

# ANNUAL REPORT **2021-22**

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**SUPREME COURT  
OF VICTORIA**

## Letter to the Governor

*Her Excellency Linda Dessau AC CVO,  
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 2021-22 financial year, reporting on the Court's activities from 1 July 2021 to 30 June 2022.

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

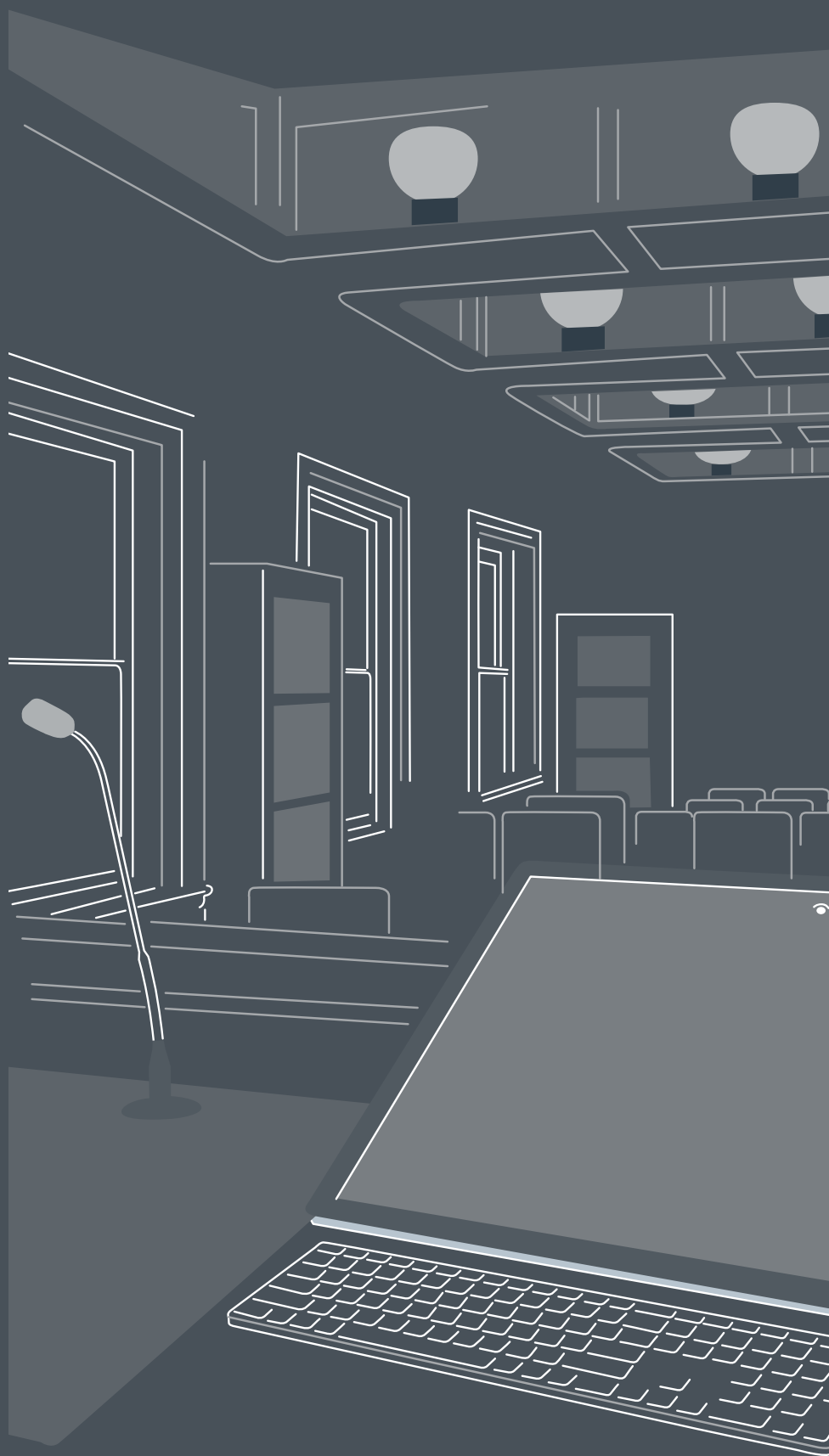
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## Goal

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

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## Purpose

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

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## 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 complex civil cases in the State of Victoria, and some appeals from Victorian courts and tribunals.

The Court has two divisions: the Trial Division and the Court of Appeal.

The Trial Division is made up of 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, including administrative judicial support, registries, Juries Victoria, the Law Library Victoria and Court administration. The Funds in Court office operates discretely under the direction of the Senior Master.

The Supreme Court is a court for all Victorians and hears matters across the state.

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# AT A GLANCE

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# Cases Snapshot

The Court's performance is measured by the following:

## 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

	2020-21	2021-22	Variance
Initiations	4,913	5,627	14.5%
Finalisations	4,767	5,456	14.5%
Pending	5,322	5,493	3.2%

### Clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	97.0%	97.0%	100%
Cases finalised within 12 months	63.4%	60.6%	75%
Cases finalised within 24 months	88.9%	87.2%	90%
Cases finalised >24 months	11.1%	12.8%	0%

### Case backlog

	2020-21	2021-22	Benchmark
Pending >12 months	39.5%	36.5%	20%
Pending >24 months	16.1%	16.0%	5%

### Court file integrity

	2020-21	2021-22	Benchmark
Court file integrity	93%	94%	90%

## 3

**Case backlog**

Number of cases awaiting finalisation.

The Court also 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 by random audits. Court file integrity is critical to ensuring proceedings are managed efficiently.

Variance is the percentage difference between 2020–21 and 2021–22 figures. Benchmark is a standard that the Court measures its performance against.

Differences between figures contained in this report, compared to the 2020–21 annual report, are due to further refinement of the Court's statistics after their publication.

## Court of Appeal

### Total cases

	2020-21	2021-22	Variance
Initiations	356	313	-12.1%
Finalisations	372	340	-8.6%
Pending	263	236	-10.3%

### Civil cases

	2020-21	2021-22	Variance
Initiations	126	123	-2.4%
Finalisations	137	115	-16.1%
Pending	79	87	10.1%

### Civil cases: clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	108.7%	93.5%	100%
Cases finalised within 12 months	75.9%	80.9%	75%
Cases finalised within 24 months	94.9%	98.3%	90%
Cases finalised >24 months	5.1%	1.7%	0%

### Criminal cases

	2020-21	2021-22	Variance
Initiations	230	190	-17.4%
Finalisations	235	225	-4.3%
Pending	184	149	-19.0%

### Criminal cases: clearance rate and on-time processing

	2020-21	2021-22	Benchmark
Clearance rate	102.2%	118.4%	100%
Cases finalised within 12 months	63.8%	62.2%	75%
Cases finalised within 24 months	98.7%	100.0%	90%
Cases finalised >24 months	1.3%	0.0%	0%

## Trial Division

### Total cases: civil and criminal

	2020-21	2021-22	Variance
Initiations	5,180	5,913	14.2%
Finalisations	5,052	5,728	13.4%
Pending	5,346	5,531	3.5%

### Criminal Division: trials and pleas<sup>1</sup>

	2020-21	2021-22	Variance
Initiations	122	110	-9.8%
Finalisations	67	83	23.9%
Pending	143	170	18.9%

### Criminal Division: clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	54.9%	75.5%	100%
Cases finalised within 12 months	58.2%	45.8%	75%
Cases finalised within 24 months	83.6%	85.5%	90%
Cases finalised >24 months	16.4%	14.5%	0%

### Commercial Court: cases summary

	2020-21	2021-22	Variance
Initiations	1,429	2,071	44.9%
Finalisations	1,679	1,901	13.2%
Pending	1,389	1,559	12.2%

### Commercial Court: clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	117.5%	91.8%	100%
Cases finalised within 12 months	71.5%	72.4%	75%
Cases finalised within 24 months	88.5%	87.7%	90%
Cases finalised >24 months	11.5%	12.3%	0%

### Common Law Division: cases summary

	2020-21	2021-22	Variance
Initiations	2,715	2,789	2.7%
Finalisations	2,340	2,819	20.5%
Pending	3,413	3,383	-0.9%

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

	2020-21	2021-22	Benchmark
Clearance rate	86.2%	101.1%	100%
Cases finalised within 12 months	53.6%	48.5%	75%
Cases finalised within 24 months	86.7%	84.3%	90%
Cases finalised >24 months	13.3%	15.7%	0%

<sup>1</sup> Figures include both standard and fast-tracked committals



## Judicial and ADR<sup>2</sup> registrar mediations

	2020-21	2021-22	Variance
Cases referred for mediation	771	647	-16%
Mediations completed	447	370	-17%
Cases resolved on day of mediation	234	220	-6%
Number of hearing days saved	1105	1035	-6%

## Services snapshot

Registry Services	2020-21	2021-22
Counter enquiries answered <sup>3</sup>	638	1,275
Self-represented litigants - enquiries answered	6,446	8,594
Subpoenas issued	4,469 <sup>4</sup>	4,370
Probate Office	2020-21	2021-22
Applications for grants of representation filed	22,344	24,452
Grants issued	21,575	23,385
Applications made by people without legal representation	2,268	2,252
Wills deposited for safekeeping	252	336
Funds in Court	2020-21	2021-22
Orders	3,991	4,018
Total value of funds under administration, including real estate (\$ billions)	\$2.13	\$2.00
Administration expense ratio	0.59%	0.63%
Law Library Victoria	2020-21	2021-22
Queries, updates, tours and training attendees	98,020	103,071
Website visits and database usage	2,504,687	2,751,581
Judgments published on the Library's website	1,294	1,181
Juries Victoria <sup>5</sup>	2020-21	2021-22
Citizens randomly selected	203,062	328,135
Citizens summoned	43,482	112,358
Citizens attended	3,673	16,122
Jury trials <sup>6</sup>	151	369
Community engagement <sup>7</sup>	2020-21	2021-22
Website page views	3,549,403	4,245,926
Social media followers (Twitter and Facebook)	22,397	25,020
Episode downloads of Gertie's Law podcast	348,880	405,927
Court education program participants	1,035	2,178 <sup>8</sup>
Finances	2020-21	2021-22
Total operating revenue (\$'000)	95,639	100,277
Total operating expenses (\$'000)	102,811	102,791
Net result from transactions (net operating balance) (\$'000)	(7,172)	(2,514)

2 Appropriate Dispute Resolution.

3 Principal Registry.

4 Differences between figures contained in this report, compared to the 2020-21 annual report, are due to further refinement of the Court's statistics after their publication.

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

6 Figures include both Supreme and County Court trials.

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

8 While this is a year-on-year increase, the decrease in participants from usual engagement levels reflects the impact of COVID-19.

# Foreword: Chief Justice and CEO

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It is a great pleasure to present the 2021-22 Annual Report for the Supreme Court of Victoria. The Report reflects our ongoing commitment to do all we can to serve the Victorian community.



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

The sudden changes from March 2020, described in our last Annual Report, have evolved into a different type of 'business as usual'. Virtual and hybrid hearings now sit alongside in-person hearings as part of our everyday working life. Judicial officers, staff, barristers and solicitors have adjusted how they work to help the Court in serving the community.

Despite the challenges the Court has faced, we need to keep looking forward. The most effective way for us to do that is to bring together the best of what preceded COVID-19 and the lessons learned during the pandemic to keep improving how we operate. The Court's 2021-22 Annual Report is testament to that approach.

## Changing landscape

Throughout the reporting year, the Court continued to adapt its operations in line with public health advice.

While the public entrances remained open throughout the year, courtroom operations shifted between in-person and virtual in a seamless way in response to the changing COVID-19 conditions. Whether in-person, virtual or a hybrid, around 98% of hearings and mediations have been digital to some degree. This is up from previous years and an indicator of further growth of the Court's capacity to meet community and practitioner expectations of modern court operations in this changing landscape.

This technology has enabled the Court to provide broader community access to public hearings, particularly for those living in regional and remote communities. More than 2,000 hearings were livestreamed.

We were pleased to recommence in-person admission ceremonies for new lawyers in April 2022 when restrictions eased. The ceremonies were livestreamed and posted on our website for people to view. We recognised that not everyone wants to come to Court to be admitted. Providing greater flexibility than before, we have continued to offer the option of being admitted on the basis of documents provided to the Court and without an in-person hearing – an example of one of the positive changes that arose from a challenging situation.

## Building respect

One of the enduring messages across recent reporting years has been our commitment to creating a safe, respectful and inclusive workplace. As leaders, we have spoken about the importance of a workplace free from sexual harassment in particular. It has no place in our Court. We have and will continue to put measures in place aimed at preventing it.

The Court continues to work with the other jurisdictions and Court Services Victoria (CSV) in implementing recommendations in the report from an independent Review of Sexual Harassment in Victorian Courts and Victorian Civil and Administrative Tribunal (VCAT) in 2021. The new CSV policies and the guideline issued by the Judicial Commission of Victoria are consistent in describing unacceptable behaviours. New complaint processes and supports have also been implemented, along with training that includes a particular focus on how bystanders can act to change culture and improve outcomes.



**Matt Hall PSM**  
Chief Executive Officer

## Work of the Court

Throughout the reporting period, the many areas and divisions of the Court continued to evolve with their changing environment.

In the **Court of Appeal**, the effects of the pandemic on the other jurisdictions influenced a decrease in the overall number of criminal and civil appeals filed. The median time to finalisation in civil matters reduced from 8.6 months to 8.1 months, while criminal matters remained consistent at 9.2 months.

In the **Criminal Division**, jury trials did not resume until late October 2021 and physical distancing measures restricted courtroom capacity until March 2022. This limited the number of jury trials that could be heard. Roughly a quarter of new cases were fast-tracked from the Magistrates' and Children's Courts, with the division conducting pre-trial steps that usually occur during the committal process. The division continued to hear non-jury trial matters without significant disruption through remote and hybrid hearings, and a record number of bail applications were heard for the second year in a row.

In the **Commercial Court**, the number of Group Proceedings (also known as class actions) continued to substantially increase. The Commercial Court and Common Law Division also launched a new cross-divisional Commercial and Retail Leases List in April 2022, consolidating the management of these proceedings across the two divisions.

The **Common Law Division** mitigated the impact of COVID-19 restrictions by conducting most hearings online and trials by judge alone when juries were unavailable. Initiations were higher than the previous financial year, with personal injury litigation, particularly institutional child sexual abuse matters, the main contributor to this increase. Despite the pandemic and intermittent suspension of civil juries, intensive case management measures led to a 20.5% increase in finalisations.

The **Appropriate Dispute Resolution Centre** (ADR Centre) continued to conduct mediations through videoconferencing. More than 645 cases were referred for mediation during 2021-22 and while in a number of cases the mediation is ongoing, or resolution was reached prior to the mediation, 370 mediations were completed, saving 1,035 trial days and significant legal costs for litigants.

In the **Costs Court**, mediations saved a further 449 hearing days. Paper-based assessments in a greater range of cases saved more than 250 sitting days. Together with preliminary issues determined on written submissions, these measures have led to a reduction in costs for litigants and significant savings in Court time.

In the **Probate Office**, the volume of applications for probate and administration filed continued to increase, with 24,452 applications, 2,108 more than in 2020-21. Despite this increase, the introduction of the new RedCrest-Probate eFiling system resulted in quicker processing times, with the time between filing and obtaining a grant for the majority of matters is now two days or less.

Working in a hybrid environment, the Court's **registries** continued to provide front-line services to litigants, practitioners and the public, and specialist legal, case management, policy and administrative support to the judges of each division. The **digital, administrative and corporate services** teams also worked hard behind the scenes to enable the efficient running of the Court.

## Thank you

Continuing the work of the Court in uncertain times has taken enormous goodwill, patience and determination on behalf of our Court users, other justice participants, the legal profession, judicial officers and staff.

We particularly wish to thank the chief executive officer of CSV, Louise Anderson, for her unfaltering leadership and dedication while supporting Victoria's jurisdictions to continue their work, and also her team for their support across many critical projects that underpin our collective ability to deliver justice.

Thank you to the barristers and solicitors of Victoria, who continued to adapt how they worked in order to support the community and the courts.

We remain extremely grateful to our Court's judges, associate judges, reserve judges, reserve associate judges, judicial registrars and staff for all they have done. We particularly acknowledge and thank Justice Chris Maxwell, who in April 2022 announced his retirement as President of the Court of Appeal after 17 years of dedicated service to the community. We also acknowledge Justice Karin Emerton, who was announced as Justice Maxwell's successor, becoming the first female President of the Victorian Court of Appeal.

As a Court, we will continue to evolve and transform what we do to ensure that we serve the community to the very best of our ability. We will continue to have those who come physically and virtually to our Court at the forefront of our minds in all that we do.



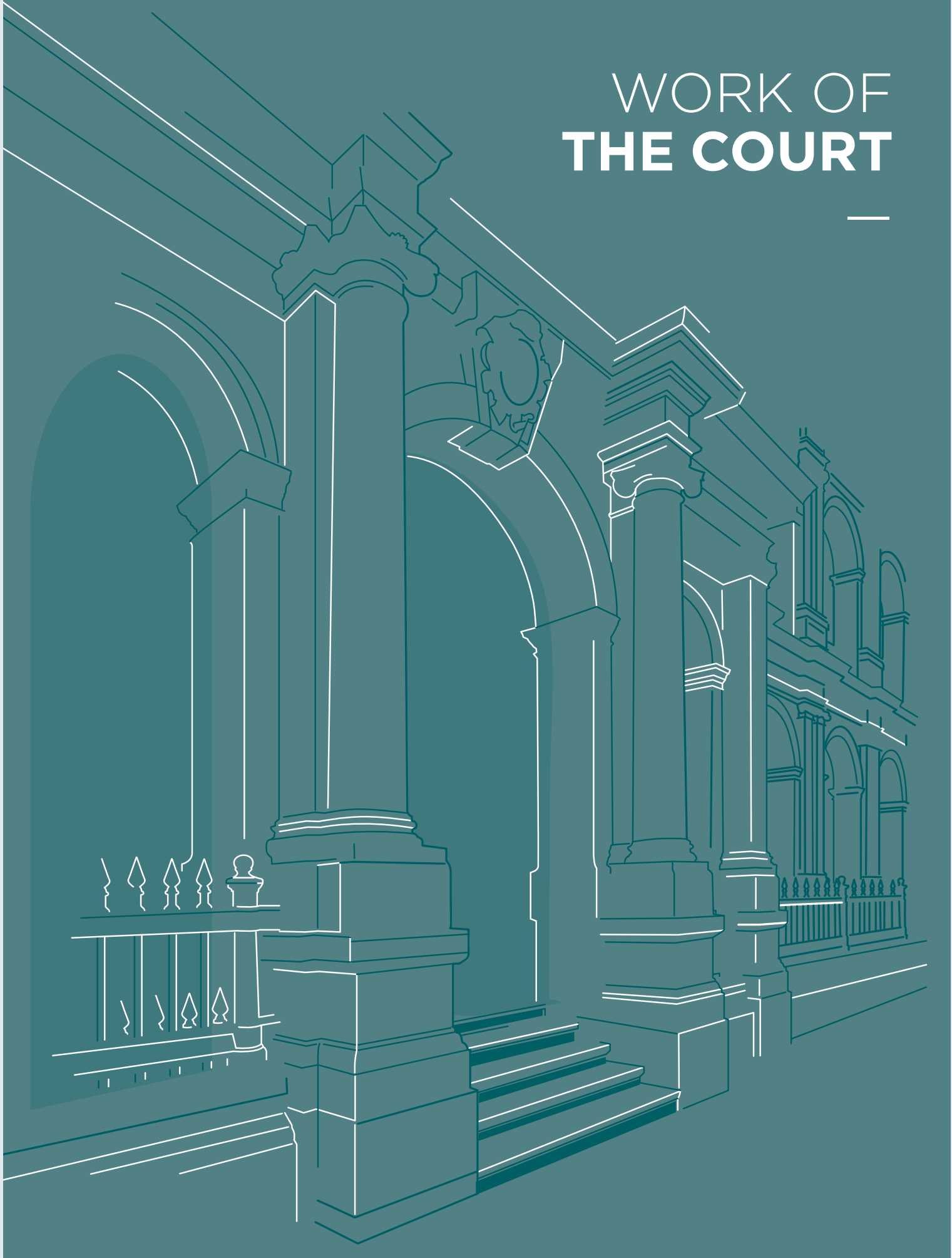
**The Honourable Anne Ferguson**  
Chief Justice of Victoria



**Matt Hall PSM**  
Chief Executive Officer

# WORK OF THE COURT

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# Court of Appeal



## ABOUT THE DIVISION

The Court of Appeal hears criminal and civil appeals from decisions made in the Supreme and County Courts, as well as some decisions from the Magistrates’ Court and the Victorian Civil and Administrative Tribunal.

### Key points

1

The decrease in the number of new matters filed (initiations) from the previous year reflects the continuing effect of the pandemic on lower courts.

2

The 100% clearance rate target for criminal appeals was exceeded and the median time to finalisation remained consistent with the previous year. The civil appeals clearance rate target was not met but there was a reduction in median time to finalisation.

3

A Judicial Registrar was appointed in September 2021 to oversee Court of Appeal cases arising from the Royal Commission into the Management of Police Informants.

## Overview

The pandemic continued to influence the overall number of new cases (initiations) filed, with a decrease from the previous year of 17.4% in criminal and 2.4% in civil (12.1% of overall new cases).

Over the reporting period, the progression of matters over, or approaching, 12 months in age contributed to an increase in the on-time case processing measure. In particular, there was an increase in older matters finalised within 24 months. The median time to finalisation in civil reduced from 8.6 months to 8.1 months while criminal remained consistent at 9.2 months.

Judicial Registrar Deirdre McCann was appointed in September 2021 to oversee cases arising from the Royal Commission into the Management of Police Informants. These are generally more complex and require more intensive case management than other criminal appeals. These matters, along with second and subsequent appeals, continue to have an impact on case backlog measures.

The Court continued to hear matters remotely and in person once restrictions eased. Interested parties, journalists and members of the public were able to view proceedings via private streaming links.

### Total cases (appeal and leave to appeal)

	2020-21	2021-22	Variance
Initiations	356	313	-12.1%
Finalisations	372	340	-8.6%
Pending	263	236	-10.3%

## Judicial officers who served in the Court of Appeal

### CHIEF JUSTICE

Chief Justice Ferguson

### PRESIDENT

Justice Maxwell

### JUDGES

Justice Priest

Justice Beach

Justice Kyrou

Justice Kaye

(until 13 December 2021)

Justice McLeish

Justice Niall

Justice T Forrest

Justice Emerton

Justice Sifris

Justice Kennedy

Justice Walker

Justice Macaulay

(from 1 February 2022)

### ADDITIONAL JUDGES OF APPEAL

Justice Riordan

Justice Quigley

Justice Lyons

Justice Forbes

Justice Delany

Justice Gorton

Justice O'Meara

### RESERVE JUDGES

Justice R Osborn

Justice Lasry

Justice Whelan

Justice Garde

Justice Kaye

(from 14 December 2021)

### JUDICIAL REGISTRAR

Judicial Registrar Pedley

Judicial Registrar McCann

(from 28 September 2021)

## Civil cases

### Total cases

	2020-21	2021-22	Variance
Initiations	126	123	-2.4%
Finalisations	137	115	-16.1%
Pending	79	87	10.1%

### Clearance rate<sup>9</sup> and on-time case processing

	2020-21	2021-22	Benchmark <sup>10</sup>
Clearance rate	108.7%	93.5%	100%
Cases finalised within 12 months	75.9%	80.9%	75%
Cases finalised within 24 months	94.9%	98.3%	90%
Cases finalised >24 months	5.1%	1.7%	0%

### Median time to finalisation (months)

	2020-21	2021-22	Variance
Civil appeals	8.6	8.1	-5.7%

## Criminal cases

### Total cases

	2020-21	2021-22	Variance
Initiations	230	190	-17.4%
Finalisations	235	225	-4.3%
Pending	184	149	-19.0%

### Clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	102.2%	118.4%	100%
Cases finalised within 12 months	63.8%	62.2%	75%
Cases finalised within 24 months	98.7%	100%	90%
Cases finalised >24 months	1.3%	0%	0%

### Median time to finalisation (months)

	2020-21	2021-22	Variance
Appeals against conviction/conviction and sentence	14.2	14.16	-0.3%
Appeals against sentence only	8.7	9.03	3.8%
Time to finalisation (total for all criminal cases)	9.2	9.23	0.3%

<sup>9</sup> Clearance rate is a measure developed by the International Framework for Court Excellence to demonstrate a court's capacity to meet current demand. A measure of 100% means the Court is finalising as many cases as it receives; less than 100% means the Court finalises fewer cases than were initiated and, therefore, the number of pending cases is growing.

<sup>10</sup> Benchmarks are a court-wide measure and not tailored to specific Divisions, allowing the Court's divisions to measure activity.

# Trial Division

## Criminal Division

### ABOUT THE DIVISION

The Criminal Division hears serious cases such as murder and manslaughter, applications for bail or matters pursuant to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA), post-sentence applications and reviews in respect of serious offenders and appeals against convictions and sentences imposed by the President of the Children's Court.

#### Key points

## 1

Jury trials did not resume until late October 2021 and social distancing measures significantly affected courtroom capacity until March 2022. This limited the number of jury trials that could be heard, resulting in fewer finalisations than usual, but more than in 2020-21.

## 2

The division continued to hear non-jury trial matters without significant disruption via remote and hybrid hearings.

## 3

Roughly one quarter of cases committed to the Court were via the fast-track process.

## 4

The division heard a record number of bail applications for the second year in a row, all of which proceeded without unnecessary delay due to the Court's remote hearing capabilities and reforms to bail application management processes.

## Overview

The COVID-19 pandemic restrictions continued to affect the division. Jury trials did not resume until late October 2021 and social distancing measures limited the number of available trial courtrooms until March 2022, which meant that several listed trials could not proceed. To manage its backlog, the division adopted a targeted case management approach, alongside virtual hearings, to progress cases that did not require a jury.

During the reporting period 85 cases were committed to the division by the standard committal process.<sup>11</sup> A further 25 were fast-tracked,<sup>12</sup> an initiative originally introduced during 2020 to progress cases unable to proceed through the Magistrates' and Children's Courts due to the effects of the pandemic. The 110 initiations were 10% lower than in the previous year.

The division heard 20 jury trials to verdict (including five fast-tracked trials), and five judge-alone consent mental impairment trials.<sup>13</sup> One judge-alone trial was also heard to verdict, following the introduction in March 2022 of temporary amendments to the *Criminal Procedure Act 2009* (Vic) (CPA) to allow the trial of indictable offences before a judge alone without a jury. Many other cases could not be listed for trial due to disruptions caused by the pandemic.

The division finalised 24% more cases (83 cases) in 2021-22 by increasing the number of days of trial-related activity by 46%. Of the 469 days of trial-related activity, 85 days (18%) were spent on preliminary hearings.

<sup>11</sup> 'Standard committals' refers to cases committed to the Supreme Court following a committal hearing or by straight hand-up brief pursuant to ss 141 or 142 of the *Criminal Procedure Act 2009* (Vic).

<sup>12</sup> 'Fast-track committals' refers to cases committed to the Supreme Court in accordance with the 'Fast-tracking homicide matters to the Supreme Court' (second revision, dated 4 November 2021) guide.

<sup>13</sup> Trials to determine if the accused is not guilty of the charge because of a mental impairment suffered at the time of the offence, according to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic).

## Judicial officers who served in the Criminal Division

### PRINCIPAL JUDGE

Justice Hollingworth

### JUDGES

Justice Croucher

Justice Beale

Justice Jane Dixon

Justice Taylor

Justice Tinney

Justice Fox

Justice Champion  
(until his retirement on  
13 August 2021)

### RESERVE JUDGES

Justice Coghlan  
(until 29 April 2022)

Justice Lasry

Justice Champion  
(from 17 January 2022)

### 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 Niall  
(Court of Appeal)

Justice T Forrest  
(Court of Appeal)

Justice Whelan  
(Court of Appeal)

Justice Elliott  
(Commercial Court)

Justice Incerti  
(Common Law Division)

Justice Keogh  
(Common Law Division)

### JUDICIAL REGISTRAR

Judicial Registrar Freeman

Judicial Registrar Tueno  
(from 29 September 2021)

## Cases committed to the Supreme Court

### Standard committal cases

By the end of 2021-22, there were 117 pending cases committed to the Court by the standard committal process, of which 85 were committed during 2021-22. 61 standard committal cases were finalised, with a median time from committal to finalisation of 11 months.

### Fast-tracked committal cases

By the end of 2021-22, there were 53 pending fast-tracked committal cases, of which 25 were committed during 2021-22 (down from 46 during 2020-21). This reduction was largely due to the recommencement of committal hearings in the Magistrates' and Children's Courts.

22 fast-tracked cases were finalised, 14 more than in 2020-21, when eight were finalised. 11 cases were discontinued after witness examinations were conducted in the Court.

In fast-track cases, the Court heard:

- ▶ 97 days of pre-trial witness examinations, 67% of which were heard by judicial registrars
- ▶ 14 case conferences
- ▶ 9 guilty pleas before trial.

The goal in fast-tracked cases is to reduce the overall time from charge to finalisation by managing them in the jurisdiction where they will be determined, allowing for targeted and flexible case management. The Court absorbs significant delay as fast-track cases are committed to the Court before the significant pre-trial steps that would usually happen in the Magistrates' or Children's Court have occurred.

### Total indictments (standard committals)

	2020-21	2021-22	Variance
Initiations	76	85	12%
Finalisations	59	61	3%
Pending	93	117	26%

### Total indictments (fast-track committals)

	2020-21	2021-22	Variance
Initiations	46	25	-46%
Finalisations	8	22	175%
Pending	50	53	6%

### Clearance rate and on-time case processing (all committals)

	2020-21	2021-22	Benchmark <sup>14</sup>
Clearance rate	55%	75%	100%
Cases finalised within 12 months	58%	46%	75%
Cases finalised within 24 months	84%	86%	90%
Cases finalised >24 months	16%	14%	0%

<sup>14</sup> Benchmarks are a court-wide measure and not tailored to specific Divisions. The court-wide benchmarks for 'time to finalisation' (aka 'on-time case processing') are problematic for the Criminal Division given the nature of its caseload, exacerbated by the fact that fast-tracked cases will, on average, take longer to finalise than traditional committals. As the benchmark is not tailored to the work of the Criminal Division, it is not achievable.



### Clearance rate and on-time case processing (standard committals)

	2020-21	2021-22	Benchmark
Clearance rate	78%	72%	100%
Cases finalised within 12 months	53%	54%	75%
Cases finalised within 24 months	81%	80%	90%
Cases finalised >24 months	19%	20%	0%

### Clearance rate and on-time case processing (fast-track committals)

	2020-21	2021-22	Benchmark
Clearance rate	17%	88%	100%
Cases finalised within 12 months	100%	23%	75%
Cases finalised within 24 months	100%	100%	90%
Cases finalised >24 months	0%	0%	0%

### Finalised<sup>15</sup> indictment cases (standard committals)

	2020-21	2021-22	Variance
Trial/special hearing – jury	8	15	88%
Trial/special hearing – judge-alone	5	0	-100%
Other finalisations under the CMIA <sup>16</sup>	5	5	0%
Plea <sup>17</sup>	30	38	27%
Discontinuance	3	2	-33%
Transfer to another court	6	1	-83%
Other <sup>18</sup>	2	0	-100%
<b>Total</b>	<b>59</b>	<b>61</b>	<b>3%</b>

### Finalised<sup>19</sup> indictment cases (fast-tracked committals)

	2020-21	2021-22	Variance
Trial/special hearing – jury	0	2	-
Trial/special hearing – judge-alone	0	0	0%
Other finalisations under the CMIA <sup>20</sup>	0	0	0%
Plea <sup>21</sup>	7	9	29%
Discontinuance	1	3	200%
Transfer to another court	0	8	-
Other <sup>22</sup>	0	0	0%
<b>Total</b>	<b>8</b>	<b>22</b>	<b>175%</b>

15 This does not include cases where, for example, the trial concluded but the offender is still awaiting sentence, or where a person is found not guilty due to mental impairment and has not yet been placed on a supervision order. These types of cases will be reported in the financial year the entire proceeding is finalised.

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

17 Includes cases where a plea of guilty was entered during trial.

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

19 See footnote 5.

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

21 Includes cases where a plea of guilty was entered during trial.

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

## Regional sittings

Despite the ongoing disruptions caused by the pandemic, the Criminal Division heard 13 proceedings at regional locations in 2021-22:

- ▶ 5 trials
- ▶ 6 pleas
- ▶ 1 fitness<sup>23</sup> investigation and special hearings
- ▶ 1 application under the *Serious Offenders Act 2018* (Vic).

The hearings were held in Ballarat, Bendigo, Geelong, Mildura, Shepparton and Warrnambool.

## Fatal driving cases

To assist the County Court to manage its backlog of cases, several fatal driving cases<sup>24</sup> were identified as suitable for transfer to the Supreme Court. In 2021-22, the parties consented to this transfer in seven cases, which was equal to the number of cases transferred in 2020-21.

During 2021-22, two transferred fatal driving cases finalised after trial and three finalised as pleas of guilty.

## Judge-alone trials

The *Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Act 2022* (Vic) came into effect on 30 May 2022, creating temporary amendments to the *Criminal Procedure Act 2009* (Vic) to allow the trial of indictable offences before a judge alone. In 2021-22 one judge-alone trial was heard and determined.

## Criminal applications

The division hears substantive criminal applications, such as post-sentence applications and reviews relating to serious offenders;<sup>25</sup> through to concise and urgent applications, such as those under the *Surveillance Devices Act 1999* (Vic). Criminal applications are resource-intensive and account for significant judicial capacity.

In 2021-22 the highest recorded number of primary bail applications<sup>26</sup> were made in one year, rising from 139 in 2019-20 to 201. The number of CMIA and serious offender applications and reviews also rose, likely associated with an easing of pandemic restrictions in the community and increased access to the multi-disciplinary teams involved in these types of cases. For example, the division heard 49 days of CMIA applications and reviews,<sup>27</sup> which was 53% higher than last financial year, and 48% higher than the previous four-year average.

### Finalised criminal applications

	2020-21	2021-22	Variance
Primary bail applications	186	201	8%
Secondary bail applications <sup>28</sup>	106	143	35%
CMIA applications and reviews	28	33	18%
Serious offender – detention order-related applications and reviews <sup>29</sup>	6	12	100%
Serious offender – supervision order-related applications and reviews <sup>30</sup>	10	16	60%
Serious offender – breach proceedings <sup>31</sup>	4	3	-25%
Confidential applications	129	114	-12%
<b>Total</b>	<b>469</b>	<b>522</b>	<b>11%</b>

23 An investigation into whether the accused is mentally fit to stand trial. If the accused is found to be unfit, there is a special hearing to determine if the accused is guilty or not guilty of the charge, an alternative charge, or not guilty because of mental impairment.

24 Cases where the accused was charged with culpable driving causing death and/or dangerous driving causing death.

25 Applications and reviews under the *Serious Offenders Act 2018* (Vic) and the *Criminal Code Act 1995* (Cth) for the continuing detention of supervision of a serious violent or sexual offender once their sentence has ended.

26 'Primary bail applications' are the first application for bail made by an accused to the Supreme Court in a particular matter. It does not include bail applications made in the course of cases already committed to the Supreme Court for trial, which are counted as secondary bail applications.

27 Includes applications and reviews heard on the papers.

28 Includes bail applications made in cases committed to the Supreme Court for trial, as well as applications for variation or revocation of bail.

29 Includes applications and reviews made under the *Serious Offenders Act 2018* (Vic) and the *Criminal Code Act 1995* (Cth).

30 Includes applications and reviews made under the *Serious Offenders Act 2018* (Vic) and the *Criminal Code Act 1995* (Cth).

31 Includes applications and reviews made under the *Serious Offenders Act 2018* (Vic) and the *Criminal Code Act 1995* (Cth).

# 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 Commercial Court Registry.

### Key points

## 1

There continues to be a substantial increase in the number of Group Proceedings<sup>32</sup> filed in the Commercial Court.

## 2

Following the relaxation of COVID-19 regulatory measures, there has been a significant increase in winding-up and mortgage recovery list matters.

## 3

The Commercial Court and Common Law Division launched a new cross-divisional Commercial and Retail Leases List on 4 April 2022. This new list consolidated the management of these proceedings across the two divisions.<sup>33</sup>

## Overview

The virtual hearing format continued to be the new 'business as usual' for the Commercial Court for the second half of 2021. However, as pandemic restrictions lifted, the division gradually reintroduced in-person hearings during the first half of 2022.

While the underlying workload for Commercial Court matters managed by a judge, associate judge or judicial registrar remained solid, initiations for the latter two groups increased significantly.

They consist primarily of Corporations – Winding Up In Insolvency and Mortgage Recovery List matters. The increase in these initiations follows the easing of regulatory changes introduced during the pandemic that aimed to avoid unnecessary insolvencies.

The overall clearance rate for the Commercial Court was 91.8%, which is below the target of 100%. This result was driven by an influx of initiations exceeding the number of finalisations – particularly in the Mortgage Recovery List.<sup>34</sup>

### Total cases

	2020-21	2021-22	Variance
Initiations	1429	2071	44.9%
Finalisations	1679	1901	13.2%
Pending	1389	1559	12.2%

### Clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	117.5%	91.8%	100%
Cases finalised within 12 months	71.5%	72.4%	75%
Cases finalised within 24 months	88.5%	87.7%	90%
Cases finalised >24 months	11.5%	12.3%	0%

<sup>32</sup> Commonly referred to as 'class actions'.

<sup>33</sup> Refer [Notice to the Profession – Establishment of a Commercial and Retail Leases List](#) dated 25 March 2022.

<sup>34</sup> In 2021-22, there were 733 cases initiated and 468 finalised in the Mortgage Recovery List. This represents an increase of 158% in initiations and decrease of 11% in finalisations compared to 2020-2021.

## Judicial officers who served in the Commercial Court Division

### PRINCIPAL JUDGE

Justice Riordan

### DEPUTY PRINCIPAL JUDGE

Justice Delany  
(from 26 May 2022)

### JUDGES

Justice Digby  
(until 18 July 2021)

Justice Elliott

Justice Sloss

Justice Connock

Justice Lyons

Justice Nichols

Justice Delany

Justice Stynes

Justice M Osborne

Justice Attiwill

Justice Button  
(from 9 August 2021)

### RESERVE JUDGES

Justice Robson  
(until 29 April 2022)

Justice Garde

Justice Croft  
(from 6 July 2021)

### ASSOCIATE JUDGES

Associate Justice Eftim  
(until 9 April 2022)

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Randall  
(until 1 March 2022)

Associate Justice Hetey

Associate Justice Matthews

Associate Justice Irving  
(from 27 July 2021)

Associate Justice Steffensen  
(from 12 April 2022)

### RESERVE ASSOCIATE JUDGES

Associate Justice Derham

Associate Justice Eftim  
(from 9 April 2022)

### JUDICIAL REGISTRARS

Judicial Registrar Irving  
(until 26 July 2021)

Judicial Registrar Steffensen  
(until 11 April 2022)

Judicial Registrar Woronczak

Judicial Registrar Gitsham  
(from 21 June 2022)

## Judge-managed cases

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

### Total cases

	2020-21	2021-22	Variance
Initiations	414	351	-15.2%
Finalisations	423	437	3.3%
Pending	762	676	-11.3%

## Corporations List

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

### Total cases

	2020-21	2021-22	Variance
Initiations	694	937	35.0%
Finalisations	694	951	37.0%
Pending	295	281	-4.7%

### JUDGE IN CHARGE

Justice Connock

### DEPUTY JUDGE IN CHARGE

Justice Delany

### JUDGES

Justice Connock

Justice Delany

Justice Robson  
(reserve judge)  
(until 29 April 2022)

### ASSOCIATE JUDGES

Associate Justice Eftim  
(until 9 April 2022)

Associate Justice Gardiner

Associate Justice Randall  
(until 29 April 2022)

Associate Justice Hetey

Associate Justice Matthews

Associate Justice Irving  
(from 27 July 2021)

Associate Justice Steffensen  
(from 12 April 2022)

### JUDICIAL REGISTRARS

Judicial Registrar Irving  
(until 26 July 2021)

Judicial Registrar Steffensen  
(until 11 April 2022)

Judicial Registrar Woronczak

Judicial Registrar Caporale

Judicial Registrar Gitsham  
(from 21 June 2022)

## Technology, Engineering and Construction List

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

### Total cases

	2020-21	2021-22	Variance
Initiations	42	24	-42.9%
Finalisations	43	41	-4.7%
Pending	58	41	-29.3%

### JUDGE IN CHARGE

Justice Digby  
(until 18 July 2021)

Justice Stynes  
(from 19 July 2021)

### DEPUTY JUDGE IN CHARGE

Justice Stynes  
(until 18 July 2021)

Justice Delany  
(from 19 July 2021)

## Insurance List

The Insurance List hears commercial insurance cases including disputes about insurance or reinsurance policies, losses incurred in a commercial transaction, and business or property insurance disputes.

### Total cases

	2020-21	2021-22	Variance
Initiations	18	6	-66.7%
Finalisations	10	6	-40.0%
Pending	23	23	0.0%

### JUDGE IN CHARGE

Justice Lyons

## 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 substantially relating to taxation, including taxation recovery and Goods and Services Tax (GST) disputes.

### Total cases

	2020-21	2021-22	Variance
Initiations	15	7	-53.3%
Finalisations	10	13	30.0%
Pending	19	13	-31.6%

### JUDGE IN CHARGE

Justice Delany

### DEPUTY JUDGE IN CHARGE

Justice Nichols

## Group Proceedings List (Cross-Divisional List)

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

### Total cases

	2020-21	2021-22	Variance
Initiations	13	11	-15.4%
Finalisations	2	4	100.0%
Pending	18	25	38.9%

### 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.

### Total cases

	2020-21	2021-22	Variance
Initiations	3	7	133.3%
Finalisations	10	6	-40.0%
Pending	1	2	100.0%

### 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.

### Total cases

	2020-21	2021-22	Variance
Initiations	2	1	-50.0%
Finalisations	0	2	-
Pending	4	3	-25.0%

### JUDGE IN CHARGE

Justice Digby  
(*until 18 July 2021*)

Justice Connock  
(*from 19 July 2021*)

## 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.

### Total cases

	2020-21	2021-22	Variance
Initiations	1	1	0.0%
Finalisations	3	1	-66.7%
Pending	3	3	0.0%

### JUDGE IN CHARGE

Justice Elliott

## Commercial and Retail Leases List (Cross-Divisional List)

The Commercial and Retail Leases List is a cross-divisional list that hears substantial commercial and retail lease disputes, appeals under section 148 of the *Victorian Civil and Administrative Appeal Tribunal Act 1998* (Vic), and judicial review applications of VCAT commercial and retail lease decisions.

### Total cases

	2020-21 <sup>35</sup>	2021-22	Variance
Initiations	3	5	66.7%
Finalisations	0	4	-
Pending	3	4	33.3%

### JUDGE IN CHARGE

Justice M Osborne

<sup>35</sup> The 2020-2021 data consists of cases which were still pending at the time of the creation of the Commercial and Retail List. These matters were subsequently moved into the newly created List for ongoing management.

# 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 one of 13 specialist lists for management by judicial officers and staff with relevant expertise. The division shares two cross-divisional lists with the Commercial Court and has a General List for matters that do not fit within a specialist list.

#### Key points

### 1

Several cases of significant public or legal interest were dealt with by the division in 2021-22, notably those arising out of legislative responses to the COVID-19 pandemic; vicarious liability of institutions for child sexual abuse; pre-selection and other disputes within the Australian Labor Party; and environmental impacts of logging and wind farms.

### 2

The division mitigated the impact of COVID-19 restrictions by conducting most hearings online and trials by judge alone when juries were unavailable. The increase in judge-alone trials meant that judges required more judgment writing time, which affected their capacity to hear other cases.

### 3

Initiations were higher than the previous financial year. Personal injury litigation, particularly institutional child abuse matters, was the main contributor to this increase. Despite the pandemic, finalisations increased during the year by 20.5%.

## Overview

In 2021-22, 2,789 cases were initiated in the Common Law Division, up 2.7% from the previous year. The Institutional Liability, Personal Injuries and Property Lists all had increased rates of initiations.

Despite the pandemic and intermittent suspension of civil juries, intensive case management measures led to a 20.5% increase in finalisations.

### Total cases

	2020-21	2021-22	Variance
Initiations	2,715	2,789	2.7%
Finalisations	2,340	2,819	20.5%
Pending	3,413	3,383	-0.9%

### Clearance rate and on-time case processing

	2020-21	2021-22	Benchmark
Clearance rate	86.2%	101.1%	100%
Cases finalised within 12 months	53.6%	48.5%	75%
Cases finalised within 24 months	86.7%	84.3%	90%
Cases finalised >24 months	13.3%	15.7%	0%



**Judicial officers who served in the Common Law Division**

**PRINCIPAL JUDGE**

Justice John Dixon

**JUDGES**

Justice Cavanough

Justice Macaulay  
*(until 1 February 2022)*

Justice McMillan

Justice Ginnane

Justice McDonald

Justice Incerti

Justice Keogh

Justice Quigley  
*(sitting at VCAT)*

Justice Richards

Justice Moore

Justice Forbes

Justice Gorton

Justice O'Meara

Justice Tsalamandris  
*(from 22 February 2022)*

**RESERVE JUDGE**

Justice Garde

**ASSOCIATE JUDGES**

Associate Justice Daly

Associate Justice Mukhtar

Associate Justice Ierodiaconou

Associate Justice Matthews

Associate Justice Irving

**JUDICIAL REGISTRARS**

Judicial Registrar Keith

Judicial Registrar Englefield

Judicial Registrar Baker

**Civil Circuit List**

The Civil Circuit List manages cases, mostly personal injury claims, with a significant link to regional Victoria. The Court schedules sittings in Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga. Due to COVID-19 restrictions, most circuit trials proceeded virtually to enable parties across Victoria to appear at hearings.

**JUDGE IN CHARGE**

Justice Keogh

**JUDICIAL REGISTRAR**

Judicial Registrar Baker

**Civil Circuit List**

	2020-21	2021-22	Variance
Initiations	141	112	-20.6%
Finalisations	128	142	10.9%
Pending	234	204	-12.8%

**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 allegedly connected with criminal activity. The number of cases remained relatively small, however they require management over several years and typically involve the determination of numerous discrete applications. The finalisation rate in this list is affected by related criminal proceedings, with most cases awaiting finalisation of those proceedings. The impact of COVID-19 restrictions has also affected finalisations during the reporting period.

**JUDGE IN CHARGE**

Justice Forbes

**Confiscation and Proceeds of Crime List**

	2020-21	2021-22	Variance
Initiations	4	5	25.0%
Finalisations	12	9	-25.0%
Pending	19	15	-21.1%

## 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 such as asbestos and silica. Finalisation of proceedings increased in 2021-22, likely due to parties' ability to obtain evidence as a result of easing COVID-19 restrictions.

### Dust Diseases List

	2020-21	2021-22	Variance
Initiations	287	286	-0.3%
Finalisations	201	294	46.3%
Pending	303	295	-2.6%

#### JUDGES IN CHARGE

Justice Incerti

Justice Keogh

#### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

#### JUDICIAL REGISTRAR

Judicial Registrar Baker

## 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.

### Employment and Industrial List

	2020-21	2021-22	Variance
Initiations	27	25	-7.4%
Finalisations	27	37	37.0%
Pending	30	18	-40.0%

#### JUDGE IN CHARGE

Justice McDonald

#### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

## Group Proceedings List (Cross-Divisional List [Commercial Court and Common Law Division])

Group proceedings<sup>36</sup> 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.

Four new common law group proceedings were initiated, mostly related to the pandemic, and seven were finalised during the reporting period.

The table below relates to Common Law Division group proceedings only.

### Group Proceedings List

	2020-21	2021-22	Variance
Initiations	9	4	-55.6%
Finalisations	7	7	0.0%
Pending	17	14	-17.6%

#### JUDGES IN CHARGE

Justice John Dixon  
(Common Law Division)

Justice Nichols  
(Commercial Court)

#### JUDICIAL REGISTRAR

Judicial Registrar Baker  
(Common Law Division)

<sup>36</sup> Commonly referred to as 'class actions'.

## 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. The significant increase in initiations during the reporting period combined with the high volume of interlocutory applications was the subject of careful case management. Less-complex matters were determined by associate judges and the judicial registrar to increase efficiency. Claims in this list continue to generate a high number of applications before trial concerning discovery and subpoenaed documents, permanent stays and prior settlement agreements, which have placed significant pressure on judicial capacity.

### Institutional Liability List

	2020-21	2021-22	Variance
Initiations	277	348	25.6%
Finalisations	200	262	31.0%
Pending	483	569	17.8%

**JUDGES IN CHARGE**  
 Justice Incerti  
 Justice Keogh  
 .....  
**JUDICIAL REGISTRAR**  
 Judicial Registrar Baker

## Judicial Review and Appeals List

The Judicial Review and Appeals List includes proceedings relating to judicial reviews of, and statutory appeals from, decisions of lower courts, tribunals, public officers or bodies.

Initiations declined slightly as the work of lower courts and tribunals was affected by pandemic restrictions. A number of judgments of public or legal interest were delivered.

### Judicial Review and Appeals List

	2020-21	2021-22	Variance
Initiations	249	236	-5.2%
Finalisations	196	266	35.7%
Pending	245	215	-12.2%

**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, nuisance, intentional torts, police torts and contempt proceedings. Although most finalised matters resolved by consent, some complex cases required judicial determination.

### Major Torts List

	2020-21	2021-22	Variance
Initiations	67	43	-35.8%
Finalisations	42	51	21.4%
Pending	101	93	-7.9%

**JUDGE IN CHARGE**  
 Justice John Dixon  
 .....  
**ASSOCIATE JUDGE IN CHARGE**  
 Associate Justice Daly  
 .....  
**JUDICIAL REGISTRAR**  
 Judicial Registrar Baker

## Personal Injuries List

Proceedings managed in the Personal Injuries List include claims arising out of industrial accidents, motor vehicle accidents, medical negligence, and public and occupier's liability. Initiations continued to trend upwards. COVID-19 restrictions necessitated judge-alone trials for much of the year leading to a higher workload for judges, and caused delays in finalisations by limiting the ability of parties to obtain evidence, and restricting Medical Panel determinations.

### Personal Injuries List

	2020-21	2021-22	Variance
Initiations	438	470	7.3%
Finalisations	391	401	2.6%
Pending	755	824	9.1%

#### JUDGE IN CHARGE

Justice Incerti

#### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

#### JUDICIAL REGISTRAR

Judicial Registrar Baker

## 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

	2020-21	2021-22	Variance
Initiations	35	36	2.9%
Finalisations	40	35	-12.6%
Pending	75	76	1.3%

#### JUDGE IN CHARGE

Justice Macaulay  
(until 1 February 2022)

Justice Gorton  
(from 1 February 2022)

#### ASSOCIATE JUDGE IN CHARGE

Associate Justice Daly

#### JUDICIAL REGISTRAR

Judicial Registrar Baker

## Property List

The Property List manages proceedings concerning rights over real estate, including possession or sale of real estate.

### Property List

	2020-21	2021-22	Variance
Initiations	244	292	19.7%
Finalisations	249	295	18.5%
Pending	188	185	-1.6%

#### JUDGE IN CHARGE

Justice McDonald

#### ASSOCIATE JUDGE IN CHARGE

Associate Justice Matthews

#### JUDICIAL REGISTRAR

Judicial Registrar Keith

## Testators Family Maintenance List

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

### Testators Family Maintenance List

	2020-21	2021-22	Variance
Initiations	406	370	-8.9%
Finalisations	350	452	29.1%
Pending	511	429	-16.0%

#### 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 wills, probate and the administration of deceased persons' estates. In addition, cases concerning trusts of a non-commercial nature are managed in the list.

### Trusts, Equity and Probate List

	2020-21	2021-22	Variance
Initiations	361	305	-15.5%
Finalisations	310	321	3.5%
Pending	380	364	-4.2%

#### 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.

### Valuation, Compensation and Planning List

	2020-21	2021-22	Variance
Initiations	40	39	-2.5%
Finalisations	44	34	-22.7%
Pending	47	52	10.6%

#### JUDGE IN CHARGE

Justice Richards

#### JUDICIAL REGISTRAR

Judicial Registrar Keith

# Associate Judges' Chambers

## ABOUT THE ASSOCIATE JUDGES' CHAMBERS

The associate judges manage work arising from the civil jurisdiction by adjudicating applications before trial and other applications within the Associate Judges' Practice Court, hearing approvals of compromise in personal injury and testator family maintenance proceedings, determining judicial review and appeals, listing trials (including pre-trial directions and applications), managing proceedings in specialised lists, presiding over judge-ordered mediations and trial proceedings within its original jurisdiction as referred by Trial Division judges and other matters as referred by Trial Division judges.

### PRINCIPAL ASSOCIATE JUDGE

Associate Justice Efthim  
(until 9 April 2022)

Associate Justice Matthews  
(from 10 April 2022)

### ASSOCIATE JUDGES

Associate Justice Efthim  
(until 9 April 2022)

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Randall  
(until 1 March 2022)

Associate Justice Ierodiaconou

Associate Justice Heteyey

Associate Justice Irving

Associate Justice Steffensen  
(from 12 April 2022)

Associate Justice Barrett  
(from 21 June 2022)

### RESERVE ASSOCIATE JUDGE

Associate Justice Efthim  
(from 9 April 2022)

### JUDICIAL REGISTRARS

Judicial Registrar Englefield

Judicial Registrar Caporale

Judicial Registrar Conidi

Judicial Registrar Steffensen  
(until 12 April 2022)

Judicial Registrar Woronczak

Judicial Registrar Gitsham  
(from 21 June 2022)

## Overview

During 2021-22, the Associate Judges' Chambers heard 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
- ▶ Institutional Liability List
- ▶ Property List
- ▶ Mortgage Recovery List
- ▶ Testator Family Maintenance List.

Matters in the Associate Judges' Practice Court and Corporations List made up a significant component of matters. The number of winding up applications steadily increased after the pandemic-related moratorium ended. In contrast, the Personal Injury, Dust Diseases, and Employment and Industrial Lists steadily reduced. Since the inception of the specialised lists the catalogue of case law has grown considerably, which has informed the profession and encouraged the early resolution of proceedings.

## Corporations List

### Corporations List

	2020-21	2021-22	Variance
Initiations	694	937	35.0%
Finalisations	694	951	37.0%
<b>Clearance rate</b>	<b>100%</b>	<b>102%</b>	<b>2.0%</b>

#### ASSOCIATE JUDGES

Associate Justice Eftim  
(until 8 April 2022)  
Associate Justice Gardiner  
Associate Justice Hetey  
Associate Justice Steffensen  
(from 12 April 2022)

#### RESERVE ASSOCIATE JUDGE

Associate Justice Eftim  
(from 9 April 2022)

#### JUDICIAL REGISTRAR

Judicial Registrar Steffensen  
(until 12 April 2022)

## Commercial Court Lists

### Commercial Court Lists

	2020-21	2021-22	Variance
Hearings listed	363	330	-9.1%

#### ASSOCIATE JUDGES

Associate Justice Eftim  
(until 9 April 2022)  
Associate Justice Gardiner  
Associate Justice Hetey  
Associate Justice Steffensen  
(from 12 April 2022)

#### RESERVE ASSOCIATE JUDGE

Associate Justice Eftim  
(from 9 April 2022)

#### JUDICIAL REGISTRAR

Judicial Registrar Steffensen  
(until 12 April 2022)

## Associate Judges' Practice Court

### Practice Court List

	2020-21	2021-22	Variance
Hearings listed	947	617	-34.8%

#### ASSOCIATE JUDGES

Associate Justice Eftim  
(until 8 April 2022)  
Associate Justice Matthews  
Associate Justice Gardiner  
Associate Justice Ierodiaconou  
Associate Justice Hetey  
Associate Justice Irving

#### RESERVE ASSOCIATE JUDGE

Associate Justice Eftim  
(from 9 April 2022)

#### JUDICIAL REGISTRAR

Judicial Registrar Caporale

# Judicial Mediation

## ABOUT JUDICIAL MEDIATION

The Court's continued focus on mediation as part of the case management of litigation reflects a strong commitment to resolving disputes in a timely and cost-efficient manner.

Mediation is a confidential discussion between the parties and a skilled, experienced and neutral mediator. The mediator provides a forum for parties to discuss issues, identify solutions and reach agreement. Parties have the opportunity to retain control over the outcome, finalise agreed terms of settlement and end their dispute. Mediation delivers significant time and cost savings to parties and the Court.

Judicial mediations are conducted by an associate judge or judicial registrar. Mediations are also conducted by the Appropriate Dispute Resolution (ADR) registrar, ADR deputy registrar and deputy prothonotaries.

### Key points

## 1

647 cases were referred for mediation.

## 2

370 mediations were completed. This was made possible by the Court's use of videoconferencing to conduct all mediations on-line during the COVID-19 pandemic.

## 3

Settling matters at mediation saved 1,035 trial days and millions of dollars in legal costs for litigants. Costs Court mediations saved a further 420 hearing days.

## Overview

During the reporting period, 61% of cases were resolved or part resolved on the day of mediation, saving 1,035 hearing days. Even when cases do not resolve at mediation, parties have the benefit of hearing other perspectives and opinions, narrowing the issues in dispute. This assists the Court in reducing trial days.

The Appropriate Dispute Resolution (ADR) Centre continued to conduct mediations virtually via videoconferencing. The ADR Centre continued to successfully manage the Court's mediation program under the guidance of Judicial Registrar Caporale and ADR Registrar Day. A deputy registrar joined the ADR Centre and administration staffing was maintained. An additional judicial registrar and costs registrar were trained in mediation. A judicial registrar who had already been trained in mediation was also appointed.

The ADR Centre formalised a referral protocol and commenced a partnership with Justice Connect to ensure eligible self-represented litigants receive free legal assistance before, during and after mediation.

The ADR Centre partnered with the Court's Access to Justice Working Group and En Masse, a change consultancy, to deliver a suite of customised guidance materials to ensure self-represented litigants are assisted to navigate the mediation process. The ADR Centre also partnered with En Masse and the County Court of Victoria to deliver a monthly professional development program for mediators at the courts.

The work of the Centre was overseen by the ADR Committee, chaired by Justice Keogh.



## Judicial officers who served in Judicial Mediation

### ASSOCIATE JUDGES

Associate Justice Matthews  
Associate Justice Heteyey  
Associate Justice Irving  
Associate Justice Steffensen  
Associate Justice Efthim

### RESERVE ASSOCIATE JUDGES

Associate Justice Efthim

### JUDICIAL REGISTRARS

Judicial Registrar Englefield  
Judicial Registrar Keith  
Judicial Registrar Woronczak  
Judicial Registrar Caporale  
Judicial Registrar Conidi  
Judicial Registrar McCann  
Judicial Registrar Gitsham

### ADR REGISTRAR

ADR Registrar Day

### ADR DEPUTY REGISTRAR

ADR Deputy Registrar Marengo

## Mediation activity

	2020-21	2021-22	Variance
Cases referred for mediation <sup>37,38</sup>	771	647	-16.1%
Mediations completed	447	370	-17.2%
Cases resolved on day of mediation	234	220	-6.0%
Cases part resolved on day of mediation	-	4	-
Percentage of cases resolved or part resolved on day of mediation	52%	61%	17.3%
Hearing days saved by cases being resolved at mediation	1,105	1,035	-6.3%

<sup>37</sup> The decrease in referrals for the 2021-22 financial year was mainly due to the high number of bulk referrals made in the 2020-21 financial year as part of the Timbercorp recovery proceedings.

<sup>38</sup> The Timbercorp recovery proceedings were commenced in June 2009 by Timbercorp Finance Pty Ltd (in liquidation) against borrowers who were in default on loans from Timbercorp.

# Costs Court

## ABOUT THE COSTS COURT

The Costs Court hears disputes about costs between litigants arising from court proceedings in all jurisdictions in Victoria (party-party matters) and those between legal practitioners and their clients – usually over the solicitor’s bill – under the legal profession legislation (solicitor-client matters).

The Costs Court focuses on resolving disputes by mediation and assessments ‘on the papers’ (i.e. based on written material and without an oral hearing), which results in significant costs savings for litigants and more efficient use of Court resources.

### Key points

#### 1

The Costs Court continued to perform strongly, resolving costs disputes by way of online hearings and mediations, in-chambers assessments in a greater range of cases and preliminary hearings determined on written submissions in the absence of the parties leading to a reduction in costs for litigants and significant savings in Court time.

#### 2

In October 2021, Justice J Forrest and Judge Kings were appointed to conduct a limited review of litigious costs in Victoria. Their report was forwarded to the Supreme and County Courts in May 2022.

#### 3

Following Judicial Registrar Gourlay’s retirement on 9 July 2021, former Costs Registrar Domenico Conidi was appointed as the Costs Court Judicial Registrar. Penny Van den Berg was appointed a Costs Registrar in November 2021.

## Overview

The number of summonses initiated in the Costs Court in 2021-2022 increased by 18% on the previous year, the sharpest rise being in solicitor-client matters, which increased by 39% and now constitute 32% of the Costs Court’s work. The increase was due to the growing number of solicitor-client referrals from the County Court pursuant to workplace injury and compensation legislation and referrals from the Testators Family Maintenance List (Supreme Court) following the decisions in *Re Jabe*; *Kennedy v Schwarcz* [2021] VSC 106 and *Lissenden v Dellios* [2021] VSC 520. Those referrals accounted for 38% of solicitor-client summonses.

Party-party matters accounted for 68% of all summonses initiated in 2021-22, down from 73% in 2020/21. Of those, 62% arose from Supreme Court proceedings, 27% from the County Court and the balance from the Victorian Civil and Administrative Tribunal and the Magistrates’ Court.

Given the rise in initiations and the increased complexities of matters referred to the Costs Court by the Supreme and County Courts, the rate of finalisations (92% of initiations) indicates a strong performance.

All party-party matters are first either mediated or assessed, depending on the amount in dispute. In keeping with the Court’s initiatives in response to COVID-19, matters that failed to settle at mediation, irrespective of the amounts involved, were sent for an in-chambers assessment, which reduced the pressure on Court resources and provided significant cost saving to litigants.

Of the 141 matters assessed in chambers (including matters that failed to resolve at mediation), only 19 estimates were objected to and 20 remain pending as at 30 June 2022. This constitutes a saving of at least 250 sitting days and potentially more than \$1.4 million in additional legal costs for litigants. Court hearings are now the last resort for resolving costs disputes.

The Costs Court’s mediation program continued to perform strongly. There were 212 matters listed for mediation. Of those matters, 30 were resolved before mediation. Of the 136 matters mediated, 100 (73.5%) were resolved on the day of mediation, saving about 449 sitting days for the Court, and more than \$2.5 million in potential legal costs for litigants.

## Initiations

	2020-21	2021-22	Variance
Party-party (Supreme Court)	127	146	15.0%
Party-party (County Court)	55	63	14.5%
Party-party (Magistrates' Court)	13	12	-7.7%
Party-party (VCAT)	17	13	-23.5%
Solicitor-client taxation	79	110	39.2%
<b>Total</b>	<b>291</b>	<b>344</b>	<b>18.2%</b>

## Finalisations

	2020-21	2021-22	Variance
Party-party (Supreme Court)	147	132	-10.2%
Party-party (County Court)	57	61	7.0%
Party-party (Magistrates' Court)	11	11	0%
Party-party (VCAT)	14	15	7.1%
Solicitor-client taxation	80	94	17.5%
<b>Total</b>	<b>309</b>	<b>313</b>	<b>1.3%</b>

## Mediations

	Listed	Completed	Resolved	Costs Court days saved
July 2021	14	7	6	20
August 2021	14	12	10	24
September 2021	18	14	11	76
October 2021	27	21	11	43
November 2021	17	9	8	31
December 2021	10	7	7	31
January 2022	6	4	3	18
February 2022	17	11	8	78
March 2022	26	14	10	39
April 2022	17	10	4	24
May 2022	26	16	12	37
June 2022	20	11	10	28
<b>Total</b>	<b>212</b>	<b>136</b>	<b>100</b>	<b>449</b>

### Judicial officers who served in the Costs Court

#### JUDICIAL REGISTRAR

Judicial Registrar Gourlay  
(until 9 July 2021)

Judicial Registrar Conidi  
(from 27 July 2021)

#### COSTS REGISTRARS

Costs Registrar Roger Walton  
Costs Registrar Penny Van den Berg  
(from 3 November 2021)

# Registry and Court Support Services

## ABOUT THE REGISTRY AND COURT SUPPORT SERVICES

Registry Services provides front-line services to Court users and specialist legal, case management, policy and administrative support to the judges of each division. Registry services are provided under the direction of judicial registrars and the director.

Court support services includes the work of the Digital Litigation and Business Intelligence teams.

The Probate Office is managed separately by the registrar of probates (see page 39).

### Key points

## 1

Explored practical solutions to access-to-justice barriers via a multidisciplinary roundtable.

## 2

Introduced data analytics dashboards to monitor and manage the COVID-19 backlog.

## 3

Continued to support the judiciary and Court users with the transition to digital processes in pre-trial activities and court hearings.

## Overview

### Registry Services

#### COURT OF APPEAL REGISTRY

Throughout 2021-22, the Court of Appeal Registry engaged with the legal profession on practice and procedure, including:

- ▶ delivering an information session and a guide on the process and procedure relevant to cases arising from the Royal Commission into the Management of Police Informants
- ▶ delivering online sessions, in collaboration with Victoria Legal Aid and the Criminal Bar Association, providing practical guidance on advocacy in the Court of Appeal on topics such as identifying grounds of appeal, drafting written cases (submissions) addressing the grounds of appeal and oral advocacy.

For further information about the Court of Appeal, see page 13.

#### CRIMINAL DIVISION REGISTRY

The Criminal Division Registry expanded in 2021-22 with the introduction of a second judicial registrar and two new case management lawyers to provide targeted support to judicial officers in the division in relation to matters committed to the Court. With the additional resources, the registry's focus was managing cases to ensure they were ready for trial and providing judges with support to address the backlog of cases caused by the suspension of jury trials during the pandemic.

The registry continued to refine its practices and procedures to manage matters efficiently, with a focus on high numbers of criminal applications, which often require significant judicial and staff resources.

The registry worked closely with the Digital Litigation team to ensure hearings could proceed virtually, including supporting the rollout of digital initiatives such as the new cross-jurisdiction project to develop a new AVL (audio-visual link) scheduler platform.

## COMMERCIAL COURT REGISTRY

The Commercial Court Registry (CCR) reviewed its practices to reduce unnecessary delays for Court users and shorten resolution times. In 2021-22, the CCR:

- ▶ improved the alignment between the civil trial divisions for management of urgent applications, including the introduction of a standardised urgent hearing application form
- ▶ commenced supporting the newly established Commercial and Retail Leases List for both Commercial Court and Common Law Division matters
- ▶ continued to refine its early triaging and case management practices, including:
  - streamlining triaging practices to identify correct streaming of proceedings to judge-managed lists, Associate Judge lists, transfer to the Common Law Division or to another jurisdiction
  - monitoring pre-trial compliance on behalf of chambers to minimise delays to the litigation process for the parties
  - supporting chambers with management of the increased volume of group proceedings filed within the division.

For further information about the Commercial Court, see page 19.

## PRINCIPAL REGISTRY

The Principal Registry includes the Office of the Prothonotary (see page 38) and provides services for the Common Law Division (see page 24), the Costs Court (see page 34) and certain cases within the Commercial Court.

As the front-line service delivery team for the Court, the focus in 2021-22 was on:

- ▶ supporting the Court's transition back to on-site operations through the distribution of 7,317 Rapid Antigen Tests to staff, practitioners and other court participants
- ▶ supporting and servicing the new wider Registry Services counter space following the refurbishment of the Old High Court Registry, including attending to 1,275 face-to-face counter enquiries

- ▶ supporting the changes to the Supreme Court (General Civil Procedure) Rules surrounding court file inspections and changes to affidavit and court file document searches, including the electronic lodgement of file searches and subpoena inspections enquiries via RedCrest.

## Court Support Services

### DIGITAL LITIGATION TEAM

In 2021-22, about 98% of matters (hearings and mediations) involved a digital element, such as use of eCourt technology, livestreaming or remote hearing arrangements. This represents an increase from previous years and depicts further growth of the Court's digital practices and services.

The Digital Litigation (DL) team supports the judiciary, associates, practitioners and Court users to engage with pre-trial processes and court hearings, supporting the Court's strategic value of transparency and integrity through the coordination of public and private livestreaming of proceedings.

In 2021-22, more than 2,100 hearings were made accessible via a livestream whether by link on the website or link on request. Livestreaming of our court hearings ensured that the Victorian community had open access to hearings even where all parties to those hearings were remote. In 2021-22, 63 matters were viewed by participants in regional and remote communities.

### BUSINESS INTELLIGENCE TEAM

The Business Intelligence (BI) team is responsible for the data management, analysis and reporting elements of the Court's operations, supporting the information requirements of the Court and external stakeholders.

In 2021-22, the BI team continued analysing the impact of COVID-19. Insights from this analysis continue to be a key component of the Court's response to the pandemic and responded to 98 external requests for information, many 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.

Access to Justice initiatives included user-focused engagement, specialist services, and the development of support material:

- ▶ A roundtable focused on practical solutions and new techniques to address issues impacting access to justice in the Court. Participants included judicial officers, researchers, community legal centres, not-for-profit organisations and other Victorian courts and tribunals.
- ▶ A guide was published for those seeking to initiate wills and estates proceedings in the Court.
- ▶ Assistance was provided to self-represented litigants (SRLs) via the Court's dedicated coordinators who provide information, procedural advice, links to legal services and referrals. In 2021-22, SRL coordinators responded to 8,594 individual enquiries from SRLs, or potential SRLs, who contacted the Court for assistance during the year.
- ▶ Our engagement with the following organisations continued:
  - Justice Connect for the delivery of unbundled legal information and advice to SRLs who meet established criteria. In 2021-22 the service was extended to support SRLs referred for court-annexed mediation where other legal service supports were not available.
  - The Victorian Bar for the delivery of pro bono services via an agreed referral protocol. In 2021-22 the Court issued 53 referrals to the scheme.

To support better-practice digital practices, Court Support Services:

- ▶ supported rule changes for the filing of affidavits and submission of notices of appearance to reflect the transition to digital practice in the Court through the Digital File Management project
- ▶ developed draft policies for data sharing and data breaches as part of the Court's Data Governance Framework program.

# Office of the Prothonotary

## ABOUT THE OFFICE OF THE PROTHONOTARY

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

## Overview

The Office of the Prothonotary provides key services including authenticating orders, issuing default judgments and warrants, fee waivers, file searches, coordinating subpoenaed materials and supporting admissions of lawyers to practise. Other services include managing file transfers between jurisdictions, coordinating service of proceedings outside Australia and administering bails.

During 2021-22, the Prothonotary team transitioned to a hybrid working arrangement, supporting the on-site operations of the Court and providing uninterrupted service delivery.

## Key services

### Orders

Civil orders are signed by either a judge or judicial registrar or authenticated by the prothonotary. In 2021-22, 4,871 civil orders were authenticated by the prothonotary, representing 38% of the total 12,862 civil orders issued. A reduction in prothonotary-authenticated orders (down from 51% in 2020-21) arose from the implementation of a new workflow tool. This, in turn, increased orders completed by judicial registrars (up 102%).

Of the orders authenticated by the prothonotary, 1,002 were Corporations List orders issued on the same day the order was made (up 89% from 2020-21). The increase reflected regulatory conditions introduced during the height of the COVID-19 pandemic that extended the legislative timeframes for the initiation of Corporations List matters. A delay in initiations during 2020-21 caused an influx of matters commenced in 2021-22.

### 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 that the requirements of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) are met.

In 2021-22, 722 default judgments and warrants were issued, up 80% from 2020-21. This increase is a result of the lifting of moratoriums implemented due to COVID-19, reinstating the ability of litigants to pursue these enforcement mechanisms. There were 326 default judgments (up 161%) and 209 warrants of possession (up 83%) issued, as well as 187 warrants of seizure and sale (up 17%).

### 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. Fees may be waived by the prothonotary in instances of financial hardship, or when certain automatic fee waiver criteria are met. 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). Where granted, waivers apply for the duration of the proceeding subject to a change in financial circumstances.

In 2021-22, 203 financial hardship waiver applications were granted, waiving fees totalling \$165,219.80; 29 applications were refused, seeking waiver of fees totalling \$19,361.60.

### 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.

In 2021-22, electronic file and litigation search inspection requests and payments were incorporated into RedCrest, together with subpoena inspection payments. As a result, 2,396 inspection requests and 1,333 litigation search requests were received electronically, along with 2,462 subpoena inspection payments.

### Admissions to practice

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 2021-22, 2,016 individuals were admitted, a decrease of 9% from 2020-21.

The Office of the Prothonotary also issued 146 certificates of good standing and 104 duplicate admission orders (certificates), both predominantly supporting admitted Australian lawyers seeking to practise in foreign jurisdictions.

In 2021-22, in person ceremonies were gradually re-introduced following earlier COVID-19 limitations. New lawyers were able to select to be admitted as part of an in-person ceremony or 'on the papers' by order of the Chief Justice.

# Probate Office

## ABOUT THE PROBATE OFFICE

Probate is the process by which the Court finds that a will is valid and can be acted upon by the executor/s. 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

Two additional Assistant Registrars of Probates, Randall Lalunio and Angela Begalinoska, were appointed in April 2022 in response to the continuing increase in the volume of applications filed, with 2,108 more applications received than in 2020-21.

## 2

The Probate Office began work on a project to update the Probate Online Advertising System (POAS) with a focus on ensuring a more user-friendly experience. About 29,000 advertisements are placed annually on POAS.

## 3

The total value of Victorian assets of deceased estates disclosed in applications was \$26 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

The volume of applications for probate and administration filed continued to increase with 24,452 applications (2,108 more than in 2020-21). Despite the increase in applications, the Probate Office continued faster processing times after the introduction of RedCrest-Probate. The time between filing and obtaining a grant was an average of seven days and a median of two days in 2021-22.

Several initiatives during the year aimed to provide better legal information and more accessible options for people who can't afford legal representation. New template affidavits and other documents were created and made available on the website and the application process for the small estates service was overhauled. There was an increase of 866% in small estates service applications as a result of the increased accessibility.

The Probate Office also began work on a significant project to update the Probate Online Advertising System (POAS). The new system is intended to be available to the public in the 2022-23 financial year with the aim of providing a more user-friendly experience for the profession and people without legal representation.

## Applications filed

	2020-21	2021-22	Variance
Probate	19,317 (86.5%) <sup>39</sup>	21,059 (86.1%)	9.0%
Administration upon intestacy	2,312 (10.3%)	2,656 (10.9%)	14.9%
Administration with the will annexed (attached)	498 (2.2%)	512 (2.1%)	0.3%
Reseals of foreign grants	158 (0.7%)	179 (0.7%)	13.3%
Other applications, including for limited grants	59 (0.3%)	46 (0.2%)	-22%
<b>Total applications filed</b>	<b>22,344</b>	<b>24,452</b>	<b>9.4%</b>

## Probate Office activities

	2020-21	2021-22	Variance
Applications made by people without legal representation	2,268 (10.2%)	2,252(9.2%)	-0.7%
Grants issued through the small estates service	9	87	866.7%
Caveats filed	238	291	22.3%
Probate Office files pending in the Trusts, Equity and Probate List	88	112	27.3%
Advertisements published on Probate Online Advertising System (POAS)	25,771	29,166	13.2%
Visits to Probate section of the Court's website	717,090	818,767	14.2%
Emails responded to by the Probate Office	9,421	19,408	106.0%
Wills deposited with Probate Office for safekeeping	252	336	33.3%
Searches of Probate Office files	1,276	1,586	24.3%

<sup>39</sup> The percentage of overall applications filed during the period.



# Corporate Services

## ABOUT CORPORATE SERVICES

The Corporate Services team is made up of People, Wellbeing and Culture; Finance Services; IT and Digital Support; Security, Risk and Assets; Archives and Records; and Communications and Engagement under the guidance of the chief executive officer to support the work of the Court.

## Overview

The Corporate Services teams supported judicial officers, staff and Court users to keep the Court open as the pandemic continued, while also delivering a number of key upgrades and projects.

**People, Wellbeing and Culture** led the COVID-19 health and safety response within Court buildings and helped build a flexible hybrid working model to meet the Court's resourcing, recruitment and induction needs while maintaining staff health and public safety.

The **Security and Assets** team were involved in several substantial projects, including helping to facilitate COVIDSafe trials, establishing a new Registry Services space with a public-facing counter and fit-for-purpose interview rooms, upgrading the trial division laneway and security gates to provide functional and safer entry and exit points and improving access for Corrections Victoria vehicles.

The **Finance** team provided uninterrupted service to the Court and Court Services Victoria (CSV) to support cross-jurisdictional improvements and the budget impacts of the pandemic.

**IT and Digital Support** facilitated technical aspects of remote hearings and livestreaming and, with CSV, provided services to additional courtrooms, mediation spaces, new chambers for judicial officers and office space for staff following the closure of the 436 Lonsdale Street building. The team also assisted 237 self-represented people to file through RedCrest-Probate.

With the Public Record Office reopening for transfers in early 2022, the **Archives and Records** team transferred more than 2,000 archive boxes – about 70,000 probate records – to the State Archives. Probate records are one of the most frequently accessed series at the Public Record office.

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

The media team assisted with the public livestreaming of 19 matters, including trials, sentences and judgments, using unique webpages for each matter. The Court's main public livestreams page, launched in April 2022, attracted 5,530 unique visits. Additionally, journalists were connected to more than 700 hearings via video links, Zoom and over the phone.

In 2021-22, the Court's website had 1,567,101 website sessions<sup>40</sup> and 75 news items and media releases were published, garnering 166,221 unique visits.

Followers of the Court's Twitter profile increased 11% (19,072 to 21,163). The Court published 74 posts to Facebook, with followers increasing 16% (3,325 to 3,857).

The Court's award-winning Gertie's Law podcast was downloaded 57,047 times bringing the cumulative downloads at 30 June 2022 to 405,927. 'The Story Behind Gertie's Law' – released in November 2021 as part of a separate podcast called StoryCraft – had 10,715 downloads.

Throughout 2021-22, 1,638 lawyers were admitted 'on the papers'. In April 2022, the temporary suspension of admission ceremonies for new lawyers due to COVID-19 restrictions was lifted and in-person admission ceremonies recommenced, although applicants continue to have the option to be admitted on the papers. Some 361 new lawyers were admitted at an admission ceremony during the reporting period and 45 New Zealand practitioners were admitted in Victoria under mutual recognition legislation.

Ceremonial events resumed in a COVIDSafe way in March 2022, with 10 welcome ceremonies and two farewell ceremonies for judicial officers.

The Court's education program, which was run online during the pandemic, involved more than 2,170 students in 70 virtual sessions with 21 Supreme Court judges in 2021-22 – up from more than 1,000 students in 42 virtual sessions with 19 judges the previous year. The program extended its reach across Victoria, with 38 schools participating in Melbourne and regional areas, including Wodonga, Bendigo and Maffra.

<sup>40</sup> The number of times users have visited the website within a given period



# ADDITIONAL COURT SERVICES

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# Funds in Court

## ABOUT FUNDS IN COURT

Funds in Court (FIC) assists the Senior Master, to administer funds paid into Court pursuant to orders of Victorian courts and legislation such as the *Trustee Act 1958* (Vic) or awards of the Victims of Crime Assistance Tribunal (VoCAT).

The *Supreme Court Act 1986* provides that all money paid into court under a Court order, an Act or the Rules is held by the Senior Master. Usually, an order of the Court is required for every payment into and out of the Court.

The main role of the Senior Master is to hold funds (Award Funds) for people who are unable to manage their own affairs due to a legal disability such as minority or acquired brain injury (beneficiaries).

The Senior Master also manages funds paid into Court as security for costs of a party to a Court proceeding, and dispute moneys paid pending the outcome of a proceeding or application (non-Award Funds).<sup>41</sup>

### Key points

## 1

Funds valued at \$2 billion were managed in 2021-22, achieving market-leading interest rates for beneficiaries.

## 2

Provided active support to 6,426 beneficiaries, with 4,018 orders to release money to beneficiaries and 95.1% of payment to, or on behalf of, beneficiaries processed within five business days.

## 3

Answered approximately 36,900 calls.

## Overview

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

Associate Justice Efthim retired in April 2022 from his roles as Associate Judge and the Senior Master of the Supreme Court of Victoria which he served in since September 2012.

The management and staff at Funds in Court express their gratitude to Associate Justice Efthim for his many years' guidance and support, and his unflinching commitment to providing the best possible service to FIC's beneficiaries.

Judicial Registrar Steffensen was appointed as an Associate Justice of the Supreme Court of Victoria and Senior Master in April 2022, the fourth judicial officer to hold the position of Senior Master and the first woman to be appointed to the role.

<sup>41</sup> Funds in Court is a self-funded, not-for-profit division of the Court. For more details about FIC and its operations see <https://fundsincourt.vic.gov.au/>

## Funds under administration

The total value of funds under administration, including direct investment in real estate and other assets, was \$2 billion on 30 June 2022 (\$2.13 billion in 2020-21).

Funds paid into Court are held in Common Funds No. 1 (CF-1), No. 2 (CF-2), No. 3 (CF-3), the Senior Master's Guarantee & Reserve Account (G&R) and real property.

### Common Funds and Property<sup>42</sup> (\$ millions)

	2020-21	2021-22	Variance
CF-1	\$35,289	\$64,221	81.98%
CF-2	\$889,278	\$949,082	6.72%
CF-3	\$728,113	\$683,972	-6.06%
G&R	\$69,176	\$65,795	-4.88%
Property	\$358	\$370	3.35%
Number of properties	523	516	-1.33%

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

	2020-21	2021-22	Variance
<b>Paid into Court</b>			
CF-1	\$27,030	\$43,749	61.85%
CF-2	\$89,235	\$167,436	87.63%
<b>Paid out of Court</b>			
CF-1	\$171,072	\$191,238	11.78%
CF-2	\$196,969	\$525,893	166.99%

The Senior Master's financial reports are audited annually by the Victorian Auditor-General. Reports are available at [www.fundsincourt.vic.gov.au/reports/fic-financial-reports/](http://www.fundsincourt.vic.gov.au/reports/fic-financial-reports/).

<sup>42</sup> Most beneficiaries' properties held in trust are residential.

## Service delivery

All service delivery key performance indicators were met or exceeded during the reporting period, including:

- ▶ 95.1% of one-off payments<sup>43</sup> to, or on behalf of, beneficiaries were processed within five days of requests being received and approved.

- ▶ 36,918 calls were received with 96.59% being answered within 60 seconds.

Complaints are treated seriously, with all complaints documented in accordance with the Australian Complaints Standard ISO 10002:2014. During 2021-22, 27 complaints were received (21 in 2020-21).

### Number of orders, supporting documents and financial transactions made

	2020-21	2021-22	Variance
Orders	3,991	4,018	0.67%
Supporting documents	20,474	18,323	-10.50%
Financial transactions	118,955	145,369	22.20%

### New beneficiary accounts opened to receive award funds

	2020-21	2021-22	Variance
Supreme Court order	242	257	6.19%
County Court order	78	86	10.25%
Magistrates' Court order	2	1	-50%
VoCAT order	591	375	-36.54%
<b>Total</b>	<b>961</b>	<b>719</b>	<b>-25.18%</b>

### New non-award (CF-1) accounts opened

	2020-21	2021-22	Variance
Non-award accounts	48	79	64.58%

## Beneficiary services

Every beneficiary is assigned a trust officer as their primary contact at FIC.

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

**Client liaison officers** visit (or meet online) beneficiaries and their families and assist with complex applications for payments. Client liaison officers conducted 487 meetings, both online and in-person, in 2021-22 (449 online meetings in 2020-21).

## Legal Services

**Legal officers** prepare complex Court orders and other documents and supervise the handling of legal matters by practitioners on behalf of beneficiaries.

The **Legal Costs team** reviews and analyses applications for the release of beneficiaries' funds for payment of legal costs, providing solicitors with certainty of available funds and protection of the beneficiaries' funds. In 2021-22, 95 applications for legal costs were resolved, totalling \$5,717,588.

<sup>43</sup> Payments are referred to as "one-off" to distinguish them from the regular payments FIC makes such as maintenance, utilities, insurances etc. Total financial transactions were 145,369.

## Investments<sup>44</sup>

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

The prime objective of **Common Fund No. 1** (CF-1) is to maintain liquid investments with a secure return pending the identification of a person or persons entitled to any part of the fund.

The primary objective of **Common Fund No. 2** (CF-2) is to provide the maximum return achievable, subject to acceptable risk criteria, with approved securities. In recent years the interest rates fixed for CF-2 have consistently exceeded industry benchmarks, but in recent rises in interest rates may reverse the trend.

### Declared interest rate<sup>45</sup>

	2020-21	2021-22	Variance
Common Fund No. 1	0.05%	0.05%	-
Common Fund No. 2	1.85%	1.65%	-10%
Common Fund No. 2 and Common Fund No. 3	1.65%	1.45%	-12%

**Common Fund No. 3** (CF-3) invests in Australian shares and cash to provide beneficiaries with capital growth and income over at least six years. In 2021-22, CF-3 had a return of -0.5%, representing annual return over 10 years of 8.6% versus the benchmark return of 9.2%.

The purposes of the **Common Funds Guarantee and Reserve Account** are to:

- ▶ provide a statutory reserve of 1% of the combined value of the total assets of CF-1 and CF-2
- ▶ provide for, and pay, the administrative expenses of FIC
- ▶ smooth the annual crediting rate of interest paid to beneficiaries of the Common Funds.

FIC benchmarks its **administration expense ratio** (AER) annually. The AER represents the total cost to beneficiaries of managing their funds.<sup>46</sup> It was 0.63% for 2021-22 (0.59% in 2020-21).

The **Investment Compliance Committee** (ICC) monitors compliance with FIC's asset management policy and the *Supreme Court Act 1986* (Vic). No breaches were reported in 2021-22.

Annual trust tax returns were lodged for each beneficiary. No direct fees are charged for taxation services.

## Corporate governance

Funds in Court's governance structure is organised to be accountable to the Court and beneficiaries, including committees composed of independent industry experts addressing audit, investment compliance and investment review.<sup>47</sup>

FIC's Business Continuity Plan (BCP) enables FIC to respond to a disaster that could affect access to FIC's premises and its critical systems, and resume operations as quickly as possible. To ensure the ongoing integrity of the BCP, it was successfully tested and reviewed on 27 June 2022.

<sup>44</sup> For more details about FIC's investment management, including fact sheets about CF-2 and CF-3 performance, see <https://fundsincourt.vic.gov.au/about-us/how-funds-are-managed-and-invested/>

<sup>45</sup> For more details about how FIC's interest rates are determined, and FIC's operational costs see: <https://fundsincourt.vic.gov.au/publications/investment-information/>

<sup>46</sup> The AER is calculated by dividing the total operating expenditure for the financial year (excluding depreciation) by the total net assets at the end of the financial year (including property).

<sup>47</sup> For more information regarding corporate governance, visit <https://fundsincourt.vic.gov.au/about-us/governance/>

# Juries Victoria

## ABOUT JURIES VICTORIA

Juries Victoria summons citizens to serve as jurors on Supreme and County Court trials across the state. 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 represents the values and standards of that community.

### Key points

## 1

The eligibility, availability and personal circumstances of more than 300,000 Victorians, randomly selected for jury service, was assessed. This was 62% more than in the previous year.

## 2

The increase in trial listings, particularly circuit listings, resulted in more than 100,000 people being summoned to attend court for jury service.

## 3

A requirement for citizens summoned for jury service to be vaccinated against COVID-19 and to undertake a rapid antigen test (RAT) prior to entering the court building was introduced. Since 18 January 2022, 16,603 RATs were distributed to those attending for jury service (both summoned and empaneled) in Melbourne and 8,850 RATs were distributed to regional courts.

## Overview

Juries Victoria adapted to changing COVIDSafe restrictions and measures by continuing the flexible, bespoke approach to managing the jury process adopted in the previous financial year. Strong collaboration between Juries Victoria and the courts saw the successful implementation of several significant changes to the jury process, such as

ascertaining the vaccination status of attendees and requiring all attendees to undertake a rapid antigen test before entering the court building. Despite these changes and the substantial increases in jury activity at every stage of the process, Juries Victoria continued to meet the needs and expectations of the courts, both in Melbourne and across the state.

## Jury activity<sup>48</sup>

### Citizens randomly selected

	2020-21	2021-22	Variance
Melbourne	74,036	88,903	20.1%
Regional Victoria	129,026	239,232	85.4%
<b>Total</b>	<b>203,062</b>	<b>328,135</b>	<b>61.6%</b>

### Citizens summoned

	2020-21	2021-22	Variance
Melbourne	19,921	35,024	75.8%
Regional Victoria	23,561	77,334	228.2%
<b>Total</b>	<b>43,482</b>	<b>112,358</b>	<b>158.4%</b>

<sup>48</sup> Jury trials in Melbourne and regional areas incurred substantial disruptions due to lockdown and other pandemic-related restrictions between March 2020 and December 2021.

### Citizens attended<sup>49</sup>

	2020-21	2021-22	Variance
Melbourne	2,750	8,309	202.1%
Regional Victoria	923	7,813	746.5%
<b>Total</b>	<b>3,673</b>	<b>16,122</b>	<b>338.9%</b>

## Jury trials

### Supreme Court

	2020-21	2021-22	Variance
Civil - Melbourne	1	2	100%
Civil - Regional Victoria	0	0	0%
Criminal - Melbourne	13	19	46.2%
Criminal - Regional Victoria	0	5	-
<b>Total</b>	<b>14</b>	<b>26</b>	<b>85.7%</b>

### County Court

	2020-21	2021-22	Variance
Civil - Melbourne	4	14	250%
Civil - Regional Victoria	0	2	-
Criminal - Melbourne	104	219	110.6%
Criminal - Regional Victoria	29	108	272.4%
<b>Total</b>	<b>137</b>	<b>343</b>	<b>150.4%</b>

<sup>49</sup> Not all individuals summoned are required to attend.



# Law Library Victoria

## ABOUT LAW LIBRARY VICTORIA

Law Library 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 to form the Law Library Victoria Committee, which manages the library and oversees its strategic direction. The Library's director is Supreme Court Librarian Laurie Atkinson.

### Key points

#### 1

The Library website received a high volume of traffic, with an average of 9,182 visitors per month. The Digital Library continues to expand with 78 new titles added in 2021-22. Usage of the digital collection increased by 9.86%, with resources accessed an average of 7,539 times per day.

#### 2

Engagement with the Library through events, training, and research support remains high, with more than 5,000 in-person and online enquiries. More than 200 events were attended by more than 1,500 people from around Australia and overseas. There were more than 2,400 visits to the Library's online learning units.

#### 3

The Library updated its branding with a refreshed name and logo, along with new digital content designed to engage users, increase the profession's awareness of services and resources, and support growth in event attendance, website registration, and brand awareness.

## Overview

The Law Library has met the demands of COVID-19 and hybrid working models by providing digital services such as curated online collections and 24/7 digital resources.

The Supreme Court Library welcomed visitors again in 2021, and has seen in-person visitors steadily increase. The on-site computers were returned and have also seen a steady uptake.

The Library rebranded, updating the name to the more succinct 'Law Library Victoria', with a refreshed logo, and new digital marketing content, to help reflect its modern and customer-centric approach, and convey the valuable lifelong support available to legal professionals.

### Library snapshot

	2020-21	2021-22
Queries, updates, tours and training attendees	98,020	103,071
Website visits and database usage	2,504,687	2,751,581
Judgments published on the Library website	1,294	1,181

### Research support

On-site and digital research support is provided by the Law Library's expert librarians. Through its dynamic workforce the Library provides a dedicated librarian for each court, VCAT, and the Victorian Bar, while legal practitioners are supported by the reference desk.

Research requests and general enquiries are made via multiple channels and range from straightforward to complex. In 2021-22 the Library responded to 5,100 enquiries across all service points.

The *Library Bulletin* is published by the Library every fortnight, and provides the legal community with a free and convenient update on legislative developments, new resources, unreported judgments, and other important information. In 2021-22 it was distributed to an average of 7,500 recipients every month.

## Digital Library

The Library website is the central portal for library services and resources, with daily activity averaging 508 interactions. During 2021-22 there was 184,997 visits to the website, with a quarterly growth in visits averaging 16.86%. The number of legal practitioners registering to use the website grew by 14%.

The Digital Library provides an authoritative and comprehensive digital collection, curated especially for the Victorian jurisdiction and legal profession. The curated collections utilise the combined knowledge of the Library's expert staff to provide a quick and easy avenue of research.

The Library provides a publishing service to the Supreme Court on behalf of the Council of Law Reporting in Victoria. Court judgments are processed and published to the Library catalogue, and sent to external publishers, with a Library website feed and Twitter alerts providing timely updates. In 2021-22 the Library published 1,181 judgments.

## Engagement

To increase the awareness and reach of services, the Library engages stakeholders via events, sponsorship, training, and communications. In 2021-22 the Library hosted more than 200 events, engaging the legal profession, tertiary students, the general public and court staff with legal research training and cultural experiences.

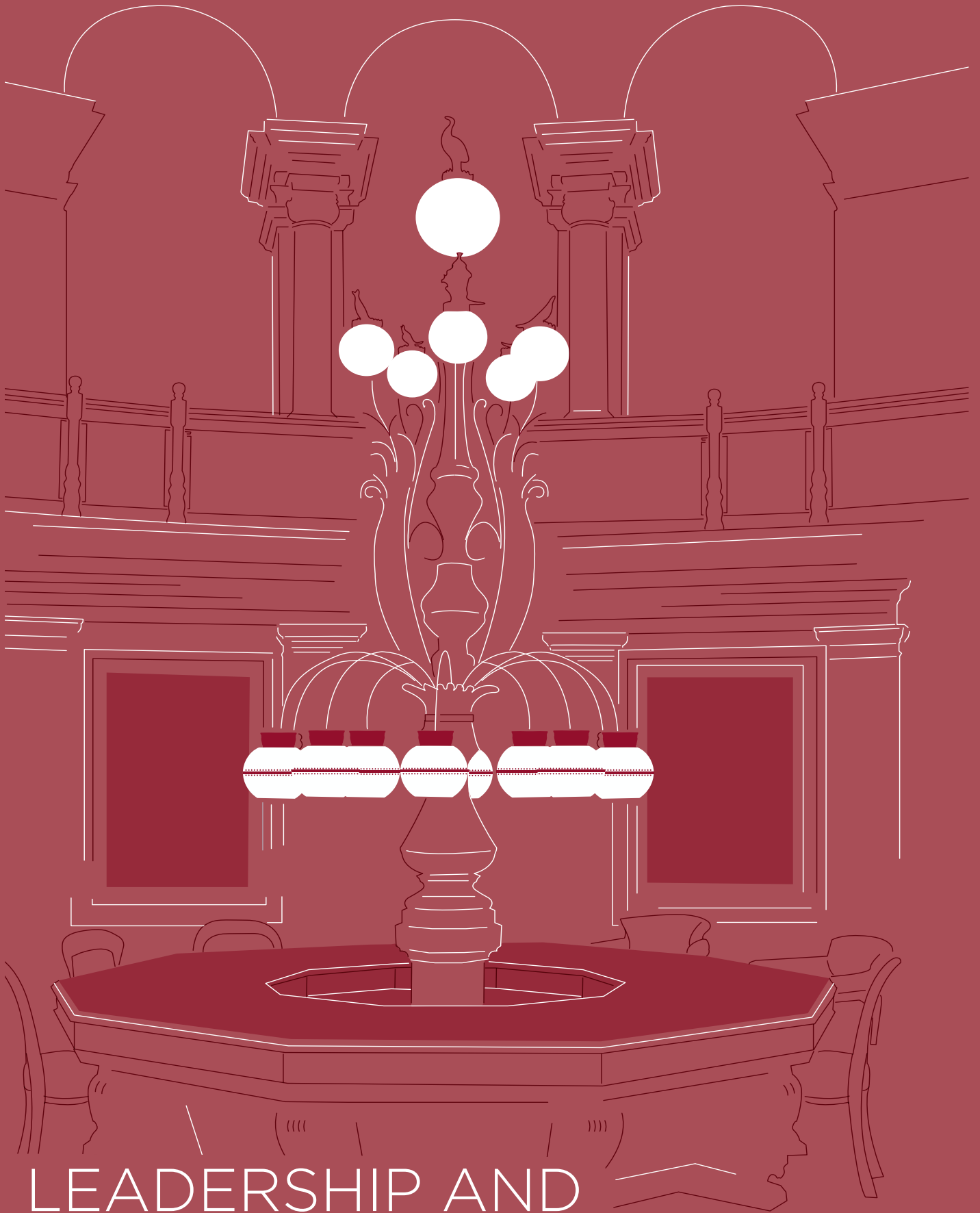
Standout events included Victorian Law Week, Scholarship for the Legal Community, Monash University MasterClass, and Shakespeare's Villains. In total more than 1,500 people from across Australia and overseas participated in Library events.

The Library partnered with the 2022 Australian Bar Association Conference, collaborating with barristers through sponsorship of a key industry event to increase familiarity with its resources and services.

To enhance legal research capabilities, training is offered to internal and external stakeholders via webinars, customised workshops, and self-directed online learning. In 2021-22 the Library launched the pilot phase of a new professional learning website. The website offers easy access to legal research units, instructional videos, and continuous professional development (CPD) management tools. The Library's CPD legal research units were visited more than 2,400 times in 2021-22.

The Library has focused on online engagement, leveraging its rebrand to expand its presence online, including revising its LinkedIn page to focus primarily on training, which resulted in a 300% increase in followers.

The Library's Twitter account enables timely and interactive communication of judgment alerts, resources, event promotion, videos, and industry news. There was an 8% increase in Twitter engagement in 2021-22.



# LEADERSHIP AND GOVERNANCE

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## ABOUT LEADERSHIP AND GOVERNANCE

The Supreme Court of Victoria 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 the effective, orderly and efficient execution of the business of the Court while the chief executive officer (CEO) oversees the administrative functions, including ensuring the judiciary are supported to do their work and that Court users have 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, Victorian Civil and Administrative Tribunal, the Judicial College of Victoria and the Judicial Commission of Victoria. CSV was formed to strengthen the independence of Victoria's courts and tribunals, and to put court administration into the hands of an entity directed by the judiciary.

## Internal governance

### Judicial Leadership Group

A leadership Group provides strategic advice to the Chief Justice on the effective execution of the Court's business. Its members in the reporting period were:

#### 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 Efthim  
(to 9 April 2022)

Associate Justice Matthews  
(from 10 April 2022)

#### CHIEF EXECUTIVE OFFICER

Matt Hall PSM

### 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.



# APPENDIX

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# Financial Information

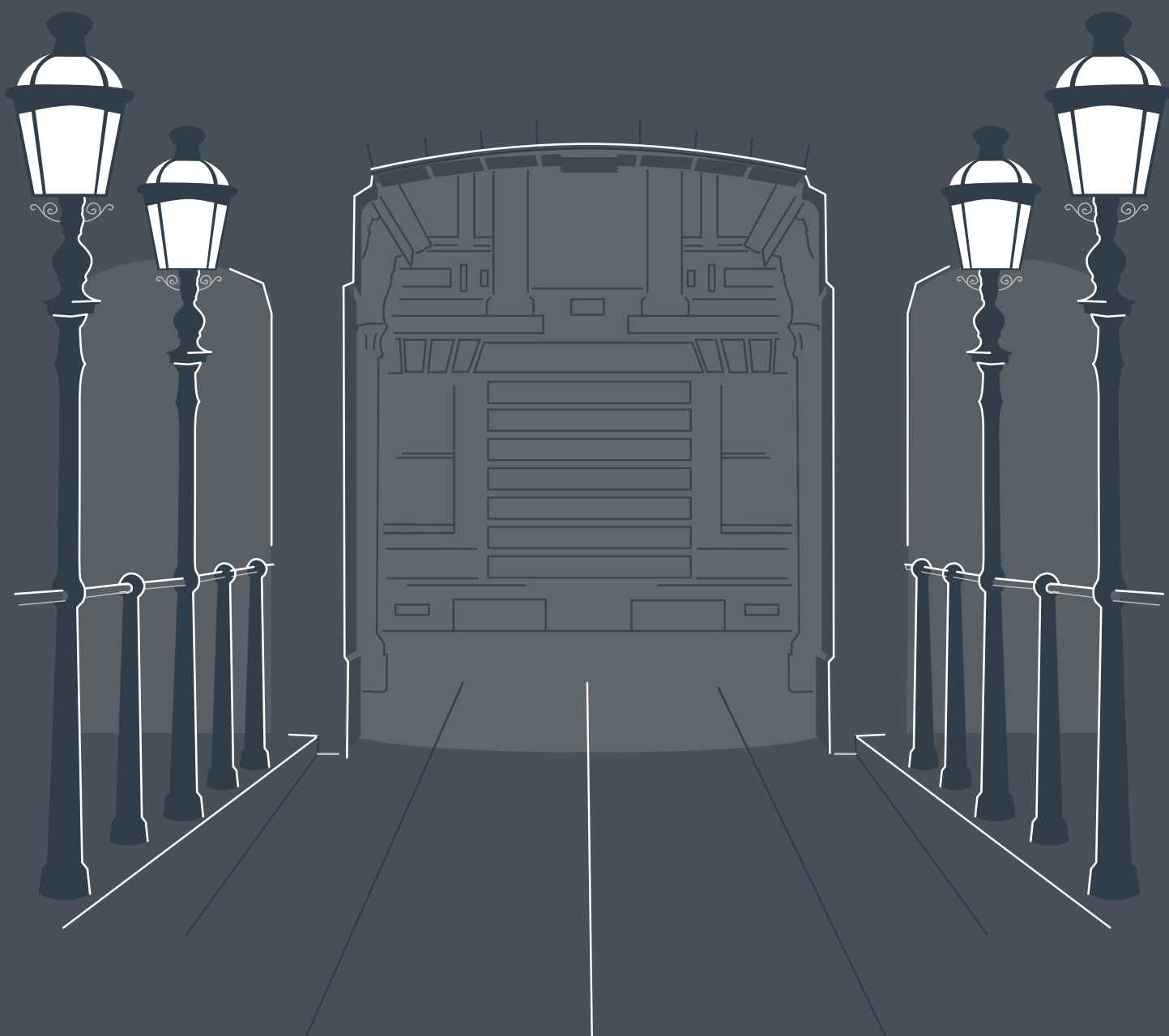
The Supreme Court's financial accounts are published as part of the audited financial accounts of Court Services Victoria (CSV). This information is available in CSV's annual report, by visiting [courts.vic.gov.au](https://courts.vic.gov.au).

Comprehensive operating statement for the financial year ending 30 June 2022.

## Controlled Items

	2020-21 \$'000	2021-22 \$'000
<b>Income from transactions</b>		
Output appropriations *	58,853	57,883
Special appropriations *	36,786	42,173
Other income	-	222
<b>Total income from transactions</b>	<b>95,639</b>	<b>100,277</b>
<b>Expenses from transactions</b>		
Employee expenses and judicial officer remuneration	60,409	65,766
Depreciation and amortisation	11,307	15,314
Interest expense	90	55
Grants and other transfers	550	600
Capital asset charge *	12,713	-
Supplies and services	17,742	21,056
<b>Total expenses from transactions</b>	<b>102,811</b>	<b>102,791</b>
<b>Net result from transactions (net operating balance)</b>	<b>(7,172)</b>	<b>(2,514)</b>
<b>Other economic flows included in net result</b>		
Net gain/(loss) on revaluation of buildings	35,810	-
Net gain/(loss) on non-financial assets	536	885
Net gain/(loss) on financial instruments	-	-
Other gains/(losses) from other economic flows	2,011	1,373
<b>Total other economic flows included in net result</b>	<b>38,357</b>	<b>488</b>
<b>Net result from continuing operations</b>	<b>31,185</b>	<b>(2,026)</b>
<b>Other economic flows - other comprehensive income Items that will not be reclassified to net result</b>		
Changes in physical asset revaluation reserve *	39,218	-
<b>Total other economic flows - other comprehensive income</b>	<b>39,218</b>	-
<b>Comprehensive result</b>	<b>70,403</b>	<b>(2,026)</b>

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



### MORE INFORMATION

The Supreme Court hears matters both online, and on-site in Melbourne and in 12 locations in regional Victoria.

A list of judicial officers who served at the Court during 2021-22, and the Court's contact details can be found online at [supremecourt.vic.gov.au](https://supremecourt.vic.gov.au)

# SUPREME COURT OF VICTORIA

Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

[supremecourt.vic.gov.au](http://supremecourt.vic.gov.au)