staff continued to audit pending oppression matters, assisting the judge in charge of the Corporations List in tailoring a case management approach for each matter, ensuring these proceedings were managed as quickly and efficiently as possible.

Participation in Reimagining Registry Services and other projects

The Commercial Court Registry has continued to participate in a range of projects across the Court, including:

- the Reimagining Registry Services Initiative to review and streamline registry services across the Court
- the At Court Support Initiative, which provides basic registry services from within the Trial Division building and a concierge service to assist Court users with wayfinding
- the File Management Project, which will develop a codified inspection regime, formalise electronic archiving of digital files, and review and update corresponding court file integrity and associated internal policies

- assisting the Common Law Division in conducting pre-trial conferences in asbestosis and mesothelioma cases
- developing of an alternative dispute resolution options paper concerning the use of deputy prothonotaries as mediators in some Common Law Division specialist lists and Commercial Court matters.

Engaging with Court users

The Commercial Court continued to engage with the legal profession and other Court users in a variety of forums during the reporting period. Commercial Court judges provided several presentations, seminars and speeches, including:

- presentations on the principles, practice and emerging themes in corporations public examinations at the CPA Insolvency and Discussion Group and the Law Institute of Victoria
- the keynote speech, 'Managing complex commercial disputes', for the VCAT Planning and Environment List
- a speech, titled 'The future of our courts and online dispute resolution', delivered at Allens law firm
- a seminar delivered at the Melbourne TEC Chambers called 'Management of Technology, Engineering and Construction (TEC) disputes'
- a presentation to the Commercial Bar Association, called 'Courts, contracts and COVID-19', on how the different courts were responding to the challenge of COVID-19 and capitalising on the opportunity to enact harmonisation and reforms.

Judges also engaged with key organisations in the commercial arbitration sector, including meeting with Caroline Kenny QC, president of the Australian branch of the Chartered Institute of Arbitrators, and representing the Supreme Court at the state committee meeting of the Australian Centre for International Commercial Arbitration.

Associate Justice Efthim also continued his association with the University of Melbourne Law School, presenting lectures and masterclasses on mediation and dispute resolution in the COVID-19 world.

Trial Division

Common Law

ABOUT THE DIVISION

The Common Law Division manages four broad 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.

Key points

1

The Institutional Liability List was created in response to an influx of cases following legislative reform by people seeking compensation related to childhood sexual or physical abuse. Approval was granted for the appointment of an additional judge to assist with this influx.

2

A second judicial registrar was appointed to support case management in the Judicial Review and Appeals; Trusts, Equity and Probate; Valuation, Compensation and Planning; and the Property lists. A new registry lawyer was also appointed to support the Property List.

3

There was a rapid transition to virtual hearings in response to COVID-19 restrictions, with judge-only trials in most jury proceedings.

The division employs a highly delegated model of case management, facilitating efficient management of matters and more sophisticated and consistent engagement with Court users. Proceedings are allocated to 1 of 13 specialist lists for management by judicial officers with relevant expertise. Approximately 54% of all proceedings commenced in the Supreme Court in 2019-20 were filed in the division.

The specialist list model is particularly appropriate for the Common Law Division due to the high volume of matters. The allocation of a dedicated judicial registrar supported by case management lawyers to the majority of specialist lists in 2019-20 has made significant reductions in the amount of routine interlocutory work done by associate judges and judges, significantly improving the Court's productivity.

Overview

The Common Law Division continues to attract a high number of cases, with 2,993 cases initiated in 2019-20, an increase of more than 5% compared to

the previous year. Finalisations were up 3.3% in 2019-20 and pending cases up 10%.

Total cases

	2018-19	2019-20	Variance
Initiations	2,848	2,993	5.1%
Finalisations	2,645	2,732	3.3%
Pending	2,617	2,878	10.0%

Clearance rate and on-time case processing

	2018-19	2019-20	Benchmark
Clearance rate (%)	92.9%	91.3%	100%
Cases finalised within 12 months	59.6%	59.3%	75%
Cases finalised within 24 months	82.7%	82.1%	90%
Cases finalised >24 months	17.3%	17.9%	0%

PRINCIPAL JUDGE

Justice John Dixon

JUDGES

Justice Cavanough
Justice Macaulay
Justice McMillan
Justice Ginnane
Justice McDonald
Justice Incerti
Justice Keogh
Justice Cameron
Justice Quigley
(*sitting at VCAT*)
Justice Richards
Justice Moore
Justice Forbes
Justice Kennedy
(*from February 2020*)

RESERVE JUDGESJustice Garde (*until April 2020*)**ASSOCIATE JUDGES**

Associate Justice Derham
(*until January 2020*)
Associate Justice Lansdowne
Associate Justice Daly
Associate Justice Ierodiaconou

RESERVE ASSOCIATE JUDGESAssociate Justice Derham
(*from March 2020*)**JUDICIAL REGISTRARS**

Judicial Registrar Clayton
Judicial Registrar Keith
(*from February 2020*)

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.

Finalisations in this list declined significantly in 2019–20, with those in May and June 2020 noticeably lower than 2019, likely due to COVID-19 restrictions. As a result, the number of pending cases increased 5.2%.

Due to COVID-19 restrictions, the Court sought to conduct all circuit trials as virtual, judge-only trials, with the judge sitting in Melbourne and witnesses potentially giving evidence remotely from the circuit court. However, during COVID-19 restrictions all proceedings were either resolved, some via judicial mediation, or adjourned.

Civil Circuit List

	2018–19	2019–20	Variance
Initiations	149	144	-3.4%
Finalisations	172	134	-22.1%
Pending	191	201	5.2%

Confiscation and Proceeds of Crime List**Judge in charge**

Justice Forbes

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).

The age and backlog of cases are impacted by related criminal proceedings, which must be concluded before most proceedings in this list can be finalised. Proceedings typically require multiple interlocutory hearings to resolve disputes about the scope of restraining orders over property.

Confiscation and Proceeds of Crime List

	2018–19	2019–20	Variance
Initiations	16	12	-25%
Finalisations	14	15	7.1%
Pending	28	25	-10.7%

Judges in charge

Justice Inceri
Justice Keogh

Associate judge in charge

Associate Justice Ierodiaconou

Judicial registrar

Judicial Registrar Clayton

Dust Diseases List

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

While the vast majority of claims have related to asbestos exposure during the course of employment, an increasing number 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.

Dust Diseases List

	2018-19	2019-20	Variance
Initiations	278	280	0.7%
Finalisations	263	282	7.2%
Pending	217	215	-0.9%

Judge in charge

Justice McDonald

Associate judge in charge

Associate Justice Ierodiaconou

Employment and Industrial List

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

As in some other lists, small numbers of cases can show as large statistical variations, however the more intense case management processes introduced in 2018-19 have continued to result in a strong finalisation rate in this list.

Employment and Industrial List

	2018-19	2019-20	Variance
Initiations	30	25	-16.7%
Finalisations	31	37	19.4%
Pending	31	19	-38.7%

Judges in charge

Justice Cavanough
Justice Ginanne

Judicial registrar

Judicial Registrar Clayton
(until April 2020)

Judicial Registrar Keith
(from April 2020)

Judges in charge

Justice Inceri
Justice Keogh

Judicial registrar

Judicial Registrar Clayton

Judicial Review and Appeals List

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, Victorian Civil and Administrative Tribunal (VCAT), Children's Court and the Coroners Court.

Given the inherently low rate of settlement and the absence of jury trials in this list, constraints on judicial availability to hear cases continue to be a barrier to significant further improvement in case processing time. The drop in clearance rate is likely to be due to judicial unavailability and the impact of COVID-19, particularly on the ability of self-represented litigants to cope with the needs of a virtual trial. Initiations in this list were trending upwards until March 2020, after which they declined sharply for the remainder of the reporting period, suggesting that COVID-19 factors, including the ability of lower jurisdictions to hear matters, were at play.

Judicial Review and Appeals List

	2018–19	2019–20	Variance
Initiations	239	239	0.0%
Finalisations	221	198	-10.4%
Pending	168	209	24.4%

Institutional Liability List

The Institutional Liability List manages claims against an organisation founded on death or personal injury due to alleged physical or sexual abuse of a minor. It also includes claims against educational organisations arising out of bullying by a fellow student or individual employed by or associated with the organisation.

The large influx of child abuse cases over the past two financial years and the need to provide more specialised management of personal injury claims of this nature as a result of legislative reforms necessitated the creation of the Institutional Liability List in February 2020. Approximately 270 cases were transferred to the newly created list from the Personal Injuries List. Where the plaintiff requests a trial in a regional sitting, proceedings are allocated to the Civil Circuit List.

Given the list was created partway through the reporting period, the figures in the accompanying table are based on matter type, so as to provide a more accurate picture of the Court's workload.

Initiations of child abuse type proceedings increased in the 2019–20 financial year by almost 169% compared with 2018–19. There were 398 such cases under management at 30 June 2020, compared with 172 at 30 June 2019, an increase of just over 131%.

Institutional Liability List¹

	2018–19	2019–20	Variance
Initiations	125	336	168.8%
Finalisations	48	95	97.9%
Pending	172	398	131.4%

¹ Includes child abuse proceedings managed in other lists prior to the creation of the list in February 2020.

Judge in charge

Justice John Dixon

Associate judge in charge

Associate Justice Daly

Judicial registrar

Judicial Registrar Clayton

Major Torts List (including Group Proceedings (Class Actions))

The Major Torts List manages large or otherwise significant tortious claims, including defamation proceedings, police torts, contempt proceedings and common law class actions.

There were 81 cases pending in the Major Torts List at the end of 2019–20, including 10 group proceedings, 5 of which were initiated during the reporting period, while 75 proceedings were finalised, 4 of which were group proceedings.

Major Torts List

	2018–19	2019–20	Variance
Initiations	66	59	-10.6%
Finalisations	60	75	25.0%
Pending	97	81	-16.5%

Judge in charge

Justice Inceri

Associate judge in charge

Associate Justice Ierodiaconou

Judicial registrar

Judicial Registrar Clayton

Personal Injuries List

Proceedings managed in the Personal Injuries List include personal injury claims arising out of industrial accidents, motor vehicle accidents, occupier's liability and medical treatment. Child abuse cases were also managed in this list until February 2020.

Approximately 270 proceedings were transferred from this list to the newly created Institutional Liability List in February 2020, explaining much of the variance in the accompanying table.

An analysis of combined data for the Personal Injuries and Institutional Liability Lists reveals increasing initiation and finalisation rates. Case management strategies, including heavier listing practices, the use of judicial mediation close to trial, and switching to judge-only virtual trials for jury cases during COVID-19 restrictions have supported these rising finalisation rates. However, finalisations were not able to keep pace with the rate of personal injury initiations.

Personal Injuries List

	2018–19 ¹	2019–20 ²	Variance
Initiations	624	492	-21.2%
Finalisations	584	563	3.6%
Pending	795	671	-15.6%

¹ Includes child abuse proceedings.

² Excludes child abuse proceedings (managed since February 2020 in the Institutional Liability List).

Judge in charge

Justice Macaulay

Associate judge in charge

Associate Justice Daly

Judicial registrar

Judicial Registrar Clayton

Judge in chargeAssociate Justice Derham
(until February 2020)Justice Kennedy
(from February 2020)**Associate judge in charge**Associate Justice Derham
(until February 2020)**Judicial registrar**

Judicial Registrar Matthews

Judges in chargeJustice McMillan
Justice Moore**Associate judge in charge**Associate Justice Derham
(until February 2020)**Judicial registrar**

Judicial Registrar Englefield

Professional Liability List

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).

Professional Liability List

	2018-19	2019-20	Variance
Initiations	37	55	48.6%
Finalisations	42	34	-19% ¹
Pending	57	78	36.8%

¹ 2018-19 was a particularly strong year for finalisations following a review of the Professional Liability List's case management practices, leading to an increase in finalisations of older cases.

Property List

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 manages proceedings arising under the *Property Law Act 1958*, the *Transfer of Land Act 1958* and the *Sale of Land Act 1962* within the jurisdiction of the Supreme Court, and includes applications concerning caveat removals and the discharge or modification of restrictive covenants.

This specialist list comprises a variety of proceedings, many of which have unique procedural protocols and degrees of urgency due to the nature of the relief sought and the impact any delays may have on the rights of third parties. The urgency of matters in the list and the limitations on judicial resources during 2019-20 meant that many matters required hearings in the Practice Court.

As part of the Common Law Improvement Program, the Property List started the move to a new case management model akin to the majority of the division's other specialist lists. The new model includes a case management lawyer, strategies designed to limit the number of different judicial officers involved in case management, and the diversion of matters from the Practice Court. Although these reforms were impacted by COVID-19, the list recruited a case management lawyer and expects to commence procedural reforms in the 2020-21 reporting period.

Property List

	2018-19	2019-20	Variance
Initiations	316	301	-4.7%
Finalisations	281	289	2.8%
Pending	181	193	6.6%

Testators Family Maintenance List

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 either the Supreme Court or the County Court of Victoria, although about two-thirds are commenced in the Supreme Court. Most proceedings were managed by the associate judge and judicial registrar from commencement through to the end of mediation, with unresolved proceedings then referred to trial.

The Court must approve a settlement of a proceeding where any party or beneficiary of the estate is a minor or adult with a disability, and the settlement affects their interests. These applications, known as 'approval of compromise', are usually determined by an associate judge or judicial registrar without the need for a hearing.

The 12.9% increase in finalisations reflects proactive case management aimed at finalising older and inactive matters, the majority of which were finalised by consent.

Testators Family Maintenance List

	2018-19	2019-20	Variance
Initiations	421	400	-5.0%
Finalisations	357	403	12.9%
Pending	416	413	-0.7%

Judges in charge

Justice McMillan
Justice Moore

Associate judge in charge

Associate Justice Derham
(until February 2020)

Judicial registrar

Judicial Registrar Keith
(from February 2020)

Trusts, Equity and Probate List

The Court has exclusive jurisdiction to hear a wide range of proceedings concerning probate and the administration of deceased persons' estates. This includes contested applications for grants of representation, applications for probate and letters of administration of informal wills, the appointment and removal of executors and administrators, and applications for judicial advice concerning the administration of deceased estates. Almost a third of all proceedings initiated in the division are managed in the Trusts, Equity and Probate List and the Testators Family Maintenance List.

From February 2020, Judicial Registrar Keith assumed primary responsibility for directions hearings as part of the Court's increased case management support, resulting in an increase in the number of matters listed for directions hearings and applications since this time.

Additional support has resulted in more cases resolving without the need for a hearing, as early identification of matters that could be determined 'on the papers' has reduced unnecessary directions hearings and the amount of hearings listed before the trial judges.

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

The decrease in finalisation figures may be as a result of judicial unavailability. Although many of the more discrete proceedings within the list are heard and determined by the judges in charge, there is a significant wait time for a trial date for matters that require a longer trial, a pressure being felt across the division.

Trusts, Equity and Probate List

	2018-19	2019-20	Variance
Initiations	360	280	-22.2%
Finalisations	358	300	-16.2%
Pending	286	266	-7.0%

Judge in charge

Justice Richards

Judicial registrarJudicial Registrar Clayton
(until April 2020)Judicial Registrar Keith
(from April 2020)

Valuation, Compensation and Planning List

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.

Cases within the list often involve complicated matters and technical considerations requiring the parties to obtain complex expert reports. Judicial Registrars play a key role in managing the progress of these matters to trial, and trials can be long and complex.

During 2019–20, Justice Garde determined a significant land acquisition case where the state government had placed an overlay on land to allow it to be acquired to build the future Outer Metropolitan Ring Road. This lengthy litigation resulted in a state government authority being ordered to pay more than \$48 million to a Wyndham Vale farmer for his land.

Valuation, Compensation and Planning

	2018–19	2019–20	Variance
Initiations	26	41	57.7%
Finalisations	30	31	3.3%
Pending	42	52	23.8%

Engaging with Court users

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

User groups provide a forum for judicial officers to consult with practitioners about proposed reforms in the division, and enable practitioners to provide feedback about the way in which Court procedures impact on litigation.

Several lists held user group meetings in 2019–20:

- Valuation, Compensation and Planning List (18 September 2019)
- Property List (23 September 2019)
- Institutional abuse practitioners, a sub-group of the Personal Injuries List (13 November 2019)

- Confiscation and Proceeds of Crime List (21 November 2019)
- Personal Injuries List (25 February 2020)
- Probate (including Trusts, Equity and Probate and Testators Family Maintenance Lists) (24 February 2020).

Each year, the Common Law Divisions of the Supreme and County Courts jointly host professional development seminars focusing on various aspects of court craft. Judicial Registrar Clayton and Deputy Registrar Clark joined Judge Tsalamandris and Judicial Registrar Gurry of the County Court on 14 November 2019 to discuss effective interlocutory applications.

COVID-19 restrictions did not deter the division from continuing this seminar series and on 11 June 2020, in a first for the Court, a webinar entitled 'The dos

and don'ts of virtual hearings' was conducted, enabling the Court to boost its reach to a broader audience of more than 240 members of the legal profession and the public attending online. The webinar involved a panel discussion between the Supreme Court's Justice Andrew Keogh and Judicial Registrar Julie Clayton, County Court Judge Arushan Pillay and Richard Attiwill QC.

The panel members discussed their experience with virtual hearings and provided their dos and don'ts, and tips and tricks, from putting yourself on mute when not speaking, to cross-examination of 'remote' witnesses. Webinar participants had the opportunity to submit questions to the panel via a live Q&A function. The webinar was recorded and can be viewed on the Supreme Court of Victoria website.

Associate Judges' Chambers

Associate judges hear a large number of applications, usually interlocutory and final applications, for Commercial Court and Common Law Division cases.

PRINCIPAL ASSOCIATE JUDGE

Associate Justice Derham
(retired 10 January 2020)
Associate Justice Efthim
(from 11 January 2020, also
the Senior Master)

ASSOCIATE JUDGES

Associate Justice Lansdowne
Associate Justice Daly
Associate Justice Gardiner
Associate Justice Mukhtar
Associate Justice Randall
Associate Justice Ierodiaconou

JUDICIAL REGISTRARS

Judicial Registrar Englefield
Judicial Registrar Irving
Judicial Registrar Caporale
(until 28 February 2020)
Judicial Registrar Matthews

Associate judges perform an essential role within the Court, hearing and determining a range of interlocutory and final matters. Several changes within the jurisdiction have impacted some areas of associate judges' work, such as having an increased involvement in judicial mediations. Associate judges are also involved in managing:

- proceedings in the Personal Injuries and Dust Diseases Lists, including directions and applications
- the Corporations List
- the Employment and Industrial List
- testator family maintenance, or 'family provision', under Part IV of the *Administration and Probate Act 1958*.

The Associate Judges' Practice Court plays a role in:

- adjudicating interlocutory disputes and other applications within its jurisdiction
- approvals of compromise in personal injury and testator family maintenance proceedings
- hearing judicial review and appeal trials, typically those of only one or two days' duration
- judge-ordered mediation of proceedings, with the assistance of a mediation coordinator

- listing civil proceedings for trial, including pre-trial directions and applications
- trial proceedings, both within its original jurisdiction and as referred to it by Trial Division judges.

The introduction of judicial registrars within the jurisdiction has allowed the devolution of certain matters under Order 84 of the Supreme Court (Judicial Registrars Amendment) Rules 2015. This includes matters formerly heard principally by the Practice Court, including:

- applications to extend the period of validity of a writ for service
- applications for substituted service
- applications to change a party on death, bankruptcy, assignment or transmission
- leave to issue warrants of execution
- oral examinations of judgment debtors.

Under these extended powers, Judicial Registrar Matthews hears and determines some matters that would otherwise need to be heard by an associate judge in the Associate Judges' Practice Court.

Associate judge

Associate Justice Ierodionou

Associate judges

Associate Justice Efthim
Associate Justice Gardiner
Associate Justice Randall
Associate Justice Hetyey
(appointed 20 January 2020)

Judicial registrars

Judicial Registrar Hetyey
(Commercial Court)
(until 19 January 2020)
Judicial Registrar Matthews
Judicial Registrar Irving

Employment and Industrial List

The Employment and Industrial List (EIL) continued to be busy with contractual and industrial disputes, appeals from disciplinary and other tribunals, and other employment-related matters. While the statistics might indicate the EIL workload reduced in 2019–20, they merely reflect the increased efficiencies in listings derived from more intensive case management prior to hearings. This ensures parties are better prepared, resulting in fewer adjournments.

Employment and Industrial List

	2018–19	2019–20
Hearings listed	132	122

Corporations List

Fluctuations in the complexity of matters continue to impact statistics provided by the Practice Court.

The Wednesday Corporations List continues to run efficiently, with corporations associate judges hearing applications to set aside statutory demands and contested winding-up applications. Judicial Registrars Matthews and Irving alternate weekly to hear uncontested company winding-up applications, a method of case management that has proven to be successful in releasing judges to deal with more complex matters.

Oppression initial conferences continue to go from strength to strength, with Judicial Registrar Irving regularly hearing initial conferences in support of Associate Justices Gardiner, Randall and Hetyey. The list is managed proactively by the relevant chambers and Commercial Court Registry to ensure the efficient processing of cases, resulting in growing uptake of the initial conferences.

The Friday Corporations List hears more complex and varied matters, such as referrals from Corporations List judges.

The breadth of matters heard includes:

- company winding-up applications (s 459P) and applications to set aside statutory demands (s 459G)
- liquidators' examinations
- the Shareholder Oppression List, heard fortnightly
- other applications involving corporations, such as liquidators' recovery proceedings and company reinstatement applications.

Corporations List

	2018–19	2019–20
Corporations List		
Wednesday list	1,186	1,282
Friday list	717	668
Total	1,903	1,950
Shareholder Oppression List	151	148

Associate judges

Associate Justice Efthim
Associate Justice Lansdowne
Associate Justice Mukhtar
Associate Justice Ierodiaconou
Associate Justice Derham
(Retired 10 January 2020,
Reserve Associate Judge
from 5 March 2020)

Judicial registrars

Judicial Registrar Caporale
(until 28 February 2020)
Judicial Registrar Matthews

General Applications/ Associate Judges' Practice Court

The Associate Judges' Practice Court hears applications involving final and interlocutory matters not otherwise allocated to a specialist list, or that have been referred from a specialist list. From March 2020, COVID-19 restrictions negated the need for physical courtroom locations, as the Practice Court transitioned to virtual hearings.

The Practice Court hears a wide range of matters, including:

- service of domestic and foreign process
- amendments to legal process
- joinder of parties
- disputes over pleadings
- disputes over discovery and subpoenas
- summary judgment applications
- security for costs applications
- applications for preliminary discovery
- applications for leave to appeal from VCAT
- management of other judicial review and appeals matters
- discharge or modification of restrictive covenants
- recovery of possession of land
- orders for the payment out of moneys or securities in court
- applications to extend the validity of writs for service
- various procedures for the enforcement of judgments

- directions hearings for a range of matters
- examination of debtors.

Since the introduction of *Supreme Court (General Civil Procedure) Rules 2015*, S.R. No. 103/2015, Order 84.02, judicial registrars have increased powers to assist in the performance of some areas of practices of the associate judges, particularly in directions hearings and applications for substituted service and extensions of the validity of writs. This has relieved the associate judges of some minor matters, allowing them to devote more time to more complex matters, such as special fixtures and conducting trials. The increased trial activity has given rise to a greater need for judgment writing.

Given the considerable volume of interlocutory Property List matters within the Practice Court, a dedicated, fortnightly Property List sitting before Associate Justice Derham was established. Judicial Registrar Matthews additionally holds weekly Property List directions hearings for matters other than urgent caveat removal and restrictive covenants. Any overflow matters are then listed before other Practice Court judicial officers to ensure their timely processing and to spread the workload across chambers.

While the number of listed hearings increased in 2019–20, the range and number of traditional Practice Court matters was impacted by the increase in allocation to specialist lists and the transition to virtual hearings.

Practice Court List

	2018-19	2019-20
Hearings listed	1,600	1,723

Judicial Mediation

Mediation is a confidential discussion between civil dispute parties. A skilled, independent mediator helps parties discuss issues, identify solutions and work towards an agreement to end their dispute. The Court may refer a case to mediation at any stage of a proceeding. Judicial mediations are conducted by an associate judge or judicial registrar and save hundreds of hearing days, delivering a known outcome to litigants. Some mediations, particularly those involving high-volume debt recovery disputes, are conducted by the ADR registrar.

Key points

1

The ADR Centre commenced virtual mediations in late March 2020. While the resolution rate at virtual mediation is comparable to face-to-face mediation, the number of mediations overall increased.

2

Referrals to mediation increased 27%, reflecting its acceptance as an effective and efficient part of litigation management. The types of matters referred to mediation were also expanded, with the Court commencing a pilot of referrals in appropriate judicial review and administrative law matters.

3

Settling matters at mediation saved 1,209 trial days, while Costs Court mediations saved a further 585 hearing days. These figures do not include the days saved when matters settled after mediation.

Overview

The Court's Alternative Dispute Resolution (ADR) Centre implemented several initiatives to support the continued growth of judicial mediation and mediation by the ADR registrar as an integral part of case management at the Supreme Court.

The Centre conducted all mediations virtually from late March 2020 using the Zoom videoconferencing platform. The success rate of virtual mediation is comparable to face-to-face mediation, and has the advantage of enabling more mediations to be conducted concurrently because of the absence of physical space restrictions. Scheduling efficiencies are also created, as legal practitioners and their clients do not need to travel. Virtual mediations will continue to be an important component of the Court's mediation services into the future.

The Court seeks to build on the success of judicial mediation as part of the Commercial Court's oppression proceeding program and the early resolution of cases brought under Part IV of the *Administration and Probate Act 1958*. This year, the Court focused on its judicial review and administrative law jurisdictions, which often involve self-represented litigants and require significant Court resources to determine. The Court's approach identifies appropriate matters for referral to mediation, builds relationships with

Justice Connect and the Victorian Bar's pro bono scheme to support self-represented litigants participating in mediation, and trains the prothonotary and deputy prothonotaries to mediate appropriate cases. This initiative's progress will be reported in the 2020–21 period.

Demand for mediation continued to grow, with 27% more cases referred to mediation in 2019–20 than in the previous period. Cases resolving at mediation saved 1,209 hearing days, up slightly from 2018–19.

The percentage of cases resolved on the day of mediation remains steady across the two previous reporting periods. The number of hearing days saved continues to be significant, representing substantial time and cost savings to parties as well as judicial resource savings, which can be re-allocated.

Where cases referred to mediation are adjourned or vacated, effective case management encourages communication between the parties and often leads to a resolution or narrowing of the issues in dispute. These outcomes are not included in the resolution rate.

The ADR Centre manages the Court's mediation program, responds to program enquiries from practitioners and the public, receives mediation referral orders from judges and allocates

ASSOCIATE JUDGES

Associate Justice Efthim
Associate Justice Wood
Associate Justice Daly
Associate Justice Hetey

JUDICIAL REGISTRARS

Judicial Registrar Gourlay
Judicial Registrar Irving
Judicial Registrar Englefield
Judicial Registrar Matthews
Judicial Registrar Clayton
Judicial Registrar Caporale
(July 2019 – Feb 2020)
Judicial Registrar Keith

ADR REGISTRAR

Registrar Nicholas Day

mediations to judicial mediators. It also reports on ADR activity, recommends necessary changes to the Court's ADR Rules and practice notes and organises judicial mediator training. The Centre is operated by a judicial registrar, a Court ADR registrar and an ADR administrator, and is overseen by the ADR Committee, chaired by Justice Kennedy.

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 and ADR registrar mediation activity

	2018-19	2019-20	Variance
Cases referred for mediation	545	691	27%
Mediations completed	372	405	9%
Cases resolved on day of mediation	227	236	4%
Percentage of cases resolved on day of mediation	61%	58%	-3%
Hearing days saved by cases being resolved at mediation	1,206	1,209	0.2%

Costs Court

The Costs Court hears 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

There was continued success in reducing the number of costs matters going to a court hearing through the use of early mediation, preliminary hearings and deciding cases 'on the papers'.

2

The Court successfully transitioned to remote hearings and mediations in response to COVID-19 restrictions. This included publishing guidelines to assist practitioners and self-represented litigants with the remote hearing environment.

3

The threshold for matters that can be assessed without a court hearing increased to \$100,000, enabling more cases to be resolved this way.

Overview

Depending on the amount in dispute, a judicial registrar or costs registrar initially assesses or mediates all party-party matters prior to a hearing. Cases generally settle through early mediation, saving time and resources for the parties and the Court. Where there are disputed points of law, the case may also have a preliminary hearing.

For example, in August 2019 a dispute was successfully resolved after 2 days of mediation where the claim for costs totalled \$1.5 million. It was estimated the process of hearing the dispute would have taken at least 35 days.

Depending on the type of case, applicants to the Costs Court receive a date for a directions hearing (formerly called a 'callover'), preliminary hearing or mediation 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 the threshold amount. The threshold amount was increased from \$50,000 to \$100,000 in March 2020 as a response to COVID-19, enabling more cases to be settled in this timely and cost-effective way.

The above change and the success of early mediation is reflected in the rate of finalisations, with 235 party-party cases initiated and 232 finalised in 2019–20.

Although the Costs Court hears costs-related cases from all Victorian courts and VCAT proceedings, most applications relate to Supreme Court proceedings. In 2019–20, approximately 62% of initiations and 60% of finalisations related to Supreme Court costs orders.

Past decisions are available via the Law Library of Victoria's judgments service, allowing practitioners and self-represented litigants to research other cases and understand the decisions made.

Decisions made in 2019–20 by Associate Justice Wood include:

- *Johnston v Dimos Lawyers* (2019) VSC 462 – basis of assessment where costs agreement void
- *Cameron v Thomson Geer* (2020) VSC 75 – whether bills sufficiently itemised
- *DLA Piper v Triclops Technologies Pty Ltd* (2020) VSC 93 – no standing for a law firm to seek review out of time under the Legal Profession Uniform Law
- *Guneser v Aitken Partners* (2019) VSC 649 – application of *Bell Lawyers Pty Ltd v Pentelow* (2019) HCA 29 to an incorporated legal practice. Affirmed in *Guneser v Aitken Partners* (cross appeal on costs) (2020) VSC 329.

ASSOCIATE JUDGE

Associate Justice Wood

JUDICIAL REGISTRAR

Judicial Registrar Gourlay

COSTS REGISTRARS

Domenic Conidi

Roger Walton

Associate Justice Wood chaired the Legal Costs Committee, established under the *Legal Profession Uniform Law 2014*, which meets to consider increases in amounts in the Practitioner Remuneration Order and Court scales of costs to apply from 1 January each year. These critical documents set the amounts considered reasonable for lawyers to charge for particular pieces of work.

The County Court of Victoria continues to refer its solicitor-client costs orders to the Supreme Court in relation to section 134AB(30) of the *Accident Compensation Act 1985*. The applications are finalised on the papers by Judicial Registrar Gourlay and the costs registrars.

A reduction in initiations and increased use of 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. Judicial Registrar Gourlay also conducted weekly mediations under Part IV of the *Administration and Probate Act 1958* and Commercial Court matters to assist the associate judge in that area, as well as covering the absence of the judicial registrar assigned to Funds in Court.

Initiations

	2018-19	2019-20	Variance
Party-party – Supreme Court	171	145	-15%
Party-party – County Court	52	64	23%
Party-party – Magistrates' Court	7	10	43%
Party-party – VCAT	17	16	-6%
Solicitor-client taxation	95	79	-17%

Finalisations

	2018-19	2019-20	Variance
Party-party – Supreme Court	177	139	-21%
Party-party – County Court	52	62	19%
Party-party – Magistrates' Court	13	10	-23%
Party-party – VCAT	14	21	50%
Solicitor – client taxation	95	64	-33%

Costs Court Mediation

Month 2019/2020	Listed	Completed	Resolved (%)	Costs Court days saved
July	20	13	11 (85%)	29
August	14	9	7 (78%)	59
September	23	14	9 (64%)	21
October	15	11	10 (91%)	62
November	14	8	7 (88%)	27
December	10	5	4 (80%)	25
January	3	0	0	0
February	16	13	9 (69%)	63
March	22	11	7 (64%)	55
April	22	16	9 (60%)	54
May	14	10	9 (90%)	84
June	20	14	10 (71)%	106
Total	193	124	92 (74%)	585

Registry and Court Support Services

Registry Services includes a range of specialist and general services supporting the work of the Court, Court users and the judiciary. It also includes the work of the Prothonotary (see p. 52). All registry services are provided under the direction of judicial registrars and the director Registry Services.

Court Support Services includes the work of the Digital Litigation and Business Intelligence teams.

The Probate Office is managed separately by the registrar of probates (see p. 53).

Key points

1

There was seamless delivery of registry services throughout the COVID-19 pandemic.

2

The Digital Litigation team was reshaped to support the transition to virtual hearings and mediations.

3

Fourteen projects under the Reimagining Registry Services reform program were delivered.

Overview

Registry Services includes the Principal Registry, Commercial Court Registry (see p. 30), Criminal Registry (see p. 24), and the Court of Appeal Registry (see p. 19). 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.

The Digital Litigation team supports the Court with the conduct of electronic hearings and during the course of 2020 became the primary support team for virtual hearings (see p. 49).

The Business Intelligence team oversees the data management and reporting elements of the Court's operations (see p. 49).

Response to COVID-19

In response to the COVID-19 pandemic, registries adjusted their operations to ensure there was no disruption to service delivery. The Court was well placed to shift to working remotely, having transitioned to digital Court files over the previous two years. Solutions were also found for elements of the Court's

operations that were not yet digitised, such as subpoena management.

An on-site presence was also maintained throughout the pandemic. Registry doors remained open for members of the Victorian community who required in-person support, within the terms of the health restrictions issued by the Department of Health and Human Services.

Reimagining Registry Services

In late 2018–19, the Court began the first phase of a reform program called Reimagining Registry Services, developing the *Future Model of Registry Services*. The Court committed to the new model in June 2019, developing both a blueprint for future service delivery and a transition plan. These identified 6 key reform directions, underpinned by 21 projects, to be delivered over the next 3 years.

In 2019–20, Registry Services completed the following projects or key stages:

- Self-representation service pilot
- Concierge service pilot

- Building data analytics capabilities within registries
- Building mutually beneficial partnerships with universities
- Data Governance Framework and Roadmap
- Digital Litigation Program Planning
- Identifying case complexity indicators
- Mathematical programming of courtroom bookings and trial listings
- Court of Appeal and Probate eFiling
- Tailoring registry lawyer services to judicial requirements
- User Experience Design – Frontline Service Delivery
- Website content review
- Workflow solutions for orders processing
- Workforce planning.

Data Governance Framework and expanded data analytics capabilities

Registry sought to develop an expanded data analytics capability to better, and more rapidly, tailor services to the needs of the Court and Court users. Alongside this, registry built a more strategic approach to the governance, gathering and use of data to better ensure its integrity and security.

Digital File Management project

The File Management project consisted of five work packages designed to implement policy and process changes related to file management and Court file integrity in the Supreme Court. The over-arching aim of the project is to streamline and improve not just the way the Court manages and archives files internally, but also how external users, such as parties to a trial or the media, access Court files. It continues the consolidation of both file management and file searches into the Court's online file management platform, RedCrest. This project is significantly advanced, and is due to be completed in 2020-21.

Tailoring registry lawyer services to judicial requirements

This project reworked the manner in which Registry Services supported the judiciary, and is part of the Court's broader focus on continuous improvement of support for Court users. The completed project supports the judiciary through targeted streamlining and consolidation of Court processes and a tailoring of lawyer services to better meet judicial requirements.

Improving access to justice

The Court has been running three Access to Justice projects over the past few years, focused on improving access for people who represent themselves in Court proceedings, known as self-represented litigants (SRLs). The projects deliver on recommendations of the 2016 *Access to Justice Review*, with one project aimed at improving the range and type of information available on the Court's website, and the other two projects aimed at establishing legal assistance services for SRLs.

Website review

Several resources were developed during 2019–20 to support SRLs through website content, videos, guides and other general information materials. This work was brought together with the broader User Design and Website Content Review projects conducted as part of the Reimagining Registry Services program.

These combined initiatives saw registry working with SRLs and legal practitioners to better support their experiences of engaging with the Court. Adjustments were subsequently made to existing materials, and two prototype web hubs for SRLs were developed, which will be evaluated and further refined in the next reporting period.

Self-Representation Service pilot (Justice Connect)

Launched as a pilot program in February 2019 in partnership with Justice Connect, the Self-Representation Service pilot enabled SRLs who meet the eligibility criteria to book a one-hour appointment with a Justice Connect volunteer lawyer or barrister on site 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. During 2019–20, Justice Connect received 166 requests for assistance, provided 123 appointments and made 4 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.

Pro Bono Referral Scheme

On 1 September 2019, the Court began a 12-month pilot of the Pro Bono Referral Scheme, a joint-initiative between the Supreme Court and the Victorian Bar. The pilot was conducted in the Court of Appeal and the Trial Divisions, and complements the Self-Representation Service pilot.

The scheme's main purpose is to assist self-represented litigants in the Court, where the Court determines it is in the public interest for the due administration of justice to refer a request for pro bono assistance from a barrister. It replaces the former 'duty barrister' referral scheme previously in operation at the Court, under which a person could apply for a referral on their own initiative.

Under the new scheme, a referral can only be made by court order of a judicial officer, who may take into account any matter they consider relevant in the administration of justice, including whether the litigant involved is a person subject to an order under the *Vexatious Proceedings Act 2014*; the financial means of the party; the capacity of the party to otherwise obtain legal assistance; and the nature and complexity of the proceedings.

In the period 1 September 2019 to 30 June 2020, 24 referrals were made to the scheme, of which 16 were made by the Trial Division and 8 by the Court of Appeal. Of all 24 referrals made, only 2 referrals were unsuccessful.

Self-represented litigant coordinators

Registry services provides specialised assistance to self-represented litigants through its SRL coordinator service. The service provides information, procedural advice, links to legal services and referrals to the Self-Representation Scheme and the Victorian Bar's Pro Bono Scheme. In 2019–20, SRL coordinators helped 5,094 people with enquiries.

Transition to eFiling and digital files

In 2019–20, digital Court files were introduced to the Court of Appeal (see p. 19) as well as the Probate Office (see p. 53). This completed the final stage in the Court's eFiling and digital Court file transition program for Registry Services.

Development began on a solution, called eAccess, to facilitate requests for third-party access to digital Court files through the Court's RedCrest system. Foundation work was completed this financial year, with work ongoing towards a launch of eAccess in 2020–21.

Court file integrity

The Court again reported against the measure of Court file integrity. A 90% performance benchmark, applied to all jurisdictions, measures the percentage of case files that meet established standards of availability, accuracy and organisation.

In 2019–20, the Court achieved 91% overall performance, exceeding the established 90% benchmark, as compared to 89% overall performance in 2018–19.

Business Intelligence team

In 2019–20, the Business Intelligence (BI) team did a lot of work on developing enhanced reporting and analytics capabilities across the Court. While this work preceded COVID-19, it proved highly useful in enabling the Court to respond rapidly and flexibly to the shifting needs created by the pandemic.

In direct response to the pandemic, the BI team developed a COVID-19 activity dashboard, benchmarking the Court's operations against the previous year. This dashboard was a key component of the Court's response to the pandemic and transition to remote operation, as it facilitated the measurement of the impacts of the disruption caused by COVID-19 on the work of the Court.

The BI team also expanded through the integration of a quality assurance role, which ensures the Court's strategic data requirements are adhered to, as well as working with divisions to ensure the integrity of Court data through adherence to data procedures.

Reporting and analytics

A core area of work for the BI team during 2019–20 was the development of a suite of enhanced dashboards and reports, broken into hearings and activity. Work on developing, refining and specialising these dashboards is ongoing.

To further facilitate the Court's continuing agile response to shifting needs, the BI team, working with Information Technology, developed and is in the process of implementing a data warehouse. With the aim of moving all data to a secure, centralised environment, the data warehouse will enhance the Court's reporting capabilities, underpinned by a shift to daily reporting.

The BI team's long-term strategic plan is to improve data capability and analytics across the Court, underpinned by a multi-year reporting platform upgrade being developed internally.

Information and analytics services

The BI information sharing practices are governed by the SCV BI Information Sharing Policy, implemented in November 2018. BI received 265 information requests in 2019–20, of which 56% were responded to on the same day and 78% by close of business the day following receipt.

Digital Litigation team

As part of its Digital Strategy, the Court continues to embrace modern technology and innovation to deliver more efficient practices and processes. Ongoing innovative change within the Court is set within a coherent framework of values including accessibility, transparency, competence, timeliness and equality before the law.

The Digital Litigation (DL) team was created to support the judiciary, associates, practitioners and other Court users through embedding technology into the Court's operations. Initially, this was intended to focus on the evolution from paper-based litigation to digital litigation, designed to improve the capability and efficacy of digital litigation, and to encourage engagement with this mode of hearing. However, COVID-19 restrictions necessitated an immediate and expansive response, meaning the DL team also played a vital role in supporting how the Court operated in response to the pandemic and the subsequent introduction of virtual hearings. The team supports Court users to engage with the upgraded technology in the new eCourts and coordinates the practical arrangements of eTrials and virtual hearings to ensure the digital litigation program meets the evolving needs of the Court.

In February 2020, a pool of casual staff comprising final-year law students was created to fill new positions as eCourt Operators to support the expansion of PRISM, an eTrial prototype pilot intended to support the Court's transition from paper to electronic courtbooks. PRISM aims to achieve multiple outcomes, including:

- a mechanism controlled by the eCourt Operators through which eTrials are conducted via the electronic presentation of evidence
- a means of engaging with digital evidence for judges, capturing their comments and evidentiary analyses, which can be used to generate reports to support judgment writing
- a mechanism of engagement with digital evidence for associates, using the database to better

facilitate their trial management tasks and collaboration with their judges on evidence or legal concepts.

The Court's use of technology stood it in good stead to respond quickly to COVID-19 restrictions with minimal disruption. Indeed, the number of hearings before the Court within the Civil Trial Divisions throughout the April-June quarter was 6% higher than the previous year.

Virtual hearings

Since 23 March 2020, the demand for digital litigation services as part of virtual hearings has increased momentarily, such that the DL team is currently supporting an average of 600–700 virtual hearings a month.

Virtual hearings are conducted in two ways: hybrid hearings and fully remote hearings.

Hybrid hearings are connected through an eCourt and generally take place with judicial officers present in the courtroom.

Some counsel and witnesses may also be present, with all other participants connecting remotely via either the Webex or Zoom platforms. Reasons for requiring a connection through an eCourt include:

- connecting to Corrections facilities
- specific transcript requirements
- other specific requirements not supported by a fully remote hearing.

Fully remote virtual hearings are also facilitated via Zoom and Webex, but are not connected through an eCourt. All participants connect remotely and there is no co-location requirement.

Transcript arrangements are in place for both models.

Hybrid hearing connections are facilitated by eCourt Operators, who also help with troubleshooting and assisting all participants to optimise their virtual hearing settings. Fully remote

virtual hearings are largely managed by chambers, with training support and documented protocols established by the DL team.

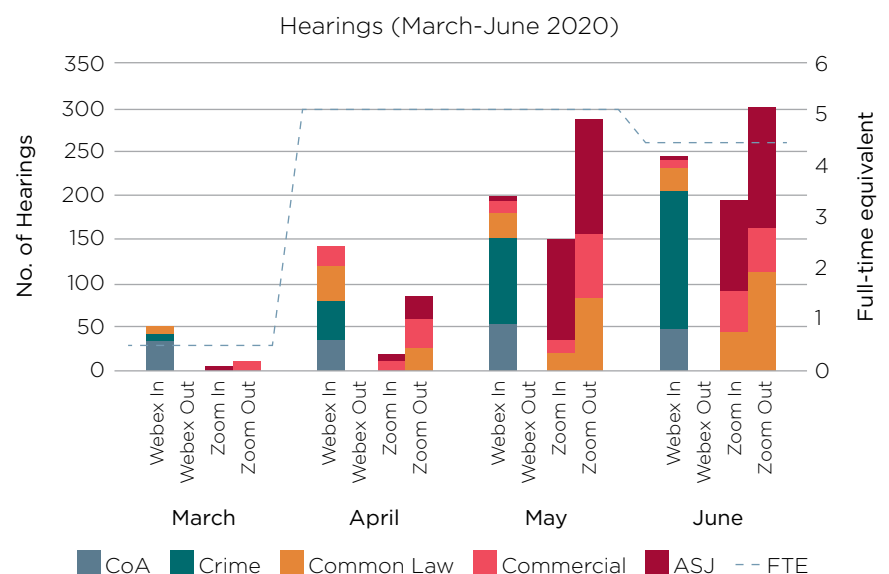
The DL team played an important role in the Court's COVID-19 taskforce and continues to oversee many of the initiatives developed and implemented in response to COVID-19 restrictions.

Digital litigation

In addition to virtual hearings, the team supports the Court's focus on digital innovation, with a program including:

- exploration of an end-to-end digital litigation solution for the Court
- the PRISM pilot (internal eTrial solution)
- trial of an eCourtbook Operator Service
- eCourt support models.

Numbers of virtual hearings and its eCourt Operator Support Model March – June 2020



Future planning

The widespread uptake of digital technology during the pandemic is expected to have a lasting impact on the demand for digital litigation services. The ongoing focus of the DL team will be to continue linking disparate technical advances, improving digital abilities and meeting higher levels of judicial, professional and public expectation of engagement with technology in order to better support relevant legal processes.

Virtual Hearing Taskforce

The Court established the Virtual Hearing Taskforce on 19 March 2020 to create a new operating model to support the rapid transition to virtual hearings, in response to the COVID-19 pandemic. The Taskforce was drawn from all areas of the Court and worked rapidly, developing and delivering an initial virtual hearing operating model within 24 hours and a virtual hearing training program within 48 hours. This allowed the Court to begin conducting virtual hearings within three business days.

The Taskforce oversaw the development of broader solutions, processes and procedures to support the virtual hearing model. Much of this work has now been incorporated into the work of the relevant 'business as usual' teams, primarily the IT team and the Digital Litigation team.

Training and support

Virtual hearings training sessions were conducted across the Court. The accompanying table outlines the training delivered by the Taskforce.

	Judicial officers	Associates	Tipstaves	Deputy prothonotaries/ Registrars
Webex	54	85	8	2
Zoom	30 ¹	50	2	14

¹ Zoom training was not required for the Court of Appeal nor the Criminal Division.

Key statistics

Between 16 March and 30 June 2020 (week 16 of the Court's COVID-19 response), the Court had held 4,473 hearings, compared to 4,936 hearings over the same period in 2019 (9% fewer). Of these, 2,575 were virtual hearings. The Court either adjourned or vacated 132 hearings due to COVID-19.

Of the 2,575 virtual hearings, 1,679 (65%) were held via Zoom, 655 (25%) via Webex, 193 (8%) by teleconference, 21 (1%) by Skype and 27 (1%) by other means.

On 28 April 2020, changes were made to enable the daily hearing list to reflect the current modes of hearing, including virtual hearings. These changes mean

the daily list now communicates to all Victorians the manner in which hearings are proceeding in the Supreme Court.

Communication and engagement

The Taskforce established a virtual hearings page on the Court's website and launched a range of publications to assist the profession with the transition to virtual hearings. These included an explanation of virtual hearings in the Supreme Court and guidance on how to prepare a courtbook for a virtual hearing; a tips and tricks sheet; a factsheet; technical FAQs; a virtual hearings glossary; and platform user guides for Webex and Zoom.

The Taskforce also liaised directly with the Victorian Bar and Law Institute of Victoria to support their efforts in assisting the profession with virtual hearing working methods through webinars and other means.

All members of the Taskforce contributed their time, skills and knowledge to ensure its work was successful and able to deliver high-quality outcomes for the Court, and was undertaken in addition to members' normal work.

Office of the Prothonotary

Overview

The prothonotary is a statutory officer appointed pursuant to the *Supreme Court Act 1986*, responsible for a number of administrative and quasi-judicial functions in the Court. The prothonotary is supported by a number of deputy prothonotaries and sits within the Principal Registry.

Key services provided by the Office of the Prothonotary include authenticating orders, issuing default judgements and warrants, fee waivers, file searches, coordinating subpoenaed materials and supporting legal admissions. Other services include coordinating foreign service, file transfers between jurisdictions and administering bails.

During COVID-19, the Prothonotary team largely worked remotely to provide uninterrupted service delivery. This was enabled by earlier work on streamlining delivery of some key services.

Key services

Orders

Civil orders are either signed by a judge or judicial registrar, or authenticated by the prothonotary. In 2019–20, 6,137 civil orders were authenticated in this manner, representing 52% of the total 11,733 civil orders issued. Of these, 1,444 were Corporations List orders issued on the same day the order was made.

Criminal orders are predominately signed by a judge or judicial registrar.

Default judgments and warrants

The Office of the Prothonotary is responsible for issuing default judgments and warrants upon being satisfied of the requirements of the *Supreme Court (General Civil Procedure) Rules 2015*. In 2019–20, 1,050 default judgments and warrants were issued, a decline from

1,138 in 2018–19. This decline resulted from COVID-19 and moratoriums affecting the ability of litigants to pursue these enforcement mechanisms, and is expected to continue in 2020–21.

There were 417 default judgments (down 18%) and 329 warrants of possession (down 17%), as well as 304 warrants of seizure and sale (up 32%).

Fees and Fee Waivers

Fees payable to the Court are provided for by the Supreme Court (Fees) Regulations 2018. Court fees are charged under three categories – ‘corporate’, ‘standard’ and ‘concession’. There are also automatic fee waivers, and the prothonotary may additionally waive payment of fees in instances of financial hardship. Where granted, waivers apply for the duration of the proceeding, subject to a change in financial circumstances.

The prothonotary collects supporting evidence where ‘standard’ or ‘concession’ fees are applied for or the automatic waiver provisions apply, which are: represented under certain pro bono schemes, granted legal aid, serving a sentence of imprisonment, or where the applicant is a minor.

In 2019–20, 140 financial hardship waiver applications were granted, waiving fees totalling \$96,500; 14 applications were refused, seeking waiver of fees totalling \$13,641.80.

File searches and subpoena coordination

The prothonotary has responsibility for overseeing requests by non-parties, including media organisations, to inspect court files. Despite the Court’s ongoing transition to eFiling, file requests and inspections are largely conducted manually. The prothonotary led planning work in 2019–20 towards an electronic file inspection process to complete the digital transition, expected to be delivered in 2020–21 (see p. 49).

The Office of the Prothonotary also manages subpoenas requiring the production of documents and other materials in preparation for court proceedings. Planning work began in early 2019–20 for the electronic management and coordination of subpoenaed materials, and was escalated in March 2020 due to COVID-19. Materials in paper form have been converted to an electronic format, enabling electronic inspection and the continued availability of this important service. Electronic material was also converted into a secure format for electronic distribution and inspection.

Legal admissions

In conjunction with the Chief Justice’s chambers, the Office of the Prothonotary supports the process for applicants gaining admission to practice as Australian lawyers. Admission ceremonies are generally held monthly and the Office of the Prothonotary provides administrative support by supervising the signing of the roll and preparing, signing, sealing and distributing admission orders (certificates) following admissions.

During 2019–20, 1,883 individuals were admitted, a slight increase of 6% from 2018–19. The office also issued 204 certificates of good standing and 60 duplicate admission orders (certificates), predominately to support admitted Australian lawyers seeking to practice in foreign jurisdictions.

During COVID-19, new lawyers were admitted ‘on the papers’ by order of the Chief Justice, with admission orders (certificates) being signed by the prothonotary and distributed.

Probate Office

Probate is the process by which the Court finds that a will is valid and the executor/s can act on it. 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

An average of almost 22,000 applications for grants of representation were managed, making the Probate Office the highest-volume area of the Court by number of applications.

2

An average of 70 people per day were helped with email or counter enquiries.

3

An initiative to transition the Probate Office to electronic filing and electronic court files was finalised.

Overview

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

During the reporting period, the office worked to introduce electronic court files and eFiling of court documents for probate matters, consistent with similar paperless initiatives already implemented across other areas of the Court.

The introduction of eFiling for probate matters necessitated the development of a project plan and formation of a working committee. The committee identified technical requirements of the change, as well as its impact, 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 those who use probate services.

Given its highly specialised nature, a tailored solution, RedCrest-Probate, was developed for the Probate Office, building on the Court's existing experience in implementing the RedCrest system in other areas. To facilitate a seamless transition to eFiling, practitioner information sessions were held in February 2020. RedCrest-Probate launched on 1 July 2020.

COVID-19 response

In March 2020, in response to the COVID-19 pandemic, the Probate Office dispensed with the requirement to file an affidavit of searches on the day of filing an application for probate or administration. This enabled all applications to be filed by post, pending the introduction of RedCrest-Probate, and was an important part of the Court's response to the pandemic.

Retirement of the Registrar of Probates

After 27 years leading the Probate Office, Michael Halpin retired as registrar of probates in late June 2020. Michael's dedication to the role, assistance to the judiciary and leadership of the Probate Office over the years has been an essential service to both the Court and the Victorian community more broadly.

Probate Office activities

	2018-19	2019-20	Variance
Grants of probate	18,221 (87.55%)	19729 (88.16%)	7.95%
Administration upon intestacy	1,992 (9.57%)	2065 (9.23%)	3.60%
Administration with the will annexed (attached)	410 (1.97%)	429 (1.92%)	4.53%
Reseals of foreign grants	145 (0.70%)	120 (0.54%)	-18.87%
Other applications, including for limited grants	44 (0.21%)	35 (0.16%)	-22.78%
Total applications filed	20,812	22,378	7.25%
Applications made by people without legal representation ¹	1810 (8.7%)	1862 (8.32%)	0.03%
Grants issued through the small estates service	48	69	43.75%
Caveats filed	231	222	-3.9%
Probate Office files pending in the Trusts, Equity and Probate List	102	91	-10.78%
Advertisements published on Probate Online Advertising System (POAS)	24,332	26,710	9.77%
Visits to Probate section of the Court's website	292,858	327,108	11.7%
Enquiries managed at the Probate counter	16,271	13,261	-18.5%
Emails responded to by the Probate Office	4,300	4,538	5.53%
Wills deposited with Probate Office for safekeeping	254	247	-2.8%
Granted files transferred to Public Record Office Victoria	N/A	N/A	N/A
Searches of Probate Office files	1562	1414	-9.48%

¹ During the reporting period, a more accurate method for extracting data in relation to unrepresented applicants was identified. These figures are therefore different from figures reported in previous annual reports.

Corporate Services

Under the guidance of the chief executive officer, the Court is supported in its work by corporate services teams including People, Wellbeing and Culture (PW&C); Financial Management Services; IT and Digital Support; Security, Risk and Assets; Archives and Records; and Communications and Engagement.

Overview

The Corporate Services teams, under the guidance of the executive director Corporate Services, deliver dynamic, responsive and innovative support to meet the Court's existing and evolving needs. Adaptability and agility are the principal elements underpinning the teams' services.

Ongoing improvements have focused on staged enhancements to the Court's digital capabilities. However, with the onset of COVID-19 restrictions, Corporate Services pivoted to support the Court's rapid transition to a remote operating environment, accelerating enhancements planned for under the Court's multi-year Digital Strategy. The executive director Corporate Services activated the Court's Business Continuity Plan in response to the pandemic. The Business Continuity Team is drawn from many different areas and divisions.

The **IT and Digital Support Services** team was integral to this response, steering a plethora of infrastructure, hardware, software and platform integration and upgrade projects. Working in partnership with the Virtual Hearing Taskforce (see p. 51), the team facilitated the successful shift to virtual hearings utilising remote technology within weeks of restrictions commencing. This built upon the strong digital and technology foundations established through the Court's previous five-year digital strategy, leaving it well-positioned to respond to the COVID-19 pandemic.

The team also expanded the IT Service Desk function and capacity to assist with the seamless transition to a predominantly remote working model, with on-site attendance only where necessary. This transition was implemented and refined while remaining compliant with the established governance frameworks guiding sustainability, suitability and security of IT solutions and assets.

Separate to the COVID-19 response, the team was involved in implementing RedCrest-Probate, a new eFiling system for solicitors and unrepresented applicants.

Archives and Records appraised more than 12,000 individual case files from 1991, which are currently awaiting transfer to the Public Records Office. Appraisal and records management continued throughout 2019-20 for more recent files as well. In October 2019, the team facilitated the installation of the touring Zelman Cowen centenary exhibition in the Law Library of Victoria. This exhibition incorporated various items from the Victoria University collection, the Supreme Court's collection and the Cowen family. The exhibition, which marked the centenary of Sir Zelman Cowen's birth, was shown at several locations associated with him, with the Court being the final location.

In unison with the pandemic operational information developed by Courts Services Victoria, **People, Wellbeing and Culture** reshaped the Court's procedures and processes, created

new support structures and ran a series of wellbeing initiatives for Court staff. The health and wellbeing support mechanisms included individual and team wellbeing sessions, resilience training for managers, mindfulness training and guides to support those working remotely. This was underpinned by the Court's ongoing commitment to the health and wellbeing of judicial officers and staff, and was measured frequently through regular staff surveys to ensure collective and individual staff needs were being addressed and met. The team hosted virtual whole-of-court events, which were well attended by judicial officers and staff. Against this backdrop, the team also progressed work on the renewed Victorian Public Service enterprise agreement after extended consultation.

A new challenge the PW&C team faced during the pandemic was effectively maintaining the occupational health and safety of judicial officers and staff while working remotely. While the heritage nature of many of the court buildings always presents an array of unique considerations, the remote working environment presented others that were no less challenging. Ergonomic assessments were conducted virtually, with the team coordinating the delivery of a wide range of equipment to judicial officers and staff to ensure proper OH&S standards were maintained. Incident reporting was also expanded to function within a remote environment.

Guided by specialised infection control advice for the operations and structure

of SCV buildings, the **Security, Risk and Assets** team implemented revised procedures and systems to ensure the safety of anybody who was on site. The team provided significant support to judicial officers and staff adjusting to the different on-site and remote working arrangements, especially as restrictions evolved over the course of the pandemic.

One benefit of the pandemic was the unencumbered access to courtrooms and other spaces provided by the shift to operating remotely, allowing the acceleration of capital works projects. Government funding was received in 2017–18 to carry out these works over 2017–20, that have improved and upgraded essential services for the Court's buildings and facilities. These include courtroom upgrades and remodelling to create multi-divisional spaces, thereby increasing courtroom capacity and flexibility in Court 5 and Court 10 in the Trial Division building (210 William Street, Melbourne). A detailed design for the renewal of security infrastructure was also finalised, with implementation due for completion in 2020–21.

Similarly, eCourts Transformation Project works were expedited due to courtroom vacancy. In 2019–20, 13 upgrades were completed, with another 13 scheduled for 2020–21. The project adapted infrastructure and integrated hardware and software in consultation with IT and the Virtual Hearing Taskforce, ensuring the technology could be adapted quickly to support remote hearings.

The **Financial Management Services** team implemented a range of financial compliance, governance and reporting enhancements to streamline budgeting processes. During the pandemic, urgent funding bids and responses were developed to meet the Court's emerging requirements. Support was also provided to all areas of the Court to make any necessary adjustments policy and processes. The team also provided in-depth qualitative and quantitative information to Court Services Victoria throughout the year to support continuous cross-jurisdictional improvements and to manage the budget impacts of the pandemic in a coordinated way.

Communications and Engagement

The **Communications and Engagement** team, led by the director Communications and Engagement, delivers a range of services for the Court.

The media team continued increasing the community's understanding of, and access to, the work of the Court by assisting with the livestreaming of 45 prominent judgments, hearings and sentences (including 29 video streams), and highlighting the Court's regional circuit calendar. Following the onset of the pandemic, the media team worked closely with judicial chambers, registries and IT to ensure journalists could remotely connect to hearings.

The Court continued to be active on Twitter and Facebook. The Court posted 328 tweets, more than double the 140 posted in 2018–19, while follower numbers increased from 17,715 to 19,072 (up 7%). The Court also made 92 posts on Facebook, with follower numbers increasing from 2,497 to 2,888 (up 15%).

Following on from the successful release of seven episodes of the Court's *Gertie's Law* podcast in 2018–19, a further seven episodes were made and released between 1 July and 11 September 2019. *Gertie's Law* includes interviews with academics, journalists, judges and Court staff, and discusses some of the lesser-known, misunderstood and complex parts of the Court's work. In April 2020, *Gertie's Law* was recognised at the *New York Festivals Radio Awards*, winning the Education Podcast category from a shortlist of international entrants. As of 30 June 2020, the 14 episodes have been downloaded 233,717 times across 137 countries. They can be accessed through podcast apps or the Court's website at supremecourt.vic.gov.au/podcast.

On Sunday 28 July 2019, approximately 2,000 people explored the historic Trial Division building in William Street as part of the Open House Melbourne festival. Visitors attended history and heritage tours throughout the day, with tours of the Court's decommissioned dungeons rapidly booking out. Planning was underway for the Court's participation in Courts Open Day, part of Victoria Law

Foundation's Law Week in May 2020, before it was cancelled as a result of COVID-19.

The Communications and Engagement team also runs the Court Education Program, with VCE Legal Studies students and teachers attending the Supreme Court and County Court on most days, and a Juries Victoria session run weekly. Before its suspension in March 2020 due to COVID-19, approximately 4,000 students from 175 schools (including 42 regional schools) accessed the on-site program at the Supreme Court. As both the Supreme Court and schools moved to remote models, the team began exploring the possibility of conducting the Court Education Program remotely through platforms such as Microsoft Teams and Zoom. Through consultation with teachers, who were open to and supportive of efforts to deliver education modules online, the Court developed a proposal for piloting a virtual Court Education Program for terms 3 and 4 of the 2020 school year.

ADDITIONAL COURT SERVICES



Funds in Court

Funds in Court (FIC) is an office of the Supreme Court that assists the Senior Master, Associate Justice Efthim, to administer funds paid into Court. Funds can be paid into Court pursuant to orders of all Victorian courts and legislation such as the *Trustee Act 1958*, or awards of the Victims of Crime Assistance Tribunal (VoCAT).

Key points

1

Funds valued at \$1.96 billion were managed, achieving market-leading interest rates for beneficiaries.

2

Active support was provided to 6,144 beneficiaries, making 8,511 orders to release money to beneficiaries as needed and processing approximately 94.4% of invoices within 5 business days.

3

An average of 43,398 calls were answered.

Overview

The vision of FIC is to enhance beneficiaries' lives through compassion and superior service. FIC's mission is to act in the best interests of beneficiaries by providing excellent service at the lowest cost, and ensuring safe and effective investment of their funds.

Payments into Court include compensation for injuries received in an accident, financial assistance awarded to a victim of crime, and a person's share in a deceased estate or compensation for the loss of a parent. FIC also administers funds paid into Court as a result of disputes and security for costs.

The passing of Kevin J Mahony AM

Former Senior Master, Kevin J Mahony AM, passed away on 28 July 2019. Kevin was the Court's second Senior Master, serving in the role for 29 years until his retirement in September 2012. He was appointed an associate justice of the Court in 2008, and a member of the Order of Australia in 2017 for significant service to the law and to the judiciary of Victoria, to education, and to professional legal bodies.

Kevin's great legacy includes overseeing the growth of FIC's jurisdiction, guided by his great compassion for those deemed most vulnerable and needing the protection of the Court.

During Kevin's tenure, FIC grew substantially in the number of beneficiaries, staff, services provided

and funds administered, with the latter alone growing from \$60 million to \$1.3 billion. Since 2004, moneys awarded for a person with a disability in the County and Magistrates' Courts and VCAT were also paid into FIC, resulting in the number of beneficiaries growing from around 1,400 to more than 5,000 at the time of Kevin's retirement.

In December 2009, under Kevin's guidance, FIC moved to new offices at 469 La Trobe Street, which were renamed the Kevin Mahony Chambers in 2019 in recognition of his service and dedication to Funds in Court, and to honour this quiet but rather extraordinary man.

Responding to COVID-19

Despite the COVID-19 pandemic, FIC maintained its level of services to beneficiaries, with beneficiary visits and external meetings held remotely. FIC also provided flexible working arrangements for staff to assist with managing the shift of work and schools to operating remotely.

One of FIC's enduring strengths has been the security of our closed IT network. Both the current and former Senior Master made it their key priority to protect the personal and financial information of some of Victoria's most vulnerable citizens. Over a three-week period in early March 2020, our ICT team worked tirelessly to build key IT infrastructure and capability to remotely and securely access FIC's internal IT system. Not having had this capability before, and in view of FIC's particular information security requirements, it

was an enormous effort from all areas of the business to redevelop procedures, test processes and train staff on the new IT platform. It is pleasing to report that FIC's remote-access solution was successful, allowing FIC to continue meeting all measurable client service key performance indicators.

This success also allowed a reduction of our physical presence in the office from approximately 80 staff per day, down to just 7 or 8. Designated essential staff worked on-site in a weekly rotating roster to ensure the seamless delivery of service to beneficiaries.

National Disability Insurance Scheme

During 2019–20, FIC's specialised National Disability Insurance Scheme (NDIS) team provided information and advice to or on behalf of beneficiaries concerning their involvement in the NDIS.

FIC's involvement

The NDIS has major implications for many beneficiaries with permanent and substantial impairments. Beneficiaries who have been recipients of common law damages are not precluded from access to, and support under, the NDIS.

Beneficiaries' circumstances, however, must be assessed by the National Disability Insurance Agency (NDIA) to ensure support is provided in compliance with the NDIS statutory framework. Of significance for many beneficiaries, the NDIA is required to account for certain payments made into Court, irrespective of the date on which the payment is made. Without the assistance of FIC, there is an elevated risk of delay or error in the provision of NDIS-funded support.

How FIC assists beneficiaries

FIC liaises with the NDIA's specialist compensation team to ensure beneficiaries' funds are accurately accounted for under the *National Disability Insurance Scheme (Supports for Participants – Accounting for Compensation) Rules 2013*.

Where a beneficiary has limited informal support, FIC can support the development and implementation of their NDIS Plans.

FIC also assists judicial officers considering applications for payments of support and services for support required by beneficiaries. This adds additional rigour to the application process, further ensuring beneficiary funds include a consideration of the broader system of available supports and services.

How FIC assists Supreme and County Court judges consider compromise approvals

FIC's NDIS team provides advice to Supreme and County Court judges considering the approval of compromises where there is a NDIS recovery and reduction as required under the *National Disability Insurance Scheme Act 2013* and Rules.

Outcomes achieved

In 2019–20, the team established connections with key stakeholders, including representatives from the NDIA, Transport Accident Commission, the Office of the Public Advocate, State Trustees, mental health providers and disability advocacy organisations.

FIC identified circumstances where beneficiaries would be entitled to NDIS supports and assisted them in lodging an access request and preparing for their

NDIS meeting. This positively impacts the lives of beneficiaries and their capacity to access otherwise unavailable supports and services.

Examples of this assistance include:

- crisis support, including for those experiencing family violence and at risk of homelessness
- facilitating referrals to specialist agencies, including disability advocacy and case management
- case planning input for younger beneficiaries residing in aged care who are eligible for specialist disability accommodation
- assistance with priority access to the NDIS, and pre-planning and planning support
- identification of additional NDIS supports, such as support coordination, therapies and care.

Performance

FIC met or exceeded all service delivery key performance indicators during the reporting period. Importantly, 94.4% of one-off payments to, or on behalf of, beneficiaries were processed within 5 days of requests being received and approved.

FIC received more than 43,398 phone calls on average each month. Of these calls, approximately 95.20% were answered within 1 minute of the person calling.

Number of orders, supporting documents and financial transactions made

	2018-19	2019-20	Variance
Orders	6,744	8,511	26%
Supporting documents	27,195	24,237	-11%
Financial transactions	140,081	140,778	0.5%

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

	2018-19	2019-20
Paid into Court	\$152	\$164
Paid out of Court	\$77	\$117

Beneficiary services

Many beneficiaries are involved in complex legal or financial matters and require the assistance of skilled and experienced trust officers, client liaison officers and legal officers to work through their difficulties. Every beneficiary is assigned a trust officer as their primary contact at FIC. Trust

officers help beneficiaries access their funds to purchase goods and services or for daily living expenses.

Client liaison

Client liaison officers visit beneficiaries and their families, either at their homes or a neutral venue, and assist with complex applications for payments. They are instrumental in assisting

beneficiaries with many lifestyle difficulties they face.

Legal officers prepare complex court orders and other documents and supervise the handling of legal matters by practitioners on behalf of beneficiaries. Specialist legal officers examine and make recommendations regarding the payment of legal costs on beneficiaries' behalf.

Client liaison officer visits

	2018-19	2019-20	Variance
Visits	764	716	-6%

New beneficiary accounts

During the reporting period, 856 payments into Court were made in accordance with an order of a court or VoCAT for a person under disability (award payments for personal injury,

family provision, wrongful death and VoCAT funds). There were also 81 non-award matters (dispute money, security for costs and money paid into Court pursuant to an Act).

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

	2018-19	2019-20	Variance
Supreme Court order	370	353	-5%
County Court order	80	71	-11%
Magistrates' Court order	0	0	0%
VoCAT order	467	432	-7%
Total	917	856	-7%

An order, made by the Senior Master or Judicial Registrar Englefield, is required to pay funds out of Court. The Senior Master makes all orders concerning a beneficiary's capacity to manage their

own affairs and all significant administrative decisions regarding the operations of FIC, while the judicial registrar determines the majority of applications for payments from FIC.

Investments

FIC Investment Services considers and implements investment advice provided by consultants engaged by the Senior Master.

Investment Services provides administrative support to the Investment Review Panel, which meets quarterly and whose members include fixed-interest and equities experts. Administrative support is also provided to the Investment Compliance Committee, which meets twice a year and includes superannuation and taxation experts.

The total value of funds under administration (including direct investment in real estate and other assets) was \$1.96 billion as at 30 June 2020.

Common Fund No. 2

The primary objective for Common Fund No. 2 (CF-2) is to provide the maximum return achievable with approved securities.

The interest rates fixed for 2020 continued to exceed industry benchmarks, representing an excellent outcome for beneficiaries, especially given the 10-year Australian Bond rate is currently around 0.87%. Investment performance also continues to be superior to the 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 objective is to provide beneficiaries with capital growth and income via regular distributions over an investment timeframe of at least six years. Investment into CF-3 is made on behalf of just over 2,600 beneficiaries (representing approximately 45% of all beneficiaries) with assets held by FIC.

In 2019-20, CF-3's total return of -10% underperformed the S&P/ASX 50 Leaders Accumulation Index benchmark by 0.8%. Over the 10-year period to 30 June 2020, CF-3 has delivered a total return per annum of 6.6% versus the benchmark return per annum of 7.7%.

Declared interest rate

	Year end 31 May 2019	Year end 31 May 2020	Variance
CF-2	2.70%	2.40%	-11%
CF-2 and CF-3	2.50%	2.20%	-12%

Beneficiaries' properties

The majority of beneficiaries' properties held in trust are residential, with a total of 505 properties valued at approximately \$313 million.

Investment Compliance Committee

The Investment Compliance Committee (ICC) monitors investment compliance with FIC's Asset Management Policy. In

accordance with the Supreme Court Act and the Trustee Act, the ICC also reports on any breach of compliance or of the Senior Master's duties. No breaches were reported in 2019-20.

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

	2018-19	2019-20	Variance
Value	\$2.024	\$1.96	-3%

Beneficiaries' properties held in trust (\$ millions)

	2018-19	2019-20	Variance
Property value	\$314	\$313	-0.3%
Number of properties	515	505	-2%

Accounting and taxation

The financial reports of the Senior Master are audited each year by the Victorian Auditor-General and are available at

fundsincourt.vic.gov.au. Annual trust tax returns were lodged for every beneficiary, with no direct fees charged for taxation services.

FIC annually benchmarks its administration expense ratio (AER),

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).

Administration expense ratio

	2018-19	2019-20	Variance
Administration expense ratio	0.53%	0.60%	13%

Corporate governance

FIC's governance structure is driven by the need to be fully accountable to the Court and beneficiaries. The Senior Master is committed to risk management in accordance with Australian Standards, with prudential safeguards monitored by FIC's corporate governance manager, who reports on defined risk management matters monthly.

FIC's corporate governance is also strengthened by several committees. The Audit Committee meet quarterly and includes external and internal auditors and management. They consider financial reporting, audits, risk management, ethical issues and other matters. The committee also incorporates key responsibilities of an ethics committee, overseeing FIC's ethics audits, training programs and compliance with the VPS Code of Conduct, and reviewing any ethical complaints and FIC's response.

The Executive Remuneration Committee (ERC) provides transparency in relation to the remuneration of non-VPS executive staff, and assists the Senior Master in fulfilling his corporate governance responsibilities. The ERC's policies, as far as practicable, emulate the provisions of the Government Sector Executive Remuneration Panel.

Complaints

FIC treats complaints seriously, with all complaints documented in accordance with the Australian Complaints Standard

ISO 10002:2014. During 2019-20, 23 complaints were received, compared to 49 complaints in 2018-19.

The Senior Master expects that complaints are dealt with in a timely and transparent manner, all attempts are made to resolve complaints fairly, and any issues identified as a result of complaints lead to service improvements.

Business continuity

FIC's Business Continuity Plan (BCP) enables FIC to respond to and quickly resume operations following a disaster that destroys, damages or prevents access to FIC's premises and its critical computer systems. The BCP was successfully tested and reviewed on 9 October 2019 and 4 March 2020 to ensure its ongoing integrity.

Beneficiaries' involvement

Two key beneficiary groups contribute to FIC's activities:

- The Beneficiaries Advisory Committee [BAC], which meets quarterly to discuss FIC practices and identify issues and opportunities for improvement. The BAC consists of representatives of FIC, beneficiaries' families and other interested parties such as the Law Institute of Victoria, the Office of the Public Advocate and the Victims Support Agency.

- The Beneficiaries' Focus Group (BFG) is a group of beneficiaries that contributes ideas and provides FIC with client feedback about the way it operates. The group met once during the reporting year.

FIC Human Rights Advisory Committee

The FIC Human Rights Advisory Committee (FIC HRAC) identifies key issues regarding access to justice for people with a disability, recommending changes to current practices and processes. It is chaired by the Senior Master and comprises the FIC judicial registrar; director of strategy, government and community relations; FIC corporate counsel; and senior members from VCAT, the Office of the Public Advocate, Maurice Blackburn, the Children's Court, the University of Melbourne, NDIS, Victoria Police and the Office of Public Prosecutions.

The HRAC consists of the Litigation Guardian Working Group, Clinical Working Group, and Human Rights Working Group. Outcomes include the use of intermediaries in criminal matters; changes to SCV Rules and proposed new litigation guardian practice note; a Litigation Guardian Framework for Victoria and increasing the parenting skills of women with an intellectual disability to reduce their babies being removed.

Juries Victoria

Juries Victoria is responsible for ensuring enough Victorian citizens, broadly representative of the community, are available and ready to serve as jurors in 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

The eligibility, availability and personal circumstances of about 190,000 Victorians randomly selected for jury service was assessed.

2

The number of jurors summonsed across the state was monitored and adjusted in close consultation with the courts.

3

Service delivery continued to be refined through engagement with and feedback from both prospective jurors and the courts.

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 refining and embedding new resources, processes and procedures.

This included the development of a Digital and Technology Roadmap, which sets out Juries Victoria's ongoing commitment to the creation of digital-first, citizen-centric and integrated systems and processes. As part of the roadmap, the Jury Management System (JMS) and website were refined and enhanced as business intelligence capabilities were developed. These enhanced capabilities will provide greater insight into the entire jury selection process, allowing for more informed decision-making and greater efficiency.

Ongoing improvements to the user experience, especially with the JMS public portal, website, forms and

correspondence, have shown a consistent increase in the proportion of citizens responding to their notice of selection for jury service online via the portal rather than paper forms.

Jury trials were suspended from mid-March until they could resume in a COVID-safe manner. The courts developed plans to minimise the disruption during this period and explored alternative methods of how the jury process would be managed when jury trials resumed.

As can be seen in the accompanying tables, COVID-19 had a substantial impact on normal operations. Juries Victoria was unique amongst the areas of the Court in that its operations were wholly suspended as a result of COVID-19 restrictions, which is reflected in the significant drop in activity recorded in 2019-20 compared with 2018-19.

Citizen responses to Notice of Selection¹

	2016-17	2017-18	2018-19	2019-20
Online – Melbourne	51.1%	74.1%	81.6%	88.6%
Online – regional Victoria	42.0%	60.0%	71.1%	79.8%
Online – Total	45.3%	65.7%	75.2%	82.9%

¹ Not all Notices of Selection responses are included (eg return to sender).

Jury activity¹

Citizens randomly selected	2018-19	2019-20	Variance
Melbourne	86,201	39,555	-54%
Regional Victoria	136,781	87,500	-36%
Total	222,982	127,055	-43%
Jurors summonsed			
Melbourne	26,669	15,454	-42%
Regional Victoria	33,260	22,852	-31%
Total	59,929	38,306	-36%
Jurors attending (not all jurors summonsed are required to attend)			
Melbourne	13,620	4,408	-68%
Regional Victoria	7,001	2,309	-67%
Total	20,621	6,717	-67%

¹ Jury trials were suspended state-wide from 16 March 2020.

Jury trials¹

Supreme Court	2018-19	2019-20	Variance
Civil – Melbourne	16	10	-38%
Civil – regional Victoria	6	3	-50%
Criminal – Melbourne	39	10	-74%
Criminal – regional Victoria	7	5	-29%
Total	68	28	-59%
County Court	2018-19	2019-20	Variance
Civil – Melbourne	31	20	-35%
Civil – regional Victoria	9	4	-56%
Criminal – Melbourne	306	138	-55%
Criminal – regional Victoria	110	42	-62%
Total	456	204	-55%

¹ Jury trials were suspended state-wide from 16 March 2020.

Law Library of Victoria

The Law Library of Victoria provides judicial officers, the profession and the community with ready access to legal information, thereby contributing to the administration of justice and the practice of law in Victoria. The Library is managed by the Supreme Court Library Committee, augmented by three representatives from other Victorian jurisdictions, and is chaired by Justice Garde. The Supreme Court Librarian, Ms Laurie Atkinson, is the Director of the Law Library of Victoria.

Key points

1

The number of individuals using the digital library increased 60%, resulting from improvements to communication, user experience and accessibility that created seamless online access to digital resources.

2

The Legal Research eLearning course – Case Law and Legislation units, which is available to all judges, Court staff and all Victorian lawyers, was launched.

3

A bold and contemporary strategic plan for the Library was created through extensive engagement with the legal community.

Overview

The Chief Justice chairs the Interim Board of the Law Library of Victoria Implementation Project. The board is made up of 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, who also chairs the Supreme Court Library Committee, attend interim board meetings, along with the CEOs of Court Services Victoria and the Supreme Court.

Library services

The Library manages a curated collection of thousands of resources relevant to the Victorian judiciary. Intuitively structured for ease of access, the Library is available to judges, court staff, legal practitioners and the general public via its website lawlibrary.vic.gov.au.

A rostered librarian assists all members of Victoria's legal community with legal research support. Dedicated librarians act as the first point of contact for judicial officers and staff of certain jurisdictions and the Victorian Bar.

The Library publishes judgments of the Supreme Court, Costs Court and Court of Appeal on behalf of the Council of Law Reporting in Victoria in a timely manner. Judgments are made available online through AustLII, JADE, Justis, LexisNexis and Thomson Reuters, as well as the Library website.

Overall usage of the Library's services and resources continue to increase. In the 12 months between July 2019 to June 2020, demand for digital library services increased by 60% on the previous year, with the number of judges and members of the profession registered for exclusive access to licensed content through the library website growing from 3,600 to 5,750.

Digital library

The Library launched a refreshed website in early 2020 after undertaking usability testing. The website now provides enhanced search functionality and a user-friendly format. Additional exclusive content was also made available to practitioners.

The website became the primary means of accessing the Library's collection and resources following the temporary closure of physical Library spaces on 25 March 2020 due to the COVID-19 pandemic.

The Library provided 24/7 access to full-digital services for judicial officers, practitioners and Library staff working from home. Legal practitioners were provided with unprecedented, continuous access to an extended range of curated content via the Library website in response to COVID-19 restrictions. The Library's strong relationships with key publishers, and their generous support, ensured it could provide such extensive access. The Library also thanks court libraries

across Australia for their assistance in providing hard-copy material to ensure clients were serviced with the best materials during Victorian COVID-19 restrictions. A COVID-19 webpage was also developed listing resources freely available on the public website.

Collection management work continues to focus on improving the digital library and removing redundant print material. By working closely with jurisdictions to ensure judges' requirements are met, the Library delivered a reduction in expenditure of more than \$130,000 for publication purchasing, representing approximately 8% savings on the previous reporting period.

The Library continues to expand the reach of services available to judicial officers and the profession across all of Victoria. By transitioning to a predominantly digital collection, approximately 70% of publication purchasing costs are now spent on digital resources.

Events and engagement

In 2019–20, the Library held 207 events and sessions either on-site or remotely by videoconference, drawing participants from all over the country. There were 46 events exclusive to judicial officers, with a total of 250 individuals attending. More than 1,052 practitioners attended legal practitioner events, including more than 33 induction and legal database training sessions.

The Library launched the Legal Research eLearning Course – Case Law and Legislation units, designed to enhance judges, court staff and legal practitioners' research capabilities and confidence to readily navigate resources and locate legal information. Practitioners were also able to earn continuing professional development (CPD) points through the completion of these modules. This project was made possible through funding from the Victorian Legal Services Board.

Partnerships

The Library is especially grateful for its strategic partnerships with the Law Institute of Victoria, Victorian Bar and Victoria Legal Services Board + Commissioner in assisting the Library to promote access to the digital library to practitioners during the COVID-19 restrictions.

The future

The Library Committee strives to provide judicial officers, the profession and community with ready access to legal information, contributing to the administration of justice and the practice of law in Victoria.

In May 2020, the Library Committee drafted a strategic plan after an in-depth consultation process with Victoria's legal community, including more than 20 organisations and up to 70 individuals.

As learning and knowledge become more collaborative and dynamic, the Library is focused on expanding its authoritative collection; enhancing legal research capabilities; strengthening collaboration and partnerships with legal organisations; and promoting better governance and dynamic workforce.

LEADERSHIP AND GOVERNANCE



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*.

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.

Funds in Court is recognised as a support function of the Court and 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 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 from the other arms of government. 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 its operations are funded Internal governance.

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
(until December 2019)

Associate Justice Efthim
(from December 2019)

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 CEO (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, as well as judicial support and registry services.

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
(until June 2020)

chaired by Justice Niall
(from June 2020)

Digital Strategy Steering Committee¹

chaired by Matt Hall and Justice Elliott
(until December 2019)

chaired by Matt Hall and Justice Forbes
(from December 2019)

Library Committee

chaired by Justice Garde

Appropriate Dispute Resolution Committee

chaired by Justice Kennedy

Self-represented Litigants Committee

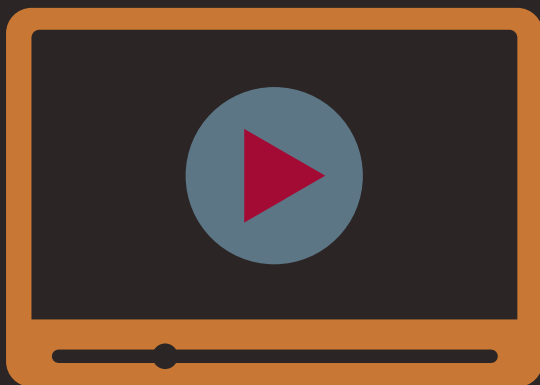
chaired by Justice Inceri

Audit and Risk Committee

chaired by Justice McDonald

¹ The DSSC is assisted in delivering IT improvements and innovations in the Court by the Digital Strategy Working Group and the IT Feedback Forum.

APPENDICES



Financial Information

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

Operating statement¹

	2018-19 \$'000	2019-20 \$'000
Income from transactions		
Output appropriations	58,635	60,132
Special appropriations	34,580	36,143
Grants and other income	-	-
Total income from transactions	93,215	96,275
Expenses from transactions		
Employee expenses and judicial officer remuneration	58,051	62,564
Depreciation and amortisation	6,570	11,102
Interest expense	61	130
Grants and other transfers	350	350
Capital asset charge	10,789	10,291
Supplies and services	16,576	14,315
Total expenses from transactions	92,397	98,751
Net result from transactions (net operating balance)	818	(2,476)
Other economic flows included in net result		
Net gain/(loss) on non-financial assets	99	115
Net gain/(loss) on financial instruments	-	-
Other gains/(losses) from other economic flows	(1,850)	(447)
Total other economic flows included in net result	(1,751)	(332)
Net result from continuing operations	(933)	(2,808)
Other economic flows – other comprehensive income Items that will not be reclassified to net result		
Changes in physical asset revaluation reserve	8,218	14,950
Total other economic flows – other comprehensive income	8,218	14,950
Comprehensive result	7,285	12,142

¹ 2018-19 figures have been re-stated as a result of corrections made in relation to the Capital Asset Charge.



Judicial Officers of the Supreme Court of Victoria 2019–20

Chief Justice

The Hon Chief Justice
Anne Ferguson (2010¹, 2014²)
2 October 2017 – present

President of the Court of Appeal

The Hon Justice
Chris Maxwell AC
18 July 2005 – present

Judges of the Court of Appeal

The Hon Pamela Mary Tate
14 September 2010 – present

The Hon Simon Paul Whelan (2004¹)
16 October 2012 – 9 April 2020

The Hon Phillip Geoffrey Priest
23 October 2012 – present

The Hon David Francis
Rashleigh Beach (2008¹)
22 October 2013 – present

The Hon Emilios John Kyrou (2008¹)
29 July 2014 – present

The Hon Stephen
William Kaye AM (2003¹)
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 (2005¹)
19 December 2017 – present

The Hon Terence
Michael Forrest (2009¹)
10 July 2018 – present

The Hon Karin Leigh Emerton (2009¹)
10 July 2018 – present

The Hon Michael Leon Sifris (2010¹)
2 June 2020 – present

Judges of the Trial Division

The Hon Elizabeth Jane Hollingworth
7 June 2004 – present

The Hon Kevin Harcourt Bell AM
10 February 2005 – 12 March 2020

The Hon Anthony Lewis Cavanough
8 May 2006 – present

The Hon Clyde Elliott Croft AM
4 November 2009 – 5 October 2019

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 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 Incerti
(formerly Zammit) (2010³)
14 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

The Hon Lisa Nichols
22 October 2019 – present

The Hon Christopher James Delany
2 June 2020 – present

The Hon Kathryn Lucy Stynes
22 June 2020 – present

Reserve judges

The Hon Malcolm Blue
28 April 2015 – present

The Hon Julie Dodds-Streeton (2010⁴)
24 November 2015 – 1 December 2019

The Hon Ross McKenzie Robson (2016⁴)
20 July 2016 – present

The Hon David John Ashley AM (2012⁴)
2 February 2017 – 1 February 2020

The Hon Paul
Anthony Coghlan AO (2014⁴)
11 July 2017 – present

The Hon Mark Weinberg AO (2018⁴)
13 May 2018 – present

The Hon Robert Stanley Osborn (2018⁴)
23 June 2018 – present

The Hon Lex Lasry AM (2018⁴)
3 July 2018 – present

The Hon Gregory
Howard Garde AO RFD (2019⁴)
1 April 2019 – present

Associate judges

The Hon John Eftim
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 – 10 January 2020

The Hon Mary-Jane Ierodionou
12 May 2015 – present

The Hon Julian Hetyey
11 February 2020 – present

Judicial registrars

Judicial Registrar Meg Gourlay
28 January 2011 – 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 – 2 March 2020

Judicial Registrar Martin Keith
5 February 2020 – present

¹ Date appointed to the Trial Division.

² Date appointed to the Court of Appeal.

³ Date appointed as an associate judge.

⁴ Date retired from the Bench.

Court Locations

The Supreme Court hears cases in a number of 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

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 4334 6000

Bendigo Magistrates' Court

71 Pall Mall
Bendigo Victoria 3550
Phone: 03 4436 3840

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 4309 6100

Latrobe Valley Magistrates' Court

134 Commercial Road
Morwell Victoria 3840
Phone: 03 5194 4300

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 4113 7800

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
Phone: 03 8600 2000
Email: principalregistry@supcourt.vic.gov.au

Self-represented litigants

Phone: 03 8600 2031
Email: unrepresented@supcourt.vic.gov.au

Commercial Court Registry

Ground floor, 450
Little Bourke Street
Melbourne Victoria 3000
Phone: 03 8600 2002
Email: commercialcourt@supcourt.vic.gov.au

Court of Appeal Registry

Level 1, 436
Lonsdale Street
Melbourne Victoria 3000
Phone: 03 8600 2001
Email: coaregistry@supcourt.vic.gov.au

Funds in Court

Level 5, 469
La Trobe Street
Melbourne Victoria 3000
Phone: 1300 039 390
Email: fic@supremecourt.vic.gov.au
Website: fundsincourt.vic.gov.au

Juries Victoria

Ground floor
County Court of Victoria
250 William Street
Melbourne Victoria 3000
Phone: 03 8636 6800
Email: info@juries.vic.gov.au
Website: juriesvictoria.vic.gov.au

Law Library of Victoria

210 William Street
Melbourne Victoria 3000
Phone: 03 8600 2009
Email: llv@courts.vic.gov.au
Website: lawlibrary.vic.gov.au

supremecourt.vic.gov.au



@SupremeCourtVic



@SCVSupremeCourt

SUPREME COURT OF VICTORIA

Supreme Court of Victoria
210 William Street
Melbourne VIC 3000

supremecourt.vic.gov.au