

ANNUAL REPORT **2020-21**



**SUPREME COURT
OF VICTORIA**

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 2020-21 financial year, reporting on the Court's activities from 1 July 2020 to 30 June 2021.

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 (Vic)*. 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

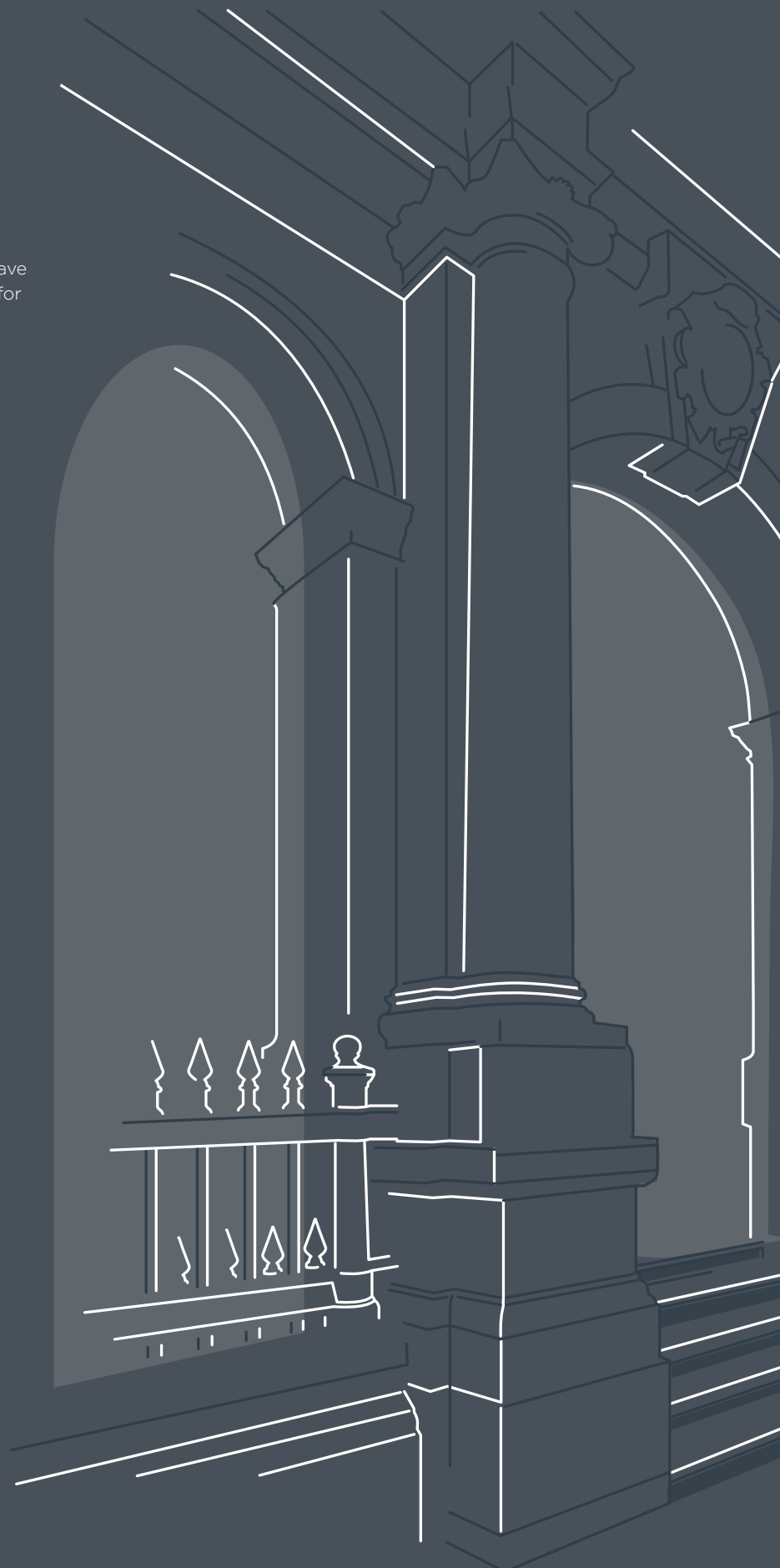
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Goal

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.

Values

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 distinct divisions, the Trial Division and the Court of Appeal.

The Trial Division is made up of three divisions: the Criminal Division, the Common Law Division and the Commercial Court. It hears serious criminal cases, including murder and terrorism, 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 administrative judicial support, the Court of Appeal Registry, the Principal Registry, Juries Victoria, the Law Library of Victoria, Court administration, communications and engagement. The Funds in Court function 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, 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	19
Commercial Court	22
Common Law Division	27
Associate Judges' Chambers	34
Judicial Mediation	36
Costs Court	38
Registry and Court Support Services	40

Office of the Prothonotary	44
Probate Office	45
Corporate Services	47

49

ADDITIONAL COURT SERVICES

Funds in Court	50
Juries Victoria	54
Law Library of Victoria	56

58

LEADERSHIP AND GOVERNANCE

60

APPENDICES

Financial Information	61
Judicial Officers of the Supreme Court	62
Courtroom Locations	64
Contact Details	66



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

	2019-20	2020-21	Variance
Initiations	6,571	5,138	-21.8%
Finalisations	6,580	5,057	-23.1%
Pending	5,128	5,209	1.6%

Clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	100.1%	98.4%	100%
Cases finalised within 12 months	72.1%	63.4%	75%
Cases finalised within 24 months	87.0%	87.9%	90%
Cases finalised >24 months	13.0%	12.1%	0%

Case backlog

	2019-20	2020-21	Benchmark
Pending >12 months	33.3%	38.3%	20%
Pending >24 months	15.1%	15.4%	5%

Court file integrity

	2019-20	2020-21	Benchmark
Court file integrity	91%	93%	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 2019-20 and 2020-21 figures. Benchmark is a standard that the Court measures its performance against.

Differences between figures contained in this report, compared to the 2019-20 annual report, are due to the further refinement of the Court's statistics after their publication.

Court of Appeal

Total cases

	2019-20	2020-21	Variance
Initiations	360	356	-1.1%
Finalisations	399	371	-7.0%
Pending	279	264	-5.4%

Civil cases

	2019-20	2020-21	Variance
Initiations	120	126	5.0%
Finalisations	139	137	-1.4%
Pending	90	79	-12.2%

Civil cases - clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	115.8%	108.7%	100%
Cases finalised within 12 months	66.9%	75.9%	75%
Cases finalised within 24 months	99.3%	94.9%	90%
Cases finalised >24 months	0.7%	5.1%	0%

Criminal cases

	2019-20	2020-21	Variance
Initiations	240	230	-4.2%
Finalisations	260	234	-10.0%
Pending	189	185	-2.1%

Criminal cases - clearance rate and on-time processing

	2019-20	2020-21	Benchmark
Clearance rate	108.3%	101.7%	100%
Cases finalised within 12 months	63.8%	63.7%	75%
Cases finalised within 24 months	100.0%	98.7%	90%
Cases finalised >24 months	0.0%	1.3%	0%

Trial Division

Total cases – civil and criminal

	2019-20	2020-21	Variance
Initiations	5,976	4,515	-24.4%
Finalisations	5,964	4,408	-26.1%
Pending	4,808	4,915	2.2%

Criminal Division – trials and pleas

	2019-20	2020-21	Variance
Initiations	91	122	34.1%
Finalisations	109	67	-38.5%
Pending	88	143	62.5%

Criminal Division – clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	119.7%	54.9%	100%
Cases finalised within 12 months	52.3%	58.2%	75%
Cases finalised within 24 months	82.6%	83.6%	90%
Cases finalised >24 months	17.4%	16.4%	0%

Commercial Court – cases summary

	2019-20	2020-21	Variance
Initiations	2,569	1,426	-44.5%
Finalisations	2,869	1,703	-40.6%
Pending	1,595	1,318	-17.4%

Commercial Court – clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	111.7%	119.4%	100%
Cases finalised within 12 months	82.0%	71.2%	75%
Cases finalised within 24 months	88.3%	88.5%	90%
Cases finalised >24 months	11.7%	11.5%	0%

Common Law Division – cases summary

	2019-20	2020-21	Variance
Initiations	3,002	2,676	-10.9%
Finalisations	2,670	2,334	-12.6%
Pending	2,991	3,333	11.4%

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

	2019-20	2020-21	Benchmark
Clearance rate	88.9%	87.2%	100%
Cases finalised within 12 months	58.9%	49.8%	75%
Cases finalised within 24 months	81.9%	83.6%	90%
Cases finalised >24 months	18.1%	16.4%	0%

Judicial and ADR registrar mediations

	2019-20	2020-21	Variance
Cases referred for mediation	691	748	8.2%
Mediations completed	405	446	10.1%
Cases resolved on day of mediation	236	235	-0.4%
Percentage of cases resolved on day of mediation	58%	53%	-5.0%
Number of hearing days saved	1,209	1,105	-8.6%

Services snapshot

Registry Services	2019-20	2020-21
Counter enquiries answered ¹	5,965	638 ²
Self-represented litigants – enquiries answered	5,094	6,446
Subpoenas issued	3,571	4,403
Probate Office	2019-20	2020-21
Applications for grants of representation filed	22,403	22,342
Grants issued by the Probate Office	22,325	21,575
Applications made by people without legal representation	1,862	2,371
Wills deposited with Probate Office for safekeeping	247	252
Funds in Court	2019-20	2020-21
New beneficiary accounts opened	856	961
Total value of funds under administration, including real estate (\$ billions)	\$1.96	\$2.13
Administration expense ratio	0.60%	0.59%
Law Library of Victoria	2019-20	2020-21
eLearning and training attendees	1,399	8,511
Website visits and database usage	2,206,125	2,504,687
User satisfaction with the Library and its services	100%	98% ³
Judgments published on the Library website	1,088	1,294
Juries Victoria ⁴	2019-20	2020-21
Citizens randomly selected	127,055	203,062
Jurors summonsed	38,306	43,482
Jurors attended	6,717	3,673
Jury trials ⁵	232	137
Community engagement ⁶	2019-20	2020-21
Website page views	3,118,713	3,549,403
Social media followers (Twitter and Facebook)	21,960	22,397
Episode downloads of <i>Gertie's Law</i> podcasts	233,717	348,880
Court education program participants	4,000	1,035 ⁷
Finances	2019-20	2020-21
Total operating revenue (\$'000)	96,275	95,639
Total operating expenses (\$'000)	98,751	102,811
Net result from transactions (net operating balance) (\$'000)	(2,476)	(7,172)

¹ Principal Registry.

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

³ The drop in user satisfaction reflects the impact of COVID-19 and reduced access to the Supreme Court Library as a result.

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 The decrease in participants reflects the impact of COVID-19.

Joint Foreword: Chief Justice and CEO

It is a pleasure to present the 2020-21 Annual Report for the Supreme Court of Victoria.



The Honourable Anne Ferguson
Chief Justice of Victoria

We wish to thank all our Court users, judicial officers and staff for the way they have responded to the changes brought on by the COVID-19 pandemic.

It has been incredibly important to keep the Court operating for the benefit of litigants and the broader community.

That has only been possible due to the cooperation and dedication of all who come to and work in our Court, physically and remotely.

Continuing to deliver justice

In 2020-21, around 94% of hearings and mediations had some kind of digital litigation input or assistance, including support from eCourt operators.

Improvements to courtroom technology enabled the Court to quickly adapt to remote hearings with minimal disruption to listings, with journalists and the public able to access proceedings through virtual streaming links.

Despite continually adjusting our operations in line with public health advice, the Court remained focused on just, independent and impartial decision-making and dispute resolution.

The **Court of Appeal**, for example, reduced the median time to finalise all matters, while also meeting clearance rate targets for both criminal and civil appeals. An increased focus on single-judge determination of criminal leave applications contributed to the lower median time to finalisation in sentence-only criminal matters and enabled judicial resources to focus on complex and urgent matters, including those arising from the Royal Commission into the Management of Police Informants.

In the **Criminal Division**, remote and hybrid hearings paved the way for a variety of criminal applications and preliminary hearings to be heard, such as witness examinations, case conferences, directions and other case management hearings. This ensured that cases were ready for jury empanelment as soon as trials could resume. The fast-tracking of homicide cases from the Magistrates' Court and the Children's Court also continued. The Criminal Division heard a record number of bail applications, which all proceeded without unnecessary delay due to the Court's remote-hearing capabilities and reforms to bail application and management processes.

The **Commercial Court** ran largely 'business as usual' through 2020-21, albeit remotely. The overall workload across the division remained solid, with the exception of some proceedings affected by regulatory changes brought on by the pandemic. The Commercial Court, with the Common Law Division, also established a cross-divisional Group Proceedings List to harmonise the management of group proceedings (also known as class actions) across the Court.

Like other areas of the Court, the **Common Law Division** leveraged digital technologies, particularly video-conferencing platforms, to provide greater flexibility in hearings and mediations. Jury trials largely proceeded before a judge alone. Amended listing practices improved the effectiveness of these new procedures for trials, hearings and judicial mediation. Civil matters from regional locations continued to be finalised, with the model of virtual judicial mediation and trial options being deployed to good effect.



Matt Hall PSM
Chief Executive Officer

Demand for the Court's **mediation services** continued to grow, with 8% more cases referred to mediation in 2020–21 than in the previous reporting period. The Appropriate Dispute Resolution (ADR) Centre continued to conduct all mediations remotely. The number of mediations completed increased by 10%, and 53% of cases were resolved on the day of mediation. Settling matters at mediation saved 1,105 trial days, with **Costs Court** mediations saving a further 552 hearing days.

RedCrest-Probate, the new electronic filing system for the **Probate Division**, launched on 1 July 2020, streamlining the process of applying for probate and administration for both the legal profession and the public.

Creating a positive working environment

During the reporting period, registries and Court support teams adjusted their operations to ensure services continued with minimal disruption. Attendance at registry counters was managed by appointment, with all filing, phone and email services being delivered by staff either working on site or remotely. For example, the Digital Litigation team supported Court users and the judiciary in the ongoing delivery of remote hearings. The IT and Digital Support Services team provided front-line support, leading infrastructure, hardware, software and platform integration and upgrade projects. The People, Wellbeing and Culture team provided a supportive working environment, creating a schedule of health and wellbeing initiatives and developing policies to support hybrid working arrangements.

Amid all of this, the Court continued to focus on building a safe and respectful workplace. In April 2021, the final report from an independent Review of Sexual Harassment in Victorian Courts and Victorian Civil and Administrative Tribunal (VCAT) was released. The review considered measures to prevent sexual harassment, improve reporting and support for those who experience sexual harassment, raise awareness, and ensure accountability across the state's courts and VCAT. Court Services Victoria (CSV) is leading the work to implement the recommendations. Some measures will be completed in the short term, while others will take longer. We will track and report our progress over time. We thank everyone from within and outside of the courts and VCAT for their input and feedback as we continue this important work. The review and the Court's response can be accessed via our website.

Building a partnership approach

In 2020–21, we focused on continuing to deliver justice for the community, while balancing the health and safety of Court users, our judges and staff. We are conscious of the challenging conditions through which thousands of people worked to enable hearings to continue.

The closure of 436 Lonsdale Street in February 2021 and the subsequent relocation effort saw many people responding to a second wave of unexpected change. Despite the many twists and turns the year presented, however, all those who work in and with our Court faced this uncertainty with goodwill and patience.

We acknowledge and thank the chief executive officer of CSV, Louise Anderson, for her commitment to supporting all

jurisdictions in these unsettling times, and also thank her team for their work delivering on cross-jurisdictional projects, the coordinated COVID-19 response and supporting day-to-day operations in ways often unseen.

We remain extremely grateful to Victoria's legal profession for assisting us to progress as many matters as possible by continuing to adapt how they interacted with the Court. We extend our deep appreciation and thanks to all barristers and solicitors for their continuing efforts and the critical role they play in assisting the Court to fulfil its function.

We said last year that we could not have achieved what we did without the dedication and hard work of our judges, associate judges, reserve judges, reserve associate judges, judicial registrars and staff. That remains as true now as it did then, and we sincerely thank them all.

Looking ahead, we will continue to enhance our operations and remain as focused as ever on how we can best serve the Victorian community.



The Honourable Anne Ferguson
Chief Justice of Victoria



Matt Hall PSM
Chief Executive Officer

COURT SNAPSHOT





Year in review

Judicial movements

There were a number of changes among the Court's judicial officers in 2020-21.

Justice **Kim Hargrave** retired from the Court of Appeal on 2 October 2020, and was appointed a reserve judge on 24 November 2020. Justice **Peter Almond** retired from the Trial Division on 31 March 2021 and Justice **Pamela Tate** retired from the Court of Appeal on 30 April 2021. Associate Justice **Robyn Lansdowne** retired on 28 July 2020 and Associate Justice **Jamie Wood** retired on 25 June 2021.

Justice **Maree Kennedy**, judge in the Trial Division since 2016, was appointed to the Court of Appeal on 15 December 2020 and Victoria's Solicitor-General, **Kristen Walker**, was appointed a judge of the Court of Appeal on 3 May 2021.

Four new judges were appointed to the Trial Division:

- ▶ Justice **James Gorton**
(16 December 2020)
- ▶ Justice **Michael Osborne**
(16 December 2020)
- ▶ Justice **Stephen O'Meara**
(18 May 2021)
- ▶ Justice **Richard Attiwill**
(18 May 2021)

After 27 years as the registrar of probates, **Michael Halpin**, retired from the Court in April 2021. **Kate Price**, formerly deputy registrar (Common Law Division) and assistant registrar of probates, was appointed as the Court's new registrar of probates.

Associate Justice **Patricia Matthews**, judicial registrar at the Court since 2017, was appointed an associate judge on 15 December 2020 to work across

Common Law and Commercial Court matters. Judicial Registrar **Julie Clayton** was appointed a judge of the County Court on 8 December 2020.

Judicial Registrar **Leonie Englefield** moved from her role as judicial registrar, Funds in Court, to the Associate Judges' Chambers. On 25 May 2021, **Kim Woronczak** and **Andrew Baker** were appointed as judicial registrars of the Court. Judicial Registrar Woronczak, who previously held the position of prothonotary and deputy director, Registry Services, at the Court, filled the civil vacancy occasioned by the appointment of Judicial Registrar Matthews as an associate judge, and assumed the role of judicial registrar, Funds in Court, vacated by Judicial Registrar Englefield. Judicial Registrar Baker joined the Court's Common Law Division, in the position vacated by (now) Judge Julie Clayton.

Upgrading operations

Throughout the reporting period, the Court progressed the **Security Renewal Project**, replacing access control systems, CCTV and alarm system infrastructure. Fundamental security requirements have been upgraded to continue the secure operation of a modern court precinct, with some elements yet to be completed.

The eCourts Renewal Project, completed on 30 June 2021, was adapted to enhance specialised capability for the Court to perform hybrid and remote hearings. These enhancements enabled hybrid and remote hearings to be conducted in 32 courtrooms and 2 mediation rooms.

The Office of the Prothonotary completed the first stage of the **eAccess project**, incorporating electronic file and litigation search inspection requests and payments into RedCrest, together with subpoena inspection payments. The second stage of the project, which will enable electronic file inspections, is expected to be delivered in 2021-22.

As part of the broader move to electronic filing, the Probate Office started issuing electronic grants on 1 July 2020. This new system, **RedCrest-Probate**, streamlined the process of applying for probate and administration for the legal profession and the public, leading to an increase of 509 (27%) applications made by people without legal representation. It also decreased the time between filing and obtaining grants from an average of 13 days and a median of 8 days in 2019-20, to an average of 8 days and a median of 2 days in 2020-21.

Adapting to COVID-19

All areas and divisions of the Court **adapted to the COVID-19 pandemic**, leveraging digital technologies, particularly video-conferencing platforms, to provide greater flexibility in hearings, mediations and meetings. This pivot enabled remote hearings and amended listing practices, improving the effectiveness of procedures for all matters. Journalists and members of the public were also able to stream proceedings.

New jury trials in Victoria, suspended since March 2020, recommenced in a limited way in Melbourne only on 16 November 2020 and were conducted

under strict pandemic protocols. In regional Victoria, circuit jury trials recommenced incrementally from May 2021, again under strict COVID-19 protocols. Lockdowns in 2021 caused further disruptions to jury trials, albeit to a lesser extent.

Court registries and support teams

adjusted their operations to ensure services continued without disruption. Attendance at registry counters was managed by appointment, with all filing services and enquiries managed by staff working on-site or remotely.

The **IT and Digital Support Services** team provided critical front-line support, driving a range of infrastructure, hardware, software and platform integration and upgrade projects. This included upgrading remote access and security, accelerating the Court's capability to securely work remotely. The infrastructure upgrade, together with a complete hardware refresh, set the foundation for the Court's ability to provide flexibility to work and conduct hearings remotely.

As restrictions evolved, the **People, Wellbeing and Culture** team developed health, wellbeing and team-building initiatives to support judicial officers and staff. The team also developed a model for hybrid working arrangements, drawing on lessons learned through working-from-home arrangements over the previous 12 months.

In February 2021, the Court was required to close its offices at **436 Lonsdale Street** after the building's owner identified that essential work needed to be carried out. The Court immediately established a centralised registry hub within the Old High Court building, with all in-person and other services continuing without disruption or loss of service for Court

users. The Court also commenced the design and approval of 2 fit-for-purpose offices for 260 staff and relocating public registry counters, 8 newly digitised courtrooms and Court mediation.

External engagement

The Court's media team assisted with the public **livestreaming** of 11 matters, with streamed hearings including trials, sentences and judgments, on the Court's website, attracting 48,092 unique visits. Additionally, journalists connected remotely to more than 660 hearings via livestreams, video conferencing and over the phone. A special episode of the Court's award-winning podcast, **Gertie's Law**, was released in December 2020, titled *Court in a Pandemic*. This was followed by the launch of the eight-episode season two in May 2021. As of 30 June 2021, episodes from both seasons of the podcast were downloaded a combined 348,880 times across 144 countries.

In response to COVID-19 restrictions, the Court piloted an online version of its **Education Program** between July and November 2020. As a result of the pilot's success, the Court proceeded with the program in 2021. During the reporting period, more than 1,000 students participated in 42 virtual sessions with 19 Supreme Court judges. The program also extended its reach across Victoria, with 38 schools participating from Melbourne and regional areas, including Wodonga, Bendigo and Maffra.

In 2020–21, the **Law Library of Victoria** developed new visual content for social media to promote valuable services and resources. The library also held more

than 400 events, with more than 2,700 participants from Australia and overseas. These included 16 public webinars, and 66 online legal research continuing professional development (CPD) sessions, attended by 1,380 practitioners.

Due to COVID-19 restrictions, the temporary suspension of admission ceremonies for **new lawyers** continued. Throughout 2020–21, 2,220 lawyers were admitted on the papers.



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 from 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 to ensure that the law was correctly applied.

The Court hears both civil and criminal appeals.

Key points

1

Clearance rate targets for both criminal and civil divisions were met, while also achieving a reduction in the median time to finalisation.

2

Under Part 6.4 of the *Criminal Procedure Act 2009 (Vic)* a convicted person can bring a second appeal against their conviction where the first appeal was unsuccessful and there is fresh and compelling evidence.

Second and subsequent appeals, brought by applicants who are not legally represented, and applications arising out of the Royal Commission into the Management of Police Informants, require increased case management focus and preparation time. The impact of both is reflected in case backlog measures.

3

The Court was quick to move to remote hearings, with judges and counsel participating remotely and journalists and members of the public able to view proceedings via streaming links.

Overview

Despite the impact of COVID-19, the median finalisation time of all matters decreased (criminal: 10.4 months to 9.2 months; civil: 9.0 months to 8.6 months), and clearance rate targets for both criminal and civil appeals were met. However, overall case processing times increased due to the additional case management and preparation time required for criminal applications brought by self-represented litigants and for applications arising from the Royal Commission into the Management of Police Informants.

An increased focus on single-judge determination of criminal leave applications contributed to a reduction in the median time to finalisation in sentence-only criminal matters (10.5 months to 8.7 months) and enabled judicial resources to be focused on complex and urgent matters, including those arising from the royal commission.

The upgrading of courtroom technology enabled the Court to quickly adapt to remote hearings with minimal disruption to listings during lockdown periods. Journalists and members of the public were able to view proceedings via streaming links.

Total cases (appeal and leave to appeal)

	2019-20	2020-21	Variance
Initiations	360	356	-1.1%
Finalisations	399	371	-7.0%
Pending	279	264	-5.4%

CHIEF JUSTICE

Chief Justice Ferguson

PRESIDENT

Justice Maxwell

JUDGES

Justice Tate

(until 30 April 2021)

Justice Priest

Justice Beach

Justice Kyrou

Justice Kaye

Justice McLeish

Justice Niall

Justice Hargrave

(until 2 October 2020)

Justice T Forrest

Justice Emerton

Justice Sifris

Justice Kennedy

(from 15 December 2020)

Justice Walker

*(from 3 May 2021)***ADDITIONAL JUDGES OF APPEAL**

Justice Macaulay

Justice McDonald

Justice Riordan

Justice Taylor

Justice Stynes

RESERVE JUDGES

Justice Weinberg

(until 31 January 2021)

Justice Whelan

Justice R Osborn

Justice Lasry

JUDICIAL REGISTRAR

Judicial Registrar Pedley

Civil cases

Civil cases

	2019–20	2020–21	Variance
Initiations	120	126	5.0%
Finalisations	139	137	-1.4%
Pending	90	79	-12.2%

Clearance rate and on-time case processing

	2019–20	2020–21	Benchmark
Clearance rate	115.8%	108.7%	100%
Cases finalised within 12 months	66.9%	75.9%	75%
Cases finalised within 24 months	99.3%	94.9%	90%
Cases finalised >24 months	0.7%	5.1%	0%

Median time to finalisation (months)

	2019–20	2020–21	Variance
Civil appeals	9.0	8.6	-0.4

Criminal cases

Criminal cases

	2019–20	2020–21	Variance
Initiations	240	230	-4.2%
Finalisations	260	234	-10.0%
Pending	189	185	-2.1%

Clearance rate and on-time case processing

	2019–20	2020–21	Benchmark
Clearance rate	108%	101.7%	100%
Cases finalised within 12 months	63.8%	63.7%	75%
Cases finalised within 24 months	100%	98.7%	90%
Cases finalised >24 months	0%	1.3%	0%

Median time to finalisation (months)

	2019–20	2020–21	Variance
Appeals against conviction/conviction and sentence conviction and sentence	12.9	14.2	1.3
Appeals against sentence only	10.5	8.7	-1.8
Time to finalisation (total for all criminal cases)	10.4	9.2	-1.2

Trial Division Criminal Division

ABOUT THE DIVISION

The Criminal Division hears serious criminal cases such as murder, manslaughter and attempted murder. In addition to these matters, the Criminal Division hears appeals against convictions and sentences imposed by the Chief Magistrate or the President of the Children’s Court, and a wide variety of criminal applications, such as bail applications, applications pursuant to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, and supervision and detention order applications under the *Serious Offender Act 2018*.

Key points

1

Although jury trials resumed in mid-November 2020, the long period of jury trial suspension and capacity-limiting restrictions when they resumed resulted in the lowest rate of finalisations in recent history.

2

Remote and hybrid hearings allowed the Criminal Division to continue to hear a variety of criminal applications and preliminary hearings, such as witness examinations under section 198B of the *Criminal Procedure Act 2009 (Vic)*, case conferences, directions and other case management hearings, ensuring cases were ready for jury empanelment as soon as trials could resume.

3

The Criminal Division heard a record number of bail applications, which were all able to proceed without unnecessary delay due to the Court’s remote hearing capabilities and reforms to bail application and management processes.

Overview

The COVID-19 pandemic had a significant impact on the Criminal Division’s performance in 2020–21. The most pervasive disruption was the suspension of criminal jury trials, with juries unable to be empanelled until November 2020. Even when they resumed, jury empanelments and trials were subject to significant COVIDSafe measures, such as physical distancing and density requirements. The Court undertook substantial built environment and operational changes to its courtrooms and trial processes to

comply with these measures. Despite these changes, a maximum of only three jury trials could be underway simultaneously, rather than the usual five, which severely reduced the Court’s capacity to conduct criminal trials.

As a result, finalisations in 2020–21 were the lowest in recent history, totalling 67 cases. Conversely, there were 122 initiations, the highest yearly number in the past 6 years, resulting in an increase in pending cases of 55 (63%).

Total trials and pleas

	2019–20	2020–21	Variance
Initiations	91	122	34.1%
Finalisations	109	67	-38.5%
Pending	88	143	62.5%

Clearance rate and on-time case processing

	2019–20	2020–21	Benchmark
Clearance rate	120%	55%	100%
Cases finalised within 12 months	52%	58%	75%
Cases finalised within 24 months	83%	84%	90%
Cases finalised >24 months	17%	16%	0%

PRINCIPAL JUDGE

Justice Hollingworth

JUDGES

Justice Croucher

Justice Beale

Justice Jane Dixon

Justice Champion

Justice Taylor

Justice Tinney

RESERVE JUDGES

Justice Coghlan

Justice Lasry

**ADDITIONAL JUDGES WHO
SERVED IN THE DIVISION
2020–21**Justice Priest
(*Court of Appeal*)Justice Beach
(*Court of Appeal*)Justice Kaye
(*Court of Appeal*)Justice T Forrest
(*Court of Appeal*)Justice Emerton
(*Court of Appeal*)Justice Incerti
(*Common Law Division*)Justice Elliott
(*Commercial Court*)Justice Weinberg
(*Reserve Judge*)**JUDICIAL REGISTRAR**Judicial Registrar Freeman
(*from 13 July 2020*)

Circuit sittings

The suspension of jury trials and the significant changes to the built environment and operational processes required to resume sitting in regional courts in a COVIDSafe manner meant that the Criminal Division conducted only two hearings in regional courts in 2020–21, both in Geelong.

Fast-track committals

The increase in initiations during 2020–21 is largely explained by the continuation of the fast-track committal process, introduced in March 2020 in response to the onset of the pandemic. This allowed homicide cases to be committed directly to the Supreme Court, bypassing committal hearings in the Magistrates' and Children's Courts. As the process is optional, at the discretion of the accused, many accused sought to use it to avoid the growing backlog and associated delays caused by the pandemic in other courts. However, given the Supreme Court was unable to conduct jury trials due to the pandemic, new and existing criminal trials were unable to be finalised.

Fast-tracked cases come to the Court by being committed relatively early in the process. Significant pre-trial steps are managed in the Supreme Court, rather than in the Magistrates' or Children's Courts. These steps include ensuring the prosecution case is sufficiently disclosed and any issues are resolved, such as serving outstanding witness statements or forensic reports on the accused, and conducting pre-trial cross-examination of prosecution witnesses. This increases the lifetime of a case in the Supreme Court. The long-

term aim is to reduce the overall time from charge to finalisation of these homicide cases by bringing them into the jurisdiction where they will ultimately be determined sooner, allowing for more targeted and flexible case management.

Of 122 cases committed to the Court in 2020–21, 46 (38%) were committed via the fast-track process. In fast-track cases, the Court heard 90 days of pre-trial witness examinations, 3 case conferences and 7 guilty pleas before trial, with 1 case discontinued after witness examinations.

Fatal driving cases

In collaboration with the County Court, to assist in managing its backlog of cases, the Supreme Court offered to hear a number of fatal driving cases that would have otherwise faced substantial delays awaiting trial in the County Court. Seven cases, nominated by the County Court and with the consent of the parties, were transferred to the Supreme Court in 2020–21, with trial listings for these matters likely in late 2021 and early 2022.

Indictment cases

In 2020–21, the Criminal Division finalised 13 trials, of which 5 (38%) were by judge alone, reflecting the impact of the pandemic on the conduct of jury trials.

Trial activity, or trial-related hearing days, was also very low. In 2020–21, there were 326 days of trial activity heard in the Criminal Division, a reduction of 253 hearing days (-44%) from the previous year. Of those hearing days, 115 (35%) related to preliminary argument.

Finalised indictment cases

	2019–20	2020–21	Variance
Trial/special hearing - jury	36	8	-77.8%
Trial/special hearing - judge alone	—	5	—
Other finalisations under the CMIA ¹	3	5	66.7%
Plea ²	53	37	-30.2%
Discontinuance	4	4	0%
Transfer to County Court	7	6	-14.3%
Other ³	6	2	-66.7%
Total	109	67	-38.5%

¹ Includes cases where the accused was found not guilty by reason of mental impairment.

² Includes cases where the plea of guilty was entered during trial.

³ Includes cases where a stay of the prosecution was ordered.

Criminal applications

The Criminal Division hears a variety of criminal applications each year. These range from more substantive applications, such as those for supervision or detention orders under the *Serious Offenders Act 2018* (Vic) or bail applications, through to more concise and urgent applications, such as those under the *Surveillance Devices Act 1999* (Vic).

In all criminal applications, Criminal Division lawyers provide judges with legal and case management support, ensuring applications are dealt with efficiently.

Bail applications

Bail applications in 2020–21 were significantly impacted by the pandemic, with the highest number of bail applications heard in the division's history. Of the 292 bail applications heard, 186 (64%) were 'primary' applications, while the remaining 106 (36%) were 'secondary' applications, including applications for variation or revocation of bail.

Despite the record number of applications, the Criminal Division was able to significantly reduce the average time from initiation to finalisation of bail applications. In 2020–21, the average time to finalisation was 18 calendar days, with only 12% of applications taking more than 30 calendar days to finalise. This is a reduction of an average of 5 calendar days to finalisation from previous years.

These results were made possible due to a combination of factors, including increased judicial availability due to the suspension of jury trials, as well as significant reforms to the way bail applications are case managed within the Criminal Registry.

CMIA applications and reviews

The Criminal Division manages applications and reviews in respect of people who are subject to a Supreme Court supervisory order following a finding under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) (CMIA). This includes applications for extended leave, variation or revocation of custodial or non-custodial supervision orders, court-ordered reviews and major reviews required under the CMIA.

In response to the pandemic, many CMIA applications were conducted by way of a virtual hearing or on the papers (on the basis of written submissions without a hearing). The Criminal Registry reformed its allocation and case management approach to these applications, and parties were more collaborative in their preparations.

Finalised criminal applications

	2019–20	2020–21	Variance
Bail applications ¹	210	292	39.0%
CMIA applications and reviews	33	28	-15.2%
Serious offenders – post-sentence applications and reviews ²	18 ³	20	11.1%
Confidential applications	125	129	3.2%
Total	386	469	21.5%

¹ Includes primary applications for bail, as well as secondary applications for variation or revocation of bail and applications granted on the papers or following an oral application.

² Includes supervision and detention orders under the *Serious Offenders Act 2018* (Vic) and continuing detention orders under Division 105A of the *Criminal Code Act 1995* (Cth).

³ This figure has been updated from that published in the 2019–20 annual report.

Serious offenders – post-sentence applications and reviews

While the vast majority of serious offender applications are made pursuant to the Serious Offenders Act, in 2020–21, the Criminal Division finalised the first application made pursuant to Division 105A of the *Criminal Code Act 1995* (Cth) for a continuing detention order in respect of a person convicted of a Commonwealth terrorism offence.

Two new supervision orders and one new detention order were included in the serious offender-related applications determined in 2020–21. A further application for a new supervision order and an application for a new detention order were heard in the reporting period, but were not determined by 30 June 2021.

Serious offenders – post-sentence applications and reviews

	2019–20	2020–21	Variance
Detention order-related applications	8	6	-25.0%
Supervision order-related applications	8	10	25.0%
Breach proceedings	2	4	100.0%
Total	18	20	11.1%

Confidential applications

A number of pieces of legislation give the Supreme Court power to determine applications about confidential or covert matters, usually related to the investigative or 'pre-charge' phase of a criminal investigation. The majority of these applications are made under the *Surveillance Devices Act 1999* (Vic), the *Major Crimes (Investigative Powers) Act 2004* (Vic), the *Witness Protection Act 1991* (Vic), the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) and the *Service and Execution of Process Act 1992* (Cth). In response to the pandemic, confidential applications were determined mostly on the papers, with parties making written submissions in appropriate cases.

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 general 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 COVID-19 restrictions, the division utilised technology to continue hearings remotely wherever possible, minimising adjournments.

2

The overall workload across the division remained solid, except for the significant decreases in winding-up and mortgage recovery list matters.

3

The Commercial Court and Common Law Division launched a new, cross-divisional Group Proceedings List. There was a significant increase in initiations of group proceedings (also known as class actions) in 2020-21.

Overview

The Commercial Court rapidly pivoted to virtual hearings at the outbreak of COVID-19 in March 2020, and ran largely 'business as usual' in the virtual format through 2020-21. With the exception of proceedings affected by changes to regulatory conditions as a consequence of the pandemic, the number of Commercial Court proceedings remained relatively steady.

Due to COVID-19, regulatory changes aimed at avoiding unnecessary insolvencies were introduced. These changes led to a marked decrease in initiations of winding up in insolvency and mortgage recovery proceedings, as well as applications to set aside statutory demands. As these

matters are often initiated and finalised in the same year, the decrease in initiations also led to a decrease in finalisations. Mortgage recovery matters in particular do not require the same level of judicial intervention as most other Commercial Court matters, and almost all winding up matters are at the lower end of complexity. Consequently, the reduction in these initiations only resulted in a limited amount of additional judicial availability.

The overall clearance rate for the Commercial Court was 119%, which significantly exceeds the benchmark of 100% and is an improvement on the previous year.

Total cases

	2019-20	2020-21	Variance
Initiations	2,569	1,426	-44.5%
Finalisations	2,869	1,703	-40.6%
Pending	1,595	1,318	-17.4%

Clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	111.7%	119.4%	100%
Cases finalised within 12 months	82.0%	71.2%	75%
Cases finalised within 24 months	88.3%	88.5%	90%
Cases finalised >24 months	11.7%	11.5%	0%

Creation of the Group Proceedings List

Group proceedings (also known as class actions) are proceedings brought on behalf of seven or more people where the claims arise out of related circumstances and raise common factual and legal questions. The management of group proceedings, by their very nature, is substantially more complex than that of other civil proceedings.

On 1 July 2020, the Court issued a new Group Proceedings Practice Note, aligning the management of group proceedings across both the Commercial Court and Common Law Division. Justice Nichols from the Commercial Court and Justice John Dixon from the Common Law Division were appointed the judges in charge of this list.

In support of these changes, the Court updated its website to assist group proceedings members, legal practitioners and other interested parties to easily access information about current group proceedings. The division also publishes a report about upcoming listings online, with associated procedural information.

There was a significant increase in group proceedings filed in 2020–21, which is expected to continue.

Judge-managed cases

Commercial Court Judge-managed cases are those managed and heard by a judge rather than an associate judge or judicial registrar.

Initiations decreased by 13 cases (3%) during the reporting period, while finalisations decreased by 147 cases (26%) and pending cases decreased by 39 (6%). These results are both positive and unexpected, given the restrictions and challenges presented by COVID-19.

Judge-managed cases

	2019–20	2020–21	Variance
Initiations	404	391	-3.2%
Finalisations ¹	577	430	-25.5%
Pending	675	636	-5.8%

¹ There was a significant spike in finalisations in 2019–20. Finalisations in 2020–21 reflect a return to levels comparable to the 2018–19 year.

PRINCIPAL JUDGE

Justice Riordan

JUDGES

Justice Almond
(until 31 March 2021)

Justice Digby

Justice Elliott

Justice Sloss

Justice Kennedy
(until 14 December 2020 – elevated to the Court of Appeal)

Justice Connock

Justice Lyons

Justice Nichols

Justice Delany

Justice Stynes

Justice M Osborne
(from 15 December 2020)

Justice Attiwill
(from 18 May 2021)

RESERVE JUDGES

Justice Robson

Justice Garde

ASSOCIATE JUDGES

Associate Justice Eftim

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Randall

Associate Justice Heteyey

Associate Justice Matthews
(from 15 December 2020)

RESERVE ASSOCIATE JUDGE

Associate Justice Derham

JUDICIAL REGISTRARS

Judicial Registrar Matthews
(until 14 December 2020)

Judicial Registrar Irving

Judicial Registrar Steffensen
(from 14 December 2020)

Judicial Registrar Woronczak
(from 25 May 2021)

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

The decrease in overall initiations and finalisations reflect the substantial decrease of the list's winding up in insolvency matters. Initiations and finalisations of other matters in the list remained relatively steady in 2020-21 compared with previous years.

Corporations List

	2019-20	2020-21	Variance
Initiations	1,190	707	-40.6%
Finalisations	1,274	688	-46.0%
Pending	280	299	6.8%

JUDGE IN CHARGE

Justice Connock

JUDGES

Justice Kennedy
(until 14 December 2020)
Justice Connock
Justice Robson
(reserve judge)

ASSOCIATE JUDGES

Associate Justice Efthim
Associate Justice Gardiner
Associate Justice Randall
Associate Justice Heteyey
Associate Justice Matthews
(from 15 December 2020)

JUDICIAL REGISTRARS

Judicial Registrar Matthews
(until 14 December 2020)
Judicial Registrar Irving
Judicial Registrar Steffensen
(from 14 December 2020)

Technology, Engineering and Construction List

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

Technology, Engineering and Construction List

	2019-20	2020-21	Variance
Initiations	43	42	-2.3%
Finalisations	35	44	25.7%
Pending	59	57	-3.4%

JUDGE IN CHARGE

Justice Digby

DEPUTY JUDGE IN CHARGE

Justice Stynes

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

	2019-20	2020-21	Variance
Initiations	9	18	100.0%
Finalisations	3	11	266.7%
Pending	15	22	46.7%

JUDGE IN CHARGE

Justice Almond
(until 31 March 2021)

Justice Lyons
(from 1 April 2021)

Taxation List

The Taxation List hears taxation-related appeals from the Victorian Civil and Administrative Tribunal (VCAT) 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 (GST).

Taxation List

	2019-20	2020-21	Variance
Initiations	20	15	-25.0%
Finalisations	23	10	-56.5%
Pending	14	19	35.7%

JUDGE IN CHARGE

Justice Kennedy
(until 14 December 2020)

Justice Delany
(from 15 December 2020)

DEPUTY JUDGE IN CHARGE

Justice Nichols
(from 15 December 2020)

Group Proceedings List (cross-divisional list)

The Group Proceedings List, which commenced on 1 July 2020, is a cross-divisional list spanning both the Common Law Division and the Commercial Court. The list hears cases in relation to group proceedings, commonly referred to as class actions. The table below relates to Commercial Court group proceedings only.

Group Proceedings List

	2019-20	2020-21	Variance
Initiations	4	12	225.0%
Finalisations	0	2	100.0%
Pending	7	18	157.1%

JUDGE IN CHARGE

Justice John Dixon
(Common Law Division)

Justice Nichols
(Commercial Court)

Arbitration List

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

Arbitration List

	2019-20	2020-21	Variance
Initiations	15	3	-80.0%
Finalisations	9	10	11.1%
Pending	8	1	-87.5%

JUDGE IN CHARGE

Justice Riordan

DEPUTY JUDGE IN CHARGE

Justice Lyons

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

	2019-20	2020-21	Variance
Initiations	0	2	100.0%
Finalisations	3	0	-100.0%
Pending	2	4	100.0%

JUDGE IN CHARGE

Justice Digby

Intellectual Property List

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

Intellectual Property List

	2019-20	2020-21	Variance
Initiations	4	1	-75.0%
Finalisations	4	4	0.0%
Pending	5	2	-60.0%

JUDGE IN CHARGE

Justice Elliott

Trial Division Common Law

ABOUT THE DIVISION

The Common Law Division manages broad categories of proceedings relating to property; tort or contract law; wills, trusts, equity and estates; and the Court’s supervisory jurisdiction over other Victorian courts, tribunals and public officials.

Proceedings are allocated to specialist lists for management by judicial officers with relevant expertise. The specialist list model is particularly appropriate for the Common Law Division due to the high volume of matters.

Key points

1

The Common Law Division, with the Commercial Court, established a cross-divisional Group Proceedings List to harmonise the management of group proceedings (class actions) across the Court.

2

The division adapted rapidly to COVID-19 restrictions, leveraging digital technologies, particularly video-conferencing platforms, to provide greater flexibility in hearings and mediations. Amended listing practices improved the effectiveness of these new procedures for trials, hearings and judicial mediation. However, clearance rates were impacted by COVID-19 disruptions felt across the legal profession.

3

The division regularly engaged with stakeholders via various user groups, which included judges, representatives from the Court and legal practitioners.

Overview

In 2020-21, 2,676 cases were initiated in the Common Law Division, down 326 (11%) from the previous year.

Despite this, initiations increased in the Dust Diseases, Judicial Review and Appeals, Major Torts, Testators Family Maintenance and Trusts, Equity and Probate Lists.

Total finalisations decreased by 336 (13%) in the main due to the impact of the COVID-19 pandemic on parties’ ability to progress cases. The pandemic also resulted in the suspension of civil juries and an increase in matters heard

and decided by a judge alone. These factors combined to produce an overall increase of 342 (11%) pending cases.

Several proceedings of significant public or legal interest related to COVID-19 ran in 2020-21, such as *Loiolo v Giles* [2020] VSC 722, which considered the lawfulness of Melbourne’s lockdown curfew. A number of group proceedings (class actions) were also initiated, relating to hotel quarantine, COVID-19 in nursing homes and housing commission buildings, and the impact of COVID-19 restrictions on individuals and businesses.

Total cases

	2019-20	2020-21	Variance
Initiations	3,002	2,676	-10.9%
Finalisations	2,670	2,334	-12.6%
Pending	2,991	3,333	11.4%

Clearance rate and on-time case processing

	2019-20	2020-21	Benchmark
Clearance rate	88.9%	87.2%	100%
Cases finalised within 12 months	58.9%	49.8%	75%
Cases finalised within 24 months	81.9%	83.6%	90%
Cases finalised >24 months	18.1%	16.4%	0%

PRINCIPAL JUDGEJustice John Dixon
.....**JUDGES**

Justice Cavanough

Justice Macaulay

Justice McMillan

Justice Ginnane

Justice McDonald

Justice Incerti

Justice Keogh

Justice Quigley
(sitting at VCAT)

Justice Richards

Justice Moore

Justice Forbes

Justice Kennedy
(until 15 December 2020)Justice Gorton
(from 15 December 2020)Justice O'Meara
(from 15 December 2020)
.....**ASSOCIATE JUDGES**Associate Justice Lansdowne
(until 28 July 2020)

Associate Justice Daly

Associate Justice Mukhtar

Associate Justice Ierodiaconou

Associate Justice Matthews
(from 15 December 2020)
.....**RESERVE ASSOCIATE JUDGES**Associate Justice Derham
(until 25 June 2021)
.....**JUDICIAL REGISTRARS**Judicial Registrar Clayton
(until 24 January 2021)

Judicial Registrar Keith

Judicial Registrar Englefield

Judicial Registrar Baker
(from 25 May 2021)

Civil Circuit List

The Civil Circuit List manages cases, mostly personal injury claims, with a significant link to regional Victoria. The Supreme Court schedules civil sittings in 12 regional courts: Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

Due to COVID-19 restrictions and building works at numerous regional courthouses, most circuit trials proceeded virtually as judge-only trials, with the judge sitting in Melbourne. Many proceedings resolved through judicial mediation, while others were adjourned to a later circuit. Video-conferencing technology enabled parties across regional Victoria to appear at these hearings from their homes or offices.

Civil Circuit List

	2019–20	2020–21	Variance
Initiations	153	131	-14.4%
Finalisations	133	125	-6.0%
Pending	212	218	2.8%

Confiscation and Proceeds of Crime List

This list manages civil proceedings brought under Victorian and Commonwealth legislation providing 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 determined by related criminal proceedings, typically in the County Court, which must be concluded before most proceedings in this list can be finalised. Such criminal proceedings often take two or more years to complete. The impact of COVID-19 restrictions on the criminal jurisdiction and the ability to conduct jury trials significantly impacted finalisations for this list during the reporting period.

Confiscation and Proceeds of Crime List

	2019–20	2020–21	Variance
Initiations	12	4	-66.7%
Finalisations	15	10	-33.3%
Pending	25	22	-21.4%

JUDGE IN CHARGEJustice Keogh
.....**JUDICIAL REGISTRAR**Judicial Registrar Clayton
(until 24 January 2021)
Judicial Registrar Baker
(from 25 May 2021)**JUDGE IN CHARGE**

Justice Forbes

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 majority of cases are claims 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. Many plaintiffs with claims in this list have a shortened life expectancy and their claims are given priority.

Finalisation of proceedings in this list significantly declined in 2020-21 due to COVID-19 factors, notably the parties' ability to obtain the necessary evidence to progress claims. Contribution claims between the defendants and/or third parties have also been delayed.

Dust Diseases List

	2019-20	2020-21	Variance
Initiations	280	287	2.5%
Finalisations	282	200	-29.1%
Pending	216	303	40.3%

JUDGES IN CHARGE

Justice Inceri
Justice Keogh

ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

JUDICIAL REGISTRAR

Judicial Registrar Clayton
(until 24 January 2021)
Judicial Registrar Baker
(from 25 May 2021)

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, effective case management has continued to result in a strong finalisation rate in this list.

Employment and Industrial List

	2019-20	2020-21	Variance
Initiations	31	27	-12.9%
Finalisations	36	27	-25.0%
Pending	30	30	0.0%

JUDGE IN CHARGE

Justice McDonald

ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

Group Proceedings List (cross-divisional)

Group proceedings, or class actions, are 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 or legal questions. The management of a group proceeding, by its very nature, is substantially more complex than that of other civil proceedings.

On 1 July 2020, the Court issued a new Group Proceedings Practice Note, aligning the management of group proceedings across both the Common Law Division and Commercial Court. Justice Dixon from the Common Law Division and Justice Nichols from the Commercial Court were appointed as the judges in charge of this list.

In support of these changes, the Court made changes to its website to assist group proceeding members, legal practitioners and other interested parties to easily access information about current group proceedings. This included an online report about upcoming listings and associated procedural information.

There was a significant increase in group proceedings filed in 2020-21 as a result of the pandemic, with five of nine new group proceedings relating to COVID-19. The table below relates to Common Law Division group proceedings only.

Group Proceedings List

	2019-20	2020-21	Variance
Initiations	3	9	200.0%
Finalisations	1	5	400.0%
Pending	16	20	25.0%

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 individuals employed or associated with the organisation.

The significant number of interlocutory applications generated by the historical nature of claims in this list, combined with the high volume of proceedings, put pressure on resources. This was compounded by the interaction with pending or potential criminal proceedings, and issues arising out of legislative amendments that facilitate these claims.

Institutional Liability List

	2019-20	2020-21	Variance
Initiations	328	276	-15.9%
Finalisations	39	194	397.4% ¹
Pending	402	484	20.4%

¹ Approximately 270 cases were transferred into the newly created Institutional Liability List from the Personal Injuries List in February 2020. Given the Institutional Liability List was created partway through the 2019-20 financial year, variance is skewed as a result of institutional abuse cases finalised prior to February 2020 being included in Personal Injuries List statistics for that financial year.

JUDGES IN CHARGE

Justice John Dixon

Justice Nichols
(Commercial Court)

JUDGES IN CHARGE

Justice Incerti

Justice Keogh

JUDICIAL REGISTRAR

Judicial Registrar Clayton
(until 24 January 2021)

Judicial Registrar Baker
(from 25 May 2021)

Judicial Review and Appeals List

The Judicial Review and Appeals List includes proceedings relating to judicial reviews and statutory appeals of decisions of lower courts, tribunals and other public officers or bodies. This includes appeals on questions of law from the Magistrates’ Court, Victorian Civil and Administrative Tribunal (VCAT), Children’s Court and the Coroners Court.

There has been a steady growth of initiations in this list in the past 5 years, particularly those initiated by self-represented litigants (SRLs), which now represent about 40% of the list’s caseload. COVID-19 restrictions proved a challenge, as some SRLs were unable to participate by the use of new technology. Where SRLs could utilise video conferencing software, most trials were able to proceed. In some cases, however, necessary in-person hearings were adjourned until restrictions lifted.

Judicial Review and Appeals List

	2019–20	2020–21	Variance
Initiations	238	249	4.6%
Finalisations	216	184	-14.8%
Pending	192	257	33.9%

JUDGES IN CHARGE

Justice Cavanough

Justice Ginnane

JUDICIAL REGISTRAR

Judicial Registrar Keith

Major Torts List

The Major Torts List manages proceedings that are primarily of a tortious nature, including defamation proceedings, nuisance, intentional torts, police torts and contempt proceedings.

Common Law group proceedings were managed in this list until the establishment of the Group Proceedings List on 1 July 2020. Group proceedings were then transferred to this new cross-divisional list, in which all cases filed pursuant to Part 4A of the *Supreme Court Act 1986* (Vic) are now managed.

Major Torts List

	2019–20	2020–21	Variance
Initiations	58	66	13.8%
Finalisations	70	44	-37.1%
Pending	72	94	30.6%

JUDGE IN CHARGE

Justice John Dixon

ASSOCIATE JUDGE IN CHARGE

Associate Justice Daly

JUDICIAL REGISTRAR

Judicial Registrar Clayton
(until 24 January 2021)

Judicial Registrar Baker
(from 25 May 2021)

Personal Injuries List

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

The suspension of civil juries due to COVID-19 restrictions required that a judge alone hear personal injury trials, which increased judgment writing time and decreased judicial availability for hearings. COVID-19 also impacted the opportunities for parties to obtain medical evidence and determinations from the medical panel. This further delayed case progression and initially caused additional interlocutory hearings, putting pressure on staffing and judicial resources. The list adapted to these challenges by further tailoring case management strategies, including heavier listing practices and the use of judicial mediation.

Personal Injuries List

	2019-20	2020-21	Variance
Initiations	482	451	-6.4%
Finalisations	522	405	-22.4%
Pending	705	751	6.5%

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

	2019-20	2020-21	Variance
Initiations	56	35	-37.5%
Finalisations	33	39	18.2%
Pending	79	75	-5.1%

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* (Vic), the *Transfer of Land Act 1958* (Vic) and the *Sale of Land Act 1962* (Vic) 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 requires a significant proportion of matters to be heard with priority.

Property List

	2019-20	2020-21	Variance
Initiations	294	247	-16.0%
Finalisations	289	255	-11.8%
Pending	188	180	-4.3%

JUDGE IN CHARGE

Justice Incerti

ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

JUDICIAL REGISTRAR

Judicial Registrar Clayton
(until 24 January 2021)
Judicial Registrar Baker
(from 25 May 2021)

JUDGE IN CHARGE

Justice Macaulay

ASSOCIATE JUDGE IN CHARGE

Associate Justice Daly

JUDICIAL REGISTRAR

Judicial Registrar Clayton
(until 24 January 2021)
Judicial Registrar Baker
(from 25 May 2021)

JUDGE IN CHARGE

Justice Kennedy
(until 15 December 2020)
Justice McDonald
(from 4 February 2021)

ASSOCIATE JUDGE IN CHARGE

Associate Justice Matthews
(from 1 March 2021)

JUDICIAL REGISTRAR

Judicial Registrar Keith

Testators Family Maintenance List

The Testators Family Maintenance List manages all applications brought under Part IV of the *Administration and Probate Act 1958* (Vic). 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.

These applications can be commenced in either the Supreme or County Courts of Victoria, although about two-thirds are commenced in the Supreme Court. Most proceedings are managed by the judicial registrar from commencement through to the end of mediation, with unresolved proceedings then referred to trial.

Testators Family Maintenance List

	2019-20	2020-21	Variance
Initiations	400	406	1.5%
Finalisations	384	362	-5.7%
Pending	444	488	9.9%

JUDGES IN CHARGE

Justice McMillan

Justice Moore

JUDICIAL REGISTRAR

Judicial Registrar Englefield

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.

Many applications within the list are heard and determined by associate judges and the judicial registrar, while applications that require a trial or can be assessed on the basis of written submissions without a hearing are determined by a judge.

Trusts, Equity and Probate List

	2019-20	2020-21	Variance
Initiations	311	321	3.2%
Finalisations	287	314	9.4%
Pending	317	324	2.2%

JUDGES IN CHARGE

Justice McMillan

Justice Moore

JUDICIAL REGISTRAR

Judicial Registrar Keith

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. The judicial registrar plays a key role in managing the progress of these matters to trial, and trials can be long and complex.

Valuation, Compensation and Planning List

	2019-20	2020-21	Variance
Initiations	26	41	57.7%
Finalisations	30	31	3.3%
Pending	43	53	23.3%

JUDGE IN CHARGE

Justice Richards

JUDICIAL REGISTRAR

Judicial Registrar Keith

Associate Judges’ Chambers

ABOUT THE 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 Efthim
(also the Senior Master)

ASSOCIATE JUDGES

Associate Justice Wood
(until 25 June 2021)

Associate Justice Lansdowne
(until 27 July 2020)

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Randall

Associate Justice Ierodiaconou

Associate Justice Hetey

Associate Justice Matthews
(from 15 December 2020)

RESERVE ASSOCIATE JUDGE

Associate Justice Derham

JUDICIAL REGISTRARS

Judicial Registrar Englefield

Judicial Registrar Irving

Judicial Registrar Matthews
(until 14 December 2020)

Overview

Associate judges perform an essential role within the Court, hearing and determining a range of interlocutory and final matters. They play an active role in:

- ▶ adjudicating interlocutory disputes and other applications within the Associate Judges’ Practice Court
- ▶ 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 in duration
- ▶ judge-ordered mediation of proceedings, with the assistance of a mediation coordinator
- ▶ listing civil proceedings for trial, including pre-trial directions and applications
- ▶ managing proceedings in the Personal Injuries and Dust Diseases Lists, including directions and applications
- ▶ managing testator family maintenance under Part IV of the *Administration and Probate Act 1958* (Vic)
- ▶ managing the Corporations List
- ▶ managing the Employment and Industrial List
- ▶ trial proceedings, both within its original jurisdiction and as referred 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 (General Civil Procedure) Rules 2015*. This includes matters formerly heard principally by associate judges, including:

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

During 2020–21, the Associate Judges’ Chambers heard interlocutory and trial matters in the following judge-managed specialist lists:

- ▶ Corporations List (including shareholder oppression matters and the winding up of corporations)
- ▶ Employment and Industrial List
- ▶ Judicial Review and Appeals List
- ▶ Personal Injuries/Dust Diseases List (including Institutional Liability List)
- ▶ Property List
- ▶ Testator Family Maintenance List

The Corporations List and Associate Judges’ Practice Court matters made up a significant component of all matters dealt with.

Corporations List

Corporations List

	2019-20	2020-21	Variance
Wednesday list	1,282	838	-34.6%
Friday list	668	462	-30.8%
Total	1,950	1,300	-33.3%

Shareholder oppression List

	2019-20	2020-21	Variance
Hearings listed	148	363	145.3%

Associate Judges' Practice Court

Practice Court List

	2019-20	2020-21	Variance
Hearings listed	1,723	947	-45.0%

ASSOCIATE JUDGES

Associate Justice Efthim
 Associate Justice Gardiner
 Associate Justice Randall
 Associate Justice Heteyey
 Associate Justice Matthews
(from 15 December 2020)

JUDICIAL REGISTRARS

Judicial Registrar Matthews
(until 14 December 2020)
 Judicial Registrar Irving
 Judicial Registrar Steffensen
(Commercial Court)
(from 14 December 2020)

ASSOCIATE JUDGES

Associate Justice Efthim
 Associate Justice Lansdowne
(until 27 July 2020)
 Associate Justice Mukhtar
 Associate Justice Ierodiaconou
 Associate Justice Heteyey
 Associate Justice Matthews
(from 15 December 2020)

RESERVE ASSOCIATE JUDGE

Associate Justice Derham

JUDICIAL REGISTRARS

Judicial Registrar Matthews
(until 14 December 2020)
 Judicial Registrar Irving

Judicial Mediation

ABOUT JUDICIAL MEDIATION

Mediation is a confidential discussion between parties to a civil dispute. A skilled, independent mediator helps parties discuss issues, identify solutions and work towards an agreement to end their dispute without a hearing or trial. 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

Referrals to mediation continued to grow strongly, with the number of cases referred for mediation increasing by eight per cent.

2

The number of mediations completed increased by 10%. This increase was made possible by the Court's use of a videoconferencing platform to conduct all mediations. Fifty-three per cent of cases were resolved on the day of mediation.

3

Settling matters at mediation saved 1,105 trial days. Costs Court mediations saved a further 552 hearing days.

Overview

Demand for the Court's mediation services continued to grow, with 57 (8%) more cases referred to mediation in 2020-21 than in the previous period, which had also seen a growth in referrals. This strong sustained growth indicates that mediation is now regarded as an essential element of case management at the Supreme Court.

Fifty-three per cent of cases resolved on the day of mediation, saving 1,105 hearing days. Hearing days saved is one measure of the cost benefits of mediation to the parties and the Court. When cases resolve at mediation, the parties have an outcome more quickly and with less expense. In addition, judges are not required to write judgments, which means they are available to hear other cases. Even when cases do not resolve at mediation, parties often gain a better understanding of each other's cases, enabling the issues to be narrowed. This is beneficial because there are consequent savings in the length of hearings.

The Appropriate Dispute Resolution (ADR) Centre continued to conduct all mediations virtually using the Zoom videoconferencing platform. Virtual mediations have relieved demand for physical mediation spaces,

reduced travel time for participants and allowed litigants to engage in the mediation from their homes.

During the reporting period, the Court trained the prothonotary and five deputy prothonotaries to mediate. The prothonotary and deputy prothonotaries conducted co-mediations, often with the ADR registrar, in Testators Family Maintenance List matters and high-volume debt recovery matters. The ADR registrar, prothonotary and deputy prothonotary conducted 55 mediations in the reporting period, with 65% resolving on the day of mediation.

The ADR Centre continued to manage the Court's mediation program. A second ADR administrator joined the staff of the centre due to the sustained increased demand for mediation services. The work of the centre is overseen by the ADR Committee, chaired by Justice Keogh.

ASSOCIATE JUDGES

Associate Justice Efthim
 Associate Justice Wood
(until 25 June 2021)
 Associate Justice Daly
 Associate Justice Hetey
 Associate Justice Matthews
(from 15 December 2020)

JUDICIAL REGISTRARS

Judicial Registrar Gourlay
 Judicial Registrar Irving
 Judicial Registrar Englefield
 Judicial Registrar Matthews
(until 14 December 2020)
 Judicial Registrar Clayton
(until 24 January 2021)
 Judicial Registrar Keith
 Judicial Registrar Steffensen
(from 14 December 2020)
 Judicial Registrar Woronczak
(from 25 May 2021)

ADR REGISTRAR

ADR Registrar Day

Judicial and ADR registrar mediation activity

	2019-20	2020-21	Variance
Cases referred for mediation	691	748	8.2%
Mediations completed	405	446	10.1%
Cases resolved on day of mediation	236	235	-0.4%
Percentage of cases resolved on day of mediation	58%	53%	-5.0%
Hearing days saved by cases being resolved at mediation	1,209	1,105	-8.6%

Costs Court

ABOUT THE COSTS COURT

The Costs Court hears disputes arising from costs orders made in court proceedings in all jurisdictions in Victoria (party-party matters) and costs disputes between legal practitioners and their clients (solicitor-client matters), usually over the solicitor's bill. Costs are charges for lawyers' professional services and for disbursements, such as court fees and fees for expert reports and barristers. Resolving disputes by mediation and assessments made on the basis of written submissions without a hearing has resulted in significant costs savings to litigants and more efficient use of Court resources.

Key points

1

Processes were adapted to minimise the impact of COVID-19 on Cost Court matters, including online hearings and mediations, in chambers assessments in a greater range of cases and preliminary hearings determined on the basis of written submissions in the absence of the parties.

2

An increase in the number of completed mediations and chambers assessments, combined with case management initiatives, resulted in a reduction in costs for litigants, significant savings in Court time and an improved rate of case finalisation.

3

An overhaul of the Costs Court webpage on the Supreme Court website provided easier access to information by Court users, especially self-represented litigants.

Overview

About 60% of all party-party matters initiated in 2020–21 arose from Supreme Court proceedings, 26% from the County Court and the balance from VCAT and the Magistrates' Court. All party-party matters are either mediated or assessed at first instance, depending on the amount in dispute.

The threshold for chambers assessments was increased to claims up to \$100,000 as part of the court's response to COVID-19. Only 10 (9%) of the 111 matters assessed in chambers proceeded to hearing, resulting in a saving of approximately 200 sitting days and potentially more than \$1.1 million in additional legal costs for litigants. The assessment procedure was also utilised for matters that failed to settle at mediation, thereby reducing the reliance on court hearings.

The Costs Court's mediation program continued to perform strongly, registering 130 completed mediations, an increase of 5%. Of these, 100 (77%) resolved without further Court intervention, saving some 555 sittings days and potential legal costs in excess of \$3.1 million for litigants.

Initiations in solicitor-client matters remained constant, however the finalisation rate improved by 18%, demonstrating the benefits of early case management initiatives.

The County Court continues to refer solicitor-client costs orders to the Supreme Court in relation to section 134AB(31) of the *Accident Compensation Act 1985 (Vic)* and s344(7) of the *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*, which are assessed on the basis of written material without a hearing.

Initiations

	2019-20	2020-21	Variance
Party-party - Supreme Court	145	127	-12.4%
Party-party - County Court	64	55	-14.1%
Party-party - Magistrates' Court	10	13	30%
Party-party - VCAT	16	17	6.3%
Solicitor-client taxation	79	79	0%
Total	314	291	-7.3%

Finalisations

	2019-20	2020-21	Variance
Party-party - Supreme Court	152	146	-3.9%
Party-party - County Court	63	55	-12.7%
Party-party - Magistrates' Court	11	11	0%
Party-party - VCAT	22	12	-45.5%
Solicitor-client taxation	68	80	17.6%
Total	316	304	-3.8%

Mediations

	Listed	Completed	Resolved (%)	Costs Court days saved
July 2020	18	16	13 (81%)	67
August 2020	13	6	4 (67%)	20
September 2020	20	18	14 (78%)	73
October 2020	17	17	10 (59%)	100
November 2020	11	5	4 (80%)	33
December 2020	13	12	11 (92%)	42
January 2021	3	2	2 (100%)	6
February 2021	11	8	7 (88%)	48
March 2021	15	10	7 (70%)	18
April 2021	14	10	9 (90%)	53
May 2021	21	15	11 (73%)	37
June 2021	17	12	8 (67%)	58
Total	173	130	100 (77%)	555

JUDICIAL REGISTRAR

Judicial Registrar Gourlay

COSTS REGISTRARS

Domenico Conidi
Roger Walton

Registry and Court Support Services

ABOUT THE 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. 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.

Key points

1

Services were delivered seamlessly throughout 2020–21, despite COVID-19 restrictions and the relocation from 436 Lonsdale Street.

2

The judiciary and Court users were supported with the continuing shift to digital processes in court hearings, including the livestreaming of proceedings.

3

There was an ongoing focus on Access to Justice initiatives, such as securing funding and agreements with pro bono service providers for legal assistance services for litigants representing themselves.

Overview

Registry Services are provided by the four registry teams of the Supreme Court: Court of Appeal Registry, Criminal Registry, Commercial Court Registry and Principal Registry. The registry teams provide front-line services to Court users, and specialist legal, case management, policy and administrative support to the judges of each division.

Registry Services also includes the Office of the Prothonotary (see p. 44). The Probate Office, however, is managed separately by the registrar of probates (see p. 45).

Court Support Services are provided by the Digital Litigation team, which oversees digital practice support for remote hearings and eTrials, and the Business Intelligence team, which is responsible for the data management, analysis and reporting elements of the Court's operations.

In response to the COVID-19 pandemic, registries and Court support teams adjusted their operations to ensure services continued without disruption. Attendance at registry counters was managed by appointment, with all filing, phone and email services being delivered by staff either working on-site

or remotely, depending on the restrictions at the time. The Digital Litigation team continued to support Court users and the judiciary with the ongoing requirement for remote hearings.

Teams were required to further adjust operations and extend the scale of remote working in response to the loss of one of the Court's buildings (436 Lonsdale Street) during the year. The Court immediately established a centralised registry hub within the Old High Court building. As a result, all in-person and other services continued without disruption or loss of service for Court users.

Despite the requirement for remote working and the loss of key facilities, the registry and Court support teams continued to meet all performance and service expectations. The teams also continued to invest in improvements to services and processes, adopting a user-centric approach to business improvement projects to generate efficiencies and improve outcomes for Court users.

Registry Services

Court of Appeal

Despite the disruptions during the reporting year, the Court of Appeal Registry continued to meet performance and service expectations. Hearings were quickly moved to remote platforms and private streaming links established to enable journalists and the public to view proceedings.

Staff adapted to a hybrid working model, with on-site staffing significantly reduced during lockdown periods. An increased focus on electronic case management processes occurred, including the adoption of a secure document exchange platform for lodgement of large files.

The Court's regional circuits for Court of Appeal matters were postponed to enable other courts to maximise listings when government restrictions allowed.

Criminal Division

The Criminal Registry engaged in a wide variety of project and policy work, as well as implementing a suite of operational changes to support the division's move to remote hearings. While some of this work was solely within the Court, a substantial amount involved participation in system-wide reforms and collaboration with stakeholders. This work included involvement in the circuit resumption project, the audio-visual link scheduler replacement project, and the Bendigo Law Court redevelopment.

During 2020-21, a structured case management approach to criminal applications was introduced within the Criminal Registry. This important change allowed the registry to process all applications, in particular bail applications, more quickly.

Judicial Registrar Freeman commenced his role as the judicial registrar of the Criminal Division on 13 July 2020.

Commercial Court

The Commercial Court Registry (CCR) continually reviewed its practices to reduce unnecessary delays for Court users and shorten resolution times. This year, the CCR:

- ▶ further refined its early triaging and case management practices to ensure that matters are placed in the most appropriate list as early as possible in the litigation process
- ▶ facilitated the development and implementation of additional Corporations List court dates heard by judicial registrars rather than associate judges. This provided additional hearing dates to parties and decreased the time to the first hearing
- ▶ assisted parties in preparing for the first hearing by providing template information of the type of material ordinarily required by the Court for both setting aside statutory demands and applications for reinstatement of companies.

Judicial Registrar Steffensen commenced overseeing the operations of the CCR on 14 December 2020.

Principal Registry

The Principal Registry includes the Office of the Prothonotary and provides services for the Common Law Division, the Costs Court, and certain cases within the Commercial Court.

As the front-line service delivery team for the Court, the Principal Registry was perhaps most impacted by changing COVID-19 restrictions, as well as the change in counter service due to the relocation from 436 Lonsdale Street. Nevertheless, the team were able to continue services for all Court users via RedCrest, phone and email, and in-person by appointment only.

Court Support Services

Digital Litigation team

As part of its multi-year digital strategy, the Court is committed to utilising modern technology and innovation to deliver more efficient practices and processes. Ongoing 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 supports the judiciary, associates, practitioners and other Court users to engage with the upgraded technology in the new eCourts. By coordinating the practical arrangements of eTrials and virtual hearings, the DL team ensures the digital litigation program meets the evolving needs of the Court.

In addition to virtual and hybrid 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)
- ▶ optimising digital practice
- ▶ eCourt support models. (eCourt operators were introduced in 2020 to support virtual hearings).

DIGITAL LITIGATION

In 2020-21, the second year of the Court's COVID-19 response, approximately 94% of matters (hearings and mediations) required the input or assistance of the Digital Litigation team, including eCourt operator assistance.

FUTURE PLANNING

The widespread uptake of digital technology during the COVID-19 pandemic is expected to have a lasting impact on the demand for digital litigation services. The DL team will continue linking disparate technical advances, improving digital abilities and meeting higher levels of judicial, professional and public expectations of technological engagement in order to better support relevant legal processes.

Business Intelligence services

The Business Intelligence (BI) team provides data quality assurance, reporting, information and analytics services to the Court and other key stakeholders. The team provided significant analysis and reporting to government to assist its understanding of the impact of COVID on the Court and the effectiveness of its response.

In 2020–21, the BI team continued its work analysing COVID-19 activity data, benchmarking the Court's operations against performance prior to the pandemic. Insights from this analysis were a key component of the Court's response to the pandemic and transition to remote operation, facilitating the measurement of the impacts of the disruption caused by COVID-19 on the work of the Court.

The team also progressed the implementation of a suite of data maturity initiatives, underpinned by a data governance framework.

INFORMATION AND ANALYTICS SERVICES

Information sharing practices are governed by the SCV BI Information Sharing Policy.

In 2020–21, BI received 270 information requests, of which 60% were responded to on the same day and 78% by close of business the day following receipt. There were also 173 external requests for information, an increase of 104 (150%) from the previous year.

During 2020–21 there was a significant increase in requests for information specifically in relation to the impacts of COVID-19 on Court operations.

Business improvement initiatives

Reimagining Registry Services

The Court continued implementation of the Reimagining Registry Services program throughout the reporting period, completing the following projects or key stages:

- ▶ Access to Justice initiatives
- ▶ Digital File Management project
- ▶ Data Governance Framework and Roadmap
- ▶ Roadmap for an integrated end-to-end digital litigation model
- ▶ User-experience design for the RedCrest interface.

Access to Justice initiatives

The Court continued its work on three Access to Justice initiatives: a website review, the Self-Representation Service pilot and the Pro Bono Referral Scheme.

WEBSITE REVIEW

Each year, a program of work is created to refine and improve the availability of information and the navigation experience for self-represented litigants (SRLs) initiating or responding to proceedings in the Court. These improvements are driven by feedback from SRLs.

In 2020–21, the Court reviewed and improved the searchability and user-experience of the SRL pages of the Court's website.

SELF-REPRESENTATION SERVICE PILOT (JUSTICE CONNECT)

In 2019, Justice Connect was engaged to provide unbundled legal information and advice to SRLs who meet established criteria.

In 2020–21, Justice Connect triaged 139 enquiries from SRLs seeking assistance in relation to Court proceedings, providing 108 legal advice and task assistance services in response to those enquiries. There were also 14,558 unique views of Justice Connect's online self-help resources for litigants. In May 2021, the government announced that it would continue to fund the Self-Representation Service pilot until at least 2024–25.

PRO BONO REFERRAL SCHEME

Following the success of the Pro Bono Referral Scheme pilot, the Court and the Victorian Bar committed to continuing the scheme on an ongoing basis. The scheme, which complements the Self-Representation Service pilot, refers a request for pro bono assistance for a SRL in instances where the Court determines it is in the public interest for the due administration of justice to do so.

Referrals are 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* (Vic), 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 2020–21, 49 referrals were made to the Victorian Bar Pro Bono Referral Scheme, of which 13 were made by the Court of Appeal and 36 by the Trial Division. Eight of the referrals were unsuccessful in attracting a volunteer pro bono barrister.

SELF-REPRESENTED LITIGANT COORDINATORS

Self-represented litigant coordinators provide specialised assistance to SRLs. The service provides information, procedural advice, links to legal services and referrals to the Self-Representation Service and the Victorian Bar's Pro Bono Referral Scheme.

In 2020–21, SRL coordinators responded to 5,496 individual enquiries. This number includes SRLs, or potential SRLs, who reached out for assistance on multiple occasions throughout the year.

Digital File Management project

The Digital File Management project consists of five work packages designed to implement policy and process changes related to file management and Court file integrity, following the transition to digital Court files.

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.

In 2020–21, the project team launched the first stage of the eAccess work package, proposed rule changes to streamline third-party file inspections and commenced work on the digital archiving package.

Data Governance Framework and Roadmap

Registry Services continued to progress the implementation of the Data Governance Framework and Roadmap in 2020–21. A review of quarterly reporting requirements was undertaken with principal judges and work commenced on the development of divisional dashboards.

Roadmap for an integrated end-to-end digital litigation model

As the Court progresses through its digital strategy program, there is a need to develop systems to support the evolution of digital practice in chambers and in courtrooms. During the reporting period, the Digital Litigation team developed a proposed roadmap for an integrated end-to-end digital litigation model.

User-experience design for the RedCrest interface

In response to engagement with Court users, feedback was obtained about the user experience of working with the RedCrest system. That feedback was used to inform design improvements to the interface, which will be implemented in 2021–22.

Office of the Prothonotary

Overview

The prothonotary is a statutory officer appointed pursuant to the *Supreme Court Act 1986* (Vic) and is 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 judgments and warrants, fee waivers, file searches, coordinating subpoenaed materials and supporting admissions of lawyers to practise. Other services include coordinating service of proceedings outside Australia, managing file transfers between jurisdictions and administering bails.

During COVID-19, the Prothonotary team largely worked remotely to provide uninterrupted service delivery, enabled by earlier work streamlining the 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 2020–21, 5,668 civil orders were authenticated by the prothonotary, representing 51% of the total 11,041 civil orders issued. Of these, 530 were Corporations List orders issued on the same day the order was made (compared with 1,444 in 2019–20). This significant reduction is due to changed regulatory conditions introduced as a result of COVID-19, meaning fewer Corporations List matters were initiated in 2020–21.

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

During 2020–21, a new workflow tool was implemented to support the preparation of orders within the Court.

Default judgments and warrants

The Office of the Prothonotary is responsible for issuing default judgments where a party fails to defend a claim. The prothonotary is also responsible for issuing warrants of possession of property and warrants of seizure and sale of property. In both cases, the prothonotary must be satisfied of the requirements of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic).

In 2020–21, 401 default judgments and warrants were issued, down from 1,050 in 2019–20. This decline resulted from COVID-19 and moratoriums affecting the ability of litigants to pursue these enforcement mechanisms. There were 125 default judgments (down 70%) and 114 warrants of possession (down 65%) issued, as well as 304 warrants of seizure and sale (down 47%).

Fees and fee waivers

Fees payable to the Court are provided for by the *Supreme Court (Fees) Regulations 2018* (Vic). Court fees are charged under three categories: corporate, standard and concession. There are also automatic fee waivers, and the prothonotary may 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 (for example, if the applicant is represented under certain pro bono schemes, granted legal aid, serving a sentence of imprisonment, or where the applicant is a minor).

In 2020–21, 204 financial hardship waiver applications were granted, waiving fees totalling \$160,109.80, while 39 applications were refused, seeking waiver of fees totalling \$32,190.10.

File searches and subpoena coordination

The Office of the Prothonotary oversees requests by non-parties, including media organisations, to inspect court files. It also manages subpoenas requiring the production of documents and other materials in preparation for court proceedings.

During 2020–21, the Office of the Prothonotary completed the first stage of the eAccess project, incorporating electronic file and litigation search inspection requests and payments into RedCrest, together with subpoena inspection payments. The second stage of the project, which will enable electronic file inspections via a search portal, is expected to be delivered in 2021–22.

Admissions to practise

In conjunction with the Chief Justice's chambers, the Office of the Prothonotary supports the process for applicants gaining admission to practise as Australian lawyers.

During 2020–21, 2,220 individuals were admitted, an increase of 18% from 2019–20. The Office of the Prothonotary also issued 176 certificates of good standing and 56 duplicate admission orders (certificates), predominantly to support admitted Australian lawyers seeking to practise in foreign jurisdictions.

In 2020–21, new lawyers were admitted on the papers by order of the Chief Justice as a result of COVID-19, with admission orders (certificates) being signed by the prothonotary or a senior deputy prothonotary and distributed.

Probate Office

ABOUT THE 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 administrators of deceased estates, and administration of deceased estates. The Probate Office manages all applications for grants of probate and administration, and maintains a register of all grants issued by the Court and wills deposited with the Court for safekeeping.

Key points

1

RedCrest-Probate, the eFiling system for the probate division of the Court, launched on 1 July 2020. The introduction of RedCrest-Probate has reduced processing times for applications made to the Probate Office.

2

The Probate Office began issuing grants electronically, with an online verification process available to asset holders. There were 21,322 electronic grants issued in the first year of RedCrest-Probate.

3

The total value of Victorian assets of deceased estates disclosed in applications was \$21.06 billion. The issuing of grants by the Probate Office enables these assets to be sold or distributed according to either the will or the laws of intestacy.

Overview

After considerable work in 2019–20 to prepare the Probate Office for the introduction of electronic court files and eFiling of court documents for probate matters, RedCrest-Probate was launched on 1 July 2020. Given the highly specialised nature of applications for probate and administration, RedCrest-Probate was created as a tailored solution for the probate division of the Court. Once the information required in support of an application is entered into RedCrest-Probate, the system generates the standard affidavit required and the originating motion.

RedCrest-Probate has streamlined the process of applying for probate and administration for both the legal profession and the public. This improvement can be seen by an increase of 509 (27%) in applications made by people without legal representation. RedCrest-Probate also decreased the time between filing and obtaining a grant from an average of 13 days and a median of 8 days in 2019–20 to an average of 8 days and a median of 2 days in 2020–21. This decrease in processing times was achieved despite the impact of COVID-19 restrictions.

From 1 July 2020, the Probate Office commenced issuing electronic grants as part of the broader move to electronic filing. The ability for asset holders and other institutions to verify the grant using a unique identifier is built into the RedCrest-Probate system. In the first year of RedCrest-Probate, 21,322 electronic grants have been issued, with asset holders and government institutions quickly adapting to the new processes.

The Probate Office also migrated the index of applications, caveats and deposited wills to the Supreme Court of Victoria website, resulting in a considerable increase in traffic, and created an electronic search option for probate files.

The implementation of electronic filing, grants and search processes have significantly reduced the use of paper and the need for in-person attendance in probate matters, as exemplified by the fact that 154,951 documents were filed electronically through RedCrest-Probate in 2020–21.

Application type filed

	2019-20	2020-21	Variance
Probate	19,734 (88.2%)	19,321 (86.5%)	-2.1%
Administration upon intestacy	2,073 (9.3%)	2,313 (10.4%)	11.6%
Administration with the will annexed (attached)	437 (1.7%)	494 (2.2%)	13.0%
Reseals of foreign grants	120 (0.5%)	158 (0.7%)	31.7%
Other applications, including for limited grants	39 (0.2%)	56 (0.3%)	43.6%
Total applications filed	22,403	22,342	-0.3%

Probate Office activities

	2019-20	2020-21	Variance
Applications made by people without legal representation	1,862 (8.3%)	2,371 (10.6%)	27.3%
Grants issued through the small estates service	69	9	-87.0%
Caveats filed	222	238	7.2%
Probate Office files pending in the Trusts, Equity and Probate List	91	88	-3.3%
Advertisements published on Probate Online Advertising System (POAS)	26,710	25,771	-3.5%
Visits to Probate section of the Court's website	327,108	717,090	119.2%
Emails responded to by the Probate Office	4,538	9,421	107.6%
Wills deposited with Probate Office for safekeeping	247	252	2.0%
Searches of Probate Office files	1,414	1,276	-9.8%

Corporate Services

ABOUT CORPORATE SERVICES

The Corporate Services teams, under the guidance of the chief executive officer, support the work of the Court. The teams are: People, Wellbeing and Culture; Finance Services; IT and Digital Support; Security, Risk and Assets; Archives and Records; and Communications and Engagement.

Overview

The Corporate Services teams provide flexible and innovative solutions that actively respond to the evolving needs and requirements of the Court.

Achieving uninterrupted business continuity throughout COVID-19 was a key accomplishment that facilitated the ongoing work of the Court. The teams rapidly transitioned the Court to remote operations, providing a stable working environment for judicial officers and Court staff that was further enhanced through the development of hybrid working arrangements.

Corporate Services, in consultation with judicial leaders, all areas of the Court and Court Services Victoria, led the response to the COVID-19 pandemic. This work was compounded by the sudden closure in February 2021 of the 436 Lonsdale Street building, in which the Court occupied six levels. This required a series of revisions to immediate working arrangements, as well as significant planning for the future.

The team was able to design and implement 2 fit-for-purpose office spaces for 260 staff within 4 months. Public registry counters were rapidly relocated, ensuring uninterrupted public access to registry services. Other affected areas of the Court began moving into new premises on Little Bourke Street in May 2021 as part of a coordinated relocation project run by Corporate Services. Work also commenced to relocate eight newly digitised courtrooms and the Court's mediation centre from the Lonsdale Street building to the William Cooper

Justice Centre. The move is due for completion in 2021-22.

The **IT and Digital Support Services** team provided critical front-line support as part of the Court's response to the pandemic, driving a range of infrastructure, hardware, software and platform integration and upgrade projects. This included upgrading remote access and the firewall, accelerating the Court's capability to securely work remotely. The infrastructure upgrade, together with a complete hardware refresh, set the foundation for the Court's ability to provide the flexibility to work and conduct hearings in a remote manner.

The eCourts Renewal Project, completed on 30 June 2020, was adapted to enhance specialised capability for the Court to perform hybrid and remote hearings. The ongoing operational management of the project was transferred from 1 July 2020 to the Court's IT and Digital Support team to support the use of courtroom technology before, during and after hearings.

The IT Service Desk responded to 17,522 requests from across the Court. A Service Catalogue was also established, complete with in-house instructional videos and guides and one-on-one and group training, to assist all areas of the Court with the new technological functionality, regardless of where they were working from.

This transition continued to maintain compliance with established governance frameworks, which guided sustainability, suitability and security of IT solutions and assets.

The **Security, Risk and Assets** team was critical in providing on-the-ground support throughout both the pandemic and the relocation efforts. The team continued to improve Court assets, converting court 12 from a civil to a criminal courtroom. This conversion required detailed design and renovation work, such as the installation of a dock, witness box and 15-seat jury box, in addition to a full upgrade of the courtroom.

The team also progressed the Security Renewal Project, replacing access control systems, CCTV and alarm system infrastructure. While some elements are yet to be completed, the fundamental security requirements have been upgraded to continue the secure operation of a modern court precinct.

The **People, Wellbeing and Culture** (PW&C) team led occupational health and safety requirements in advising and implementing adjustments needed to keep judicial officers and Court staff safe despite disruptions caused by the pandemic and relocation.

As pandemic restrictions changed, PW&C developed a schedule of health and wellbeing initiatives and team-building events to support the mental health of judicial officers and Court staff. This support was measured through frequent

surveys, with the majority of respondents reporting that they felt well-informed of both restriction changes and wellbeing initiatives available to them. Respondents also reported feeling supported by their managers, teams and colleagues, and that the Court was compassionate and considerate of their personal circumstances.

In 2021, the team developed, consulted on and refined a model for hybrid working arrangements, drawing on lessons learned through working-from-home arrangements over the previous 12 months. The hybrid model establishes a framework that supports staff in a range of ways to work effectively, safely and with respect to their work-life balance. A key element of this model was the introduction of a reimbursement scheme, enabling staff to purchase ergonomic office equipment in order to set up safe and compliant remote workstations.

The **Archives and Records** team worked with a number of other areas of the Court to establish a Business Classification Scheme for the corporate records of the Court, building upon the Court's high-level records management framework.

The scheme incorporated records retention and disposal schedules, providing a guideline to the management of corporate records that differed significantly to the way Court records were classified and managed previously.

In early 2021, the team relocated a large amount of heritage furniture and fittings for preservation.

Following the closure of 436 Lonsdale Street, the team facilitated the relocation of more than 4,000 boxes of Court files to a secure storage.

The **Finance Services** team provided uninterrupted service and support to the Court throughout the year, undertaking and supporting a range of projects, including the eCourts Renewal Project and the integration of a new budgeting, reporting and procurement system.

The **Communications and Engagement** team continued to deliver a range of services for the Court.

The media team assisted with the public livestreaming of 11 matters, including trials, sentences and judgments, on the Court's website, attracting 48,092 unique visits. Additionally, journalists were connected remotely to more than 660 hearings via video links, Zoom and over the phone. This represents the Court's continued leveraging of technology to improve openness and accessibility in spite of the pandemic.

During 2020–21, the Court's website was visited 1,265,021 times. A total of 52 news items and media releases were published, garnering 41,858 unique visitors.

The corporate communications team tweeted 89 times during the reporting year and follower numbers grew from 17,715 to 19,072 (up 7%). The Court made 35 posts to Facebook, with follower numbers growing from 2,888 to 3,325 (up 15%).

Following the successful release of season one of the Court's award-winning *Gertie's Law* podcast, a special episode, *Court in a Pandemic*, was released in December 2020, followed by an eight-episode season two between 4 May and 29 June 2021. As of 30 June 2021, both seasons of *Gertie's Law* have been downloaded a combined total of 348,880 times across 144 countries.

In the past, the Court Education Program has seen VCE Legal Studies students physically attend the Supreme Court to learn about its work and observe proceedings. Due to the pandemic, the team developed and piloted an online program between July and November 2020. The pilot proved highly successful, with 210 students from 8 metropolitan and regional schools participating in 10 virtual Supreme Court sessions.

As a result of the pilot's success, the online education program was implemented in 2021, during which a further 825 students took part in 33 virtual sessions with 16 Supreme Court judges. The program continued to extend its reach across Victoria, with 35 schools participating from Melbourne and regional areas, such as Wodonga, Bendigo and Maffra.



ADDITIONAL COURT SERVICES

Funds in Court

ABOUT FUNDS IN COURT

Funds in Court 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 (Vic)*, or awards of the Victims of Crime Assistance Tribunal.

Key points

1

Managed funds valued at \$2.13 billion in 2020-21, achieving market-leading interest rates for beneficiaries.

2

Provided active support to 6,373 beneficiaries, making 3,991 orders to release money to beneficiaries as needed and processing about 93% of invoices within 5 business days.

3

Answered approximately 38,460 calls.

Overview

The vision of Funds in Court (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, 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.

Responding to COVID-19

Throughout 2020-21, FIC witnessed a slow increase in beneficiary requests, with slight fluctuations around the holiday seasons and both the initiating and easing of COVID-19 restrictions.

The pandemic resulted in an initial decrease in most areas of beneficiary activity. Despite this, FIC continued to communicate with beneficiaries to ensure they received the support they required, instituting a remote working environment to guarantee the uninterrupted provision of services.

Aspire Awards 2020

On 2 December 2020, as part of the International Day of People with Disability, FIC hosted the national Aspire Awards.

A nomination process in all states and territories culminated in a national awards ceremony, held virtually, recognising and celebrating the important contributions of people with disability.

The host, paralympian and TV presenter Kurt Fearnley, was joined by a distinguished group of presenters, including Professor Gillian Triggs, David Marr, Bruce Bonyhady and Cate Campbell.

Legal Costs team

The Legal Costs team reviews and analyses applications for the release of beneficiaries' funds for payment of legal costs. Most of the applications are made by solicitors seeking outstanding solicitor-client costs following the resolution of costs between the parties. Other applications include those seeking legal costs in matters that are non-litigious or unrelated to the funds held, reimbursement of legal costs paid on behalf of a beneficiary, or payment of fees associated with disbursement funding arrangements.

Funds in Court's process for the review and consideration of legal costs provides solicitors with certainty of fair and reasonable funds being available, as well as providing protection to the beneficiaries' funds.

In 2020-21, 77 applications for legal costs were resolved, totalling \$3,413,864.31. While 47% of applications for outstanding solicitor-client costs were paid in full, reductions were made to 53% of applications, only 1 of which was refused.

There has been an increase in compliance with costs disclosure obligations under the Legal Profession Uniform Law. Further improvements are anticipated for the disclosure of ongoing costs, as well as costs disclosure prior to settlement.

Applications involving costs that were moderated by solicitors to a more reasonable and proportionate sum have increased over the past two years. Of applications resolved in 2020-21, 44% involved some degree of moderation by the solicitor, significantly higher than in previous years.

New judicial registrar

On 25 May 2021, Judicial Registrar Woronczak was appointed judicial registrar of FIC, filling the vacancy left by Judicial Registrar Englefield.

Performance

All service delivery key performance indicators were met or exceeded during the reporting period. Importantly, 93.3% of one-off payments to, or on behalf of, beneficiaries were processed within 5 days of requests being received and approved.

On average, more than 3,205 phone calls were received by FIC each month.

Number of orders, supporting documents and financial transactions made

	2019-20	2020-21	Variance
Orders ¹	8,511	3,991	-53.1%
Supporting documents	24,237	20,474	-15.5%
Financial transactions	140,778	118,955	-15.5%

¹ Due to the anticipated operational impacts of lockdown in March 2020, the Senior Master made a significant number of orders to provide for the payment of urgent expenses up to a defined amount. The continued use of these orders throughout 2020-21, rather than making individual orders, is reflected in the reduction of orders made in the reporting period.

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

	2019-20	2020-21	Variance
Paid into Court	\$164	\$131	-20.1%
Paid out of Court	\$117	\$68	-41.9%

Beneficiary services

Skilled and experienced trust officers, legal officers and client liaison officers are instrumental in assisting beneficiaries with a range of practical and legal difficulties they may face.

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

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 officers visit beneficiaries and their families and assist with complex applications for payments. Due to COVID-19 restrictions, however, all visits during 2020-21 were conducted as 'virtual' visits online.

Client liaison officer visits

	2019-20	2020-21	Variance
Visits ¹	716	449	-37.3%

¹ All visits during 2020-21 were conducted as 'virtual' visits online.

New beneficiary accounts

Payments into Court are made in accordance with an order of a court or the Victims of Crime Assistance Tribunal (VoCAT) for a person under disability (award payments for personal injury, family provision, wrongful death and VoCAT funds). There were also non-award matters (dispute money, security for costs and money paid into Court pursuant to an Act).

Investments

The total value of funds under administration (including direct investment in real estate and other assets) was \$2.13 billion as at 30 June 2021.

For more information regarding Investment Services, visit www.fundsincourt.vic.gov.au.

Common Fund No. 2

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

Declared interest rate

	Year end 31 May 2020	Year end 31 May 2021	Variance
Common Fund No. 2	2.40%	1.85%	-0.55%
Common Fund No. 2 and Common Fund No. 3	2.20%	1.65%	-0.55%

Beneficiaries' properties

The majority of beneficiaries' properties held in trust are residential, with a total of 523 properties valued at approximately \$358 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 1986* (Vic) and the *Trustee Act 1958* (Vic), the ICC also reports on any breach of either compliance or the Senior Master's duties. No breaches were reported in 2020-21.

Beneficiary accounts opened as a result of a court or VoCAT order

	2019-20	2020-21	Variance
Supreme Court order	353	290	-17.8%
County Court order	71	78	9.9%
Magistrates' Court order	0	2	--
VoCAT order	432	591	36.8%
Total	856	961	12.3%

The interest rates fixed for 2021 continued to exceed industry benchmarks, representing an excellent outcome for beneficiaries, especially given the 10-year Australian bond rate is currently around 1.2%. 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 of CF-3 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 2,800 beneficiaries (representing about 44% of all beneficiaries) with assets held by FIC.

In 2020-21, CF-3 had a total return of 21.6%. Over the 10-year period to 2021, CF-3 has delivered a total return per year of 7.8% versus the benchmark return of 9.1%.

Funds under administration including real estate (\$ billions)

	2019-20	2020-21	Variance
Total value	\$1.96	\$2.13	\$0.17

Beneficiaries' properties held in trust (\$ millions)

	2019-20	2020-21	Variance
Property value	\$313	\$358	\$45
Number of properties	505	523	3.6%

Accounting and taxation

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

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

expenditure for the financial year (excluding depreciation) by the total net assets at the end of the financial year (including property).

FIC annually benchmarks its administration expense ratio (AER), calculated by dividing the total operating

Administration expense ratio

	2019-20	2020-21	Variance
Administration expense ratio	0.60%	0.59%	-1.66%

Corporate governance

Funds in Court’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.

For more information regarding corporate governance, visit www.fundsincourt.vic.gov.au.

Complaints

Complaints are treated seriously, with all complaints documented in accordance with the Australian Complaints Standard ISO 10002:2014. During 2020-21, 21 complaints were received, compared to 23 in 2019-20.

Business continuity

Funds in Court’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 24 March 2021 to ensure its ongoing integrity.

In addition, during 2020-21, FIC developed the following documents in order to enhance its overall management of business continuity:

- ▶ Crisis Management Plan – to ensure crisis events affecting the welfare of clients, staff and the interests of other stakeholders (with the potential to impact FIC’s image and reputation) are effectively managed.
- ▶ Pandemic Plan – to provide guidance to mitigate, prepare for, respond to, and recover from a pandemic that may impact FIC’s ability to meet its obligations, including enabling FIC staff to provide services through their home environment with limited access to the La Trobe Street building.

FIC Human Rights Advisory Committee

The FIC Human Rights Advisory Committee (HRAC), chaired by the Senior Master, identifies key issues regarding access to justice for people with a disability, recommending changes to current practices and processes.

The HRAC consists of the Litigation Guardian Working Group, Clinical Working Group, and Human Rights Working Group. The Committee continued to work on the use of intermediaries in criminal matters; changes to SCV Rules and a 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 the chances of their babies being removed from their care.

Juries Victoria

ABOUT JURIES VICTORIA

Juries are made up of a cross-section of Victorian citizens, each bringing their own experiences and expectations into the courtroom. Every jury reflects the community from which it is drawn, and each represents the values and standards of that community.

The *Juries Act 2000* (Vic) provides for a system of trial by jury. Juries Victoria ensures enough citizens are summonsed to attend courts across the state to serve as jurors on Supreme and County Court trials.

Key points

1

Assessed the eligibility, availability and personal circumstances of about 200,000 Victorians randomly selected for jury service, which was more than in previous years, despite and because of changing COVID-19 restrictions.

2

Monitored and adjusted the number of jurors summonsed across the state in close consultation with the courts, exercising significant flexibility in response to chief health officer directions and subsequent lockdowns.

3

Introduced an online juror orientation, which replicates the in-person orientation for those summonsed to attend for jury service.

Overview

By 1 July 2020 all new jury trials in Victoria had been suspended for three-and-a-half months due to COVID-19 restrictions. Jury trials recommenced in a limited way in Melbourne only on 16 November 2020 and were conducted under strict pandemic protocols. In regional Victoria, circuit jury trials recommenced incrementally from early May 2021, again under strict COVID-19 protocols. Lockdown restrictions in 2021 caused further disruptions to jury trials, albeit to a lesser extent.

The uncertainty of both court listings and the community's response to jury selection in light of the pandemic required Juries Victoria to randomly select and summons a disproportionately large number of individuals to meet the reduced number of jury trials when compared with previous years.

Juries Victoria also adopted a flexible, bespoke and more hands-on approach to managing the jury process. This included detailed one-to-one engagement with summonsed individuals and greater consideration for the individual circumstances and concerns of prospective jurors. Additionally, in response to density quotients and physical distancing requirements, jury pools and panels were created virtually, and juror orientations were conducted online instead of in-person.

These efforts minimised the number of attendees at any one time and the length of time for which they were required, while still meeting listing demands as well as the needs and expectations of the courts.

Jury activity¹

Citizens randomly selected

	2019-20	2020-21	Variance
Melbourne	39,555	74,036	87.2%
Regional Victoria	87,500	129,026	47.5%
Total	127,055	203,062	59.8%

¹ Jury trials were suspended state-wide from 16 March 2020, recommencing in Melbourne from 16 November 2020 and on circuit from 3 May 2021. New jury trials in both Melbourne and regional areas were temporarily re-suspended on three occasions due to the reintroduction of lockdown restrictions.

Jurors summonsed

	2019-20	2020-21	Variance
Melbourne	15,454	19,921	28.9%
Regional Victoria	22,852	23,561	3.1%
Total	38,306	43,482	13.5%

Jurors attended (not all jurors summonsed are required to attend)

	2019-20	2020-21	Variance
Melbourne	4,408	2,750	-37.6%
Regional Victoria	2,309	923	-60%
Total	6,717	3,673	-45.3%

Jury trials

Supreme Court

	2019-20	2020-21	Variance
Civil - Melbourne	10	1	-90%
Civil - regional Victoria	3	0	-100%
Criminal - Melbourne	10	13	30%
Criminal - regional Victoria	5	0	-100%
Total	28	14	-50%

County Court

	2019-20	2020-21	Variance
Civil - Melbourne	20	4	-80%
Civil - regional Victoria	4	0	-100%
Criminal - Melbourne	138	104	-24.6%
Criminal - regional Victoria	42	29	-31%
Total	204	137	-32.8%

Law Library of Victoria

ABOUT THE LAW LIBRARY OF VICTORIA

The Law Library of Victoria supports the administration of, and access to, justice and the practice of law by providing comprehensive and authoritative legal information to judicial officers, the profession and the Victorian community.

The Supreme Court Library Committee, chaired by Justice Garde, is augmented by three representatives from other Victorian jurisdictions, forming the Law Library of Victoria Committee, which manages the library and oversees strategic direction. The library's director is Supreme Court Librarian Laurie Atkinson.

Key points

1

The library's legal research eLearning units were visited 4,000 times, contributing to the continuous professional development of Victoria's judiciary and the legal profession.

2

The number of lawyers accessing the digital library's comprehensive collection increased by 40% compared with the previous period. Almost 6,000 enquiries were answered across all service points.

3

Digital engagement increased significantly, with the library's fortnightly digital bulletin distributed to more than 3,000 members of the legal community each fortnight, up 11%. The library's tweets were viewed more than 58,000 times.

Overview

In consultation with the legal sector, a five-year strategic plan was adopted that reflects the desire for a modern and dynamic Law Library of Victoria.

The plan aims to establish a digital library service to support current and future generations of the legal profession in delivering better justice outcomes for all Victorians. The digital library service is

underpinned by six core values: accessible, authoritative, collaborative, independent, innovative and responsive.

Key decisions made early in the pandemic made sure that the library was able to maintain services and extend the digital library, offering judicial officers and lawyers working remotely seamless access to critical publications through publisher offers.

Law Library of Victoria activities

	2019-20	2020-21	Variance
Queries, visitors, tours and training attendees ¹	33,856	14,112	-58.3%
Website visits and database usage	2,206,125	2,504,687	13.5%
Users' satisfaction with the library and its services ²	100%	97%	-3%
Judgments published on the library website	1,088	1,294	18.9%

¹ The decrease in queries, visitors, tours and training attendees in 2020-21 was due to COVID-19 restrictions, which caused changes to on-site access and programs provided.

² The decrease in user satisfaction in 2020-21 reflects the changes to on-site access and programs provided as a result of COVID-19 restrictions.

Library services

The library publishes a free fortnightly bulletin, updating the legal community on legislative developments, new resources, the latest unreported judgments, and other important information. Distributed to more than 3,000 people, the bulletin is an essential and convenient way for the legal community to stay informed of legal developments.

On-site and remote research support is provided by the library's expert law librarians. A dedicated librarian is available for jurisdictions and the Victorian Bar, while legal practitioners are supported by the reference desk. Research requests and general enquiries can be made via multiple channels and range from straightforward (retrieving specific cases or legislation) to

complex (finding leading cases or articles on specific points of law). In 2020–21, librarians answered almost 6,000 enquiries across all service points.

Throughout 2020–21, the library improved engagement via social media, developing new visual content for its Twitter account to promote valuable services and resources, such as the library bulletin, publication of Court of Appeal (VSCA) judgments and upcoming events. These improvements led to more than 58,000 engagements with the library Twitter account over the reporting period, with content being shared by the legal profession, such as the Victorian Legal Services Board.

Digital library

The library website is the central hub for library services and resources, with daily activity averaging around 10,000 interactions. During 2020–21, there were more than 180,000 visits to the website, with quarter-by-quarter growth in visits averaging 14%. The number of legal practitioners logging into the library website during the period grew by 2,000 (40%).

The digital library maintains an authoritative, comprehensive and dynamic collection curated especially for the Victorian jurisdiction and legal profession.

Curated collections, drawn from the larger digital library, utilise the combined knowledge of the library's expert staff to provide a quick and easy avenue of research. The collections contain legislation, law reports, commentary, websites, eBooks, journals and much more, arranged by subject, format, and research task. The library's work in assessing, selecting, and arranging key resources, and creating direct pathways to them, helps guide users to the most reliable and authoritative legal information.

In addition, the library publishes the judgments of the Supreme Court on behalf of the Council of Law Reporting in Victoria. Judgments are made available online through publishers, as well as the library website and catalogue.

Response to COVID-19

As part of its response to the COVID-19 pandemic, the library provided 24/7 access to services and resources for judicial officers, practitioners and library staff working from home through the library's website and digital library. A focus on strategic communications, partnerships with stakeholders, in-person interactions (where possible), online reference support and an extensive education and events program ensured the library maintained a deep and continuous connection with the courts and legal profession throughout 2020–21.

The library acknowledges and thanks the generosity of publishers of Australian legal material who made their content accessible to the Victorian legal community during 2020.

Events and engagement

While the library engages primarily with the legal profession, it also held 16 webinars in 2020–21 that were open to the general public, including 4 events for Victorian Law Week 2021. In total, 2,711 people from across Australia and overseas participated in these events.

New eLearning sessions were tailored for different library user groups. Fifteen-minute drop-in sessions covering a range of practical legal research topics were delivered to all Victorian jurisdictions and VCAT, with 930 judicial officers and staff attending 319 sessions throughout 2020–21. Sixty-six continuing professional development (CPD) sessions on legal research were held for the profession and attended by 1,380 practitioners.

The library also offered customised training to several regional and suburban law associations and study groups, including Gippsland Law Association, Bendigo Young Lawyers Association, Southern/Northern/Eastern/Western Suburbs Law Associations, Goulburn Valley Law Association, Peninsula Community Legal Centre and Tenancy Law Accredited Specialists Study Group.

The library provided constant access to structured, self-directed training for practitioners and Court staff. New legal research eLearning units, published at the beginning of the reporting period, proved popular with the audience. The eLearning homepage received 4,000 visits and eLearning videos were watched 1,500 times. The library received 300 requests for unit completion certificates, around 95% of which were from suburban and regional practitioners (according to postcode information).

The library extended the reach and impact of its services through frequent collaboration with partner organisations, such as the Victoria Law Foundation, Victorian Legal Services Board, Victoria Legal Aid, Legal Practitioners' Liability Committee and Justice Connect. Additionally, the library is committed to strengthening connections amongst the legal community through formal settings, such as being active participants on many external committees and boards.

The future

The library is undertaking a branding refresh to update the visual identity and collateral to be more contemporary and engaging. In line with the refresh, the library's website is also being redeveloped to improve information layout and user experience.

As the preeminent law library in Victoria, the library seeks to continuously improve legal research education and increase the profession's access to authoritative legal information. As part of this ongoing improvement, the library is expanding legal research training provided to practitioners and the courts, opening up aspects of it to a broader audience. New eLearning content is also being developed, increasing professional development options and providing a better learning experience.

LEADERSHIP AND GOVERNANCE



ABOUT 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* (Vic). The Court's governance structures are prescribed in the *Supreme Court Act 1986* (Vic).

Overview

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 1986* (Vic) 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* (Vic) 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 support 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 entity through which the support staff of the Court are employed and its operations are funded.

Internal governance

Judicial 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. Its members are:

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 Eftim

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 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 Judicial 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:

ACCESS TO JUSTICE COMMITTEE¹

Chaired by Justice Inceri

APPROPRIATE DISPUTE RESOLUTION COMMITTEE

Chaired by Justice Keogh

AUDIT AND RISK COMMITTEE

Chaired by Justice McDonald

COMMUNICATIONS COMMITTEE

Chaired by Justice Niall

DIGITAL STRATEGY STEERING COMMITTEE²

Chaired by Matt Hall

OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

Chaired by President Maxwell

LIBRARY COMMITTEE

Chaired by Justice Garde

RULES COMMITTEE

Chaired by Justice Niall

¹ The Access to Justice Committee subsumed the work of the previous Self-represented Litigants Committee on 4 May 2021.

² 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 www.courts.vic.gov.au.

Comprehensive operating statement for the financial year ended 30 June 2021.

Controlled Items

	2019-20 \$'000	2020-21 \$'000
Income from transactions		
Output appropriations*	60,132	58,853
Special appropriations*	36,143	36,786
Total income from transactions	96,275	95,639
Expenses from transactions		
Employee expenses and judicial officer remuneration	62,564	60,409
Depreciation and amortisation	11,102	11,307
Interest expense	130	90
Grants and other transfers	350	550
Capital asset charge*	10,291	12,713
Supplies and services	14,315	17,742
Total expenses from transactions	98,751	102,811
Net result from transactions (net operating balance)	(2,476)	(7,172)
Other economic flows included in net result		
Net gain/(loss) on revaluation of buildings		35,810
Net gain/(loss) on non-financial assets	115	536
Net gain/(loss) on financial instruments	-	-
Other gains/(losses) from other economic flows	(447)	2,011
Total other economic flows included in net result	(332)	38,357
Net Result from continuing operations	(2,808)	31,185
Other economic flows - other comprehensive income items that will not be reclassified to net result		
Changes in physical asset revaluation reserve*	14,950	39,218
Total other economic flows - other comprehensive income	14,950	39,218
Comprehensive result	12,142	70,403

* Non-financial assets, Capital asset charge and Changes in physical asset revaluation reserve have been allocated by CSV.

Judicial Officers: Supreme Court of Victoria 2020–21

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 – 30 April 2021

The Hon. Phillip Geoffrey Priest
23 October 2012 – present

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

The Hon. Emiliios 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 – 2 October 2020

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

The Hon. Maree Evelyn Kennedy (2016¹)
15 December 2020 – present

The Hon. Kristen Walker
3 May 2021 – present

Judges of the Trial Division

The Hon. Elizabeth Jane Hollingworth
7 June 2004 – present

The Hon. Anthony Lewis Cavanough
8 May 2006 – present

The Hon. Peter Waddington Almond
28 July 2010 – 31 March 2021

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. Christopher William Beale
2 September 2014 – present

The Hon. Michael Phillip McDonald
16 September 2014 – present

The Hon. Rita Incerti
(formerly Zammit) (2010³)
3 February 2015 – present

The Hon. Peter Julian Riordan
10 March 2015 – present

The Hon. Jane Dixon
17 August 2015 – present

The Hon. Andrew John Keogh
4 April 2016 – present

The Hon. Peter Barrington Kidd
24 May 2016 – present

The Hon. 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

The Hon. Justice Michael Osborne
15 December 2020 – present

The Hon. Justice James Peter Gorton
15 December 2020 – present

The Hon. Justice Stephen Andrew O'Meara
18 May 2021 – present

The Hon. Justice Richard
Hugo Muecke Attwill
18 May 2021 – present

Reserve judges

The Hon. Malcolm Blue
28 April 2015 – present

The Hon. Ross McKenzie Robson (2016⁵)
20 July 2016 – present

The Hon. Paul
Anthony Coghlan AO (2014⁵)
11 July 2017 – present

The Hon. Mark Weinberg AO (2018⁵)
13 May 2018 – 31 January 2021

The Hon. Robert Stanley Osborn (2018⁵)
23 June 2018 – present

The Hon. Lex Lasry AM (2018⁵)
3 July 2018 – present

The Hon. Gregory
Howard Garde AO RFD (2019⁵)
1 April 2019 – present

The Hon. Simon Paul Whelan (2020⁵)
13 October 2020 – present

The Hon. Kim William
Spencer Hargrave (2020⁵)
24 November 2020 – present

Associate judges

The Hon. John Efthim
18 July 2005 – present

The Hon. Alexander Jamie Wood
23 January 2006 – 25 June 2021

The Hon. Robyn Gay Lansdowne
18 September 2006 – 28 July 2020

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. Mary-Jane Ierodiaconou
12 May 2015 – present

The Hon. Julian Hetyey (2014⁴)
11 February 2020 – present

The Hon. Patricia Matthews (2017⁴)
15 December 2020 – present

Reserve associate judges

The Hon. David Mark
Brudenell Derham (2020⁵)
11 January 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 Patricia Matthews
24 January 2017 – 14 December 2020

Judicial Registrar Mark Pedley
24 January 2017 – present

Judicial Registrar Julie Clayton
20 February 2017 – 24 January 2021

Judicial Registrar Martin Keith
5 February 2020 – present

Judicial Registrar Timothy Richard Freeman
13 July 2020 – present

Judicial Registrar Fiona June Steffensen
14 December 2020 – present

Judicial Registrar Kim Woronczak
25 May 2021 – present

Judicial Registrar Andrew John Baker
25 May 2021 – 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 appointed as a judicial registrar.

⁵ Date retired from the Bench.

Courtroom Locations

The Supreme Court hears cases both online, and on-site 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
– Courts 1 to 15
– Practice court

Court of Appeal

459 Lonsdale Street
Melbourne Victoria 3000
– Green court
– Red court
– Blue court

Old High Court

450 Little Bourke Street
Melbourne Victoria 3000
– Courts 1 to 3

Associate judges' courtrooms

450 Little Bourke Street*
Melbourne Victoria 3000
– Courts 1 to 6

Costs Court

450 Little Bourke Street*
Melbourne Victoria 3000
– Courts 7 and 8
– Hearing rooms 1 and 2

William Cooper

Justice Centre
223 William Street
Melbourne Victoria 3000
– Court 6 (level 3)

* New location due to the closure of the 436 Lonsdale Street building in February 2021.

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 4249 4800

HAMILTON Magistrates' Court

Martin Street
Hamilton Victoria 3300
Phone: 03 4505 1200

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 5077 3600

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 5757 5900

WARRNAMBOOL Magistrates' Court

218 Koroit Street
Warrnambool Victoria 3280
Phone: 03 4505 0800

WODONGA Magistrates' Court

5 Elgin Boulevard
Wodonga Victoria 3690
Phone: 02 6048 1900



Contact Details

Principal Registry

450 Little Bourke 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

450 Little Bourke 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

Probate Office

450 Little Bourke Street*
Melbourne Victoria 3000
Phone: 03 8600 2006
Email: probate@supcourt.vic.gov.au

supremecourt.vic.gov.au

 @SupremeCourtVic
 @SCVSupremeCourt

* New location due to the closure of the 436 Lonsdale Street building in February 2021.





SUPREME COURT OF VICTORIA

Supreme Court of Victoria
210 William Street
Melbourne VIC 3000

supremecourt.vic.gov.au