

# Supreme Court of Victoria 2008–2009 ANNUAL REPORT





## CONTENTS

2008-09 Highlights 1

2008-09 Overview 2

Chief Justice's report 4

### An overview

Court Of Appeal 6

The Trial Division 6

Judges and  
Associate Judges 7

### Our year in review

The Court of Appeal 9

The Trial Division 12

Report of the  
Associate Judges 24

Alternative Dispute  
Resolution (ADR)  
at the Court 27

Senior Master's (Funds  
in Court) Office (SMO) 28

### Reports from the wider court

Judicial Training 32

Court Administration 33

Principal Registry 34

Self-Represented  
Litigants Co-ordinator 36

Records Management 37

Occupational Health and  
Safety (OHS) Report 37

Juries Commissioner's  
Office 38

Library 39

Board of Examiners 39

Adult Parole Board 40

Forensic Leave Panel 40

2008-09 Finance Report 41

Glossary 42

Judicial Activity 44

## LETTER TO THE GOVERNOR

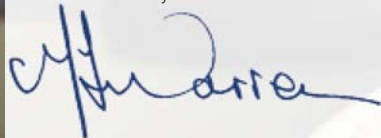
December 2009

To His Excellency Professor David de Kretser AC  
Governor of the State of Victoria  
and its Dependencies in the Commonwealth of Australia

Dear Governor

We, the Judges of the Supreme Court of Victoria have the honour to present our Annual Report pursuant to the provisions of the *Supreme Court Act 1986* with respect to the financial year of 1 July 2008 to 30 June 2009.

Yours sincerely



**Marilyn L Warren AC**  
*Chief Justice of Victoria*

C Maxwell, P

P Buchanan, JA

G A A Nettle, JA

D J Ashley, JA

M A Neave, JA

R F Redlich, JA

J A Dodds-Streeton, JA

M Weinberg, JA

P Mandie, JA

B D Bongiorno, JA

P D Cummins, J

D M M Byrne, J

D L Harper, J

H R Hansen, J

D J Habersberger, J

R S Osborn, J

K M Williams, J

S W Kaye, J

S P Whelan, J

E J Hollingworth, J

K H Bell, J

K W S Hargrave, J

B J King, J

A L Cavanough, J

E H Curtain, J

G Pagone, J

P A Coghlan, J

R M Robson, J

J H L Forrest, J

L Lasry, J

J G Judd, J

P N Vickery, J

E J Kyrou, J

D F R Beach, J

J Davies, J

# 2008-09 Highlights

## NEW COMMERCIAL COURT

The Commercial Court is a new initiative of the Court to meet the demand for judicial management of a greater number of commercial disputes. It comprises a specialist team of eight Judges and Associate Judges within the Commercial and Equity Division of the Trial Division. A proceeding in the Commercial Court is allocated to a docket of one of five lists.

Practice in the Commercial Court is characterised by its flexibility; directions will be tailored and may vary to suit the management appropriate to specific disputes and the views of the judicial officers to whom cases have been allocated, so as to achieve the objective of providing for the just and efficient determination of commercial disputes.



## THREE NEW SPECIALIST LISTS

The Court introduced three new specialist lists during the reporting period: the Judicial Review and Appeals List, the Personal Injuries List and the Technology, Engineering and Construction List. The first two lists are within the Common Law Division, and the third list is in the Commercial and Equity Division. These new lists represent the Court's own method of introducing docketing principles. It is also a recognition of the need to have expert judicial officers manage cases in specialist streams.

## COMPLETION OF THE EARLY WORKS PROJECT AND THE COURTYARD REDEVELOPMENT

The Early Works Project was a major renovation project, spanning over two years from its commencement in 2006, and with a budget of \$26 million. The project involved the refurbishment of Courts 1, 2, 3, 4, 11, and 12. It also involved the construction of Courts 14 and 15; dedicated commercial litigation courtrooms. All courts were fitted with state-of-the-art technology and disability access.

The Courtyard Redevelopment Project followed the completion of the Early Works Project. The redevelopment has transformed the courtyard into an inviting space where court users can meet and collaborate.

## ASSOCIATE JUDGES

On 17 December 2008 the *Courts Legislation Amendment (Associate Judges) Act 2008* came into effect. It replaced the office of Master of the Supreme Court with the office of Associate Judge. As such, each of the former Masters is now an Associate Judge.

An Associate Judge is now formally known and referred to as The Honourable Associate Justice [surname]. In court, the appropriate form of address of and reference to an Associate Judge is "Your Honour" and "His Honour" or "Her Honour", while in judgments and similar writings, the appropriate abbreviation for an Associate Judge is "AsJ".

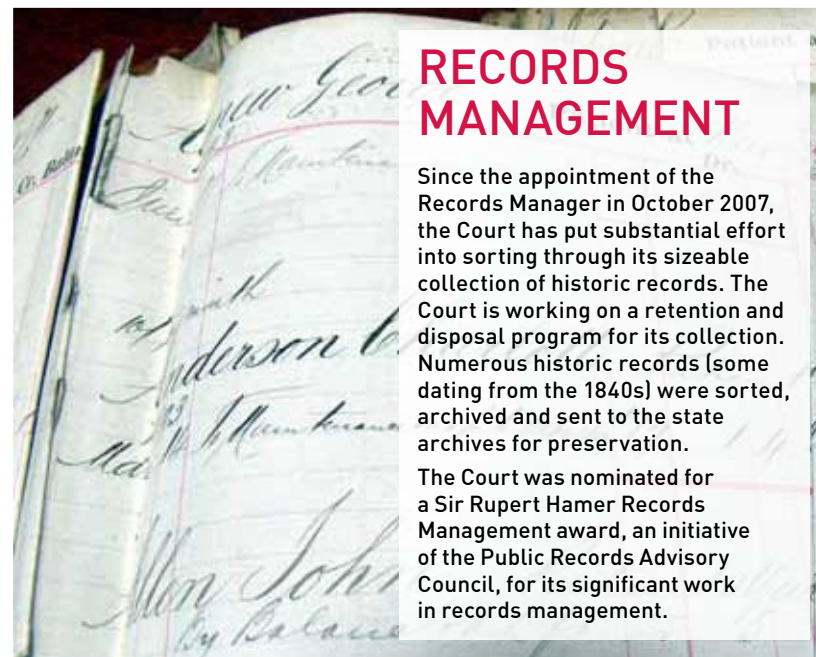
Associate Judges will robe in the same circumstances as Judges of the Court.



## RECORDS MANAGEMENT

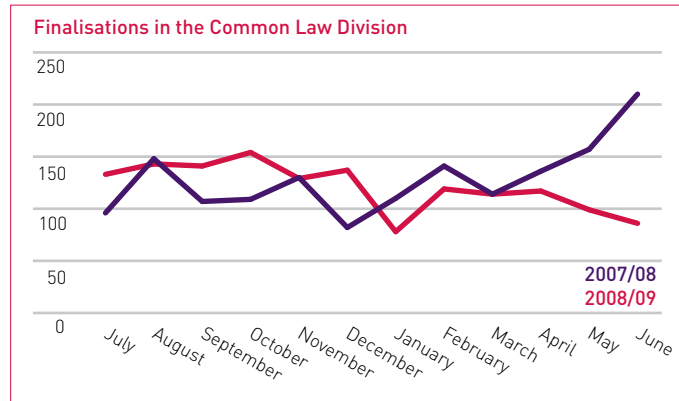
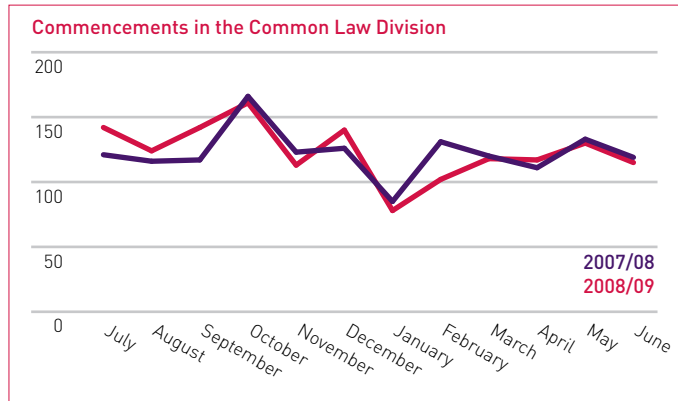
Since the appointment of the Records Manager in October 2007, the Court has put substantial effort into sorting through its sizeable collection of historic records. The Court is working on a retention and disposal program for its collection. Numerous historic records (some dating from the 1840s) were sorted, archived and sent to the state archives for preservation.

The Court was nominated for a Sir Rupert Hamer Records Management award, an initiative of the Public Records Advisory Council, for its significant work in records management.

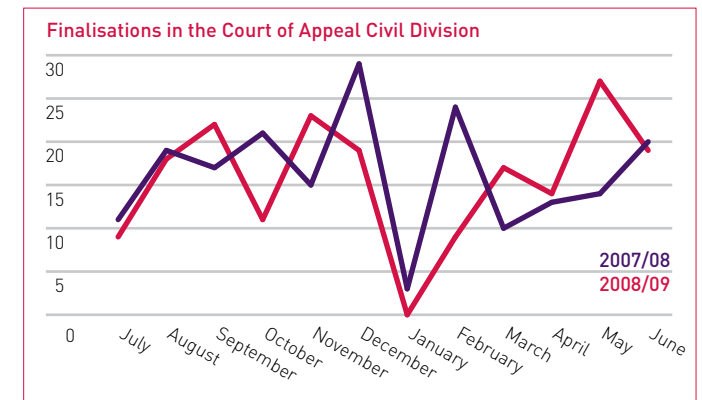
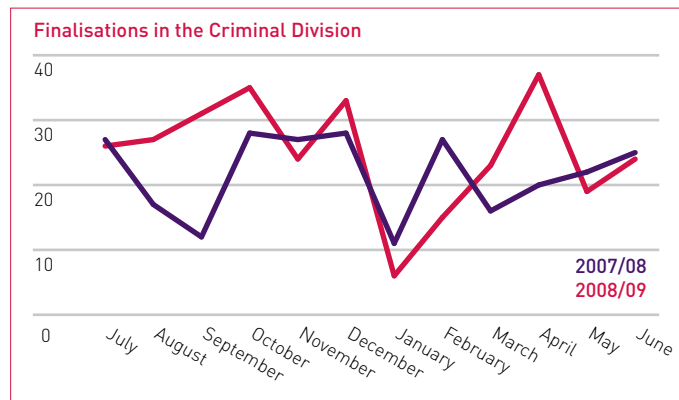
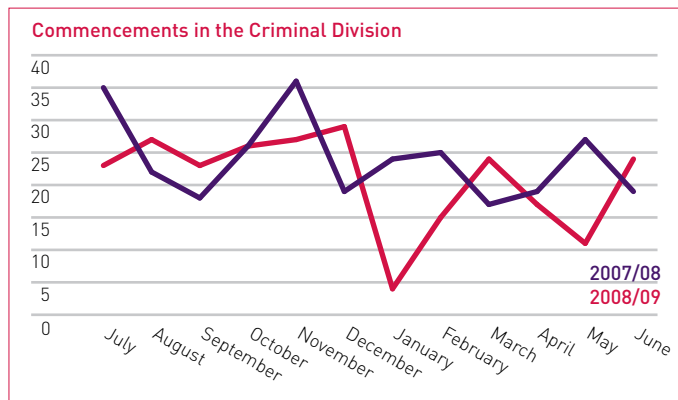
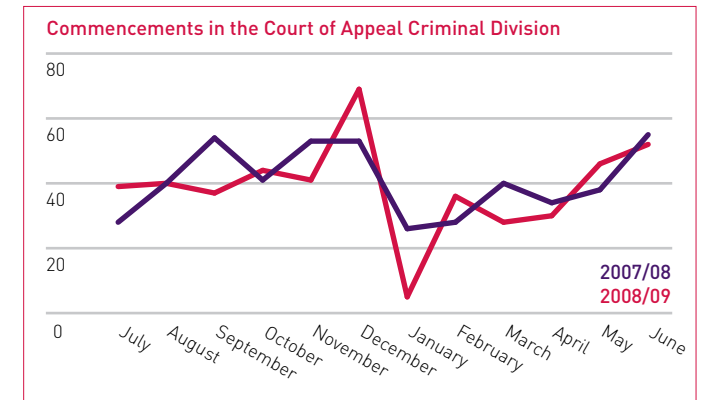
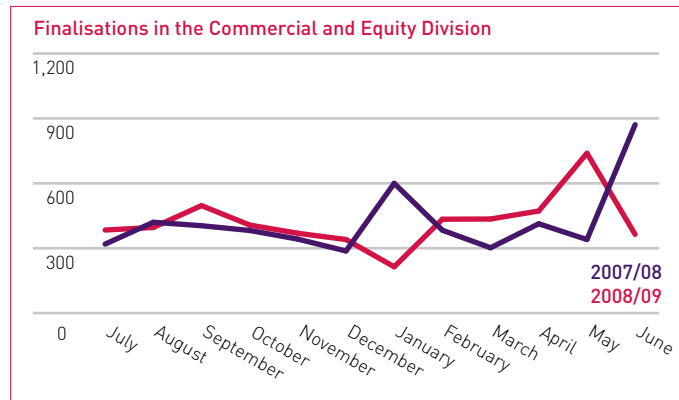
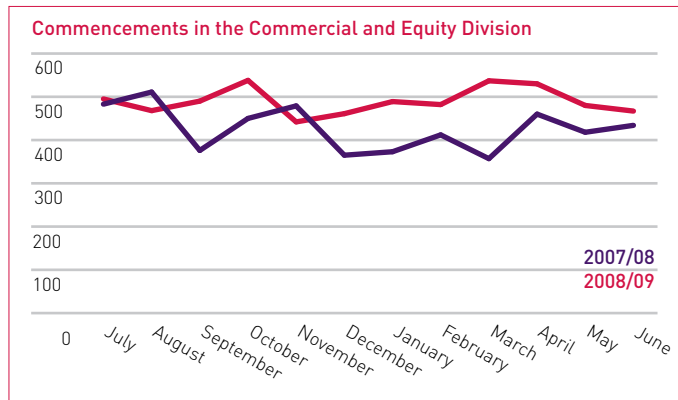
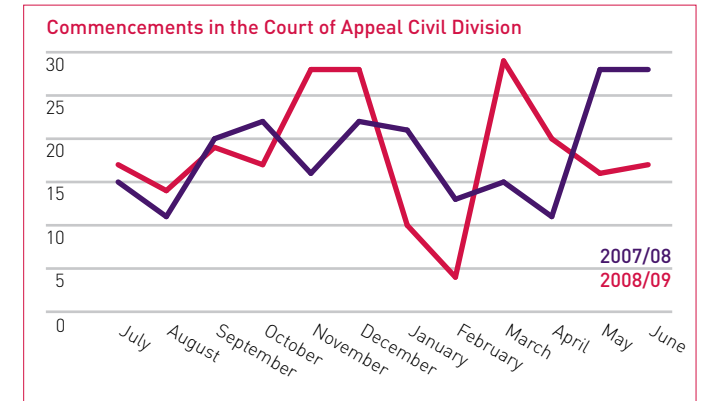


# 2008-09 Overview

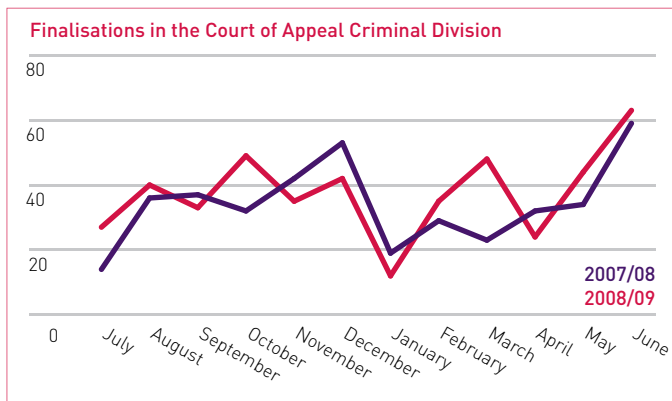
## TRIAL DIVISION



## COURT OF APPEAL







### Devolved Finance Responsibility and Changes to Budgeting

Substantial changes in the way the Court's Finance data is structured to provide reporting and segmentation of responsibility to give managers budget input opportunity and to provide regular reporting on actual expenditure segmented to each responsible area. Revised the Court's budgeting to consult with various managers and others so that a "Needs Driven" budget was developed for the 2008-09 year.

### Q-Matic Queuing System

Automated queuing system introduced into the Principal Registry enabling a triage of clients waiting, and a far more professional image.

### Scanning of Divorce Records

Divorce proceedings, although not part of the current business of the Court, are amongst records that are routinely accessed by clients. Scanning has enabled the indices to be archived to Public Records, and allows greater efficiency for staff accessing records. Prior to scanning the indices, it was necessary to go through multiple indices sometimes over lengthy periods of time to retrieve old information on a divorce processed by the Supreme Court.

### Computer Housing of Probate Application and Caveats Indices

Searching of these records now takes place via public terminals located within the Principal Registry. Previously, the Probate counters were lined with large leather-bound indices and registers that persons lodging probate applications were required to manually search.

### Probate On-line Advertising Service

The on-line advertising service commenced in March 2009 and will form the only method of advertising for probate matters from 3 September 2009.

### PGP - Encryption Software

Introduced PGP software (encryption software) which can be used to encrypt files that are sent via email. It is password protected and is now used to securely send and receive jury rolls from the Victorian Electoral Commission, which are subsequently sent to a mail house for the dispatch of Jury Questionnaires. It is also used to receive criminal checks from Victoria Police. This has led to improved efficiency by no longer physically transporting the files in CD format.

### Streamlining Jury Registration & Empanelments

Barcode technology has been introduced to scan prospective jurors into the pool room and subsequently used to track jurors' movements throughout the day. The technology assists in expediting the morning registration process and also in discharging of jurors at the end of their service.

### Health & Safety Events

During the year, the court supported and encouraged staff to participate in a range of health and safety events. These included the Corporate Games, Ride to Work day and more recently the Court Netball Team.

### Audio Broadcasting of Sentences

Audio broadcasting of sentences, via web streaming technology, was successfully used in the sentencing of Christopher Hudson, Margaret Vandergulik and Benbrika & Ors. These have resulted in news items with extracts of the judge's comments used instead of reporters (television and radio) paraphrasing comments. Newspapers have included links to the entire sentence.

### Environmental Initiatives

Having conducted an energy audit funded by the Department of Justice in May 2008, the Court was successful in applying for further funds under the Secretary's Environmental Initiative Program in 2008-09. With these funds, the Court completed several projects aimed at reducing energy consumption and green-house gas emissions. These included installing movement sensors in some offices to automatically turn off lights, and installing energy efficient light globes and better lighting reflectors. The Court also replaced most light globes with new compact fluorescent light globes.

Other initiatives include the commencement of the new building management system, which amongst other things will provide remote and timer activated controls for air-conditioning and lighting.

### Indigenous Associateship

The Court established a pilot Indigenous Associateship Program to assist Indigenous Law Students to experience the legal system to enable them to be better placed to pursue a career in the law. The pilot program is in part an effort to redress the imbalance of low numbers of Indigenous people in the legal profession generally. The funding for the program was secured through the Legal Services Board's new grant scheme.

# Chief Justice's Report



A handwritten signature in black ink, reading 'M Warren', written over a light blue horizontal line.

The Hon Marilyn Warren AC  
*Chief Justice of the Supreme Court of Victoria*

The Supreme Court has pleasure in presenting its annual report for the year 2008 – 2009.

The year has been extremely busy and productive in all jurisdictions of the court. There are specific matters I highlight:

- The pressures on the Court of Appeal;
- The significance of a new court building; and
- The establishment of the new Commercial Court.

We have seen a clearance of backlogs this year in criminal trials, common law trials and commercial cases. Unfortunately, whilst the disposition of pending criminal appeals has improved, the volume of appeals has placed the Court of Appeal under even greater pressure than previously reported. In the 2004-2005 annual report I said:

An extra two trial judges were allocated during each term in 2005 to the Court of Appeal to expedite Court of Appeal sittings. By the end of 2004, criminal appeals were disposed of faster than the year before; a trend that continued through 2005. As a result of jurisdictional changes and the increased number of criminal trials, I foresee the workload of the Court of Appeal increasing enormously over the coming two or three years. The capacity of the Court to manage the timely disposal of these appeals will require constant review.

The situation has worsened in the reporting year. To meet the needs of the Court of Appeal additional judges of appeal have been appointed from the Trial Division. Further, a newly funded judge position, although originally intended for the Trial Division, was allocated to the Court of Appeal. The pressures remain. The court continues to engage in discussions with government seeking an increase in the number of appeal judges and resources to assist judges in the significant work they do. The Court of Appeal of the Supreme Court of Victoria is the last stop before the High Court. It is essential to the administration of justice in this state that it be appropriately resourced in terms of judges, staff and facilities.

The Supreme Court continues to work towards its new building. Exciting architectural opportunities exist for the government. There is nothing more I would add to my remarks from last year:

The Supreme Court is a vital part of the Victorian infrastructure. It is essential that Court business proceed in a timely way and in a modern built environment. The State Government has responded by a funding allocation of \$22 million for the restoration and upgrade of the main Supreme Court building built in 1884. The funding has enabled extensive restoration and modernisation of the built interior of the Supreme Court and the creation of a new commercial courtroom, Court 15. There remains, however, a critical need for additional courtrooms and accommodation for judges. The Court is simply bursting at the seams.

The highlight of the year for the court has been the establishment of the Commercial Court. It is a very exciting element within the court based largely upon the London Commercial Court. It is seen as an opportunity for the court to manage litigation in an exciting and innovative way, unprecedented in this state, and largely untried elsewhere. It has been extremely successful and attracted considerable business. The Commercial Court enables the Supreme Court to expand its service to the business community of Victoria.

The Supreme Court of Victoria is an extremely busy institution of justice. The judges, associate judges and their staff work very hard to serve the Victorian community. We regard it as a privilege to do so. The judges and associate judges would be unable to achieve all they do without the loyal and devoted support of their personal staff and the administration of the court. I express our deep appreciation to them.

# An Overview

THE SUPREME COURT OF VICTORIA IS THE SUPERIOR COURT IN THE STATE. ESTABLISHED UNDER S. 75 OF THE *CONSTITUTION ACT 1975*, IT IS DIVIDED INTO THE COURT OF APPEAL AND THE TRIAL DIVISION. THE COURT COMPRISES THE CHIEF JUSTICE, PRESIDENT OF THE COURT OF APPEAL, 35 JUDGES AND NINE ASSOCIATE JUDGES, SUPPORTED BY SOME 270 ADMINISTRATIVE STAFF.







# The Court of Appeal

The Court of Appeal was established under the *Constitution (Court of Appeal) Act 1994* and commenced operation on 7 June 1995. The Court of Appeal is a division of the Supreme Court and comprises the Chief Justice, the President, and currently nine Judges of Appeal, plus any additional Judges of Appeal appointed or acting under s. 80B of the *Constitution Act 1975*.

The Court of Appeal hears appeals from criminal and civil trials heard by Judges of the Supreme Court and the County Court. It also hears some appeals from proceedings which have come before the Victorian Civil and Administrative Tribunal (VCAT) and other tribunals.

Procedure before the Court is governed by Acts of Parliament, Rules of Court and Practice Statements. Some appeals require leave of a Judge or leave of the Court of Appeal before a Notice of Appeal can be filed.



# The Trial Division

The Trial Division consists of the Chief Justice and 25 other Judges. Associate Judges assist the Judges in discharging the civil work of the Trial Division. It comprises three further divisions:

- the Commercial and Equity Division;
- the Common Law Division; and
- the Criminal Division.

Proceedings are entered into one of these divisions. Each division has a Principal Judge, the head of the Division – a Judge who manages the work of the division in addition to his or her judicial duties.

There are a number of 'Specialist Lists' within the Civil Division. These lists are each assigned a Judge who is responsible for the work of that list. The Judge in Charge gives directions to the parties from the early stages of the proceedings and will usually conduct the trial proceedings in the list.

The types of cases heard and determined by the Trial Division include:

- all cases of treason, murder, attempted murder and other major criminal matters;
- civil cases involving large claims;
- some appeals and reviews of decisions of lower courts and tribunals; and
- various other cases, such as applications for bail, winding up of companies, probate business and urgent applications for injunctions.



## AN OVERVIEW

# Judges and Associate Judges

PRESIDING FROM 1 JULY 2008 – 30 JUNE 2009

## CHIEF JUSTICE

The Honourable Justice Marilyn Louise Warren AC: (1998\*) 25 November 2003 – present

## PRESIDENT OF THE COURT OF APPEAL

The Honourable Justice Chris Maxwell: 18 July 2005 – present

## JUDGES OF THE COURT OF APPEAL

The Honourable Justice Peter Buchanan: 28 October 1997 – present

The Honourable Justice Frank Hollis Rivers Vincent AO: (1985\*) 12 June 2001 – present

The Honourable Justice Geoffrey Arthur Akeroyd Nettle: (2002\*) 8 June 2004 – present

The Honourable Justice David John Ashley: (1990\*) 21 June 2004 – present

The Honourable Justice Marcia Ann Neave AO: 27 February 2006 – present

The Honourable Justice Robert Frank Redlich: 8 May 2006 – present

The Honourable Justice Murray Byron Kellam AO: (1998\*) 16 May 2007 – 15 June 2009

The Honourable Justice Julie Anne Dodds-Streton: (2002\*) 8 August 2007 – present

The Honourable Justice Mark Weinberg: 28 July 2008 – present

## THE TRIAL DIVISION

The Honourable Justice Philip Damien Cummins: 17 February 1988 – present

The Honourable Justice Thomas Harrison Smith: 1 May 1990 – present

The Honourable Justice David McCartin Michael Byrne: 20 August 1991 – present

The Honourable Justice David Lindsey Harper AM: 11 March 1992 – present

The Honourable Justice Hartley Roland Hansen: 6 April 1994 – present

The Honourable Justice Philip Mandie: 10 May 1994 – present

The Honourable Justice Bernard Daniel Bongiorno: 18 December 2000 – present

The Honourable Justice David John Habersberger: 3 July 2001 – present

The Honourable Justice Robert Stanley Osborn: 9 May 2002 – present

The Honourable Justice Katharine Mary Williams: 25 October 2002 – present

The Honourable Justice Stephen William Kaye: 16 December 2003 – present

The Honourable Justice Simon Paul Whelan: 17 March 2004 – present

The Honourable Justice Elizabeth Jane Hollingworth: 7 June 2004 – present

The Honourable Justice Kevin Harcourt Bell: 10 February 2005 – present

The Honourable Justice Kim William Spencer Hargrave: 18 March 2005 – present

The Honourable Justice Betty June King: 21 June 2005 – present

The Honourable Justice Anthony Lewis Cavanough: 8 May 2006 – present

The Honourable Justice Elizabeth Helen Curtain: 3 October 2006 – present

The Honourable Justice Gaetano Pagone: 24 May 2007 – present

The Honourable Justice Paul Anthony Coghlan: 8 August 2007 – present

The Honourable Justice Ross McKenzie Robson: 8 August 2007 – present

The Honourable Justice John Herbert Lytton Forrest: 8 August 2007 – present

The Honourable Justice Lex Lasry: 23 October 2007 – present

The Honourable Justice James Gregory Judd: 6 March 2008 – present

The Honourable Justice Peter Norman Vickery: 6 May 2008 – present

The Honourable Justice Emilios John Kyrou: 15 May 2008 – present

The Honourable Justice David Francis Rashleigh Beach: 5 September 2008 – present

The Honourable Justice Jennifer Davies: 6 April 2009 – present

## ASSOCIATE JUDGES

The Honourable Associate Justice Kevin John Mahony: 15 April 1983 – present

The Honourable Associate Justice Ewan Kenneth Evans: 2 August 1983 – present

The Honourable Associate Justice Kathryn Elizabeth Kings: 23 March 1993 – present

The Honourable Associate Justice John Efthim: 18 July 2005 – present

The Honourable Associate Justice Alexander Jamie Wood: 23 January 2006 – present

The Honourable Associate Justice Robyn Gay Lansdowne: 18 September 2006 – present

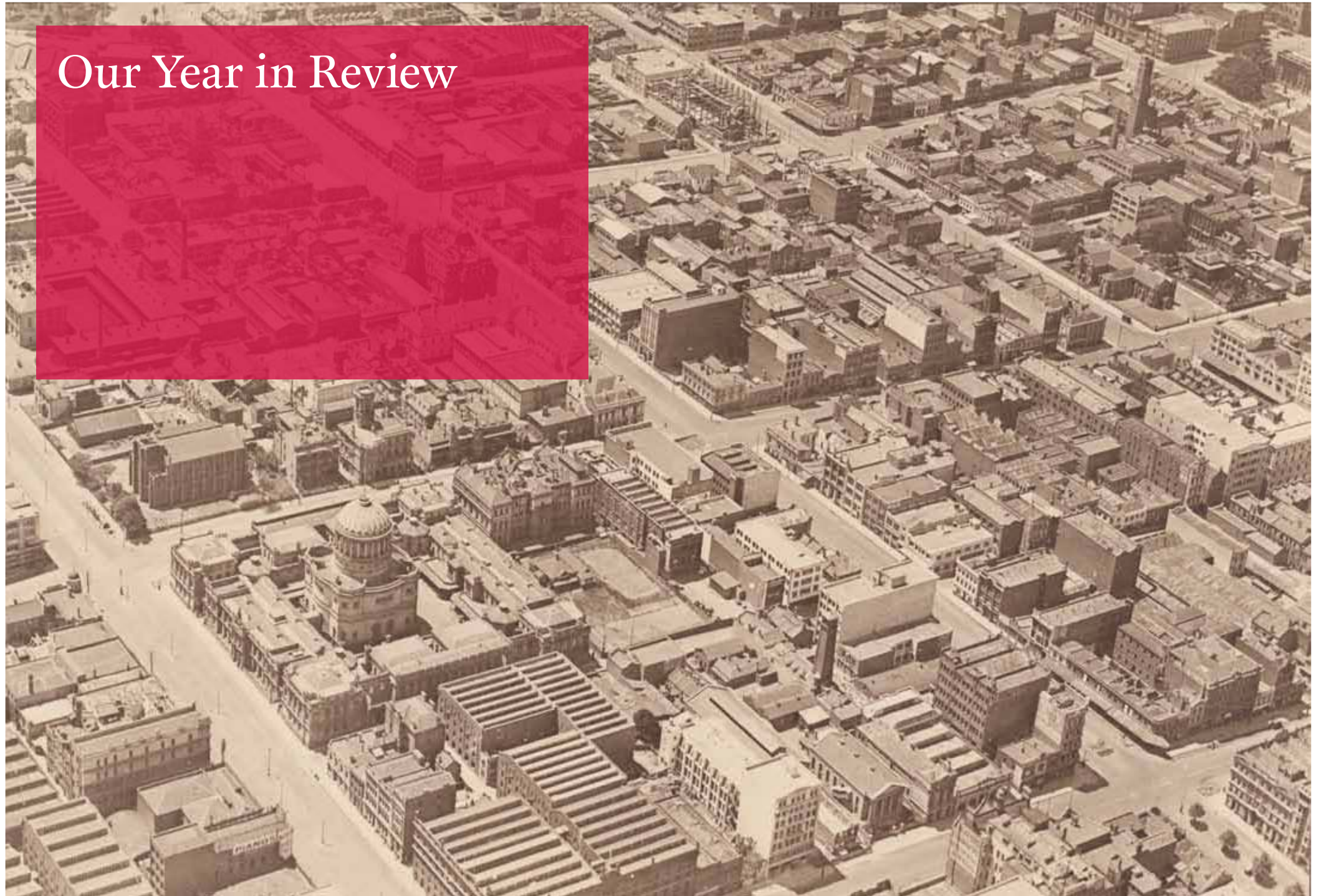
The Honourable Associate Justice Melissa Lee Daly: 3 October 2006 – present

The Honourable Associate Justice Simon Peter Gardiner: 6 November 2008 – present

\* Date appointed to the Trial Division



# Our Year in Review





# The Court of Appeal

## JUDICIAL RETIREMENTS AND APPOINTMENTS

The Honourable Justice Weinberg commenced in July 2008 and the Honourable Justice Kellam retired in June 2009.

## STAFFING AND FUNCTIONING OF THE REGISTRY

Associate Justice Lansdowne continued to act as Registrar of the Court of Appeal in 2008-09. With a team of 12 staff, the Court of Appeal Registry (COA Registry) is responsible for providing administrative services to the judiciary, legal profession, court users and the public. As a large component of the Registrar's role is administrative, the Court resolved in November 2008 that the positions of Registrar of the Court of Appeal and Registrar of Criminal Appeals be filled by judicial registrars appointed by statute, and is working with government to achieve this aim.

The principal focus of the Registry in 2008-09 has been on improvements to administration, data collection and reporting, and the management of criminal appeals. To advance these aims, Adam Cockayne was appointed Deputy Registrar (Legal) from 15 July 2008. He is a senior legal officer who assists the Acting Registrar in the management of criminal appeals and circuits. Marketa Silhar was appointed Deputy Registrar (Administration) from 1 September 2008. She is responsible for supporting the Acting Registrar in the overall administrative management of the COA Registry.

## IMPROVED MANAGEMENT OF CRIMINAL APPEALS

During the year a number of initiatives were undertaken to improve the management of criminal appeals. These include:

- appropriate appeals against sentence being heard by a bench of two, rather than three judges;
- the implementation of new procedures for hearing applications for leave to appeal against sentence;
- the introduction of more stringent monitoring of compliance with procedural timetables;
- better management of self-represented litigants through case conferences, directions hearings and referrals to the Self-represented Litigants Co-ordinator;
- development of a list of matters ready for hearing, which can be listed at short notice to fill vacancies in the roster;
- an extensive audit and redrafting of all letters and forms to streamline the administrative processes.

## CRIMINAL PROCEDURE ACT 2009

The *Criminal Procedure Act 2009* makes fundamental changes to procedures in the Court of Appeal, with the introduction of interlocutory appeals. This will involve substantial redrafting of the rules, forms and relevant practice statements. The Court has commenced its review in anticipation of these changes. The Act is due to commence on 1 January 2010.

## INTEGRATED CASE MANAGEMENT SYSTEM (ICMS)

Significant work has been undertaken by the COA Registry in preparation for the roll-out of ICMS in the second half of 2009. This involved data cleansing, review of administrative procedures, testing of the system and appointing Registry staff as 'local user experts' to provide assistance to their colleagues.

## CIRCUITS

The Court of Appeal undertook two circuits in 2008-09, at which both criminal and civil appeals were listed. The first was in Shepparton in October 2008, the second in Mildura in May 2009. Circuits provide a valuable opportunity for regional communities to see the Court of Appeal at work, and for contact between the Court and regional practitioners.



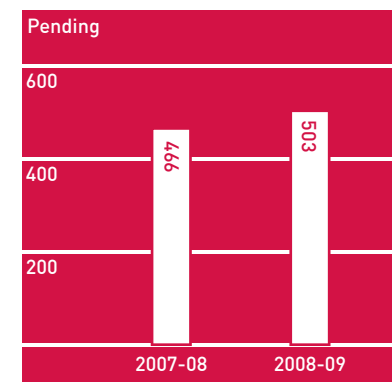
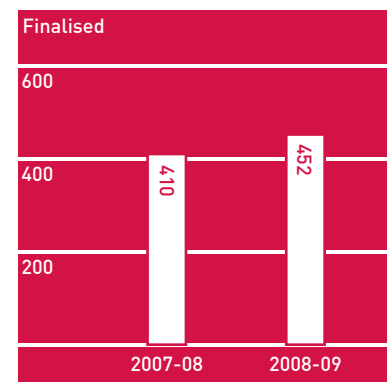
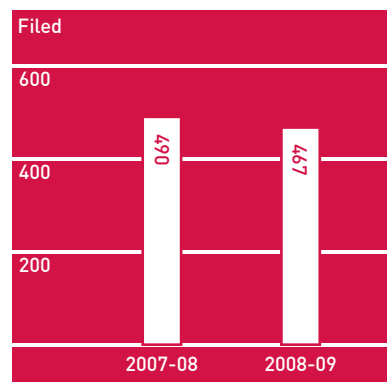
# The Court of Appeal continued

## CRIMINAL APPEAL CASELOAD

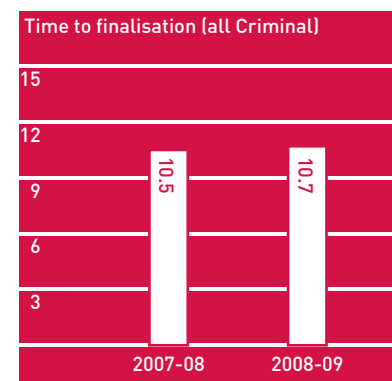
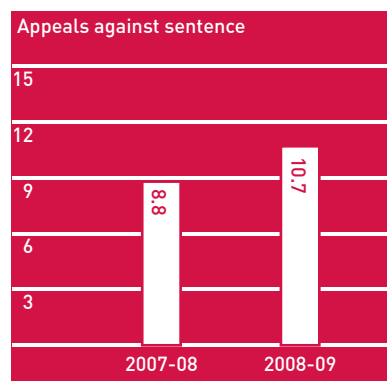
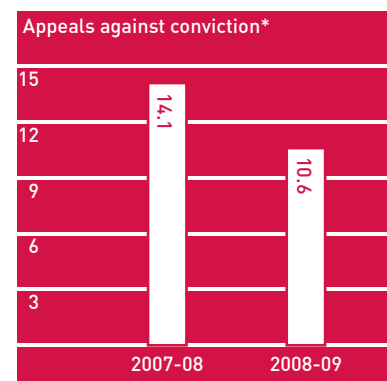
The number of criminal appeal finalisations in 2008-09 increased by 10% compared to 2007-08. The number of initiations fell by 5%.

The median time taken to finalise sentence appeals rose by approximately two months (from 8.8 months to 10.7 months). Importantly, the median time taken to finalise conviction appeals decreased by 3.5 months (from 14.1 months to 10.6 months). Overall, the time taken to finalise criminal matters has remained virtually constant.

### CRIMINAL APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS



### MEDIAN TIME FROM INITIATION TO FINALISATION IN MONTHS



\*Includes combined conviction and sentence appeals because they are treated as one appeal





# The Court of Appeal continued

## CIVIL APPEAL CASELOAD

The civil caseload, both in initiations and finalisations, was mostly in line with that of 2007-08. The time taken to finalise matters was reduced slightly.

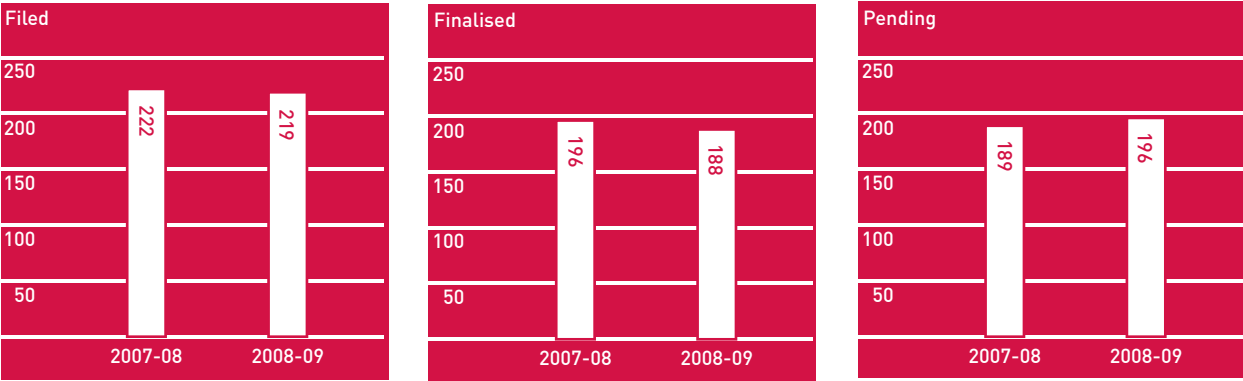
## CASELOAD OVERALL

The number of appeal finalisations increased by 6% overall as compared to 2007-08. The Court maintained its civil caseload whilst finalising more criminal matters.

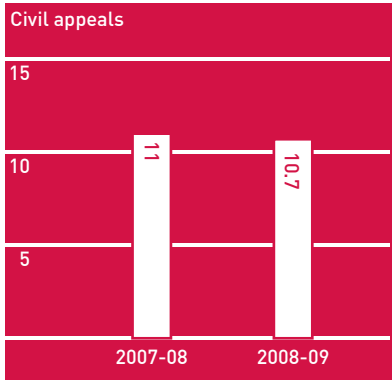
## LOOKING AHEAD

The Court of Appeal continues to prepare for the implementation of the *Criminal Procedure Act 2009*, in particular by liaising with the Rules Committee on the draft Rules and will continue review of the rules governing civil appeals and applications.

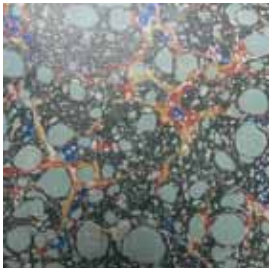
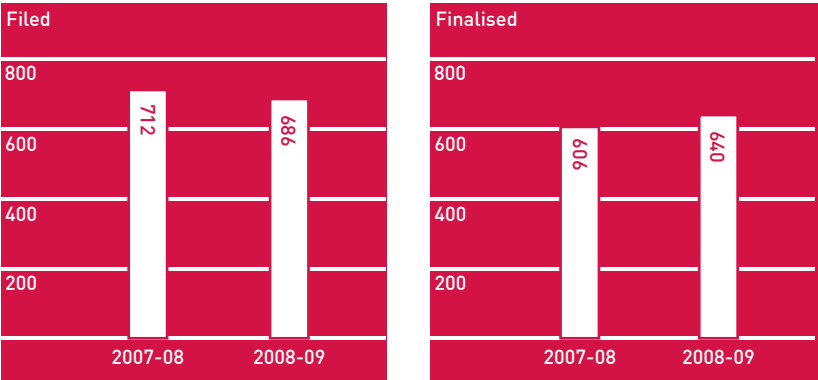
### CIVIL APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS



### MEDIAN TIME FROM INITIATION TO FINALISATION IN MONTHS



### TOTAL APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS FOR CIVIL AND CRIMINAL



OUR YEAR IN REVIEW

# The Trial Division

## COMMERCIAL & EQUITY DIVISION

- Admiralty List
- Building Cases List / TEC List
- Commercial Court
- Intellectual Property List
- Victorian Taxation Appeals List

## COMMON LAW DIVISION

- Judicial Review and Appeals List
- Personal Injuries List
- Valuation Compensation and Planning List
- Major Torts List

## CRIMINAL DIVISION



# The Trial Division

## COMMERCIAL AND EQUITY DIVISION

### Principal Judge of the Division:

*Justice Byrne*

The following Judges and Associate Judges served in the Commercial and Equity Division during the year:

- *Justice Byrne*
- *Justice Harper AM*
- *Justice Hansen*
- *Justice Mandie*
- *Justice Habersberger*
- *Justice Whelan*
- *Justice Hollingworth*
- *Justice Hargrave*
- *Justice Pagone*
- *Justice Robson*
- *Justice Judd*
- *Justice Vickery*
- *Justice Davies (from 6 April 2009)*
- *Associate Justice Mabony*
- *Associate Justice Evans*
- *Associate Justice Kings*
- *Associate Justice Eftim*
- *Associate Justice Wood*
- *Associate Justice Daly*
- *Associate Justice Gardiner*

The division's resources received a boost during the year with the appointments of Justice Davies and Associate Justice Gardiner, a move which has been welcomed by the Judges and Associate Judges of the Court.

### ACTIVITIES OF THE DIVISION

The Judges and Associate Judges of the Commercial and Equity Division meet monthly. These are useful meetings where matters of interest and experiences are discussed and exchanged.

Two significant developments during the year have been the establishment of the Commercial Court as of 1 January 2009, and the conversion of the Building Cases List to the Technology, Engineering and Construction List (TEC list) on 19 June 2009.

Since it was first established as the Commercial Causes List in 1989, the Commercial List has enjoyed a formidable reputation throughout Australia; a fact which has been reflected by the establishment of similar lists in other jurisdictions. Its operation has been characterised by the intense management of cases by the Judges appointed to the list and the speedy hearing which has been offered to commercial litigants.

In recent years there has been an increased pressure upon the Court to provide a like service to other litigants in the Trial Division. Unfortunately, this has not been possible due to the fact that intense judicial case management requires considerable judicial time. The demands of the trial work of the division

generally have meant that it has been possible to provide this only for certain classes of cases for which specialist lists have been established, or for individual cases which, because of their size or history, have been considered appropriate for this attention.

The Judges, too, have indicated a preference for increased case management and that the Judge appointed to hear the case be the managing Judge. They have accepted, however, that this is not possible for all cases, given the available judicial resources. More recently, this pressure has been increased by representations from the profession who have been demanding management for all cases. This call has been taken up by the Civil Justice Review, and the Attorney-General reportedly supports this initiative as well as the increased use of alternative dispute resolution measures. A step in this direction has been achieved by the appointment of the Masters as Associate Judges, with a corresponding increase in their standing and jurisdiction. Government has also foreshadowed legislative implementation of many of the recommendations of the Civil Justice Review.

The response of the Court has been to enlarge the Commercial List to include commercial cases which would not qualify for entry into the list. The Court has also increased the number of Judges managing and trying commercial cases from two to four and constituting them as a Commercial Court within the Trial Division, another first in Australia. Corporations cases, too, have been

brought into the Commercial Court so that it is staffed by a total of five Judges. Add to this the incorporation into the Commercial Court of five Associate Judges and there are a relatively large number of judicial officers available to handle this important part of the work of the division. This will go a long way to providing a sufficient number to be able to achieve the objectives of case management with an efficient use of resources.

The establishment of the Commercial Court has in the first six months been a resounding success. This is demonstrated in the 'Commercial Court' section of this report which deals with its activities. A further and no less important aspect of the new Commercial Court is that it is staffed by specialist Judges and Associate Judges with considerable experience and expertise in commercial litigation. Already this has produced a readiness in the judicial officers to try out new and innovative procedures and a confidence that this will attract the support and co-operation of the profession. These procedures, in many respects anticipate, and even exceed, the recommendations of the Civil Justice Report.

The experience of the Commercial Court has demonstrated that the allocation of judicial resources from the existing pool of judges to the work of the Commercial Court has meant that greater judicial time is spent upon the detailed management of more cases. Judges have spent time in analysing applications, evidence and submissions in advance of hearings. That has often involved them working outside normal Court hours, at night and at weekends. A benefit for litigants and

for the public has been a considerable shortening of the in-Court hearing time required for those cases and a reduction in the frequency of attendances required of the parties in Court for evidence and debate. Those benefits, however, come at the cost of adding substantially to the time and work burdens on those judges. They come also at the cost that these judicial resources are to that extent less available for cases which are not being managed in this way. The same level of judicial attention cannot be given to all cases within the division without considerably more resources being available. Not all cases, of course, may require, or benefit from, judicial management. Many cases may well be left to management by the application of the Rules of Court through experienced practitioners conscious of their respective client's needs with an overriding ability to apply to the Court for directions or relief when necessary. The work of the Commercial Court has shown the value of greater judicial management in a significant number of cases, and greater judicial resources would enable the Court itself to strike a better balance between those cases to be managed by judges and those appropriately left for management by practitioners through application of the Rules.

The second major initiative has been the enlargement of the Building Cases List into the TEC List in June 2009. The Building Cases List has been another success story of the Court. It had the distinction, upon its establishment in 1972, of being the first specialist managed list in Australia.

# The Trial Division continued

## COMMERCIAL AND EQUITY DIVISION CONTINUED

Building and construction cases have long been a problem for the civil justice system. There are many reasons for this, including the very large number of documents and issues which need to be dealt with. The Court has set its face against the solution of shifting them out to arbitrators and special referees for decision, preferring to manage and hear them in a specialist list.

The change is more than a change in name and an extension of the list to technology cases other than building cases. It is certainly that; but it has also involved a radical change in the approach of the Court to the management and trial of these difficult cases. This change has been built upon Practice Note No. 1 of 2008, entitled Building Cases - A New Approach which was referred to in the 2007-08 Annual Report. This is more fully discussed in the Building Cases List / TEC List section of this report.

### COMMERCIAL AND EQUITY DIVISION STATISTICS

	2007-08	2008-09	Difference	Variation
In list 1 July	3,785	3,631	-154	-4%
Initiations	5,117	5,883	766	15%
Finalisations	4,982	5,054	72	1%
In list 30 June	3,631	4,460	829	23%

### PERFORMANCE OF THE DIVISION

The following analysis is based on the judgments produced to the Supreme Court Library. These judgments include interlocutory judgments; they do not provide an indication of cases which were resolved prior to judgment nor do they include many *ex tempore* judgments which are not sent to the library. Subject to these very substantial qualifications, the record gives an idea of the work of the Judges in the Court.

The total number of judgments delivered by the Commercial and Equity Division trial Judges was 202 compared with 124 in 2006-07 and 190 in 2007-08. This figure of 202 judgments represents only 4% of the 5,054 disposals during the year under report. This highlights a very important matter when considering procedural reform; specifically, 95% of cases commenced in the Court are resolved before judgment.

This has two consequences. First, that procedural reforms should be directed to achieving resolution of these disputes as early as possible so that the costs to the parties are minimised. Second, that the focus of reforming Judges upon the streamlining of the trial, important as it may be, is not likely to benefit most litigants.

As per last year, the length of judgments tended to be shorter.

A matter of ongoing concern to litigants is that there be as little as possible delay in the delivery of judgments. Of the judgments under consideration, the interval in calendar days between the last hearing date on the cover sheets of the judgments and the date of delivery of judgments in the current year has been consistent with 2007-08, except for a slight increase in those delivered between 13 weeks and nine months.

### INTERVAL

	2007-08	2008-09	Difference	Variation
Same day	47	43	-4	-9%
1 day - 4 weeks	73	77	4	5%
4 weeks - 8 weeks	28	29	1	4%
8 weeks - 13 weeks	22	20	-2	-9%
13 weeks - 6 months	16	24	8	50%
6 months - 9 months	3	8	5	167%
9 months - 12 months	1	1	0	0%
> 12 months	0	0	0	-
Total	190	202	12	6%

The percentage of judgments delivered within 13 weeks of the conclusion of the hearing was 83.6%, a reduction from 89.4% in 2007-08 and 85.4% in 2006-07.



# The Trial Division continued

## COMMERCIAL AND EQUITY DIVISION CONTINUED

### SPECIALIST LISTS

There are now five specialist lists within the Commercial and Equity Division, each of which is assigned to a Judge in Charge of the list. The Commercial Court now includes corporations cases but, because there are differences between these cases and other commercial cases in the Commercial Court, its statistics will be reported upon separately in this Annual Report. With the exception of non-corporations cases in the Commercial Court and Building cases, the Judge in Charge of a list will normally hear the case as well as manage each of the cases in the list through its interlocutory stages.

### Admiralty List

#### Judge in Charge:

*Justice Byrne*

The number of cases in the Admiralty List is not great. The list deals with cases brought under the *Admiralty Act 1998 (Cth)* or which otherwise concern maritime commercial activities.

Of the two finalised cases, one was discontinued before trial and the other was struck out for non-compliance with a self-executing order.

#### ADMIRALTY STATISTICS

	2007-08	2008-09	Difference	Variance
In the list 1 July	4	7	3	75%
Initiations	5	2	-3	-60%
Finalisations	2	2	0	0%
In the list 30 June	7	7	0	0%

### Building Cases List/TEC List

#### Judge in Charge:

*Justice Vickery*

The Building Cases List comprises cases involving building or engineering works of any description. This encompasses:

- the design or carrying out of building works;
- the supervision or inspection of construction; and
- the performance by an architect, designer, engineer, quantity surveyor or other expert of work relating to building works.

Prior to 19 June 2009 cases in the list were managed and tried in accordance with Chapter II Order 3 and Practice Note No. 1 of 2008, *Building cases – A New Approach*.

Cases within the list are managed by the Judge in Charge principally by directions given on directions days which occur approximately once per month. The Judge in Charge does not generally try the cases; they are allocated to other Judges in the Commercial and Equity Division for trial.

#### BUILDING CASES STATISTICS / TEC LIST

	2007-8	2008-9	Difference	Variance
In the list 1 July	45	29	-16	-36%
Initiations	6	9	3	50%
Finalisations	22	14	-8	-36%
In the list 30 June	29	24	-5	-17%

With the establishment of the TEC List on 19 June 2009, existing cases in the Building Cases List were transferred to the new list. In addition, the class of cases eligible for entry in that list has been substantially enlarged to include cases which involve other technology work. Matters to be admitted to the TEC List will include cases falling within the former definition of a ‘Building Case’ as it applied to the Building Cases List. These include cases where it is alleged, for example, that a telecommunications or computer system, electrical or mechanical component or other technical device has failed, underperformed, or malfunctioned, and which involves an assessment of expert evidence of a technical nature. TEC matters may therefore extend beyond the traditional building or engineering construction case to include, for example, breaches of warranties of performance of a technical component in a sale or supply contract.

The objective of the TEC List is to provide for the just and efficient determination of TEC cases, by the early identification of the substantial questions in controversy, and the flexible adoption of appropriate and timely procedures for the future conduct of the proceeding which are best suited to the particular case. With the objective firmly in mind, a case conducted in the list will be managed with the co-operation of the parties to ensure its timely and economic disposition.

In order to give teeth to the objective of the list, a number of innovations are included in the practice of the new list. The trial Judge will have access to a range of procedures designed to promote a cost-effective mechanism which is tailor-made for the management of the individual dispute.

The practice of the TEC List is set out in the TEC Practice Handbook. A flow chart of the typical case in the TEC List is set out on the second page. Flexibility in adapting procedures to suit the individual case at hand will be a keynote feature of a TEC case. ‘Let the Forum Fit the Fuss’ will be the theme in drawing from the ‘smorgasbord’ of available procedures, and where appropriate adapting them to the case at hand.

Other procedures contemplated in the handbook include the conduct of a resources conference at an early stage in the proceeding presided over by an Associate Judge. An object of the conference is to establish for the case a budget for the resources of the parties and the court, including financial resources. The presiding judicial officer will also seek to identify the issues for determination and explore the possibility of alternative dispute resolution.

Another novel procedure provided for in the handbook is the appointment of assessors to assist the trial Judge understanding the complex technical issues which the cases in the list are expected to throw up. The experience of the Court in implementing these procedures and others presently under consideration will be reported upon in the next Annual Report.



# The Trial Division continued

## COMMERCIAL AND EQUITY DIVISION CONTINUED

### COMMERCIAL COURT

*Judge in Charge: Justice Pagone*

#### Corporations Cases

*Judge in Charge: Justice Robson*

The Commercial Court was established from 1 January 2009 as the successor, and incorporating the work of, the Commercial List and the Corporations List. The judicial officers appointed as first members of the Court were Justices Byrne, Hargrave, Pagone, Robson and Judd, and Associate Justices Kings, Efthim, Daly and Gardiner. The Commercial Court has five lists each managed by a specialist team of one Judge and one or two Associate Judges.

Any commercial proceeding or corporations case may be entered into the Commercial Court, unless it is a case that is more suitable to be entered into another specialist list. Cases in the Commercial Court are managed by a Judge from commencement of the proceeding and will usually be heard at trial by that Judge. Judicial management of cases by the Judge expected to hear them at trial ensures that cases are managed to suit their ultimate disposition and thereby removes unnecessary costs, saves time and promotes efficiency in decision making. The availability of an allocated Judge, and an allocated Associate Judge, also facilitates interlocutory decision-making by providing clearly identified points of access for the management of cases and resolution of interlocutory disputes.

On 1 January 2009 there were 98 pending cases that were transferred over from the old Commercial List. By the end of March there were 118 pending cases in the non-corporations Commercial Court and by 30 June, there were 152 cases pending. In the six months to 30 June 2009, 94 new non-corporations cases had been initiated and 40 finalised. Overall, including cases in the Commercial and Corporations Lists before 1 January 2009, initiations of Commercial and Corporations cases increased from the previous year by 15% from 1,186 to 1,368 cases, and finalisations by 9% from 1,136 to 1,240. The number of cases finalised within three months of initiation increased from the previous year by 60% from 680 to 1,090.

### Commercial Court statistics (non-corporations)

These statistics represent those with respect to cases formerly in the Commercial List and those in the Commercial Court other than corporations cases.

	2007-08	2008-09	Difference	Variation
In list 1 July	119	102	-17	-14%
Initiations	74	136	62	84%
Finalisations	91	86	-5	-5%
In list 30 June	102	152	50	49%

The majority of cases in the Commercial Court continued to be corporations cases. From 1 January 2009 they were allocated primarily to List E of the Commercial Court. The statistics for these are reported upon below.

The Commercial Court has introduced significant procedural changes and a thorough review of case management from initiation to conclusion. A users group has been established comprising frequent commercial litigation lawyers. It meets regularly with the judicial officers of the Commercial Court to explore and evaluate changes in case management to reduce the time and costs of litigation. Eight notices to practitioners were issued between January and June 2009 to explain to the profession and to the public these practice changes and developments.

The urgent interim hearings of commercial disputes has also been facilitated by the Registrar of the Commercial Court also being responsible for the business of the Practice Court. This has also had significant structural advantages in providing a single point of entry to the Commercial Court and in controlling the flow of cases and directing them to the appropriate Judicial Officer.

### CORPORATIONS CASES STATISTICS

	2007-08	2008-09	Difference	Variation
In list 1 July	233	282	49	21%
Initiations	983	1,228	245	25%
Finalisations	934	1,153	219	23%
In list 30 June	282	357	75	27%



# The Trial Division continued

## COMMERCIAL AND EQUITY DIVISION CONTINUED

### INTELLECTUAL PROPERTY LIST

**Judge in Charge:**

*Justice Harper*

As the Federal Court enjoys a statutory monopoly on patent litigation, there are few cases in the Intellectual Property List. During the year, three were finalised and none was entered in the list. The remaining case is fixed for hearing in November 2009.

	2007-08	2008-09	Difference	Variation
In list 1 July	6	4	-2	-33%
Initiations	0	0	0	-
Finalisations	2	3	1	50%
In list 30 June	4	4	0	0%

### VICTORIAN TAXATION APPEALS LIST

**Judge in Charge:**

*Justice Mandie*

The Victorian Taxation Appeals List is governed by Chapter II Order 7 of the Rules of the Supreme Court and also by Practice Note No. 3 of 2007 (issued 8 February 2007).

Taxation appeals relate to the taxes administered and collected by the Commissioner of State Revenue of the State of Victoria and include land tax, payroll tax and duties payable on certain transactions.

As at 1 July 2008, there were six matters pending in the Victorian Taxation Appeals List (a number of these matters involved several proceedings that were heard together). During the year, an additional six matters were commenced. One matter was discontinued by way of a notice of discontinuance, four matters were disposed of by judgment given after trial, and judgment was reserved in three matters. Of the four judgments handed down, three were appealed to the Court of Appeal. One appeal was dismissed and the remaining two appeals are yet to be heard. As at 30 June 2009, there were four matters pending in the list.

In addition to the matters in the list, two matters are being managed by the Judge in Charge because they involve the Commissioner of State Revenue but do not strictly fall within the criteria for entry in the list.

	2007-08	2008-09	Difference	Variation
In list 1 July	4	6	2	50%
Initiations	10	6	-4	-40%
Finalisations	4	8	4	100%
In list 30 June	10	4	-6	-60%



# The Trial Division continued

## COMMON LAW DIVISION

### Principal Judge of the Division:

*Justice Smith (to 19 April 2009)*

*Justice Osborn (from 20 April 2009)*

The following Judges and Associate Judges served in the Common Law Division during the year:

- *Justice Smith*
- *Justice Osborn*
- *Justice Bongiorno*
- *Justice Williams*
- *Justice Kaye*
- *Justice Bell*
- *Justice Cavanough*
- *Justice Forrest*
- *Justice Kyrrou*
- *Justice Beach*
- *Associate Justice Kings*
- *Associate Justice Lansdowne*
- *Associate Justice Daly*

The Common Law Division deals with tort claims (including personal injury, nuisance and defamation cases), public law proceedings, appeals on questions of law from tribunals and other courts and a variety of other matters.

Such claims may involve individual litigants or substantial class actions such as *Wheelahan & Ors v City of Casey & Ors*, a claim arising out of the alleged widespread escape of landfill gas from a municipal tip at Cranbourne.

They include significant supervisory proceedings in respect of the jurisdictions of VCAT and the Magistrates' Courts, in which the majority of Victorian citizens come into contact with the law and dispute resolution processes.

The division has flourished over recent years under the leadership of Justice Smith who retired on 20 April 2009 as its principal Judge.

## MAJOR INNOVATIONS

Two major innovations were implemented during the 2008-09 year. The division established two additional managed lists relating first to personal injury proceedings and secondly to judicial review and appeals proceedings.

Both lists were established after consultation with the profession and have been welcomed with considerable support.

## VOLUME OF WORK

In 2008-09 the volume of work in the Common Law Division has remained relatively steady. The division's work has been undertaken with the significant support of Associate Justices Kings, Daly and Lansdowne. It has also been supported by judges of other divisions. Significant contributions were made by Justices Cummins, Byrne, Harper and Hargrave.

### NUMBER OF CASES ISSUED

	2007-08	2008-09	Difference	Variation
In list 1 July	1,487	1,817	330	22%
Initiations	1,468	1,482	14	1%
Finalisations	1,540	1,450	-90	-6%
In list 30 June	1,817	1,728	-89	-5%

## JUDICIAL REVIEW AND APPEALS LIST

### Judges in Charge:

*Justices Cavanough and Kyrrou*

### Associate Judges in Charge:

*Associate Justices Lansdowne and Daly*

	2008-09
Commenced	108
Finalised	17
Pending as at 30 June	91

The Court established the Judicial Review and Appeals List with effect from 1 January 2009, as part of the Court's general commitment to managing proceedings as efficiently and effectively as possible. The Chief Justice issued Practice Note No. 4 of 2008 on 2 December 2008.

The practice note contains a number of measures to avoid delays and fragmentation in the management of judicial review and appeals cases, including mechanisms designed to ensure a greater and earlier degree of judicial management of proceedings than had previously been the case.





# The Trial Division continued

## COMMON LAW DIVISION CONTINUED

All proceedings that are appropriate for inclusion in the list and which were commenced in the Trial Division on or after 1 January 2009 are included in the list. Those proceedings include:

- judicial review applications made pursuant to the *Administrative Law Act 1978* or Order 56 of the *Supreme Court (General Civil Procedure) Rules 2005*;
- appeals from a final order of the Magistrates' Court on a question of law pursuant to s.92 or 109 of the *Magistrates' Court Act 1989*;
- appeals from an order of VCAT on a question of law pursuant to s. 148 of the *Victorian Civil and Administrative Tribunal Act 1998*; and
- references of questions of law under s. 33 of the *Charter of Human Rights and Responsibilities Act 2006*;
- applications for leave to appeal to the Court in such proceedings where required.

List matters are managed in the first instance by the Associate Judges in Charge, who are responsible for:

- the hearing and determination of applications for leave, applications for orders for review, applications for summary dismissal and stays, and settling questions of law and grounds of appeal; and
- fixing timetables and otherwise controlling the progress of the proceeding to ensure that the matter proceeds quickly and efficiently.

Associate Justice Kings lists all matters for hearing after consulting the Associate Judges in Charge and the Judges in Charge, quite often on the same day as the first return date. Depending upon the circumstances of the parties and the availability of counsel, the objective is to list the majority of matters for hearing within three to four months of the first return date.

Between 1 January 2009 and 30 June 2009, some 108 matters were entered in the list. Included, with the consent of the parties, were a number of matters commenced in the Trial Division before the starting date of 1 January 2009. The largest proportion of cases have been appeals from decisions of the Magistrates' Court, which make up approximately 35% of the total proceedings in the list; appeals from decisions of tribunals (predominantly VCAT), which make up approximately 30% of the total number; and judicial review proceedings, which make up approximately 25% of the total.

The majority of the appeals from decisions of the Magistrates' Court are in civil rather than criminal proceedings. Similarly, the majority of judicial review proceedings are concerned with an underlying decision or dispute which is civil rather than criminal in nature

## PERSONAL INJURIES LIST

### Judges in Charge:

*Justices Williams, Kaye, Forrest and Beach*

### Associate Judge in Charge:

*Associate Justice Kings*

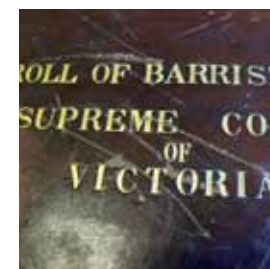
	2008-09
Commenced	221
Finalised	22
Pending as at 30 June	199

The Personal Injuries List was introduced by Practice Note No. 5 of 2008 with the aim of managing proceedings that fall within the list in an expeditious and efficient manner.

Trial dates are allocated at the first directions hearing. Experience shows that the provision of trial dates at the first directions hearing encourages early settlement.

The types of proceedings in the list are limited to proceedings commenced on or after 1 January 2009, issued out of the Melbourne Registry, and include the following:

- personal injury claims in which a serious injury certificate has been granted under the *Transport Accident Act 1986* (TAA) by the Transport Accident Commission (TAC);
- personal injury claims in which a serious injury certificate has been granted under the *Accident Compensation Act 1985* (ACA) by the Victorian WorkCover Authority (VWA);
- personal injury claims in which a court has given leave to commence proceedings under the TAA or the ACA;
- proceedings brought by the TAC under s. 104 of the TAA;
- proceedings brought by VWA under s. 138 of the ACA; and
- proceedings in which plaintiffs allege that they are suffering from a terminal disease.



# The Trial Division continued

## COMMON LAW DIVISION CONTINUED

Distinction is made between urgent and non-urgent proceedings. Urgent proceedings are ones where the plaintiff alleges a terminal illness.

In urgent proceedings first directions are initiated by the filing of a summons. In non-urgent proceedings first directions are listed by the Court once a defence is filed. In all proceedings parties are encouraged to agree to minutes of orders “on the papers”.

In 2008-09 221 proceedings were commenced in the List.

At 30 June 2009 approximately 199 files were active in the Personal Injuries List. Forty five had been allocated a trial date. Of the 45 trial dates allocated, 20 were in 2009 and 20 were in February and March 2010.

### VALUATION COMPENSATION AND PLANNING LIST

#### Judges in Charge:

*Justice Osborn (to 20 April 2009)*  
*Justice Cavanough (from 21 April 2009)*

	2007-08	2008-09	Difference	Variation
In list 1 July	17	33	16	94%
Initiations	24	28	4	17%
Finalisations	9	21	12	133%
In list 30 June	33	33	0	0%

Compared with the previous year, initiations rose from 24 to 28 and finalisations rose from 9 to 21. As in the previous year, time needed to be devoted to various substantial cases relating to the compulsory acquisition of land for the purposes of the Craigieburn by pass and other road-widening works in its vicinity.

Other cases in which issues of public interest were decided included *Western Water v Rozen* [2008] VSC 382, concerning the precautionary principle in the context of cumulative risks to the environment, and *Michelotti v Roads Corporation* [2009] VSC 195, concerning the avenues available for obtaining an extension of time to claim compensation for a compulsory acquisition.

### MAJOR TORTS LIST

#### Judge in Charge:

*Justice Kaye*

#### Associate Judge in Charge:

*Associate Justice Evans*

	2007-08	2008-09	Difference	Variation
In list 1 July	172	137	-35	-20%
Initiations	58	44	-14	-24%
Finalisations	50	47	-3	-6%
In list 30 June	137	125	-12	-9%

The Major Torts List deals with a large variety of proceedings. The main personal injury cases in the list are medical negligence actions. The list also has a number of cases brought by plaintiffs claiming damages for sexual or other abuse suffered by them when they were young children.

The list is used both by metropolitan and country solicitors. In particular, it has a significant, regular caseload in Mildura.

In the 2008-09 year, 44 proceedings were commenced in the List, 47 were finalised, and as at 30 June 2009, 125 were pending.

### CIRCUIT SITTINGS

#### Judge in Charge:

*Justice Forrest*

The volume of business on circuit has increased considerably during the year and this trend is expected to continue.

The Trial Division sat at Mildura, Warrnambool (on two occasions), Wodonga, Wangaratta and Bendigo. Whilst there were a number of settlements in the course of the sittings, a significant volume of cases proceeded to judgment or jury verdict.

The amount of business at each of the circuits was considerable, and there is little doubt that practitioners in regional Victoria are issuing appropriate claims in this court in an increasing number.

The nature of the cases dealt with on circuit varied, including personal injury litigation arising out of industrial accidents, transport accidents, medical misadventure, accidents at schools and assaults. On a different note, claims involving stock mortgages and assault on the high seas also featured in cases dealt with by circuit Judges. The Court has, where necessary, scheduled special sittings at regional towns for cases of length or complexity that would be likely to occupy the whole of the scheduled sittings.





Judges on circuit have regularly met with members of the profession in regional towns and there is overwhelming enthusiasm and support for the work done by the Court.

The support provided by the staff at the Regional Courts has, without fail, been exemplary and much appreciated by Judges, associates and tipstaves.

Provided resources permit, it is hoped that the Court can maintain the level of service it provides to regional Victoria, and indeed, increase the number of circuits in regional centres where there is a significant amount of business.

	2007-08	2008-09	Difference	Variance
Ballarat	11	13	2	18%
Bendigo	17	18	1	6%
Geelong	2	5	3	150%
Horsham	0	3	3	-
Mildura	7	34	27	386%
Morwell	0	3	3	-
Sale	4	1	-3	-75%
Shepparton	3	6	3	100%
Wangaratta	36	35	-1	-3%
Warrnambool	20	40	20	100%
Wodonga	12	24	12	100%
Grand Total	112	182	70	63%

It is worth reciting the following exchange at the sittings at Wangaratta during the year.

Counsel:  
*"I was asked by the firm ... to pass on their gratitude to Your Honour for Your Honour coming here for the special sittings, ...the case .... has been troubling a lot of people for a long time and to have it resolved was an excellent result for all concerned".*

Justice Kaye:  
*"I otherwise remark that this is the Supreme Court of Victoria, it is not the Supreme Court of Melbourne. It is important that we do country work and be seen to be doing it. The Chief Justice strongly supports that stance and the Court makes itself available to do circuit work throughout this wonderful State".*

### LOOKING FORWARD

The ongoing management of the new Judicial Review and Appeals List and Personal Injuries List will require the continuing commitment of judicial resources. The diversity of the division's work, which generally includes civil circuit work in regional Victoria, will also create challenges.

In addition, the division must continue to provide speedy resolution of urgent matters, including claims for asbestos related diseases. It must also continue to provide speedy review of appeals from jurisdictions which are themselves committed to providing speedy justice, such as the Magistrates' Court and VCAT.

These needs will continue to place significant pressure on the resources of the Court. It is important that the Court be able to meet the continuing demands for access to it on a timely and efficient basis.



# The Trial Division continued

## CRIMINAL DIVISION

### Principal Judge of the Division:

*Justice Cummins*

The following Judges served in the Criminal Division during the year:

- *Chief Justice Warren AC*
- *Justice Kellam AO*
- *Justice Cummins*
- *Justice Harper AM*
- *Justice Bongiorno*
- *Justice Osborn*
- *Justice Williams*
- *Justice Kaye*
- *Justice Whelan*
- *Justice Hollingworth*
- *Justice King*
- *Justice Curtain*
- *Justice Cogblan*
- *Justice Forrest*
- *Justice Lasry*

### OVERVIEW OF THE DIVISION

During the 2008-09 year the Court continued to hear and determine cases outside its exclusive jurisdiction, including the trial of terrorism related offences, complex drug trafficking matters, sexual offences and cases of culpable driving. There was a considerably greater number of these cases this year than there was in previous years. As the Court is the superior criminal trial court of the State, the importance of the operational rulings on matters of evidence and procedure made in such trials cannot be understated. This will take on a new significance with the commencement of the *Evidence Act 2008* and *Criminal Procedure Act 2009* in the next reporting year.

Section 5 Hearings have continued to play an important part in the overall judicial management of cases and could be considered the first step taken towards judge-controlled docketing; a practice of case allocation which gained momentum in this reporting period. Section 5 Hearings were introduced in January 2007 as an initiative to combat delays in the criminal justice system commonly attributed to increased trial length and increasing complexity of issues. These hearings are held within 14 days of a person being committed to trial in the Supreme Court and, amongst other things, encourage early identification of issues and whether or not the matter is able to be resolved without a trial.

Judges within the division have continued to hold portfolios in policy, law reform, practice operations and statistics, circuit sittings and communications.

### SIGNIFICANT TRIALS

The reporting year also saw the conclusion of a number of significant trials which were complex and lengthy, and required extensive judicial management. A few examples are provided below.

- *R v Benbrika & Ors*. This trial was heard before Justice Bongiorno and involved 13 persons charged with terrorism offences. It took about eight months and concluded in September 2008. In addition there were approximately eight months of intensive preliminary argument, and throughout the proceedings more than 35 published rulings were delivered.
- *R v Ho & Ors*. This was a trial heard before Justice Cummins where four persons were charged with offences relating to sex slavery. This trial was two months in length and required significant preliminary argument. There were 19 published rulings delivered.
- *R v Rich*. This was a murder trial heard before Justice Lasry and which required intensive case management prior to the empanelment of the jury in February 2009 and throughout the course of the trial until its conclusion in June 2009. There were 30 published rulings delivered throughout this proceeding.
- *R v Hargraves & Ors*. This was a complex trial heard before Justice King involving six persons charged with drug trafficking offences. The trial took more than two months.
- *R v Efandis*. This was a complex murder trial heard before Justice Kaye which took approximately six weeks.

### NUMERICAL STATE OF THE LIST

During this reporting period the division heard to completion 47 trials involving 65 persons and 57 plea hearings involving 89 persons. Overall, this equates to 104 matters involving 154 persons. This represents a slight increase in comparison to the last reporting period where 89 matters involving 111 persons were dealt with. Figures from the last reporting period constituted 56 trials involving 72 persons and 33 plea hearings involving 39 persons. A comparison of both reporting years' figures shows that there has been a significant increase in pleas in this reporting period.

There has also been a significant reduction in the number of matters in the Criminal List, which list includes cases that are both part-heard and pending. As at 1 June 2008 there were 82 cases in the Criminal List and at 1 June 2009 there were 64 cases pending.

The reduction in cases pending in the Criminal List and an increase in pleas could be attributed to the significant case management reforms that have been undertaken in the division over the last 30 months. However, reasons for delays in the criminal justice system require a complex analysis of many contributing factors. Whilst the figures to date have improved on previous years, trials will continue to get longer and complexities will continue to arise. Increases in resources to investigators at the front end of the criminal justice system will, in time, impact on the division.

If more serious crime is investigated to conclusion it follows that the division has a greater workload to carry.





# The Trial Division continued

## REGIONAL SITTINGS

During this reporting period the Judges of the division sat in Ballarat, Bendigo, Geelong, Mildura, Morwell, Wangaratta and Warrnambool.

The Judges recognise the importance of matters being heard in the regional courts of origin and for matters not to be transferred to Melbourne except in cases of necessity. The opportunity this avails to regional communities to better understand the criminal justice process cannot be overlooked. Judges often take the opportunity in regional cities to explain the workings of the Court to interested people.

## OTHER APPLICATIONS HEARD BY JUDGES OF THE CRIMINAL DIVISION

Judges of the division regularly hear applications pursuant to Practice Note No. 4 of 2007 which include applications under the *Surveillance Devices Act 1999*, *Major Crime (Investigative Powers) Act 2004* and *Witness Protection Act 1991*. During this reporting year 82 applications were made under the *Surveillance Devices Act 1999*. Applications made under the *Major Crime (Investigative Powers) Act 2004* and *Witness Protection Act 1991* totalled 53.

Judges of the division also take responsibility for hearing applications made under the *Bail Act 1977*. During this reporting period 85 such applications were heard.

Despite applications pursuant to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* being received by the Court in its Common Law Division, Judges of this division often undertake the hearing of these matters between hearing criminal trials. It is proposed that this practice be continued.

## FUTURE CHALLENGES

The next reporting period brings many challenges to the division. The *Evidence Act 2008* and *Criminal Procedure Act 2009* are due to commence in early 2010. Judges and Court support staff have been actively involved in various educational activities provided internally and through the Judicial College of Victoria (JCV) in preparation for the new legislation. A significant review of current practices and procedures has also been undertaken to prepare for the impact that this new legislation will have on the Court and its users.

The lack of criminal court rooms in the Supreme Court building continues to be a problem. Whilst this can be overcome to some extent by Judges of the division sitting in the County Court building, the situation is far from ideal. During this reporting period, Judges of the division sat regularly in the County Court building. Fifteen matters were heard there. Although the generous cooperation of the County Court judges and staff is gratefully acknowledged, it is disruptive and inefficient for Judges not to have access to their own chambers and the Supreme Court generally whilst sitting in the County Court building.

ICMS is also due to be implemented, in its first stages, in late 2009. It is hoped that ICMS, when fully functioning, will collect data to enable more detailed statistical analyses to be undertaken on criminal trial case work, thus sensibly enabling a better understanding of the increasing complexity of trials and the way the system copes with that complexity. To date, such data collection has been less than satisfactory. Its collection and analysis is vital if continuous improvements in practice and procedure are to be demonstrated as being effective.

The Court's relationship with the media was enhanced during the reporting period by the adoption by many Judges of a more open policy with respect to suppression orders, the making available of exhibits and transcripts, and the publication of judgments. The way in which press access to such material was enhanced in the *Benbrika* trial was the subject of a study undertaken by Ms. Prue Innes on behalf of a number of media organisations. Ms. Innes reported favourably on the co-operation which was achieved between media organisations and the Court, not only in respect of the release of material, but also in ensuring that other trials in this State and elsewhere were not disrupted by inappropriate publication of material which might have jeopardised those trials.

## TRIAL STATISTICS

	2007-08	2008-09		
	Cases	Persons	Cases	Persons
Trials (finalised)	56	72	47	65
Pleas (finalised)	33	39	57	89
Total	89	111	104	154

## CRIMINAL APPLICATION STATISTICS

	2007-08	2008-09
<i>Bail Act 1977</i>	93	85
<i>Surveillance Devices Act 1999</i>	100	82
<i>Confiscation Act 1997</i> and <i>Proceeds of Crime Act 2002 (Cth)</i>	99	89
Other criminal applications*	49	53
Total	341	309

\*These figures include—  
*Major Crime (Investigative Powers) Act 2004*,  
*Witness Protection Act 1991*  
*Sentencing Act 1991* (for compensation)

# Report of the Associate Judges

## OVERVIEW\*

On 17 December 2008 the *Courts Legislation Amendment (Associate Judges) Act 2008* came into effect. It replaced the office of Master of the Supreme Court with the office of Associate Judge. Each of the former Masters is now an Associate Justice of the Court. Associate Justice Mahony continues in the office of the Senior Master of the Supreme Court, that office having been retained because of its integral involvement with Funds in Court. Until the *Courts Legislation Amendment (Costs Court and Other Matters) Act 2008* comes into effect and replaces the office of Taxing Master with the office of Cost Judge, Associate Justice Wood continues to hold the office of Taxing Master. Associate Judges have the title of 'The Honourable Associate Justice...' and are addressed in court as 'Your Honour'.

Associate Judges are judicial officers who carry out judicial functions in the civil jurisdiction of the Court, pursuant to the Rules of the Supreme Court. Generally, Associate Judges hear and determine issues which arise before and after trial in civil cases such as disputes about pleadings, discovery and subpoenas, assessments of damages, costs and enforcement of judgments. Also, when a civil case commences at the Court, an Associate Judge's role is to set a timetable for the filing and exchange of documents and mediation between the parties in order to prepare the case for trial. An Associate Judge will then ensure that the parties are complying with the timetable and, if not, take appropriate action.

Seven Associate Judges sit in the Trial Division of the Court, dealing with both Commercial and Equity Division proceedings and Common Law Division proceedings. Most Associate Judges have designated responsibilities and/or areas of expertise.

Since changes to the Rules in 2009, Associate Judges have been able to conduct trials in civil matters in areas not only where they have jurisdiction by force of an Act or the Rules, but also upon referral from a Judge of the Court. In the latter cases, an appeal lies directly to the Court of Appeal.

Applications in the Commercial Court or in specialist lists, such as the Judicial Review and Appeals List or Personal Injuries List, are heard by the Associate Judges assigned to the Court and those Lists. All applications in civil proceedings which are not managed in specialist lists, or are required to be made to Associate Justice Kings or the Judge in the Practice Court, are returnable in Associate Judges' Court 2 before Associate Justices Evans, Lansdowne, Daly or Gardiner.

As Senior Master, Associate Justice Mahony has responsibility for the judicial work with respect to and the administration of Funds in Court, as well as sitting from time to time in Court 2 and Corporations matters.

Associate Justice Evans conducts hearings for directions in 'Testator's Family Maintenance proceedings' and hears all applications to an Associate Judge in proceedings brought in the Major Torts List.

Associate Justice Kings is responsible for all trial listings for civil proceedings apart from those in Judge-managed lists, as well as the hearing and determination of any applications in proceedings which have been listed for trial. Associate Justice Kings is the Associate Judge in Charge of the Personal Injuries List and is a member of the Commercial Court.

Associate Justices Efthim and Gardiner are members of the Commercial Court, and primarily deal with *Corporations Act* proceedings, including winding up applications, other corporations applications, and trials referred to them by the Judge in Charge of the Corporations List.

Associate Justice Wood is responsible for taxations of costs including costs orders in *inter partes* matters and applications by clients to assess their solicitors' bills.

Associate Justice Daly is a member of the Commercial Court, and is one of the Associate Judges in Charge of the Judicial Review and Appeals List. Associate Justice Daly also considers applications for mediations by Associate Judges, and is a member of the Court's Alternative Dispute Resolution Committee.

Associate Justice Lansdowne is the Acting Registrar of the Court of Appeal, and in that capacity is responsible for the management and listing of all civil and criminal appeals. Associate Justice Lansdowne is also one of the Associate Judges in charge of the Judicial Review and Appeals List.

\* Due to changes in reporting figures for 2008-09 Associate Judges' figures were calculated using a different methodology. Therefore 2007-08 figures are not provided as the two figures are not comparable.



# Report of the Associate Judges continued

## MEDIATIONS CONDUCTED BY ASSOCIATE JUDGES

Since 2005, Associate Judges have conducted mediations of a number of proceedings, either on their own motion, or upon referral from Judges, practitioners, and other Associate Judges.

Mediations are conducted by Associate Justices Kings, Efthim, Wood, Lansdowne, Daly and Gardiner, utilising the mediation facilities at 436 Lonsdale Street.

In 2008-09, 134 mediations were ordered to be conducted by Associate Judges. In these matters:

- 11 were not held or settled prior to mediation; and
- 27 were adjourned for further mediation.

Of the remainder, 58 proceedings (60%) were settled at or shortly after the mediation, thereby freeing up considerable judicial resources.

Proceedings referred to mediation by an Associate Judge often have one or more of the following features:

- they have previously had an unsuccessful mediation with a private mediator;
- the parties involved are not financially well off; or
- the proceeding has been listed for trial and there is a view that the costs and time involved in a trial of the proceeding are disproportionately high considering the subject matter of the dispute.

It is the practice for Associate Judges not to mediate matters where a litigant is self-represented. However, an arrangement has been made with the Victorian Bar Duty Barristers' Scheme to obtain pro-bono assistance for litigants for the purpose of mediation alone.

## TAXATIONS – ASSESSMENT OF COSTS

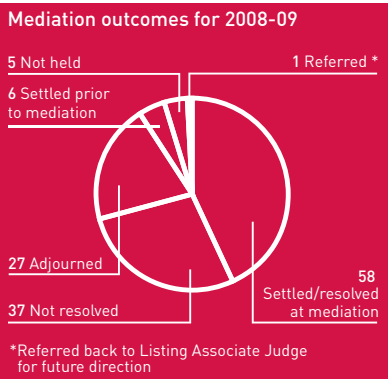
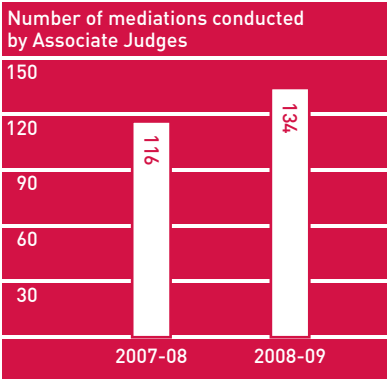
Orders made in assessment of cost matters for 2008-09: 1,091

The majority of taxations is undertaken by an Associate Judge who is the Taxing Master. During the reporting period this was Associate Justice Wood. The majority of the assessment of costs comprises the quantification of party and party costs pursuant to orders of the Supreme Court in proceedings before the Court.

A small proportion of taxations undertaken involved the assessment of costs in relation to disputes arising between clients and their legal representatives pursuant to the *Legal Practice Act 1996* and *Legal Profession Act 2004*.

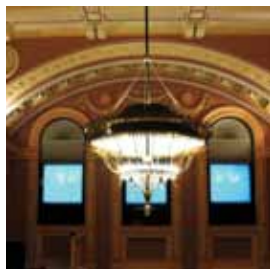
As a general rule, costs disputes involving sums greater than \$500,000 are suitable for mediation, and parties are encouraged to consider referral to mediation in these matters.

The proportion of taxations work represented by reviews of costs under the *Legal Profession Act 2004* has increased and this trend is expected to continue, particularly since the Family Court no longer deals with disputes between clients and their solicitors in relation to matters commenced after 1 July 2008





# Report of the Associate Judges continued



## CORPORATIONS MATTERS

Orders made in corporations matters (including winding up applications) for 2008-09: 1,991

The powers of the Associate Judges who hear Corporations List matters are detailed under Schedule 2, Chapter V of the Supreme Court Rules. These powers allow an Associate Judge to determine applications to set aside statutory demands, winding up applications, applications for reinstatement of registration, voidable transaction claims, public examinations and leave to proceed. Associate Judges also hear appeals from the decisions of liquidators, such as rejections of proofs of debt and applications involving the remuneration of administrators and liquidators.

In addition, the Judge in Charge of the Corporations List routinely refers matters that are in the jurisdiction of the Corporations Judge for hearing by Associate Judges. These applications include oppression cases, damages for breach of director's duties and statutory derivative actions as well as trials involving insolvent trading.

As the figures reveal, there has been a significant increase in all types of applications heard by Associate Judges under the *Corporations Act 2001 (Cth)*. In addition, the Associate Judges hearing corporations matters endeavour to provide their specialist insight when conducting mediations of matters involving disputes under the Corporations Act, especially oppression and voidable transaction matters.

## LISTING OF CASES AND CASE MANAGEMENT

Orders made in Civil Management List for 2008-09: 4,188

Orders made in Listings for 2008-09: 325

The majority of civil proceedings are not in Specialist Lists but within the Civil Management List. Any civil proceeding that is not in a Specialist List and which has been commenced by writ and has had a defence filed, is entered into the Civil Management List for case management by Associate Justices Kings, Efthim and Daly.

When a proceeding is ready for trial directions, it will be referred to Associate Justice Kings for a pre-trial directions hearing, where pending determination, a trial date may be fixed, a Judge allocated or further interlocutory directions undertaken.

Associate Justice Kings is responsible for the fixing of dates of civil matters for trial before Judges and the drawing up, maintenance and co-ordination of lists of such cases. Any pre-trial determinations to manage the future conduct of proceedings, including applications to vacate trial dates and speedy trial applications, are also heard by Associate Justice Kings.

## GENERAL APPLICATIONS TO ASSOCIATE JUDGES

Orders made in general applications for 2008-09: 4,558

General applications in civil proceedings are usually made returnable before and are determined by, an Associate Judge sitting each day in Associate Judges' Court No. 2.

General applications are interlocutory applications made within the judicial authority of an Associate Judge in proceedings not otherwise issued in any of the Court's specialist lists and not otherwise especially dealt with by Associate Judges designated for particular applications (e.g. taxation of costs, listing of cases, corporations matters).

These include matters such as service of process, pleadings disputes, summary of judgment applications, security for costs applications, discovery of facts and documents, and amendments to pleadings. Applications also extend to proceedings originating from other courts and tribunals, such as leave to appeal from VCAT or Magistrates' Court of Victoria, which since 1 January 2009 have been managed by Associate Justices Lansdowne and Daly in the Judicial Review and Appeals List.

## PART IV DIRECTIONS

Orders made in Part IV Directions for 2008-09: 774

The Associate Judges also hear Part IV Directions hearings. These are testator's family maintenance proceedings under the *Administration and Probate Act 1958*.

The case flow management was resulting in substantial unnecessary costs to litigants in the list. In recognition of this, during the reporting period the Court adopted the practice of adjourning the further hearing of the application for directions to a date to be fixed after initial directions are given.

Practitioners dissatisfied with non-compliance of directions by the other may, and do, re-list the proceeding promptly for further directions.

This has led to a substantial reduction in the orders made without affecting the progress of the litigation towards resolution and a substantial saving in costs, both for the litigants and the court.

# Alternative Dispute Resolution (ADR) at the Court

The Supreme Court endeavours to keep cases away from the courtroom by facilitating just, cost effective and expeditious mechanisms to resolve disputes. Mediation is one process by which the Court achieves these ideals.

Historically, the Supreme Court has used mediation as the primary ADR method. It has proven to be a particularly successful tool and has resulted in almost no civil case at the Court going to trial without at least one round of mediation.

Mediations ordered by the Court may be conducted by private mediators, but a number of cases are also mediated by Associate Judges, depending on the circumstances of the case (please refer to the Associate Judges' Report).

## HIGHER COURTS BASED ADR PROGRAM

The Victorian government has invested significant resources in improving and expanding the use of ADR throughout Victoria, including in the Supreme Court. As part of the Victorian Government's support for the use of ADR in the Courts and across Victoria more generally, the Government has invested \$17.8 million over four years. Of this, \$3.7 million has been allocated to the Supreme and County Courts over a two-year period, for the implementation of a pilot Higher Courts Based ADR Program.

The pilot program aims to expand the use of ADR in the Supreme and County Courts. Additional resources have been provided to the Court to assist in the development and implementation of the pilot. In particular, Justice Davies was appointed to the Supreme Court as an additional resource, to release members of the judiciary to consider the expansion of ADR services within the Court. An ADR Co-ordinator was also appointed to assist in the implementation of the pilot program.

As part of the pilot, the Court has not only considered improvement to processes such as mediation, but also to other ADR interventions such as early neutral evaluation, case management and the like.

## SUPREME COURT ADR COMMITTEE

As part of the Higher Courts Based Pilot Program, the ADR Committee within the Court has been reconstituted, following the retirement of Justice Kellam.

The ADR Committee is chaired by Justice Weinberg from the Court of Appeal. The Committee consists of Judges and Associate Judges including:

- Justice Hansen;
- Justice Osborn;
- Justice Pagone;
- Justice Forrest;
- Justice Judd;
- Justice Davies;
- Associate Justice Efthim;
- Associate Justice Wood;
- Associate Justice Daly; and
- The ADR Co-ordinator.

Committee members are from a cross-section of divisions of the Court.

## THE SOURDIN REPORT

On 1 April 2009, the Attorney-General of Victoria launched a report into mediation conducted in both the Supreme and County Courts. The report, prepared by Professor Tania Sourdin of the Australian Centre for Peace and Conflict Studies at the University of Queensland, assessed the use and effectiveness of mediation of disputes in both the Supreme and County Courts.\*

The report analysed the use of mediation in the Supreme and County Courts against five main criteria:

- Did mediation resolve or limit the issues in dispute?
- Was mediation accessible to the parties?
- Was mediation considered by the parties to be fair or just?
- Did mediation use resources efficiently and did the outcomes at mediation last?
- Did mediation achieve effective and acceptable outcomes?

On the whole, Professor Sourdin's report showed that mediation in the Court achieved these objectives. However, the report also made further recommendations for improvement, which will be considered by the ADR Committee and the Court over the coming years.

## VISIT BY MADAM JUSTICE LOUISE OTIS

In May 2009, Madam Justice Louise Otis, former Justice of the Quebec Court of Appeal in Canada, visited Melbourne. Justice Otis was responsible for designing and implementing one of the world's first judicial mediation systems. She has presided over hundreds of mediations in civil, family and administrative matters, and has subsequently assisted with the establishment of judicial mediation programs in a variety of jurisdictions around the world.

During her time in Melbourne, Madam Justice Otis delivered a number of presentations to a variety of interested bodies, including the Supreme Court. She also conducted workshops on judge-led mediations to Supreme Court Judges and Associate Judges.

\* Sourdin, T. (2008) *Mediation in the Supreme and County Courts of Victoria*, Australian Centre for Peace and Conflict Studies, University of Queensland.

# Senior Master's (Funds in Court) Office (SMO)

## HIGHLIGHTS

- Over 5,000 beneficiaries
- Orders made increased by more than 23%
- More than 19% more documents were prepared
- Financial transactions increased by more than 10%
- 84% of payments processed within five days
- Client Liaison Officer visits increased by more than 40%
- Funds under administration have increased by more than 3% since last year
- Beneficiaries' Focus Group created
- New 1300 numbers and email addresses
- SMO planning to move to new premises

## GROWTH STATISTICS

The SMO's work continues to grow in volume and significance. Orders made increased by over 23%, documents prepared by over 19%, and financial transactions by over 10%.

The increased workload placed additional pressures on the SMO's staff and resources. Despite such pressures, the SMO continues to provide a high quality service to its beneficiaries.

## KEY PERFORMANCE INDICATORS (KPIs)

Staff met or outperformed all KPIs relating to the delivery of services to beneficiaries.

Most importantly, at least 84% of payments to or on behalf of beneficiaries were processed within five days of receipt of request.

Office KPIs are continually reviewed with the assistance of the internal auditors (Moore Stephens).

## THE LEGAL SECTION

### NEW BENEFICIARIES

There were 628 payments into Court, comprising:

- 62 'non-award' matters (dispute money, security for costs, moneys paid in under an Act).
- 566 'award' payments (personal injury, Family Provision claims, Part III of the *Wrongs Act 1958*):

### AWARD PAYMENTS BREAKDOWN

Supreme Court	119
County Court	56
Magistrates' Court	2
VOCAT*	389
Total	566

\*Victims of Crime Assistance Tribunal

### MONEYS RECEIVED

In 2008-09, the sum of \$113,028,231 was paid into Court.

### MONEYS PAID OUT

In 2008-09, the sum of \$32,897,621 was paid out of Court representing a total of 769 accounts.

### TRUST ADMINISTRATION

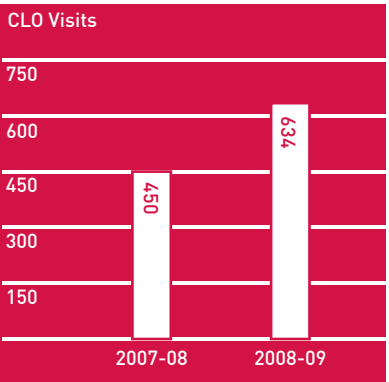
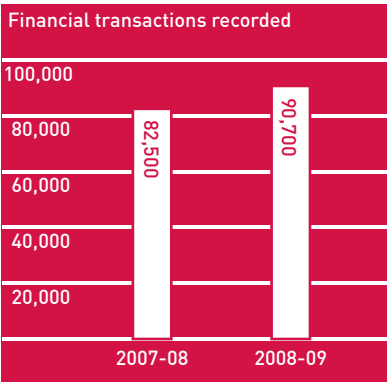
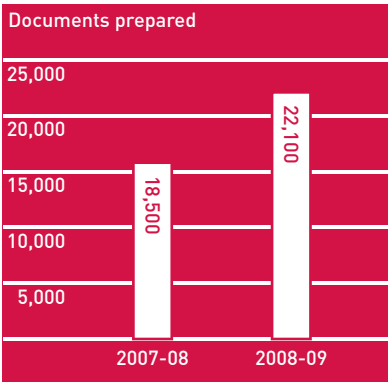
This area works closely with the beneficiaries, who are persons under a legal disability by reason of:

- acquired brain injury;
- age (i.e. minors); or
- psychiatric condition.

Many beneficiaries are involved in complex legal or financial matters which require skilled and experienced Trust Officers, Client Liaison Officers (CLOs) and Legal Officers to work through the difficulties encountered.

## CLIENT LIAISON

CLOs visit beneficiaries in their homes. Apart from providing input in respect of complex applications for payments, CLOs are instrumental in assisting beneficiaries with many lifestyle and other difficulties which they face in their everyday life.



\* Payments are made by Court orders (usually made by the Senior Master).



# Senior Master's (Funds in Court) Office (SMO) continued

## INVESTMENT SECTION

The Investment Section:

- Considers and implements investment advice given by advisers engaged by the Senior Master.
- Provides administrative support to the Investment Review Panel (which consists of experts who meet quarterly).

Funds under administration (excluding direct investment in real estate and other assets) exceeded \$920 million; an increase of approximately \$29 million (or more than 3%) since last financial year. This increase was achieved despite the continuing effects of the global financial crisis on the Australian economy.

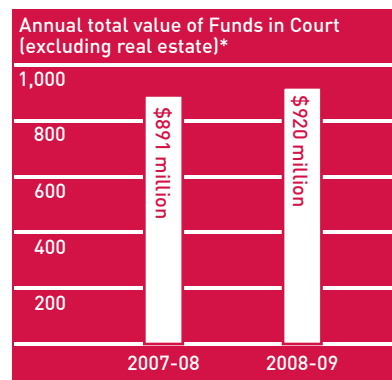
## COMMON FUND NO. 3

Common Fund No. 3 (CF-3) was created in July 2004. The number of beneficiaries for whom equity investment has been undertaken is more than 1,500, i.e. approximately 30% of beneficiaries.

On 1 July 2008, the 'unit' price for CF-3 was \$1.51. By 30 June 2009, the 'unit' price had fallen to just \$1.22.

Whilst the investment returns on CF-3 have fallen over the last two financial years, in line with the general decline in world equity markets, CF-3 returns for the last five years have been positive and have outperformed the benchmark 'S&P/ASX 50 Leaders Accumulation Index' by more than 4%.

Furthermore, since the SMO first purchased equities on 21 December 1992, the SMO equity portfolio has achieved an annual return of 11.8% during that time.



\* Figures are approximate. Exact figures are provided in the SMO's Annual Financial Reports available on the Court's website.

## ACCOUNTING AND TAXATION

### FINANCIAL REPORTING

The Financial Reports of the SMO are audited, on a financial year basis, by the Auditor-General. The General Purpose Financial Report and Audit Opinion of the Auditor-General for the year ended 30 June 2009 are available on the Funds in Court section of the Supreme Court website.

### AUDIT COMMITTEE

The Audit Committee is the focal point for communication between the external auditors, internal auditors and management in relation to:

- financial and other reporting;
- internal controls;
- external and internal audits;
- risk management;
- ethical issues; and
- other matters the Senior Master deems necessary.

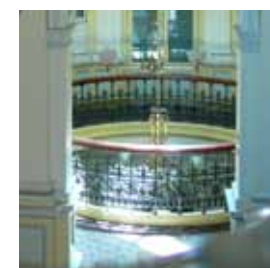
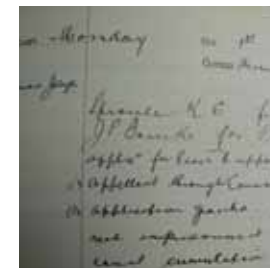
The Audit Committee also incorporates the following key responsibilities of an ethics committee:

- Oversee the SMO's compliance with the Code of Conduct;
- Provide strategic oversight of the SMO's ethics audits and ethics training program;
- Review any ethical complaints referred to the Audit Committee, as well as the SMO's responses to such complaints, and advise the Senior Master with respect to the responses where appropriate.

The Audit Committee met quarterly during the reporting period.

### RISK MANAGEMENT

The SMO continues its commitment to risk management in accordance with Australian standards, and the prudential safeguards put in place are monitored by the SMO's Accounting Section. At the regular meetings of SMO Section Heads, the Accounting Manager provides a report to the Senior Master detailing developments concerning defined risk management matters. The Audit Committee also considers risk management at its quarterly meetings.



# Senior Master's (Funds in Court) Office (SMO) continued



## TAXATION

Annual trust tax returns were lodged for every beneficiary. Utmost care was taken to ensure the accuracy of each trust taxation return in compliance with legislation. No fees were charged for taxation services.



## INFORMATION TECHNOLOGY

The Information Technology section continues to improve and enhance the SMO's database application, *winTMS*.



## BENEFICIARIES' ADVISORY GROUP (BAG)

The BAG continued to meet on a quarterly basis. The BAG consists of representatives of beneficiaries' families and interested stakeholders such as the Law Institute of Victoria and the Office of the Public Advocate.

## BENEFICIARIES' FOCUS GROUP

A major initiative arising out of the BAG was the creation of the Beneficiaries' Focus Group – a group consisting solely of beneficiaries.

The first ever forum of the Beneficiaries' Focus Group was held on 5 December 2008. A group of 12 beneficiaries met to discuss the way in which the SMO goes about its business, and to hear ways that the SMO can improve services to beneficiaries. A professional facilitator assisted the group to convey its suggestions and recommendations to the SMO staff present.

It is intended that the focus group will meet, initially, on a bi-annual basis.

## SMO NEWSLETTER

The newsletter is intended as a source of information about the SMO for the beneficiaries and their families. The decision to create the newsletter arose from the BAG.

A new inclusion in the newsletter was a story about a beneficiary, describing his or her achievements after the accident that resulted in the payment of compensation funds to the SMO. This proved to be very popular and will be a regular feature of future newsletters.

## NEW "1300" TELEPHONE NUMBERS AND E-MAIL ADDRESSES

As part of the Senior Master's commitment to provide beneficiaries with the best quality service, the SMO introduced new "1300" telephone and facsimile numbers that allow beneficiaries to contact the SMO for the cost of a local call.

The SMO also introduced new email addresses that are part of the Court's domain (*supremecourt.vic.gov.au*), rather than a public domain.

## NEW ACCOMMODATION

The SMO has grown substantially in recent years, particularly since the enactment of the *Courts Legislation (Funds in Court) Act 2004* which provides for the payment to the Court of all funds awarded to persons under disability in Victoria.

The consequent growth in staff has resulted in the SMO's present premises at 436 Lonsdale Street becoming inadequate to accommodate all SMO staff in a manner consistent with Occupational Health and Safety (OHS) and government requirements.

The SMO, with the assistance of the Department of Justice, actively sought alternative premises in the central business district. In June 2009, suitable premises had been identified and the Department of Justice was in the process of negotiating a lease with the owner of the proposed premises.

It is hoped that the SMO will be able to move to its new accommodation during the 2009-10 financial year.



REPORTS

# From the Wider Court





# Judicial Training

During 2008-09, the Judges and Associate Judges of the Court attended a variety of judicial training activities to keep abreast of developing professional standards.



## EDUCATION COMMITTEE AND THE 2009 JUDGES' CONFERENCE

Justice Marcia Neave chairs the Education Committee, which has 10 members including a representative from the JCV. The Committee organised the third Supreme Court of Victoria Judges' Conference at the Peninsula Country Golf Club in August 2008. The one day conference included sessions on unconscious bias, the future of the Court, and divisional meetings. The Honourable John Doyle AC, Chief Justice of South Australia, and the Honourable Keith Mason AC were two of the guest speakers at the conference. The conference was a great success with most of the Judges and Associate Judges attending the conference.

## THE JUDICIAL COLLEGE OF VICTORIA

The Judicial College of Victoria (JCV), established pursuant to the *Judicial College of Victoria Act 2001*, keeps the Victorian judiciary in touch with the community, in tune with technology, and up to date with pressing social issues and latest developments in the law.

The JCV Board is chaired by Chief Justice Warren AC. In addition, the following Judges from this Court participated in various committees at the JCV:

- Chief Justice Warren AC – Charter of Human Rights and Responsibilities, Court Craft, Judicial Dispute Resolution, Stress and the Judiciary;
- Justice Kellam AO – Judicial Dispute Resolution;
- Justice Weinberg – *Evidence Act 2008*
- Justice Smith – *Evidence Act 2008*;
- Justice Williams – Self-Represented Litigants;
- Justice Kaye – Indigenous Cultural Awareness Committee;
- Justice Hollingworth – Judgment Writing;
- Justice Bell – Charter of Human Rights and Responsibilities, Court Craft;
- Justice King – *Criminal Procedure Act 2009*;
- Justice Judd – Judicial Officers Information Network (JOIN) Management Group; and
- Associate Justice Efthim – Judicial Dispute Resolution.

The JCV conducted many successful programs throughout the year, with a total of 848 hours of attendances from this Court.

## EXTERNAL CONFERENCES AND SEMINARS

Judges and Associate Judges attended a number of other national and international conferences and seminars this year. Please see the Appendix for more information.

## REPORTS FROM THE WIDER COURT

# Court Administration

The Chief Executive Officer (CEO) manages the administrative arm of the Court, including some 270 staff. The CEO is responsible to the Chief Justice, the President of the Court of Appeal, and the Council of Judges for the effective administration of the Court. The following departments operate under the leadership of the CEO:

- Planning and Strategy;
- Human Resources;
- Finance;
- Security;
- Juries; and
- Principal Registry.

## WORKFORCE DATA

Administrative staff are appointed under the *Public Administration Act 2004* and the *Extended and Varied Victorian Public Service Agreement 2006*.

Grade	Salary	Female (full-time)	Female (part-time)	Male (full-time)	Male (part-time)
G2	\$38,235 - \$49,101	42	5	37	3
G3	\$50,175 - \$60,922	69	9	29	-
G4	\$62,116 - \$70,477	25	10	16	1
G5	\$71,671 - \$86,716	8	-	10	-
G6	\$87,910 - \$117,642	3	-	10	1
TOTAL		147	24	102	5



# Principal Registry

## TRIAL DIVISION AND PROBATE

### STAFFING AND FUNCTION

The Principal Registry (with a team of 45 staff) provides administrative services to the judiciary, legal profession, court users and the public. Services include managing files, custody of delivered subpoenaed materials, making orders for administration of deceased estates, and handling enquiries. The Principal Registry is also committed to providing self-represented litigants with a better understanding of rules and procedures (see the Self-Represented Litigants Co-ordinator's report), and acts as a referral point to legal service providers.

A panel of Deputy Registrars lead staff activities and assist to identify service improvement and enhancement opportunities. The Principal Registrars from courts and tribunals also form a network that discusses common themes and issues across jurisdictions.

### REGIONAL PRESENCE

The Principal Registry operates in major regional locations through Magistrates' Court registries. A Regional Court Liaison Officer provides assistance to regional offices, resolves administrative issues, and ensures the sharing of up-to-date information regarding Court sittings.

### INNOVATION AND INITIATIVES

Renovation of the Principal Registry premises continued during the year. As a part of rationalisation, Registry continues to pursue changes under the banner of 'single point of contact' for services, with minor modifications to the office area due for completion in 2009-10.

The registry implemented an automated queuing system which allows an orderly triage of business transactions according to their nature and complexity. The more difficult and/or complex matters are thereby allocated to officers identified as having greater technical experience. An LCD television also promotes important information such as Rule or Fee changes to waiting clients.

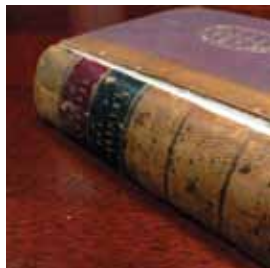
An automated telephone call routing system has been implemented, channelling calls to specific areas. This helps to ensure that calls get through to an appropriate officer.

### SUBPOENAED MATERIALS

Management of subpoenaed materials continued to provide logistical challenges.

### PRACTICE COURT/ COMMERCIAL COURT CO-ORDINATOR

In 2007-08 the Registry established a co-ordinator role. The role continues to have a positive impact and assists in the administrative management of cases seeking to be heard before the Practice Court. During the year, the registry trialled the Practice Court Co-ordinator also covering a role as Commercial Court Co-ordinator. The interplay between the two roles has had a positive impact on the operation of both jurisdictions.



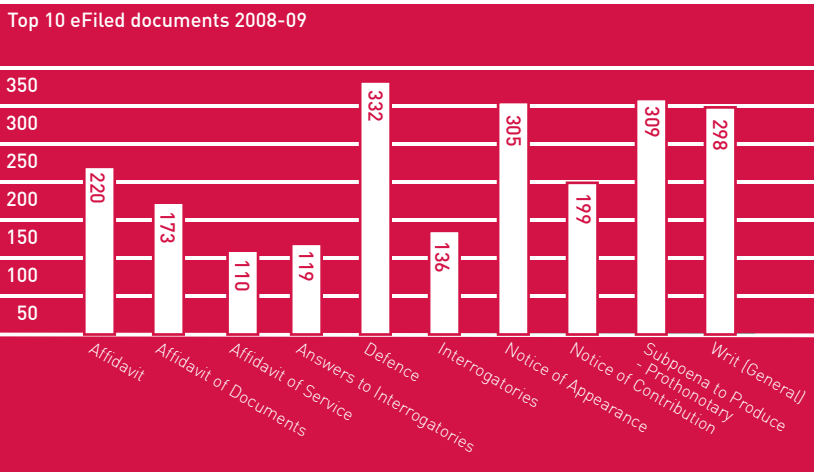


# Principal Registry continued

## TRIAL DIVISION AND PROBATE CONTINUED

### ELECTRONIC FILING

Electronic filing for civil documentation is offered to legal practitioners through CITEC-Confirm. Usage of electronic filing continues to exhibit exponential growth since it was introduced in September 2007. Shown below is a snapshot of the top 10 electronically filed documents in 2008-09.



### SPEAKING ENGAGEMENTS

Staff regularly provide speakers for conferences, guest lecturer spots, user groups, and interest groups such as the Law Institute of Victoria, universities, and professional conferences.

### ELECTRONIC LITIGATION

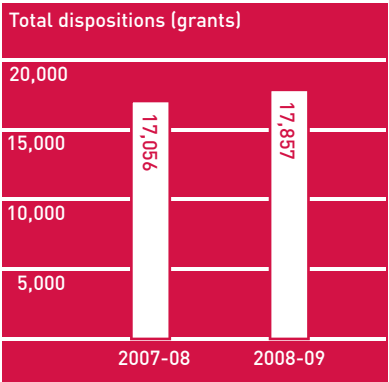
The Court continues to encourage the consideration of conducting litigation electronically. Uptake in electronic litigation continues to be relatively slow.

### STAFF TRAINING

During 2008-09, all staff were offered the opportunity to participate in Deputy Prothonotary training, the aim of which is to establish a common base of understanding amongst all staff in relation to the role and responsibilities of the prothonotary function.

### PROBATE

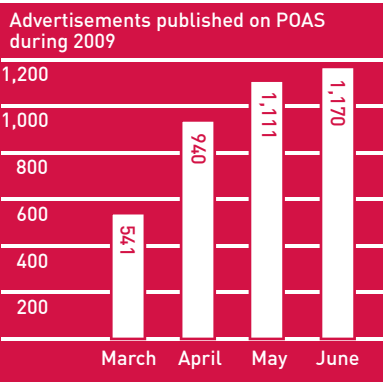
Total dispositions (grants) in probate continue to increase. Major volume workloads (Grants of Probate, Administration upon Intestacy, and Administration with Will Annexed) have increased overall by 10% during the last three years. Notably, these same categories increased 14% over the last four years reflecting a far greater sustained business workload.



Administrative enhancements have enabled the same level of staffing to deal with the increased workload to date. However the situation is being closely monitored.

The Probate Online Advertising System (POAS) was implemented in March 2009. Until September 2009, a dual advertising system for publication of advertisements has been in place – legal practitioners and court users could either advertise on the Court’s website (POAS) or by newspaper in the traditional manner. Usage of the system has become mandatory for specific advertisements from 2 September 2009.

POAS provides a web-based interface for publishing advertisements and provides an easy to use search facility. Court users who do not have internet access are accommodated through an administrative service provided by Registry staff.



# Self-Represented Litigants Co-ordinator



The position of the Self-Represented Litigants Co-ordinator was created in May 2006 to be that of a single entry point for self-represented litigants (SLR) in the Supreme Court of Victoria. The Self-Represented Litigants Co-ordinator Committee at the Court is chaired by Justice Dodds-Streeton. SLRs are referred to the Co-ordinator by Judges of the Court and through staff from other Victorian courts or VCAT or when they make contact with the registry. The range of enquiries received is best described as being extremely diverse. Some of the more common enquiries concern commencing a proceeding, filing an appearance/defence, seeking a stay on a warrant and filing for a VCAT appeal.

The Co-ordinator's role involves:

- the provision of procedural and practical advice - never legal advice;
- recommending that persons seek legal advice and the making of referrals for legal advice or representation;
- general pre-commencement/defence discussions with SRLs and discussions regarding procedure inside the Courtroom;
- making available court forms and guides to completing court forms;
- explaining timeframes and court fees; and
- providing a service for people attending in relation to urgent applications (e.g. walking a person to a courtroom, explaining where to stand).

During the year the Co-ordinator had 1439 separate contacts with SRLs. This included SRLs who personally attended at registry, by phone calls, emails or faxes. The 1439 contacts involved approximately 750 different persons.

The current legal options available to the Co-ordinator are:

- the Law Institute of Victoria, telephone referral service – for up to 30 minutes of free legal advice;
- Victoria Legal Aid;
- Community Legal Centres (general and specialist);
- the Public Interest Law Clearing House (PILCH);
- Duty Barristers' Scheme.

The Co-ordinator has regular (often weekly) contact and liaison with solicitors at PILCH and representatives from the Duty Barristers' Scheme (which commenced operating in the Supreme Court in the latter part of 2008). A good working relationship has developed with representatives from each organisation as well as other community legal centres.

One of the main advantages of the Co-ordinator model is the provision of consistent procedural and practical advice for SRLs from a single point of contact in the registry. The Co-ordinator is also able to make referrals to legal advice and representation, (i.e. having a detailed knowledge of the various (pro-bono) options and the capacity to liaise and build relationships with people who work in the pro bono sector). In addition, by having a detailed knowledge of the pro-bono referral options, the Court is able to refer people to suitable legal service providers. The hope is that the Court benefits from a reduction in SRLs bringing in unmeritorious cases.

During the year, the Co-ordinator spoke at the National Access to Justice and Pro-Bono Conference and the Australasian Court Administrators' Conference.

The Court gratefully acknowledges the work of PILCH, the Duty Barristers' Scheme and the Community Legal Centres for the pro-bono legal assistance they have provided to many members of the community during the year. This assistance is often provided in very difficult circumstances involving pressing timeframes.

# Records Management

Work continued on identifying historic Supreme Court records and transferring them to the Public Record Office during the reporting period. In all, 185 historic volumes, some dating from the 1840s, were transferred to the Public Record Office in 2008-09.

One particularly interesting historic volume was the Roll of Barristers, which dated from 1841 and the first sitting of the Supreme Court in the colony. On the first page of the roll was Sir Redmond Barry's signature plus those of other early figures in legal practice in Melbourne.

Another volume, the index to the Criminal Record Books, covered the period from 1863 to 1880. This contained entries for members of the Kelly family including Ned (Edward), his father John and his mother Ellen. Work is continuing on this project to identify and transfer the Court's historic records to the state archives.

In July 2008 the basement of 436 Lonsdale Street flooded, affecting contemporary probate and registry records stored there. The majority of the records were recovered after treatment, but during conservation work, some records were damaged.

Following on from the extensive records management work undertaken, the Court was nominated for a Sir Rupert Hamer Records Management award, an initiative of the Public Records Advisory Council.

## RECORDS TRANSFERRED TO THE PUBLIC RECORD OFFICE IN 2008-09

Civil List Case Records, 1960-1966 (897 units)

Civil Action Books, 1842-1850 (2 volumes)

Index to Criminal Record Book, 1863-1880 & 1918-1958 (2 volumes)

Criminal Appeal Book, 1931-1954 (2 volumes)

Outward Letter Book, Prothonotary's Office, Criminal Appeal, 1921-1927 (1 volume)

Full Court Minute Book, 1946-1952 (1 volume)

Cause Books, 1972-1989 (114 volumes)

Cause Lists Books with & without juries, 1952-1989 (23 volumes)

Roll of Barristers, 1841-1933 (1 volume)

Roll of Attorneys, 1841-1891 (1 volume)

Register of Commissioners for Taking Affidavits, 1886-1916 & 1958-1986, (2 volumes)

General Sessions/County Court Appeal Record Book, 1921-1925 (1 volume)

Cases Entered for Trial, 1979-1988 (3 volumes)

Index to Appeals from the County Court, 1940-1989 (1 volume)

Orders to Review Index, 1939-1989 (1 volume)

Index to Cause Books, 1976-1989 (22 volumes)

Index to Habeas Corpus Writs, 1842-1989 (2 volumes)

Index to Special Cases on Appeal from the District Courts of Mines & Special Cases on Appeal from the Court of General Sessions, 1862-1986 (2 volumes)

Index to Mandamus Writs & Quo Warranto Briefs, 1844-1986 (1 volume)

Index to Prohibition Writs, 1861-1987 (1 volume)

Index to Certiorari Writs, 1861-1987 (1 volume)

Index to Commissioners for Taking Affidavits, 1958-1986 (1 volume)

# Occupational Health and Safety (OHS) Report

The Court has an ongoing commitment towards creating a safe and healthy working environment. During the course of the year, OHS-related activities included:

- manual handling training resulting in over 100 court staff actively participating in practical workshops;
- ongoing ergonomic workstation assessments, conducted for both judicial and non-judicial staff;
- ongoing support of various health and safety events like the Corporate Games, Ride to Work Day and the Supreme Court netball team;
- participation in the influenza vaccination program; and
- the development of a suite of practical and relative OHS-related policies and procedures.

Overall improvement of resources and ongoing maintenance of the Court's physical infrastructure continued throughout the year. These improvements included first aid services, acquisition of various manual handling mechanical aids, and the introduction of various ergonomic products for use by the judiciary and staff alike.

An OHS Committee framework was also developed. It effectively identified designated work groups throughout the Court's various work locations and confirmed the roles and responsibilities of those within the Court's OHS Committee. The committee continued to meet on a bi-monthly basis and in doing so reinforced the importance of maintaining the ongoing health and safety of the judiciary, court staff, court users and visitors.

Throughout the year, an increased number of incidents were reported by Supreme Court staff. These reports will assist with the ongoing development and implementation of effective strategies to prevent workplace injuries in the forthcoming year.



# Juries Commissioner's Office (JCO)



Jurors play an important role in the justice system in Victoria. The Juries Commissioner aims to provide a representative group of randomly selected citizens who, as jurors, actively participate in the administration of the criminal and civil justice system. The JCO is responsible for managing the effective administration of the Victorian Jury System. It oversees the processes which provide juries for Melbourne and regional Supreme and County Court trials.

The JCO is responsible for overseeing the efficient management and administration of the Victorian Jury System by:

- establishing a structure enabling improvements to jury management and administration;
- providing a policy framework that ensures a consistent and standardised approach to jury management and administration;
- improving services for jurors in Melbourne and 13 regional locations; and
- raising community awareness and providing information about jury service in Victoria.

## CHANGES TO LEGISLATION

The *Juries Act 2000* governs the Victorian juries system and its administration. During the reporting period, the *Juries Act 2000* was amended to include two key updates.

The JCO now has the power to enquire of persons called to jury service as to their availability for trials of particular length. The JCO now has the ability to exclude from a pool, persons who are unavailable to sit on trials considered to be of longer than usual duration. The amendments have proved effective in reducing the amount of time needed by courts to empanel juries in lengthy trials.

A further amendment was introduced to make it an offence for a member of a panel or a juror to make inquiries for the purpose of obtaining information about trial matters except in the proper exercise of his or her functions as a juror.

## JURY MANAGEMENT

This year several regional courts required large panels due to the nature, duration and complexity of trials. Bendigo Law Courts had one of the largest panels ever needed for a regional court in Victoria with 400 persons required to attend as prospective jurors.

## NEW TECHNOLOGY

The JCO has introduced bar-coding technology which has resulted in minimising delays in initial registration, empanelment and discharge processes.

	2007-08	2008-09	Difference	Variance
<b>JURORS SUMMONED</b>				
Melbourne	38,491	31,617	-6,874	-18%
Circuit	27,150	31,703	4,553	17%
Total	65,641	63,320	-2,321	-4%
<b>JURORS EMPANELLED</b>				
Melbourne	5,892	5,653	-239	-4%
Circuit	2,072	2,084	12	1%
Total	7,964	7,737	-227	-3%
<b>SUPREME AND COUNTY JURY TRIALS</b>				
Melbourne	511	488	-23	-5%
Circuit	184	180	-4	-2%
Total	695	668	-27	-4%
<b>SUPREME COURT JURY TRIAL DAYS*</b>	791	898	107	14%

\* Please note that in previous Annual Reports this figure was calculated per juror.

# Library

The Supreme Court Library provides information and reference services to the Judges and Associate Judges of the Supreme Court and the legal profession, as well as to court staff. Its broad and historically unique collection is essential for the research work of both the Court of Appeal and the Trial Division of the Court. It is also a resource for the County Court, the Magistrates' Court and VCAT, and continues to provide most of the funding for the staff in the first two of these libraries, and also their cataloguing services. The library is also an essential research tool for the wider legal profession.

As noted in last year's report, the library continues its operations under increasingly straitened financial circumstances. Funding in real terms from government sources is constantly decreasing, as is funding from other sources, despite the fact that the increase in subscriptions and book costs is normally almost double that of the Consumer Price Index. Although a great deal of legal material is now available online, at a considerable cost, much paper-based material still has to be bought at great cost.

As of 1 July 2008, the employment of staff was transferred to the Department of Justice. A review of the library, including employment status, commenced at the end of the reporting period, and is expected to report late in 2009

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# Board of Examiners

The Board of Examiners arranges for admission to practice in the Supreme Court by persons wishing to be admitted as legal practitioners. The Board's primary role is to grant (or withhold) the Certificates upon which the Court relies when ordering persons to be admitted.

During the reporting period the following members served on the Board:

- The Honourable B. Teague AO (*Chairman*)
- Mr. R. K. Meldrum, Q.C.
- Mr. J G Santamaria, Q.C.
- Mr. P. J. Jopling, Q.C.
- Ms J. Cameron
- Mr D. Grave
- Mr B. Pippett
- Mr. R. Besley (*Secretary*)

The following are key statistics for the reporting period:

Board meetings	12
Applications considered by the Board in hearing	125
Admissions	1,107
Articles of clerkship approved	181
Supervised workplace training approved	197

Since 1 July 2008 the Board of Examiners has been operating as a discreet administrative entity, independent of the Supreme Court. On 1 September 2008, the Board of Examiners relocated from the Old High Court Building to offices located at Ground Floor, 451 Little Bourke Street.

The *Legal Profession (Admission) Rules* 2008 commenced on 1 July 2008 and abolished articles of clerkship, replacing them with Supervised Workplace Training. The rationale for this change was to achieve a level of consistency in pre-admission practical training by establishing a set of minimum training requirements and to bring Victoria's training requirements into line with the National Practical Legal Training Competencies.



# Adult Parole Board



The Adult Parole Board is an independent statutory body established under the *Corrections Act 1986*. For the past 50 years the Board has been chaired by a Supreme Court Judge.

Justice Whelan is the chairperson of the Board. Justice Curtain is a judicial member of the Board.

The Board comprises serving Supreme Court and County Court Judges and Magistrates, together with retired judicial officers, and community members. The obligations of the Board are demanding. They include the responsibility to make independent and appropriate decisions regarding the release of prisoners on parole, as well as responsibilities in relation to home detention and extended supervision orders.

Throughout the year the Board met 129 times. Of those meetings, 50 were conducted in prisons. In all, 8,605 matters were considered, and 1,489 prisoners were interviewed.

The extra-judicial workload imposed on Judges who are members of the Board is substantial and has increased in recent years.

# Forensic Leave Panel

Judges of the Supreme Court are also involved in extra-judicial work as members of the Forensic Leave Panel. The panel is an independent statutory body established under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*. The Act governs the detention, management and release of those unfit to be tried or found not guilty of crimes on grounds of mental impairment. Forensic patients and residents under custodial supervision orders can apply to the panel for different types of leave.

The panel must include one or more Supreme Court Judges nominated by the Chief Justice. A Supreme Court Judge is its President. The current judicial members from the Supreme Court are Justice Williams, the panel's President, Justice Hollingworth, Justice Coghlan and Justice Forrest.

The panel also includes County Court Judges. At a hearing, the panel will be constituted by a judge from the sentencing court and may include the Chief Psychiatrist (or nominee),

a psychiatrist or psychologist and a community representative. Panel hearings are not required to be formal but the panel is bound by the rules of natural justice. Its proceedings are generally closed.

The volume of the panel's work has increased significantly since its establishment in 1988, when 20 forensic patients and three forensic residents made 71 leave applications. By 2007, 66 forensic patients and three forensic residents made 178 applications for 761 different leave purposes.

After the 2007 introduction of a more efficient system, which allowed all leave to be granted in six-month blocks, there were 158 applications by 76 applicants in 2008. Of those applicants, 50 patients and one resident were under Supreme Court orders.

The panel reports annually to Parliament and, in 2009, it presented its tenth annual report.



# 2008-09 Finance Report

	2007/8 Actual \$000	2008/9 Actual \$000	2008/9 Budget \$000	Under or (Over) Budget \$000
<b>REVENUE*</b>				
Government Funding and other Controlled Revenue	42,059	46,482	49,592	3,110
<b>TOTAL REVENUE</b>	<b>42,059</b>	<b>46,482</b>	<b>49,592</b>	<b>3,110</b>
<b>EXPENDITURE</b>				
<b>Total of TRIAL and APPEAL etc - but NOT Juries Commissioner's Office</b>				
<b>Special Appropriation</b>	<b>16,690</b>	<b>18,431</b>	<b>20,886</b>	<b>2,455</b>
<b>Annual Appropriations</b>				
Staff salaries and related expenses	10,696	12,390	12,411	21
All other Operating Costs	6,446	7,936	8,425	489
Non discretionary (mainly depreciation)	2,450	2,773	2,772	(1)
<b>Total Non Capital Expenditure - Trial &amp; Appeal</b>	<b>36,282</b>	<b>41,530</b>	<b>44,494</b>	<b>8,212</b>
<b>JURIES Commissioner's Office</b>				
Special Appropriations		297	298	1
Staff salaries and related expenses	1,106	1,187	1,226	39
Operating Costs	752	837	974	137
Juror Payments	3,212	3,283	2,597	(686)
Non discretionary (mainly depreciation)	3	2	4	2
<b>Total Non Capital Expenditure - Juries</b>	<b>5,073</b>	<b>5,606</b>	<b>5,099</b>	<b>(507)</b>
<b>Capital Expenditure (All divisions of Court)</b>	<b>1,229</b>	<b>1,141</b>	<b>468</b>	<b>(673)</b>
<b>TOTAL ALL EXPENDITURE</b>	<b>42,584</b>	<b>48,277</b>	<b>50,061</b>	<b>1,784</b>

\*The above figures show controlled funds only. They omit Court Fees etc collected (\$13,451,124 - 2008/9 Actual) and Transfers out (\$13,632,396 - 2008/9 Actual)

# Glossary

## Adjournment

A procedure to suspend or postpone a hearing to a future date.

## ACA

*Accident Compensation Act 1985.*

## ADR

Alternative Dispute Resolution.

## Appeal

An application to a higher court to review the decision of a lower court.

## Associate

Each Judge and Associate Judge has an Associate. The Associate's duties involve the administrative function of running Court hearings. They also act as general assistants to their Judge/Associate Judge. Judges' Associates wear robes in Court.

## Award Funds

Paid into Funds in Court, Award Funds represent an award of damages, or compensation, for a person under a legal disability, who has had a proceeding in a Court brought for and on his or her behalf. A person for whom the Court holds funds is called a beneficiary.

## BAG

Beneficiaries' Advisory Group (part of SMO) consists of representatives of beneficiaries' families and interested stakeholders such as the Law Institute of Victoria and the Office of the Public Advocate.

## Call Over Lists

Some matters are listed in a callover list for their first hearing. At the callover, parties appear and make submissions about the further conduct of the matter. The Judge then gives further directions for the conduct of the matter if necessary and lists the matter for further.

## CEO

The Chief Executive Officer is an officer of the Court and is employed pursuant to s. 106(a) of the *Supreme Court Act 1986* and the *Public Administration Act 2004*.

## CLO

Client Liaison Officer.

## Civil Management List

Any civil proceeding that is not in the Specialist List, which has been commenced by writ and has had a defence filed, is entered into Civil Management List for case management. The majority of civil proceedings are not in Specialist Lists but within the Civil Management List.

## Circuit sittings

Sittings of the Supreme Court, which are held in various regional districts within Victoria.

## Commercial and Equity Division

A division of the Court's Trial Division brought into effect on 1 February 2000, pursuant to Practice Note 4 of 1999.

## Common Law Division

A division of the Court's Trial Division brought into effect on 1 February 2000, pursuant to Practice Note No. 4 of 1999.

## Court of Appeal

The Court of Appeal hears appeals from Criminal and Civil trials heard by Judges of the Supreme Court and the County Court. It also hears appeals from some proceedings which have come before the Victorian Civil and Administrative Tribunal (VCAT) and other Tribunals.

## Criminal Division

A Division of the Court's Trial Division brought into effect on 1 February 2000, pursuant to Practice Note 4 of 1999.

## Directions Hearing

A form of preliminary hearing conducted when directions are given for the main hearing to be held at a later date.

## Docketing

A method by which cases are scheduled for hearing.

## Duty Barristers' Scheme

Administered by the Victorian Bar, this is a scheme where by volunteer barristers provide legal assistance to self represented litigants on an ad hoc basis.

## Funds In Court

A discrete, self-funded division of the Court where the Senior Master holds, administers and invests all funds paid into the Court.

## ICMS

Integrated Case Management System – a new case management system to be introduced at the Supreme Court of Victoria.

## Injunction

A Court Order imposed to make a person do something or refrain from doing something.

## Interlocutory Applications

Provisional or interim applications which are brought between the beginning and the end of a proceeding to decide a particular matter that is not the final issue of the entire proceeding.

## JCV

Judicial College of Victoria.

## JOIN

Judicial Officers' Information Network.

## Judge in Charge

A judge who is responsible for the work of a particular list. The Judge in Charge gives directions to the parties from the early stages of the proceedings and will usually conduct the trial.

## Associate Judge

A Judicial Officer who carries out judicial functions in the civil jurisdictions of the Court pursuant to the Rules of the Supreme Court.

## Mediation

A form of ADR, which aims to assist two (or more) disputants in reaching an agreement.

## Non Award Funds

Paid into Funds in Court, however unlike Award Funds these funds are not held for a particular individual who, but for disability, is presently entitled to the funds. For example interest and taxation payments are non-award funds.

## OHS

Occupational Health and Safety.

## Originating Motion

A form of process used to commence a proceeding where required by an Act or by the Rules, and where there is no defendant or when it is unlikely that there will be any substantial dispute of fact between the parties in a proceeding.

## Party Party Costs

In civil litigation matters the unsuccessful party may be required to pay the successful party's costs. These costs are known as party party costs.

## PILCH

Public Interest Law Clearing House.

## Pleadings

A series of written statements exchanged between the parties in a proceeding. They set out and clarify the claims and defences of the parties and help define the issues that must be determined.

## Practice Court

A court where short and or urgent applications can be made. A Judge presides over the Practice Court.

## Presentment

Used in criminal proceedings, this is a document filed in Court, which describes the crimes alleged by the prosecution to have been committed by a defendant.

## Pre-trial conference

A pre-trial conference is a form of dispute resolution that usually takes place after a proceeding has been set down for trial.

## POAS

Probate Online Advertisement Scheme. A new scheme implemented by the Probate Office to publish probate advertisements on a dedicated probate website provided by the Court. This replaces the traditional method of publishing in the newspaper.

## Probate

Proving of a will as authentic or valid. The Court is authorised to declare that a will is valid, allowing the executor to collect the deceased's assets and so administer the estate according to the terms of the will.

## SMO

Senior Masters's Office, also known as Funds In Court. A discrete, self-funded division of the Court where the Senior Master holds, administers and invests all funds paid into the Court.

## Scalister

The current case management system used by the Supreme Court of Victoria.

## Security for costs

The Court may, on application of a defendant, order that security for the costs of the defendant in the proceeding be paid by the plaintiff under certain circumstances.

## Solicitor client costs

Costs which a solicitor charges their client for legal services provided directly to the client.

## Specialist list

A Judge-controlled list that provides specialist management to cases concerning that list and associated disputes. The Judge in Charge gives directions to the parties from the early stages of the proceedings and will usually conduct the trial proceedings in the list. The Court has several specialist lists: (i) Admiralty List; (ii) Technology, Engineering and Construction List; (iii) Intellectual Property List; (iv) Major Torts List; (v) Victorian Compensation and Planning List; (vi) Victorian Taxation Appeals List; (vii) Personal Injuries List; (viii) Judicial Review and Appeals List; (ix) Corporations List;

## Subpoena

A writ or summons issued in a proceeding requiring the person to whom it is directed to be present at a particular place and time for a specified purpose under a penalty for non-attendance.

## TAA

*Transport Accident Act 1986.*

## TAC

Transport Accident Commission

## Taxation

The procedure in which legal costs are assessed. There are two types of legal costs: party party costs and solicitor client costs.

## Tipstaff

An Officer of the Court who sits next to the Associate and in front of the Judge during Court. The Tipstaff is responsible for keeping order in the Court and will usually swear in or affirm witnesses.

## Trial Division

A division of the Court comprising the Chief Justice and generally about 20 other Judges. The Trial Division is further divided into three sub-divisions: the Commercial and Equity Division, the Common Law Division and the Criminal Division.

## Self Represented Litigants

Individuals who do not have legal representation and who are representing themselves in a proceeding.

## VCAT

Victorian Civil and Administrative Tribunal.

## VGRS

Victorian Government Reporting Services. VGRS provides a range of recording and transcript services to the Supreme Court of Victoria as well as other Victorian Courts.

## VOCAT

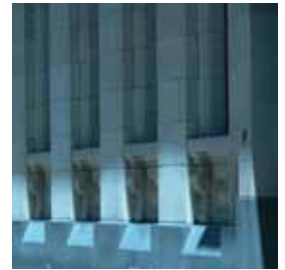
Victims of Crime Assistance Tribunal

## VWA

Victorian Work Cover Authority

## winTMS

A database application used by the SMO





# Judicial Activity

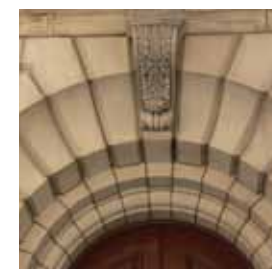
In addition to their judicial functions, the Judges and Associate Judges of the Court undertake many extra activities to contribute to the development of the law and also to stay abreast of the latest developments in the law. Attendances by Judges and Associate Judges on these occasions also enable Judges to explain to the community their work and why it is important to society to have an independent judiciary.

This appendix lists a few of the activities undertaken by the Judges and the Associate Judges of the Supreme Court of Victoria during the reporting period.

## Chief Justice Warren

- On 31 July 2008 the Chief Justice and other judges attended the *Victoria Law Foundation (VLF) Oration* given by Chief Justice Gleeson in the Banco Court.
- On 5 August 2008 the Chief Justice co-presented a session on “*Maintaining psychological and physical health*” at the National Judicial Orientation Program at Broadbeach, Queensland.
- On 20 August 2008 the Chief Justice delivered the Deakin Law Oration at the Melbourne Town Hall. The Chief Justice spoke on the topic of “*Unelected does not equate with undemocratic: parliamentary sovereignty and the role of the judiciary*”.
- On 21 August 2008 the Chief Justice and President Maxwell attended the *Law Institute of Victoria’s (LIV) Leadership Lunch* as the guests of Mr Tony Burke, President of the LIV. The guest speaker at the lunch was The Honourable Justice Michael Kirby.
- On 21 August 2008 the Chief Justice attended the *National Security Dinner* with The Honourable Robert McClelland, Attorney General, hosted by the Australian Strategic Policy Institute.
- On 22 August 2008 the Chief Justice was the guest speaker at the LIV attended by LIV council members. The Chief Justice spoke on “*Directions in Litigation*”.
- On 25 August 2008, 24 November 2008, 23 February 2009 and 25 May 2009 the Chief Justice chaired a *Council of Legal Education board meeting*.
- On 27 August 2008 the Chief Justice attended a *dinner at Government House, Canberra*, to honour Chief Justice Gleeson and on 29 August attended the farewell ceremony at the High Court, Canberra.
- On 28 August 2008 the Chief Justice attended the *Council of Chief Justices* in Canberra.
- On 1 September 2008 the Chief Justice and Justices Vincent, Cummins, Smith and Byrne (representing the Court) attended the *swearing in of The Honourable Justice Robert French* as Chief Justice of the High Court.
- On 2 September 2008 the Chief Justice attended a *VLF board meeting*.
- On 9 September 2008 the Chief Justice met with Dr David Tait, Associate Professor Faculty of Law, Australian National University, regarding the *Court Architecture Tour conference* proposed for 2009.
- On 9 September 2008 the Chief Justice attended a *Victorian Institute of Forensic Medicine* meeting.
- On 15 September 2008 the Chief Justice and Justice Cummins attended a *Criminal Justice System Steering Group Meeting*.
- On 11 September 2008, the Chief Justice, together with the President, Justice Ashley, Justice Neave, Justice Byrne, Justice Bell, Justice Hargrave, Associate Justice Lansdowne and Associate Justice Kings, attended a *Civil Justice meeting* with Chris Humphries, Director of Civil Law Policy, and Mary-Anne MacCullum, the new manager of this project.
- Between 21 September 2008 and 23 September 2008 the Chief Justice attended the *Australian Institute of Judicial Administration (AIJA) Court Quality Forum* held in Sydney.
- On 25 September 2008 the Chief Justice delivered the *Monash Law School Occasional Address* at the Monash Law School Valedictory Dinner.
- On 1 October 2008 the Chief Justice and other judges attended the *opening of the new Council of Legal Education* premises with the Attorney General.
- On 6 October 2008 Chief Justice Warren delivered a speech to the *Australian and New Zealand Society of Forensic Scientists* at the Melbourne Convention Centre.
- On 6 October the Chief Justice attended a *Speaking Parts Forum* to secondary students to deliver a short, informal address on work and family life balance.
- On 16 October 2008 Chief Justice Warren, Judges and Associate Judges of the Supreme Court attended the *State Memorial Service at St. Paul’s Cathedral for The Honourable Sir John Young AC KCMG*.
- On 5 November 2008 the Chief Justice conducted a *walking lecture and a tour of the Court for the Bar Readers*.
- On 7 November 2008 the Chief Justice, the President and all Appellate Judges attended the *AIJA Appellate Judges’ conference*.
- On 10 November 2008 the Chief Justice delivered a short address at a cocktail reception for the *Chartered Institute of Arbitrators*. Justices Byrne, Hollingworth and Hargrave also attended.
- On 11 November the Chief Justice delivered an address at the *Victoria Law Foundation Pro Bono Awards Ceremony* and presented the awards.

- On 13 November the Chief Justice delivered a short address at the *Commercial Bar Association cocktail party* in the Supreme Court Library and thereafter attended the annual Monash Law Lucinda Lecture.
- On 9 December 2008 Judges and Associate Judges of the Court attended a JCV lunch time seminar by the Right Honourable Lord Bingham of Cornhill on the topic of “*Human Rights Adjudication: Reflections on Judging Under the UK Human Rights Act and European Convention on Human Rights*”.
- On 3 February 2009 the Chief Justice and Justice Nettle attended the *welcome for Justice Virginia Bell to the High Court in Canberra*.
- On 4 February 2009 the Chief Justice hosted a *tour and discussion with Professor Geoffrey London, the Victorian Government Architect and Ms Shelby Penn, the Associate Victorian Architect*. The President, Justice Neave, Justice Hansen, Justice Osborn and Associate Justice Wood attended.
- On 5 February 2009 the Chief Justice presented the *Melbourne Law School Juris Doctorate (JD) Oration* “Why be a lawyer?” in the Banco Court.
- On 11 February 2009 the Chief Justice, Justices Byrne, Hargrave, Pagone, Judd, Robson and Associate Justices Kings, Efthim, Daly and Gardiner *launched the Commercial Court*. The launch was attended by John Digby QC President of the Victorian Bar, Danny Barlow of LIV and Mr Bruce Tee MLC, representing the Attorney General.
- On 19 February the Chief Justice, Justice Ashley and Associate Justice Gardiner attended a meeting for the *Civil Procedure Advisory Committee*.
- On 26 February 2009 the Chief Justice officiated at and gave a speech at the *opening of Blake Dawson’s new premises* at 181 William Street, Melbourne. Justice Hollingworth also attended.
- On 4 March 2009 the Chief Justice attended the *Dame Roma Mitchell Memorial Luncheon* hosted by Victorian Women Lawyers and the Law Institute held at the RACV Club. Justice Curtain also attended.
- On 18 March 2009 the Chief Justice was the *guest speaker on the topic of “Alternative Dispute Resolution”* at the *Law Institute of Victoria breakfast* held at the RACV Club.
- On 18 March 2009 the Chief Justice launched the *3rd edition of Commercial Tenancy Law*. Justice Nettle and Associate Justice Gardiner also attended.
- On 23 March 2009 the Chief Justice opened the *Court Architecture Conference* in the Banco Court and attended the Court Architecture Conference Reception in the Supreme Court Library.
- From 5 April to 9 April 2009 the Chief Justice and Justice Kellam attended the *16th Commonwealth Law Conference, Hong Kong*.
- On 14 and 15 April 2009 the Chief Justice attended the *Council of Chief Justices* meeting at the Supreme Court of NSW in Sydney.
- On 6 May 2009 the Chief Justice *spoke and presented the VLF Legal Reporting Awards (Quills)*, in the Supreme Court Library. Justice Whelan announced the awards and Justice Forrest attended.
- On 12 May 2009 the Chief Justice, Judges and Associate Judges attended a *JCV lunchtime seminar* with The Honourable Madame Justice Otis on judge-led mediation.
- On 13 May 2009 the Chief Justice, Judges and Associate Judges attended the *JCV Master Class with Madame Justice Louise Otis* on ADR.
- On 15 May 2009 the Chief Justice chaired a session at the *AIJA Court Administrators’ Conference* at which The Honourable Robert French, Chief Justice of Australia spoke about the funding of courts by governments.
- On 21 May 2009 the Chief Justice and Justice Kyrou met with the managing partners of a group of law firms and the LIV for a lunchtime discussion.
- From 2 to 4 June 2009 the Chief Justice attended the *Indo-Australian Legal Forum* held at the High Court of Australia, Canberra.
- On 12 June 2009, the Chief Justice, Judges and Associate Judges attended the *JCV Uniform Evidence Act Seminar*.
- On 17 June 2009, the Chief Justice, the President, Judges and Associate Judges attended a JCV lunchtime seminar with Alan Kohler on “*The Global Financial Crisis – How it Happened*”.
- On 19 June 2009, the Chief Justice together with Justices Byrne, Vickery, Hansen, Habersberger and Pagone and Associate Justice Daly attended the launch of the *Technology Engineering and Construction List* in Court 15.



# Judicial Activity continued

## The President

- On 3 July 2008 the President delivered the opening session speech at the *Australian Association of Crown Prosecutors Conference*.
- On 18 July 2008 the President delivered a speech to the *Holding Redlich luncheon* for working fathers.
- On 23 July 2008 the President gave a speech at the *Duty Barristers seminar*.
- On 17 July 2008 the President and Justices Nettle and Robson presided over the *Hanover Grand Final* moot.
- On 7 August 2008 the President attended and gave a speech entitled “*What Osmond decided: the giving of reasons is not a matter of natural justice*”.
- On 14 August 2008 the President attended *Wesley College* to give a speech on sentencing.
- On 20 August 2008 the President hosted a luncheon at the Court of Appeal for the *Monash University Law Students High Achievers*.
- On 5 September 2008 the President presided over the *Castan Centre for Human Rights moot*ing grand final which was held in the Red Court.
- On 9 September 2008 the President addressed *Melbourne University law students* on the significance of human rights in the everyday practice of law.
- On 6 October 2008 the President attended a *portrait unveiling of Sir William Stawell* at Trinity College.
- On 10 October 2008 the President attended the *JCA Colloquium* in Brisbane.
- On 21 November 2008 the President attended the Law Institute Annual General Meeting to present a speech on “*Recent Developments in Criminal Law*”.
- On 5 November 2008 the President attended a presentation on “*Provocation in Sentencing*”.
- On 22 January 2009 the President attended a roundtable discussion on “*Security and Safety within the Court System*”.
- On 5 February 2009 the President attended and delivered a welcome address to the Jury Directions symposium at the *Victorian Law Reform Commission*.

- On 5 March 2009 the President attended the *Rotary Hypothetical Conference* as part of a panel.
- On 25 March 2009, the President attended a Legal & Equity Leadership Workshop and gave a speech entitled “*Challenges for justice in the next two years*”.
- On 21 May 2009 the President chaired and Judges attended the *JCV Twilight Seminar on the Human Rights Charter*.
- On 22 May 2009 the President was the keynote speaker in Canberra for the “*60 years Deutsches Grundgesetz - The German Constitution turns 60*” - Human and basic rights through the eyes of Germany and Australia.

## Justice Buchanan

- In November and December 2008 Justice Buchanan and Justice Mandie were appointed as *acting judges of the Supreme Court of Tasmania* for the purpose of hearing civil appeals.

## Justice Nettle

- On 19 September 2008 Justice Nettle presented at the *JCV Sexual Assault Workshop* on the subject of competence and compellability.

## Justice Ashley

- On 12 June 2008 Justice Ashley presented at a JCV seminar on “*Loss of Chance*”.
- On 9 August 2008 Justice Ashley spoke at the annual Clerk of Courts Group dinner on the topic of “*Life in Law*”.

## Justice Neave

- On 13 June 2008 Justice Neave delivered a speech entitled “*Hearts and Minds – The Next Step*” to the Australian Women Lawyers’ Conference.
- On 26 June 2008 Justice Neave delivered a speech at the “*Don’t Trade Lives*” seminar.
- Between 5 June and 26 June 2008 Justices Neave, Kellam, Hansen, Kaye, Hollingworth, King, Vickery and Kyrou judged various rounds of the *Hanover & LIV Moot Court Competition*.
- On 29 July 2008, Justice Neave made the presentations to the winners of the *Supreme Court Exhibition Prize* and the *Supreme Court Prize* at a ceremony held at La Trobe University.
- On 19 September 2008, Justice Neave gave a presentation to the *JCV Sexual Assault Workshop* on prior sexual history.
- On 3 October 2008 Justice Neave presented a response to papers considering overseas experiences of limiting rights under human rights legislation at the 2008 *Protecting Human Rights Conference*.
- On 6 October 2008 Justice Neave presented at a mock hearing of the prisoner voting rights attended by senior Victorian female school students at the *Speaking Parts Workshop*.
- On 6 October 2008 Justices Neave, Williams and Hollingworth attended the *Speaking Parts Forum for year 12 female students* considering a career in law.
- On 14 October 2008 Justice Neave on behalf of the Chief Justice attended the “*Justice Statement 2*” launch at the Neighbourhood Justice Centre.
- On 7 November 2008 Justice Neave spoke at Valparaiso University in Indiana, USA, and delivered a paper entitled: “*Law Reform: the Australian Experience*”.
- On 19 February 2009 Justice Neave attended the Australia New Zealand School of Governance (ANSZOG) “*Governing by the Rules*” Conference in Sydney on 19 February 2009.



### Justice Redlich

- On 29 May 2009 Justices Redlich, Harper, Hargrave and Associate Justice Eftim attended the 360 Degrees and Court Craft Program at the JCV.
- On 26 June 2009 Justice Redlich represented the Chief Justice at the 2009 General Sir John Monash Tribute held at the St Kilda Synagogue.

### Justice Kellam

- On 20 June 2008 Justice Kellam was a presenter at the JCV Judicial Dispute Resolution Seminar.
- From 8-11 September 2008 Justice Kellam attended the National Mediation Conference 2008 as chair of the National Alternative Dispute Resolution Advisory Council (NADRAC).
- From 14-17 December 2008 Justice Kellam, together with Professor Nadja Alexander, conducted ADR training for the judges of the National and Supreme Courts of PNG in Port Moresby.
- From 12-17 January 2009 Justice Kellam led the Australian Bar Association (ABA) team conducting advocacy training with the Bar of Nepal in Kathmandu.

- From 18 and 28 January 2009 Justice Kellam led the ABA training team conducting advocacy training for the Bangladesh Bar in Dhaka.
- From 25 – 27 January 2009 at the request of UNICEF, Justice Kellam conducted a three-day seminar for judges and lawyers on the “Rights of the Child” with a particular emphasis on diversion of minors from the criminal justice system in Bangladesh.
- From 2-5 March 2009 Justice Kellam chaired the National Judicial College of Australia (NJCA) Phoenix Program in Canberra. Justice Cummins gave a presentation on “Judicial Ethics” at the conference. Justices Mandie and Hansen also attended.
- On 29 March 2009 Justice Kellam delivered a speech titled “The Future for Collaborative Law in Australia” to the International Collaborative Law Conference in Sydney.
- On 1 April 2009 Justice Kellam delivered a speech at the launch of the report on “Mediation in the Supreme & County Courts”.
- From 20 April 2008 to 8 May 2008 Justice Kellam sat on the bench of the Supreme Court of Samoa.

### Justice Weinberg

- On 5 September 2008, Justice Weinberg attended the Federal Criminal Law Conference, organised by the Law Council of Australia and the New South Wales Bar Association, in Sydney, where he presented a paper entitled “The Current and Proposed Criminal Jurisdiction of the Federal Court”.
- On 25 October 2008, Justice Weinberg delivered a speech at the NJCA Conference in Sydney on “The Australian Justice System in 2020”.
- On 20 February 2009, Justice Weinberg presented a paper entitled “The Move Towards Pre-emption in the Criminal Law” to the Summer School Program conducted by the Law Society of Western Australia and the University of Western Australia.
- On 12 March 2009, Justice Weinberg was the after dinner speaker at the dinner of the Council of Australian Law Deans in Melbourne.
- On 3 April 2009, Justice Weinberg presented a paper entitled “Criminalisation of Cartel Conduct – Some Pre-Trial Management Issues” at the Federal Court of Australia/Law Council of Australia Business Law Section Workshop in Adelaide.

### Justice Smith

- On 1 August 2008 Justice Smith delivered a paper on the Charter of Human Rights at the JCV.

### Justice Byrne

- On 10 July 2008 Justice Byrne spoke about the “Court’s e-litigation practice note” at the Legal Technology Conference 2008 at the University of Melbourne.
- On 7 August 2008 Justice Byrne delivered a commentary on “Assessing the credibility of witnesses” at the National Judicial Orientation Program.
- On 4 December 2008 Justice Byrne was the speaker at the Maritime Law Association of Australia and New Zealand Christmas lunch.
- On 27 January 2009 Justice Byrne presented a paper on “Complex Civil Litigation: The New approach to Building Cases in Victoria” at the Supreme and Federal Court Judges’ Conference in Hobart.
- On 3 June 2009 Justice Byrne attended a meeting at the Department of Justice to consider proportionate liability as part of the review of Standing Committee of Attorneys-General.

### Justice Harper

- On 18 June 2008 Justice Harper chaired a meeting of the Academic Course Appraisal Committee.
- On 19 June 2008, 21 March, 22 April 2009 Justice Harper attended the Australian Red Cross (Victorian Division) board meeting.
- On 25 June, 24 September, 26 November 2008, 18 February, 24 June 2009 Justice Harper chaired a meeting of the International Humanitarian Law Committee of Australian Red Cross (Victorian Division).
- On 16 July 2008 Justice Harper participated in a teleconference of the Harmonisation of Service Outside the Jurisdiction Committee.
- On 22 July, 8 September 2008 Justice Harper attended a meeting of the Victorian Law Reform Commission.
- On 23 July 2008 Justice Harper and Justice Pagone presented at a seminar on ethics for the Victorian Bar Continuing Legal Education (CLE) program.
- On 3 September 2008 Justice Harper and Justice Hollingworth attended the launch of Gideon Haigh’s book, *The Racket*, about the Menhennit ruling and the law relating to abortion.

# Judicial Activity continued

- On 10 September 2008 Justice Harper participated in a *teleconference for the NĴCA*.
- On 18 September 2008 Justice Harper addressed an *International Affairs meeting at the Australia Club*.
- On 22 September 2008 Justice Harper attended a meeting of the *Victorian Law Reform Commission* in relation to the juries reference".
- On 2 October 2008, 5 March 2009 and 6 April 2009 Justice Harper chaired a meeting of the *NĴCA Complaints Against Judicial Officers Committee*.
- From 10-12 October 2008 Justices Harper, Mandie and Cavanough attended the *NĴCA colloquium in Queensland*.
- On 15 October 2005 Justice Harper chaired a meeting of the *Judicial Assistance Committee*.
- On 23 October 2008 Justice Harper attended the *International Criminal Justice Discussion Forum* at the LIV.
- On 6 November, 11 December 2008 and 5 February 2009 Justice Harper chaired a meeting of the *NĴCA Executive by teleconference*.
- On 24 November 2008 Justice Harper attended a meeting of the Monash University Post Graduate Studies Advisory Panel on "*Human Rights and International and Comparative Law*".

- On 10 February 2009 Justice Harper participated in the teleconferences for the *NĴCA Governing Council*.
- On 18 February and 3 June 2009 Justice Harper attended a meeting of the *Victorian Bar Readers' Course Committee*.
- On 4 March, 18 March, 2 April, 21 April and 3 June 2009, Justice Harper attended a teleconference for the *NĴCA 2009 Colloquium Organising Committee*.
- On 14 March 2009 Justice Harper attended a meeting of the *NĴCA Governing Council in Sydney*.
- On 25 March and 17 June 2009 Justice Harper chaired a meeting of the *Judicial Assistance Committee*.
- On 12 May 2009 Justice Harper attended the opening by the Governor-General of an exhibition sponsored by the Australian Red Cross, "*Women in War*".
- On 13 May 2009 Justice Harper chaired a panel discussion for the *Victorian Association for the Care and Resettlement of Offenders (VACRO)*.
- On 2 June 2009 Justice Harper attended a meeting of the *Monash University Post Graduate Advisory Panel on Human Rights & International & Comparative Law*.
- On 17 June 2009 Justice Harper attended the *launch of the letters and speeches of Professor David Derham*.

## Justice Hansen

- On 11 and 12 September 2008, Justice Hansen and Associate Justice Evans attended a two-day conference held by the JCV. The subject was "*Ethics and Obligations in Judicial Decision Making*".
- On 30 and 31 March 2009, Justice Hansen attended the *Judicial Leadership Program run by the JCV*.
- On 28 May 2009, Justices Hansen and Pagone attended and presented prizes at the *Melbourne Law School 2009 Award Ceremony*.

## Justice Bongiorno

- On 29 July 2008, Justice Bongiorno gave a lecture to the inaugural JD course at the Melbourne University Law School as part of the *Guest Lecture Programme* on "*Judges and Juries*".
- 24 March 2009, Justice Bongiorno participated in the *Courts of the Future Network: Victorian Court Architecture Tour*. His honour delivered a speech on the topic of "*Court security in an age of terror*".

## Justice Habersberger

- On 14 October 2008, Justice Habersberger delivered a *speech at a forum organised by the Law Students Society at the University of Melbourne* to celebrate the 25th anniversary of the case *Commonwealth v Tasmania* (the Tasmanian Dam Case).
- On 25 March 2009, Justice Habersberger delivered a speech for the LIV Young Lawyers Section at the *New Lawyers Orientation Program*.

## Justice Williams

- Over the weekend of 15 and 16 June 2008, Justice Williams participated in the Australian Women Lawyers' Conference. Together with two other judges, Justice Williams was a speaker in a session titled "*Judicial Discretion*". Justice Williams' topic was "*Aspects of discretion in property cases*".
- On 24 and 25 October 2008 Justice Williams attended the *NĴCA symposium, The Australian Justice System*, and the annual general meeting of the *Australian Association of Women Judges* in Sydney.

## Justice Kaye

- On 4 August 2008, Justice Kaye chaired a "*Twilight Seminar*" on the Koori Court for judicial officers. The seminar was presented by the JCV in conjunction with the Judicial Officers' Aboriginal Cultural Awareness Committee.
- On 18 August 2008 Justice Kaye attended a public lecture by Professor Menachem Mautner from Tel Aviv University. The lecture was held at Monash University Law Chambers and Professor Mautner spoke on "*Law and culture in Israel at the threshold of the 21st century*".
- On 12 September 2008 Justice Kaye and Justice Bell attended the *Third National Indigenous Legal Conference* held at the RACV Club.
- On 25 August 2008 Justice Kaye chaired a meeting of the *Judicial Officers' Aboriginal Cultural Awareness Committee*.
- On 7 October 2008 Justice Kaye attended the *NĴCA's Indigenous Justice Committee* by teleconference.
- On 14 May 2009 Justice Kaye and Justice Habersberger assisted with the *Bar Readers Moot*.

- On 16 and 17 May 2009 Justice Kaye attended a seminar in Sydney titled “*Exchanging Ideas Weekend*.” It was a conference for judicial officers and Aboriginal community members which was presented by the *Ngara Yura Programme* and the *Judicial Commission of NSW*.

### Justice Whelan

- In his capacity as *chairperson of the Adult Parole Board*, Justice Whelan:
  - » On 25 June 2008 *hosted the Attorney-General* when he visited the Adult Parole Board to observe the meetings being conducted that day.
  - » Between 15 and 18 October 2008 attended a *meeting of Australasian Heads of Parole Boards in New Zealand*.
  - » On 3 October 2008 *toured Ararat Prison* and the extended supervision order accommodation facilities in Ararat.
  - » On 14 November 2008 *toured Barwon Prison and Marnongneet Prison*.
  - » *Attended meetings at the Adult Parole Board* on 15 July 2008, 23 July 2008, 30 July 2008, 17 September 2008, 26 September 2008, 6 October 2008, 7 November 2008, 12 November 2008, 1 December 2008, 8 December 2008, 12 December 2008, 23 January 2009, 27 January 2009, 4 February 2009, 5 February 2009, 17 February 2009, 20 February 2009, 22 April 2009, 17 June 2009, 18 June 2009 and 22 June 2009.

- » On 27 March 2009 *chaired the Annual General Meeting of the Adult Parole Board*.
- » *Met with officers of the Department of Justice* and others concerning issues relating to the Charter of Human Rights and Responsibilities and relating to the future administration of extended supervision orders on 7 August 2008, 4 December 2008, 6 March 2009, 20 March 2009, 2 April 2009, 1 May 2009, 13 May 2009, 26 May 2009 and 27 May 2009.
- » Dealt with urgent matters by *phone conference* on a frequent but irregular basis.
- From 25 June to 27 June 2008, Justices Whelan, Pagone and Associate Justice Daly *attended the 4th ALA Law and Technology Conference* in Sydney. Justice Whelan made a presentation with Associate Justice Daly entitled “*Court measures for controlling eDiscovery*”.
- On 8 September 2008, Justice Whelan judged the Melbourne University Law School’s *Witness Examination Grand Final*.
- On 19 November 2008, Justice Whelan spoke at the *annual Valedictorian Dinner* for Year 12 students at *Monterey High School, Frankston*.
- On 6 February 2009 Justice Whelan *attended a sentencing workshop at the JCV*.
- On 6 February 2009 Justice Whelan attended and *spoke at a media briefing* for Court reporters and other interested journalists in relation to the upcoming calendar year.

- On 13 February 2009, Justice Whelan *toured the Metropolitan Remand Centre*.
- On 21 and 22 March 2009, Justice Whelan and Justice Hollingworth *attended the JCV’s residential Aboriginal Justice Conference*.
- On 7 May 2009, Justice Whelan attended and *spoke at a Melbourne Law Scholarship* dinner hosted by Arnold Bloch Liebler.
- On 13 May 2009, Justice Whelan *presented to 50 year 11 and 12 high school students* in Court in relation to the practical aspects of conducting a criminal trial.

### Justice Hollingworth

- On 29 May 2008 Justice Hollingworth spoke at Victoria University on the topic of “*A Career in Law*”.
- From 12 July to 19 July 2008 Justice Hollingworth *taught advocacy* as part of the Victorian Bar’s course for the *Legal Training Institute in Port Moresby*.
- On 17 September 2008 Justice Hollingworth gave a talk to the LIV’s Commercial Litigation Specialist Study Group about “*Witness Statements*”.
- On 29 September 2008 Justice Hollingworth delivered a lecture to Melbourne University JD students on “*Courtroom Ethics*”.
- On 16 October 2008 Justice Hollingworth presided over the *JD mooting grand final at Melbourne University*.

- On 28 October 2008 Justice Hollingworth and Justice Lasry addressed the Bar Readers on “*Ethical Duties to the Court*”.
- From 7-8 February 2009 Justice Hollingworth attended the *JCA Judicial Reasoning Conference* in Canberra.
- On 2 March 2009 Justice Hollingworth presented at Leo Cussen Institute on the topic of “*Witness Statements*”.
- On 19 March 2009 Justice Hollingworth *participated in a panel discussion at Melbourne University* with Professor Mary Jane Mossman of Osgoode Hall, Canada.
- On 16 April 2009 Justice Hollingworth chaired the JCV Seminar on “*Mental Illness and Substance Abuse*”.
- On 7 May 2009 Justice Hollingworth and Justice Whelan attended a JCV Seminar on “*Cyberlaw*”.
- On 19 May 2009 Justice Hollingworth *presided over a Bar Readers’ moot*.
- On 4 June 2009 Justice Hollingworth was the guest speaker at a dinner to *launch the Geelong Branch of Victorian Women Lawyers*.

### Justice Bell

- On 4 June and 19 June 2008 Justice Bell chaired a meeting of the *JCV Human Rights Sub-Committee*.
- On 5 and 6 June 2008 Justice Bell attended the *Australasian Institute of Judicial Administration/Council of Australasian Tribunals Conference*.

- Between 27 and 30 June 2008 Justice Bell attended the *International Council of Advocates and Barristers World Bar Conference in Dublin and Belfast*. Whilst in Belfast, Justice Bell met with Baroness Scotland, the Attorney General for England and Wales, to discuss the review of the Human Rights Act 1998 (UK). On 2 July 2008 Justice Bell met with Mrs Justice Susan Denham, the former head of the Irish Courts Service, and went on a tour of the Supreme Court in Dublin.
- On 31 July 2008 Justice Bell *attended the launch of the Equal Opportunity Act* review report by the Attorney-General.
- On 1 August 2008 Justice Bell chaired the *JCV Human Rights Refresher seminar*, held on 1 August 2008.
- On 22 August 2008 Justice Bell and Justice Pagone attended the Mallesons Stephen Jacques luncheon with John Pace at the Melbourne Town Hall, followed by the Castan Centre for Human Rights Law Lecture delivered by Mr John Pace. The lecture was entitled “*The Great Enterprise after Iraq*”.
- On 1 September 2008 Justice Bell chaired a meeting of the JCV board.
- On 4 September 2008 Justice Bell delivered a speech entitled “*The role of VCAT in a changing world: the President’s review of VCAT*” to a Law Institute of Victoria function attended by property law and litigation lawyers and the general public.



# Judicial Activity continued

- On 5 September 2008 Justice Bell attended the Planning Institute of Victoria and Victorian Planning and Environmental Law Association State Planning Conference and delivered a speech entitled *“The Charter of Human Rights and its potential application to planning law.”*
- From 8 September to 11 September Justice Bell attended the National Mediation Conference 2008 held in Perth. On 9 September 2008 Justice Bell attended the Second National Mediator Accreditation Committee meeting. Justice Bell chaired a conference session entitled *Fasten your seat belts we’re in for a bumpy ride! Changing the landscape through Family Dispute Resolution and family violence organisational partnerships.*
- On 12 September 2008 Justice Bell attended the Third National Indigenous Legal Conference held at the RACV Club and delivered a speech entitled *“The significance of the Charter of Human Rights and Responsibilities Act 2006 for reconciliation with the Aboriginal community and a federal charter of rights.”*
- On 6 October 2008 Justice Bell addressed the public hearing of the *Victoria Parliamentary Law Reform Committee Inquiry into Vexatious Litigants.*

- On 22 October 2008 Justice Bell attended the *NSW Administrative Appeals Tribunal.*
- On 20 November 2008 Justice Bell delivered the keynote address at the Australian Institute of Administrative Law’s annual dinner. The speech was titled *“Enhancing Australian democracy with the federal bill of rights.”*
- From 26-28 November 2008 Justice Bell attended the Council of Australasian Tribunals (COAT), Tribunals Leadership Workshop in Melbourne. His Honour attended the informal opening night dinner on 26 November, and spoke on the topic of *“Dealing with government administrators, the political system and the media”* on 27 November 2008.

## Justice King

- On 13 November 2008 Justices King and Coghlan and Associate Justices Efthim and Wood presided over the *Bar Readers’ Course moots.*
- On 15 November 2008 Justice King presented the highlight legal presentation at the *“Facing Change in Law, Medicine and Science”* conference held at the Hotel Windsor.

## Justice Cavanough

- On 19 March 2009 Justice Cavanough addressed members of the Victorian Bar on the topic of *“Judicial Appeals and Review List”.*

## Justice Curtain

- On 14 October 2008 Justice Curtain delivered a speech at the *Women’s Breakfast at the Peninsula School in Mt Eliza.*
- On 5 and 6 March 2009 Justice Curtain attended the *Adult Parole Board.*
- 22 May 2009 Justice Curtain addressed the *Year 12 legal studies students at Loreto Mandeville Hall.*

## Justice Pagone

- On 19 June 2008 Justice Pagone attended the *launch of the Construction Law Made Easy* website which was hosted by Minter Ellison at the Rialto Towers and included The Honourable Tim Pallas, Minister for Roads and Ports.
- On 1 and 2 July 2008 Justice Pagone had meetings with Antonio Mura, Secretary General of the International Association of Judges (IAJ), and Barbara Scolart, also of the IAJ, at *Palazzo di Giustizia, Milan.*

- On 2 July 2008 Justice Pagone presented the paper *“Court Approval for Settlement of Class Actions”* at Palazzo di Giustizia, Milan.
- From 14-15 August 2008 Justice Pagone presented to the Australian Taxation Office Workshop on *“How to identify questions of law”.*
- On 20 August 2008 Justice Pagone attended a lecture by, and spoke to thank, The Honourable Justice Kirby at the *Melbourne Law School Annual Tax Lecture* held at Melbourne Law School.
- On 3 September 2008 Justice Pagone attended a seminar organised by the Australian Italian Lawyers Association titled *“Testamentary Trust Wills – Advantages and Disadvantages in Estate Planning and Succession.”*
- On 4 September 2008 Justice Pagone launched the *book European Union Law: An Australian View* by Matthew Harvey and Michael Longo.
- On 17 September 2008 Justice Pagone presented at the Australian Taxation Office Leadership Workshop on the topic of *“The Model Litigant and Law Clarification”.*
- On 11 October 2008 Justice Pagone delivered a speech to the Taxation Institute of Australia’s Victorian State Convention on *“Professional Obligation when Advising on Tax Avoidance”.*

- On 16 October 2008 Justice Pagone attended a special Monash Law alumni event to discuss plans for expansion of *Monash University Law Faculty mootings and advocacy programs.*
- On 20 November 2008 Justice Pagone launched the book *“Adventures in Two Worlds: My Battles with the D Word”* written by Professor Ivo Vellar, at Co.As.It..
- On 8 December 2008 Justice Pagone attended the *Tax Bar Association lecture and dinner* with Michael D’Ascenzo.
- On 17 December 2008 Justice Pagone attended the *Monash University Thanks Event for Volunteers.*
- On 28 February 2009 Justice Pagone attended the *Immigration Museum’s Community Festival and Exhibition Program at the Immigration Museum.*
- On 19 March 2009 Justice Pagone led a discussion on the *Commercial Court to the Victorian Bar.*
- On 1 April 2009 Justice Pagone attended the lecture *“Mediation in the Supreme and County Courts”.*
- On 7 April 2009 Justice Pagone delivered a speech titled *“Centipedes, Liars and Unconscious Bias”* at the Melbourne Law School.

- On 9 May 2009 Justice Pagone presented a paper “*Income and Capital Distinction*” for the Tax Institute of Australia, South Australian State Convention.
- On 31 May 2009 Justice Pagone attended the Premier of Victoria’s announcement of *funding for the Lygon Street precinct to Co.As.It* under the Cultural Precincts Enhancement Fund. On the same day Justice Pagone also hosted the Premier of Victoria and the Minister Assisting the Premier of Multicultural Affairs, The Honourable James Merlino at Co.As.It.
- On 3 June 2009 Justice Pagone hosted the lecture on “*Early Neutral Evaluation – exploring alternatives to mediation*” given by Professor Camille Cameron in the Old High Court Library. Justices Cummins, Smith, Hansen, Habersberger, Whelan, Curtain, Robson, Judd, Vickery, Kyrou, and Davies and Associate Justices Landsdowne, Kings, Efthim and Gardiner also attended.
- On 10 June 2009 Justice Pagone attended the Monash University *Distinguished Alumni Awards* at Federation Square, Melbourne.

### Justice Coghlan

- On 2 June 2009 Justice Coghlan participated in a CPD Seminar at the Victorian Bar entitled “*Defence Responses to Crown Openings and Defence Openings for Defence Cases*”.

### Justice Robson

- On 26 September 2008, Justice Robson delivered a speech at the *Royal Victorian Eye and Ear Hospital* which was attended by staff of the hospital including the Professor of Ophthalmology and the Head of Anaesthetics.
- On 24 February 2009, Justice Robson hosted a *visit to the Court by two Japanese judges*, (Judge Yoshimitsu Kawai, Head of the Okinawa Branch, Naha District Family Court; and Judge Atsushi Shiraishi, Assistant Judge Tokyo District Court) at the request of the Asian Law Centre of Melbourne University.

### Justice Forrest

- On 18 June 2009 Justices Forrest and Davies and Associate Justice Daly presided at the *Hanover/LIV Moot Competition*.

### Justice Lasry

- On 30 May 2008 Justice Lasry presented to the LIV Human Rights Conference on the topic of “*The Charter of Human Rights and Criminal Procedure in Victoria*”.
- On 14 June 2008 Justice Lasry gave the *Inaugural Law Lecture* to celebrate the 150th anniversary of the Beechworth Historic District, at the Beechworth Court House. Justice Lasry spoke about the differences between criminal justice in Victoria in 2008 and criminal justice in the days of Sir Redmond Barry (the presiding judge in the Ned Kelly case) in the 1880s.
- On 22 August 2008 Justice Lasry delivered the *after dinner speech to the Royal Victorian Honorary Justices Annual Dinner*.
- On 10 September 2008 Justice Lasry gave an address to the *Monash Law School Ambassadors Program*.
- On 22 September 2008 Justice Lasry spoke at an event presented by Future Leaders in partnership with the City of Melbourne’s Melbourne Conversations program. The theme of the event was “*Democracy: Do We Have It?*” An exploration of democracy and what it means locally, nationally and internationally.”
- On 9 October 2008 Justice Lasry was a speaker at the *Inaugural Reprieve Lecture for World Anti-Death Penalty Day* at the State Library of Victoria.
- On 10 October 2008 Justice Lasry spoke at the *Last Laugh Luncheon* hosted by Lawyers Weekly.
- On 24 November 2008 Justice Lasry delivered the *Annual University of Melbourne Chancellor’s Human Rights Lecture*.
- On 10 March 2009 Justice Lasry gave the keynote address at the African Think Tank Inc. Forum on “*Maximising the Potential of African Youth: A Community Model to Bolster Health and Legal Support*” at Victoria University.
- On 27 and 28 March 2009 Justice Lasry spoke at the Queensland Law Society symposium on “*Challenges*” and “*Challenges for Access to Justice and Civil Rights*”.
- On 25 March 2009 Justice Lasry attended the JCV Oral Decisions meeting.
- On 25 March 2009 Justice Lasry delivered a speech at the *Monash University prize-giving ceremony*.
- On 27 and 28 March 2009 Justice Lasry delivered a speech and participated in a panel presentation at the *Queensland Law Symposium*.

- On 1 April 2009 Justice Lasry attended the *Monash Law Faculty board* meeting.
- On 12 May 2009 Justice Lasry delivered the Blackburn Lecture in Canberra titled “*Australian Legal Principles*”.

### Justice Vickery

- On 19 August 2008 Justice Vickery delivered a paper entitled “*Treaties, Human Rights and Statutory Interpretation*” to the Victorian Bar.

### Justice Kyrou

- On 28 April 2009 Justice Kyrou conducted a tour of Courts 1 and 5 for a group of *international students studying at Monash University*.
- On 1 May 2009 Justice Kyrou attended the *JCV Oral Judgments Course*.

### Justice Davies

- On 4 May 2009 Justice Davies presented to the Bar Readers on “*The Advocates’ Duty to the Court*” at the Victorian Bar.
- On 12 May 2009 Justice Davies attended a lecture by Madame Louise Otis on “*Judicial Mediation: When judges act as mediators for the benefit of citizens and lawyers*” at Monash University.
- On 15 May 2009 Justice Davies met with Madame Louise Otis to discuss *judge-led mediation*.
- On 21 May 2009 Justice Davies attended the JCV “*Human Rights Charter Overview Workshop*”.

# Judicial Activity continued

## Justice Beach

- On 30 March 2009 Justice Beach attended the *Civil Justice Council (UK) Forum*.

## Associate Justice Evans

- On 4 August 2008 Associate Justice Evans *chaired a meeting of the Probate Users' Committee*.

## Associate Justice Kings

- From 28 August to 31 August 2008 Associate Justices Kings, Wood and Daly *attended the Bond University Advanced Mediation Course*.

## Associate Justice Efthim

- On 16 June 2008 Associate Justice Efthim attended a seminar on “*Duties and Powers of Judges and Masters*” at the Leo Cussen Institute.
- On 12 August 2008 Associate Justice Efthim delivered a speech on “*insolvency law*” with Oren Bigon at the LLM Post Graduate Program.
- On 1 September 2008 Associate Justice Efthim presented to the *Certified Practising Accountants Insolvency Discussion Group*, at Dibbs Abbott Stillman.

- On 5 November 2008 Associate Justice Efthim delivered two presentations to the Bar Readers Course on “*Mediation*” and on “*Tips for Appearing in the Masters Court*”.

- On 26 February 2009 Associate Justice Efthim attended the “*Drafting Pleadings Workshop*” at the Leo Cussen Institute.

## Associate Justice Wood

- On 1 August 2008, Associate Justice Wood *gave a presentation to Victoria University students*, completing their Diploma in Court Services on Mediation.
- On 17 September 2008, Associate Justice Wood *served as a coach for Monash University Masters students* undertaking their first attempt as mediators through simulated exercises.
- On 31 March 2009, Associate Justice Wood *attended the Anglo-Australian Lawyers Society* (Victorian Branch) breakfast on where Lord Justice Jackson spoke on “*The Master of the Rolls' Civil Costs Review*”.





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