



# SUPREME COURT OF VICTORIA ANNUAL REPORT 2014–15



## Letter to the Governor

29 July 2016

To Her Excellency Linda Dessau AM, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia.

Dear Governor,

We, the judges of the Supreme Court of Victoria, have the honour of presenting our Annual Report pursuant to the provision of the *Supreme Court Act 1986* with respect to the financial year 1 July 2014 to 30 June 2015.

Yours sincerely,



Marilyn L Warren AC  
The Honourable Chief Justice  
Supreme Court of Victoria

## About the cover

The aerial view of the Supreme Court of Victoria is produced courtesy of the Judicial College of Victoria. Photographer: Sarah Anderson Photography.

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

July 2016

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ISSN 1839-6062

Authorised by the Supreme Court of Victoria.

This report is also published on the Court's website:  
[www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au)

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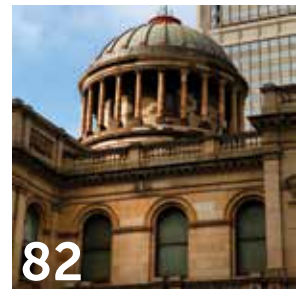
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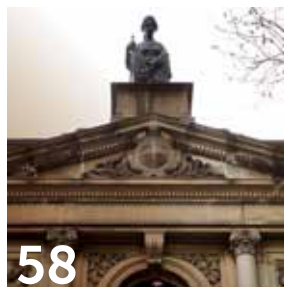
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# FOREWORD FROM THE CHIEF JUSTICE

The 2014-2015 Annual Report highlights many achievements and challenges the Court has faced as we continue to operate as an extremely busy and productive institution of justice on behalf of the Victorian community.

The 2014-15 Annual Report speaks for itself. However, there are four primary observations I make:

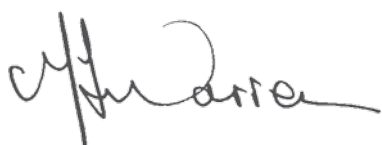
1. The Supreme Court serves the rule of law and the people of Victoria to the highest standard.
2. The Court continues to hear and determine the most complex, difficult and serious litigation in Victoria.
3. The resource needs of the Supreme Court must be met to enable it to do its work.
4. The Court has urgent resource needs:
  - improved technology and the implementation of a digital strategy.
  - adequate security to ensure the safety of all who come to and work within the Court. This is especially so given the sensitive and confidential information produced in litigation and, also, the risks arising in terrorist cases.

I note this report was delayed pending the delivery and analysis of the 2016-17 State Budget. Regrettably, no direct funding was given to the Supreme Court notwithstanding the urgent technological and security needs I describe.

In terms of needs I also observe that the Supreme Court building complex remains unsatisfactory. We have concepts ready for the Government to develop when the time comes. The time must come when a modern 21st century facility is provided to the highest court in the state. Fully modern, innovative, efficient and sensitive justice requires an appropriate built environment. Presently, the Supreme Court sits across six buildings in the Melbourne legal precinct of varying standard, much of them being sub-standard.

I take this opportunity to acknowledge and thank Court Services Victoria for its generous assistance to the Supreme Court throughout the year.

Finally, on behalf of the judges of the Supreme Court I express deep appreciation for the continuously loyal, generous and creative support and assistance given to us by the Court's administrative and judicial staff. Their commitment is essential to what we do.



**The Hon. Marilyn L. Warren AC**  
Chief Justice of Victoria



# FOREWORD FROM THE CHIEF EXECUTIVE OFFICER

The past year celebrated the first year of operation of Court Services Victoria (CSV), enabling the Supreme Court of Victoria to continue to deliver excellence in court administration through a structure independent of the executive arm of government.

Anthony Hoogeveen and Paul Dore both undertook the role of Acting Chief Executive Officer during this period, and I acknowledge not only their contribution to many of the initiatives that shaped the Supreme Court in the 12 months to 30 June 2015, but also to the operation and the development of a strong foundation between the Court and CSV.



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## Strengthening Court Administration

The 2014-15 year saw significant development in all of our registries: the formation of the Commercial Court Registry, piloting of a dedicated Criminal Division Registry team, implementation of significant changes to the Court's Rules, practices and procedures regarding the filing and management of civil applications (including for leave to appeal) and a program of change and reform undertaken within the Principal Registry.

Initiations in the Principal Registry increased by 16.4 per cent and contacts with self-represented litigants (SRLs) increased by 23 per cent. The increasingly complex nature of services required by SRLs has led to a more in-depth understanding of their requirements, which in the coming year will see a strong focus on working with legal assistance providers to identify tools, referrals and pathways to assist these potential litigants.

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## Delivering justice through enabling technologies

In total, 24,120 documents were filed electronically, a growth of 36 per cent on the previous financial year (17,700). This represents 27 per cent of all documents filed and reflects our commitment to streamlining internal workflows, aligning operations to support specialisation and related case management models and becoming truly 'digital first'.

The Commercial Court became a division of the Supreme Court on 1 September 2014. The division is supported by a highly skilled registry workforce, led by a specialist judicial registrar and utilises technology that enables a 'digital first' approach to all its files.

In 2014-15, the Judicial ICT Project delivered a mobile computing environment (Microsoft Office 365) with secure cloud storage capability to all members of the judiciary. This was an important milestone in the Court's digital journey and became fully operational in February 2016.

The Courts business intelligence capacity continues to deliver a robust performance reporting framework for the Court. Improvements to data integrity and reporting, enabling the assessment of the impact of case management and procedural reforms on court resources, settlement rates, timing of settlements and trial length, assist the Court to manage its work and plan for the future.

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## Looking forward

As in previous years, our support areas succeeded in delivering timely and accessible services, within the context of increasing demand, procedural reforms and the limitations of out-of-date technology. The achievements and challenges outlined in this Annual Report highlight our commitment to continuous improvement, innovation in service delivery and accessible justice.

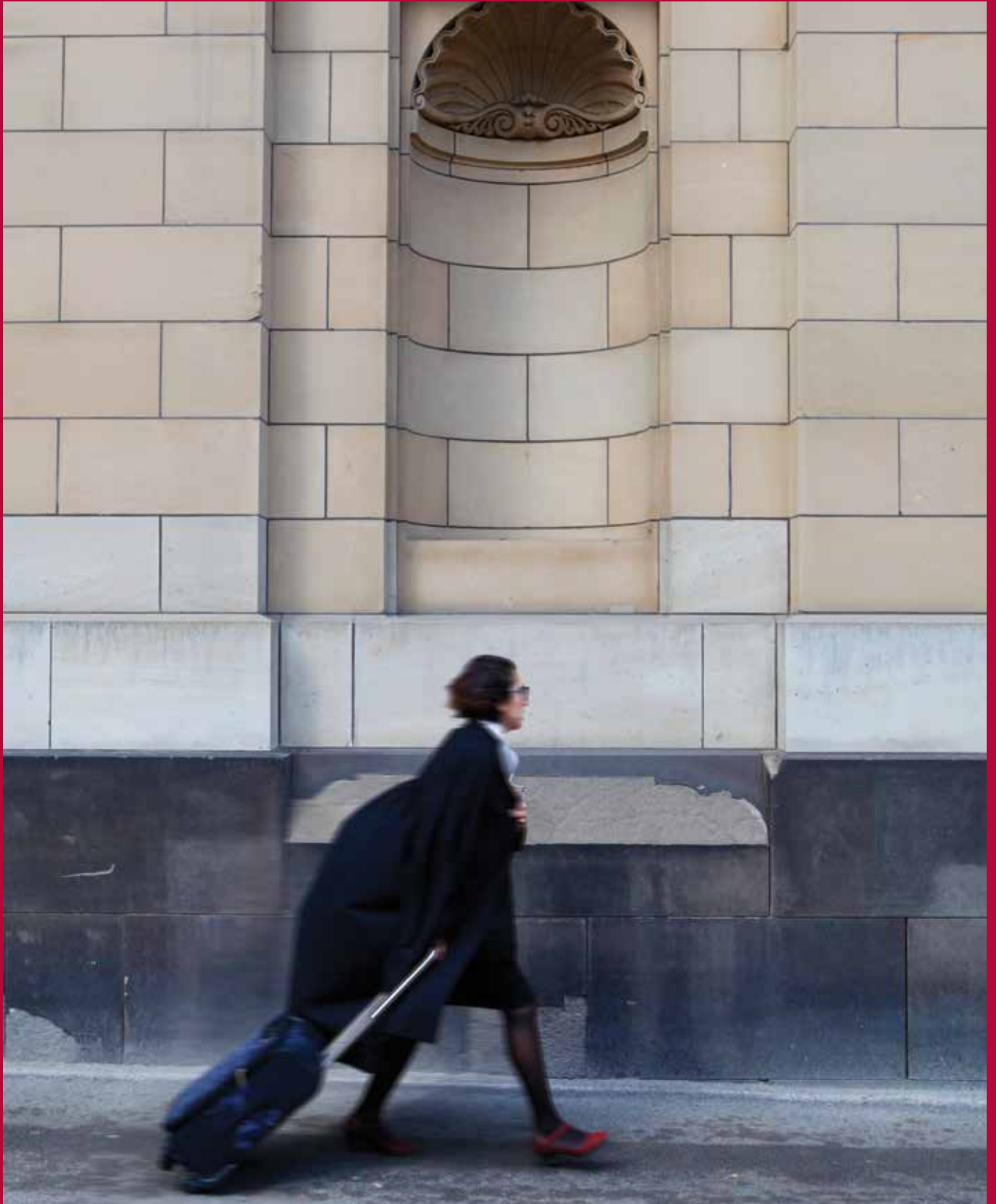
The 2014-15 financial year has been one of innovation and improvement. I thank all staff for their contribution to the achievements of the Supreme Court in this period and look forward to continuing to support the Court in upholding the highest of standards in the administration of justice.



**Louise Anderson**  
Chief Executive Officer

# SUPREME COURT OF VICTORIA 2014–15 AT A GLANCE

Performance measurement and management is integral to the Supreme Court of Victoria's vision of judicial leadership, self-governance and effective and efficient operations.



AT A GLANCE

# GLOBAL MEASURES OF COURT PERFORMANCE

The Global Measures of Court Performance are a suite of core court performance measures that gauge the impact of services delivered for the community. The measures align with the values and areas of court excellence within the International Framework for Court Excellence (the framework).

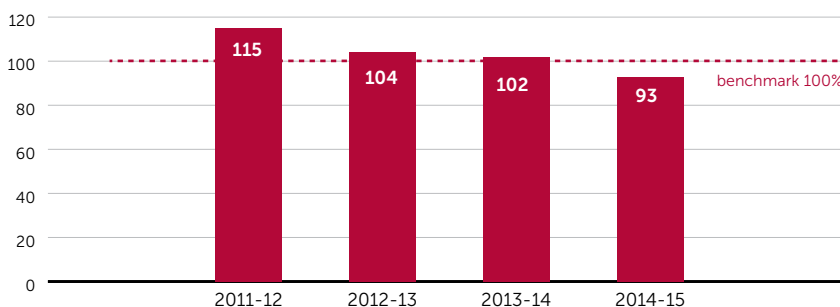
The Supreme Court of Victoria continued its transition to the Global Measures of Court Performance during 2014–15, as part of the ongoing implementation of the framework. This year, the Court has sufficient quality data associated with four of the global measures to report on in this Annual Report: clearance rate, case backlog, on-time case processing and cost per case.

It is expected that further data will be available next year to enable reporting on additional measures, such as court file integrity and trial date certainty. The Court is progressively establishing benchmarks for all of these performance measures in order to monitor whether it is achieving the quality outcomes which have been set.

## Disclaimer

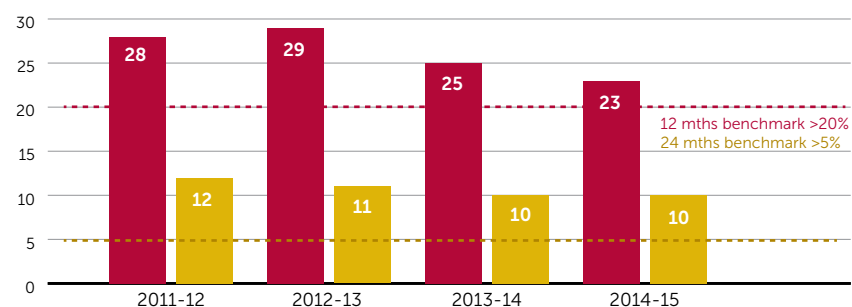
Discrepancies between 2013-14 figures reported in this section of the report, compared to those presented in the 2013-14 Annual Report, are due to the further refinement of the Court's statistics after publication of the 2013-14 Annual Report.

**Figure 1: Clearance rate (percentage)**



Clearance rate measures the number of cases the Court has finalised in a given period. It is expressed as a percentage of the number of cases initiated. In the period 2014–15, the Court's outcome for case clearances dropped marginally below its benchmark for the first time in five years. Importantly the Court continued to finalise an increasing number of cases during 2014–15, and the reduction in this outcome was attributable to a 20 per cent increase in initiations in civil cases. This increase in initiations was the highest ever recorded by the Court and masked the true performance of the Court as finalised cases increased by 5 per cent from the previous reporting period.

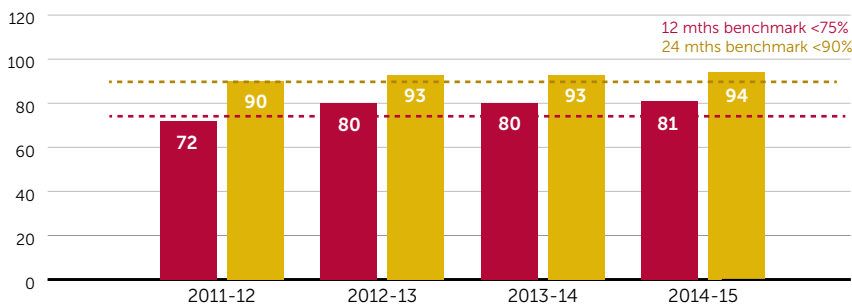
**Figure 2: Case backlog (percentage)**



Case backlog measures the length of time that cases awaiting finalisation have been pending. It is a quantitative assessment of the Court's timeliness in processing cases. While the Court continued to achieve a reduction in the number of pending cases, it is yet to reduce the backlog below either the 12 or 24 month benchmarks

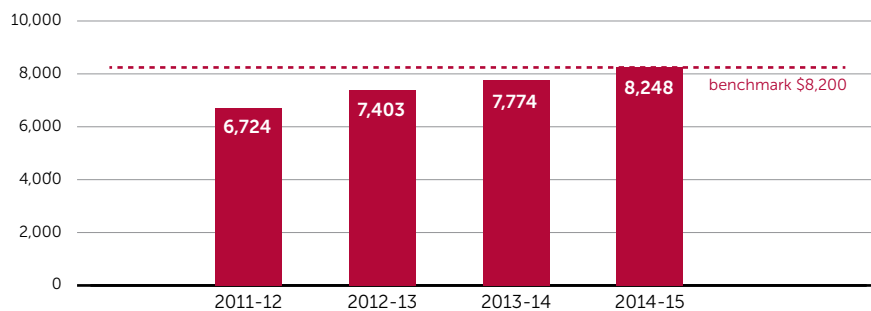


**Figure 3: On-time case processing (percentage)**



On-time case processing measures the percentage of cases finalised within 12 or 24 months. Completing cases within these timeframes enhances trust and confidence in the Court’s judicial processes. In 2014–15, the Court continued to perform above the 12 and 24 month benchmarks.

**Figure 4: Cost per case (AUD\$)**



Cost per case equates to the average cost incurred by the Court in finalising a single case, averaged across all of the cases finalised for the year. This measure is a useful indicator of the Court’s efficient and effective use of its resources. Tracking changes in the cost per case over time allows for a meaningful evidence-based assessment of Court policies and the impact of case management practices. While the Court is displaying a slight increase in cost over recent years, it still remains closely in the vicinity of its self-imposed benchmark of \$8,200.

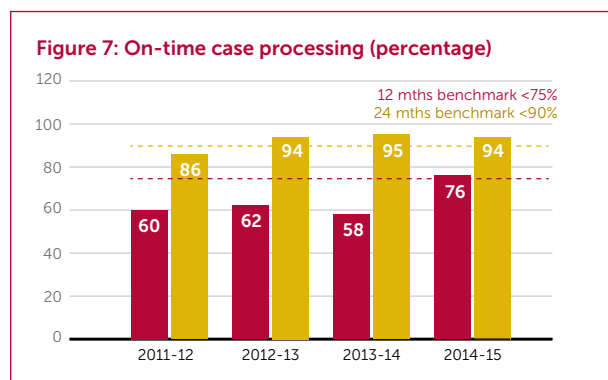
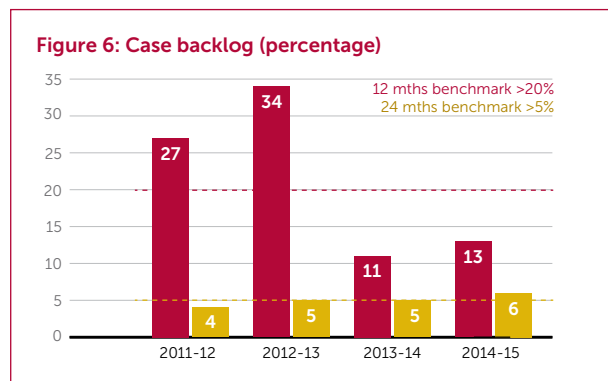
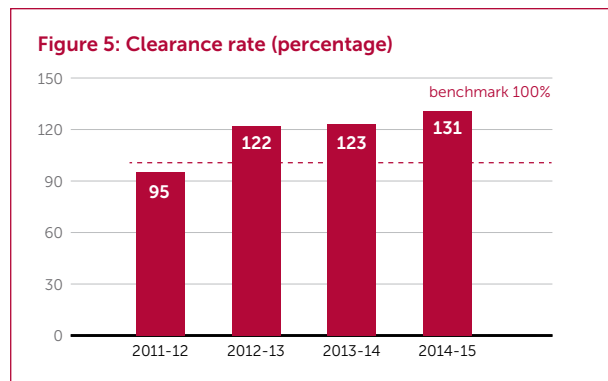
The Supreme Court of Victoria excludes payroll tax from ‘Cost per case’ figures as it enables comparison with other jurisdictions and territories. Payroll tax is included for reporting purposes by Court Services Victoria (CSV). Previous year ‘Cost per case’ amounts are adjusted to apply current 2014-15 dollars, this is to assist with year on year comparison allowing for inflation.

# THE COURT OF APPEAL

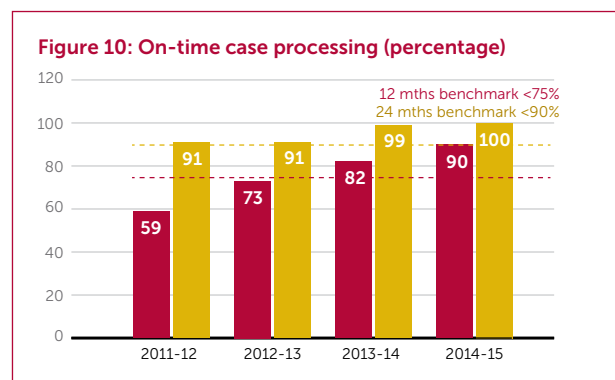
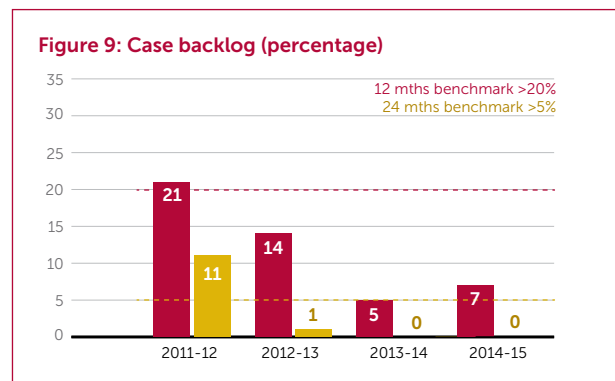
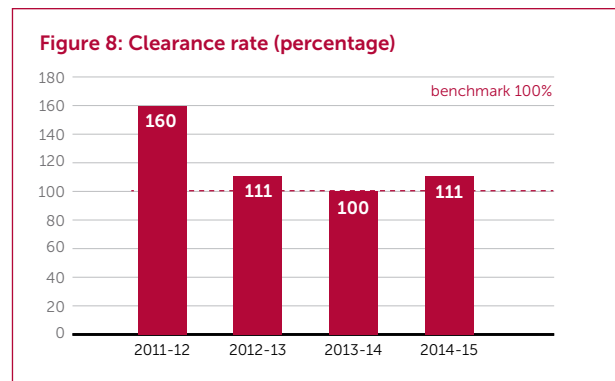
The following graphs provide an overview of the performance of the Court of Appeal in relation to the three Global Measures of Court Performance:

- clearance rate
- case backlog
- on-time case processing.

## Civil



## Crime



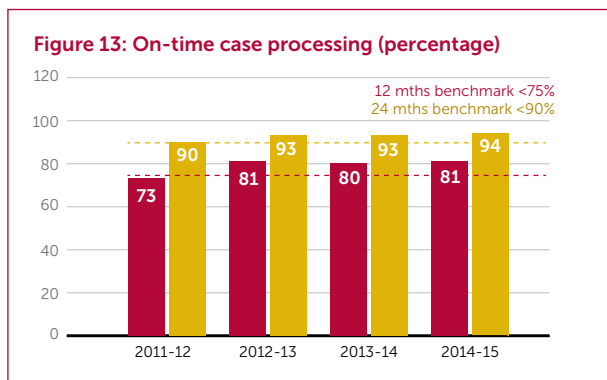
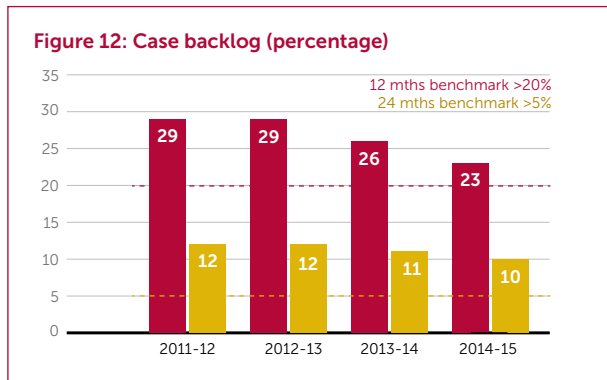
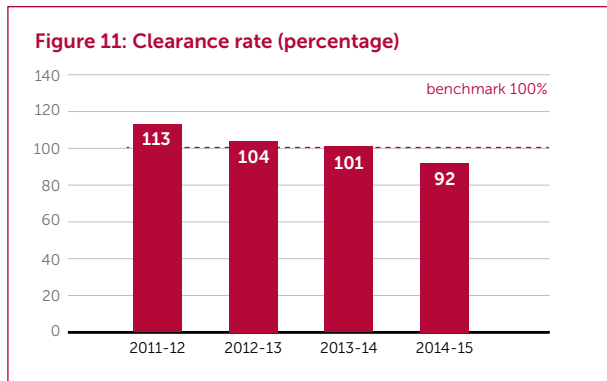
For further information about the Court of Appeal see page 24.

# TRIAL DIVISION

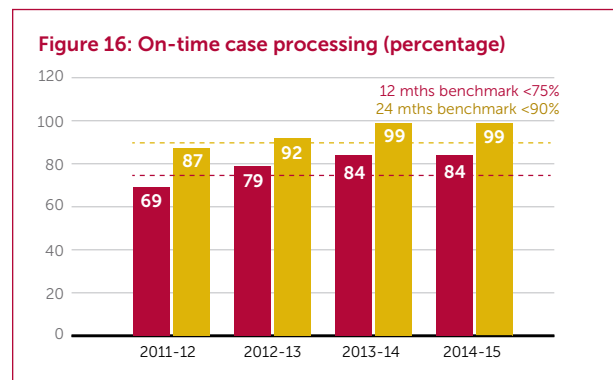
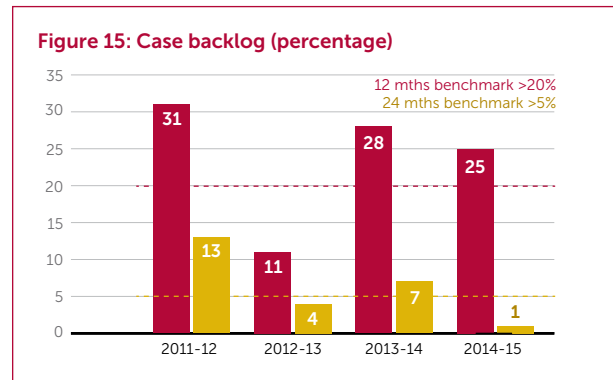
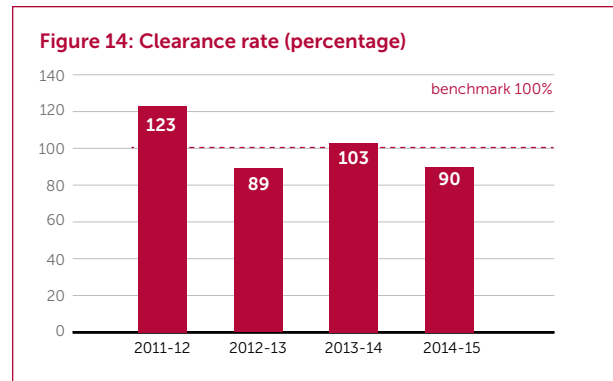
The following graphs provide an overview of the performance of the Trial Division in relation to the three Global Measures of Court Performance:

- clearance rate
- case backlog
- on-time case processing.

## Civil



## Crime



For further information about the

- Commercial Court, see page 26
- Common Law Division, see page 32
- Criminal Division, see page 42.

# FINANCIAL MANAGEMENT

The table below shows the revenue appropriated to the Supreme Court of Victoria through Court Services Victoria, the expenditure incurred against each appropriation, and the net operating result for the past three years.

During 2014–15, the Supreme Court output appropriation incurred unplanned expenses for transitioning into Court Services Victoria. This is the main reason for the total overspend of \$0.490m.

**Table 1: Revenue appropriated to the Supreme Court of Victoria**

Revenue appropriation, expenditure and operating result \$'000	Special appropriation**	Output appropriation: Supreme Court****	Output appropriation: Juries Commissioner's Office	Capital***	Total
<b>2012–13</b>					
Revenue	24,820	27,423	6,575	294	<b>59,112</b>
Expenditure	24,820	27,700	6,230	294	<b>59,044</b>
Result	0	(277)*	345*	0	<b>68</b>
<b>2013–14</b>					
Revenue	25,113	28,872	6,463	160	<b>60,608</b>
Expenditure	25,113	28,855	6,453	160	<b>60,581</b>
Result	0	17*	10*	0	<b>27</b>
<b>2014–15</b>					
Revenue	27,770	31,216	6,622	0	<b>65,608</b>
Expenditure	27,770	32,399	5,929	0	<b>66,098</b>
Result	0	(1,183)	693	0	<b>(490)</b>



Turn to page 77 for more information about the management of the Court's financial resources.

\* Output appropriation results for 2012-13 and 2013-14 have been adjusted to reflect the end of year result after end of financial year adjustments including adjustments for approved carry forwards (\$425k from 12-13 and \$691k from 13-14).

\*\* Special appropriation revenue is recognised on a cash basis and expenses are reflected on an accrual basis. Therefore figures presented for special appropriation in the table above are the accrued expense result.

\*\*\* Represents funding received by the Court as an Owner's Equity contribution for capital works, buildings fit-outs and to meet its finance lease obligations. The capital contribution to the Court is minor in comparison to total revenue appropriated. For financial year 2014-15 there was no capital appropriation received for capital works and building fit-outs.

\*\*\*\* Supreme Court output appropriation revenue includes a funding allocation from the Court Fee Pool (a fund derived under s 29 of the Financial Management Act 1994).

# PRIORITIES IN THE YEAR AHEAD


The Supreme Court of Victoria will continue to focus on a range of priorities and initiatives in the year ahead, to modernise and improve service delivery.

In 2015–16, the Court will implement a suite of judiciary-led programs to further develop court excellence in line with international standards. These initiatives will enhance and demonstrate the Court's ability to manage and plan for a sustainable future. The primary strategic initiatives include:

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## Civil litigation

 Continue with the development, expansion and improvement of the Commercial Court.

 Implement case management strategies in the Common Law Division to more efficiently use judicial and other resources resulting in better access to justice for Court users.


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## Civil appeal reforms

 Focus on the further development and implementation of the civil appeal reforms, which saw the median time to finalise civil appeals decrease considerably in 2014–15.


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## Appropriate dispute resolution

 Continue building on the growth and effectiveness of appropriate dispute resolution, which saves considerable Court time and resources.


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## Iconic Court building

 Continue working with the Courts Council and Court Services Victoria to develop a master plan for the legal precinct facilities. A state-of-the-art Court building is necessary for quality Court delivery in the future.

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## Paper-free e-Court

 Working towards key court delivery and support services being done electronically, and remotely, to contemporary standards of security, functionality and cost.

# ABOUT THE COURT

The Supreme Court of Victoria is the highest court in Victoria. Established in 1852 under the Victorian Constitution, the Court is divided into the Court of Appeal and the Trial Division.

The majority of Supreme Court cases are heard in Melbourne. However, as a court for all Victorians, the Court endeavours to hear matters in the region of origin whenever possible. The Court regularly travels to regional communities and sits at the local courthouses in Ballarat, Bendigo, Geelong, Hamilton, Horsham, Latrobe Valley (Morwell), Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.



## Goal:

To be an outstanding superior court.

## Purpose:

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

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

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## Court of Appeal

The Court of Appeal was established under the *Constitution (Court of Appeal) Act 1994* and commenced operations on 7 June 1995. The Court of Appeal hears appeals from criminal and civil trials heard in the Trial Division of the Supreme Court, and in the County Court. It also hears some appeals from proceedings that have come before the Victorian Civil and Administrative Tribunal (VCAT) and other tribunals.

Procedure before the Court is governed by Acts of Parliament, the Supreme Court Rules and Practice Notes that are issued by the Court.



For more information about the Court of Appeal see page 24.

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## Trial Division

The Trial Division hears among the most serious criminal and civil cases in Victoria, including:

- cases of treason, murder, attempted murder and other major criminal matters
- civil cases unlimited in the amount of money that may be claimed
- civil cases involving complex legal issues
- some appeals and reviews of decisions made in lower courts and tribunals
- procedural matters, including applications for bail, winding up of companies, probate business and urgent applications for injunctions.

Proceedings are heard in one of the following divisions:

- the Commercial Court
- the Common Law Division
- the Criminal Division.

A principal judge is appointed to oversee the work of each division in addition to performing their judicial duties. There are a number of specialist lists within the Commercial Court and Common Law Division. Each list is assigned to a judge who is responsible for the work of that list.

The Practice Court hears urgent applications that need not, or cannot (due to availability), be made to a judge sitting in any of the specialist lists. Matters in the Practice Court are heard by a trial judge.

Civil proceedings outside judge-managed lists are case-managed by the Court's associate judges. Associate judges conduct some trials, primarily in the Commercial Court. They also conduct mediations and adjudicate and resolve disputes between parties regarding matters such as discovery, subpoenas, pleadings and the enforcement of judgments. Associate judges do not have jurisdiction in respect of criminal matters.

The Costs Court hears and determines matters relating to costs arising from court proceedings, and disputes between legal practitioners and their clients. The Costs Court falls within the jurisdiction of the associate judges.



Read more about the divisions, from page 26.

Turn to page 46 for more information about the work of the associate judges.

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## Court Delivery

### The judiciary

The Supreme Court of Victoria judiciary comprises:

- the Chief Justice
- the President of the Court of Appeal
- judges
- associate judges
- judicial registrars.

Appointments to the Court are made by the Attorney-General after a consultative process with the Court.

## Judges of the Supreme Court of Victoria during 2014–15

### Chief Justice

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

### President of the Court of Appeal

The Honourable Justice Chris Murray Maxwell AC: 18 July 2005 – present

### Judges of the Court of Appeal

The Honourable Justice Geoffrey Arthur Akeroyd Nettle: (2002\*) 7 June 2004 – 2 February 2015

The Honourable Justice Marcia Ann Neave AO: 22 February 2006 – 23 August 2014

The Honourable Justice Robert Frank Redlich: (2002\*) 8 May 2006 – present

The Honourable Justice Mark Samuel Weinberg: 22 July 2008 – present

The Honourable Justice Pamela Mary Tate: 14 September 2010 – present

The Honourable Justice Robert Stanley Osborn: (2002\*)  
7 February 2012 – present

The Honourable Justice Simon Paul Whelan: (2004\*)  
16 October 2012 – present

The Honourable Justice Phillip Geoffrey Priest: 23 October 2012 – present

The Honourable Justice Joseph Gerard Santamaria: 20 August 2013 – present

The Honourable Justice David Francis Rashleigh Beach: (2008\*)  
22 October 2013 – present

The Honourable Justice Emiliios John Kyrou: (2008\*) 29 July 2014 – present

The Honourable Justice Anne Ferguson: (2010\*)  
12 August 2014 – present

The Honourable Justice Stephen William Kaye AM: (2003\*)  
3 February 2015 – present

The Honourable Justice Stephen Geoffrey Edwin McLeish:  
3 March 2015 – present

### Judges of the Trial Division

The Honourable Justice Katharine Mary Williams: 25 October 2002 – 12 February 2015\*\*

*Principal Judge: Common Law Division*  
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:  
16 March 2005 – present

*Principal Judge: Commercial Court*

The Honourable Justice Betty June King: 21 June 2005 – 14 August 2015

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

The Honourable Justice Ross McKenzie Robson: 7 August 2007 – present

The Honourable Justice John Herbert Lytton Forrest: 7 August 2007 – present  
*Principal Judge: Common Law Division*  
from 15 February 2015

The Honourable Justice Lex Lasry AM:  
25 October 2007 – present  
*Principal Judge: Criminal Division*

The Honourable Justice James Gregory Judd: 4 March 2008 – present

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

The Honourable Justice Terence Michael Forrest:  
13 October 2009 – present

The Honourable Justice Karin Leigh Emerton: 13 October 2009 – present

The Honourable Justice Clyde Elliott Croft: 4 November 2009 – present

The Honourable Justice Michael Leon Sifris: 13 July 2010 – present

The Honourable Justice Peter Waddington Almond:  
28 July 2010 – present

The Honourable Justice John Russell Dixon: 13 September 2010 – present

The Honourable Justice Cameron Clyde Macaulay:  
13 September 2010 – present

The Honourable Justice Kate McMillan:  
6 March 2012 – present

The Honourable Justice Gregory Garde AO RFD: 29 May 2012 – present

The Honourable Justice Geoffrey John Digby: 19 November 2012 – present

The Honourable Justice James Dudley Elliott: 25 March 2013 – present

The Honourable Justice Timothy James Ginnane: 4 June 2013 – present

The Honourable Justice Melanie Sloss:  
30 July 2013 – present

The Honourable Justice Michael James Croucher: 30 July 2013 – present

The Honourable Justice John Timothy Rush RFD: 26 November 2013 – present

The Honourable Justice Joanne Cameron: 12 August 2014 – present

The Honourable Justice Christopher William Beale:  
2 September 2014 – present

The Honourable Justice Michael Phillip McDonald:  
16 September 2014 – present

The Honourable Justice Rita Zammit: (2010\*\*\*) 3 February 2015 – present

The Honourable Justice Peter Julian Riordan: 11 March 2015 – present

### Reserve judges

The Honourable David John Ashley AM: (2012\*\*) 9 April 2013 – present

The Honourable Philip Mandie: (2012\*\*) 2 July 2013 – present

The Honourable Hartley Roland Hansen: (2012\*\*) 2 July 2013 – present

The Honourable Bernard Daniel Bongiorno AO: (2012\*\*) 2 July 2013 – present

The Honourable Paul Anthony Coghlan: (2014\*\*) 12 January 2014 – present

The Honourable Marcia Ann Neave AO: 19 August 2014 – 21 February 2015

### Associate judges

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:  
10 October 2006 – present

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

The Honourable Associate Justice Nemeer Mukhtar:  
18 August 2009 – present

The Honourable Associate Justice Rodney Stuart Randall:  
17 May 2011 – present



The Honourable Associate Justice David Mark Brudenell Derham:  
 11 December 2012 – present  
*Principal Judge: Associate Justices*  
 The Honourable Associate Justice Mary-Jane Ierodiaconou:  
 12 May 2015 – present

**Judicial registrars**

Judicial Registrar Mark Pedley:  
 28 January 2011 – 9 October 2015  
 Judicial Registrar Meg Gourlay:  
 28 January 2011 – present  
 Judicial Registrar Steven Wharton:  
 11 December 2012 – present  
 Judicial Registrar David Ware:  
 26 May 2014 – present  
 Judicial Registrar Julian Hetyey:  
 3 November 2014 – present

\*Date appointed to the Trial Division  
 \*\*Date retired from the Bench  
 \*\*\*Date appointed as an associate judge

**Retirements and appointments**

Justice Nettle was appointed to the High Court of Australia while Justice Neave was appointed the Chair of Victoria’s Royal Commission into Family Violence.

The Court of Appeal welcomed the appointments of Justices Kyrou, Ferguson, Kaye and McLeish.

Justices Williams and King retired as judges of the Trial Division during the year.

The Trial Division welcomed the new appointments of Justices Cameron, Beale, McDonald, Zammit and Riordan.

Associate Justice Ierodiaconou was appointed in May 2015.

In November 2014, the Governor-in-Council appointed Julian Hetyey to the new role of Judicial Registrar (Commercial Court).

In October 2015, Judicial Registrar Mark Pedley resigned to take up the role of Commonwealth Solicitor of Public Prosecutions.

Under the *Courts Legislation Amendment (Reserve Judicial Officers) Act 2013* retired judges and interstate judges can be appointed as reserve judges of the Supreme Court. Appointments are made by the Governor-in-Council for a period of five years with engagements made by the Chief Justice during that period.



Justice Nettle



Justice Kyrou



Justice Ferguson



Justice Kaye



Justice McLeish



Justice Cameron



Justice Beale



Justice McDonald



Justice Zammit



Justice Riordan



Associate Justice Ierodiaconou



Judicial Registrar Hetyey

## Committees

Supreme Court judges are involved in a number of Court committees that oversee and guide decision-making in relation to the effective administration and operation of the Court. The primary committees operating in the Court are:

- Board of Management – chaired by Chief Justice Warren
- Court Business Group – chaired by Chief Justice Warren
- OHS Committee – chaired by President Maxwell
- Rules Committee – chaired by Justice Cavanough
- Communications Committee – chaired by Justice Whelan
- Information Technology Committee – chaired by Justice Elliott
- Education Committee – chaired by Justice Croft
- Library Committee – chaired by Justice Macaulay

Supreme Court judges are also involved in a number of committees established by the Courts Council that consider a range of issues pivotal to the operations of Court Services Victoria. These include:

### Courts Council

Chief Justice Warren – Chair

### Finance Portfolio Committee

Chief Justice Warren – Chair  
Justice Robson

### CBD Major Assets Strategic Planning Committee

Chief Justice Warren – Chair  
Justice Osborn  
Justice John Dixon

### Executive Remuneration Committee

Chief Justice Warren – Chair  
Dr Philip Williams

### Audit & Risk Portfolio Committee

Justice Almond

### IT Portfolio Committee

Justice Elliot

### HR Portfolio Committee

Associate Justice Lansdowne

### Accommodation and Assets Portfolio Committee

Justice Osborne  
Justice John Dixon

Justice Garde is also a member of a number of these Committees as President of VCAT.

## Boards and Offices

There are a number of positions external to the Court that must be held by a judge of the Supreme Court of Victoria, in accordance with legislation.

In 2014–15, these positions were as follows:

### Victorian Civil and Administrative Tribunal

Justice Garde – President

### Judicial College of Victoria

Chief Justice Warren – Chair

### Council of Legal Education (ceased 1 July 2015)

Chief Justice Warren – Chair  
Justice Kyrou – member  
Justice Bell – member  
Justice Ginnane – member

### Forensic Leave Panel

Justice Bell – President  
Justice T Forrest – member  
Justice J Forrest – member  
Justice Croucher – member  
Justice Beale – member

### Admissions Committee

Justice Kyrou – member

### Legal Costs Committee

Chief Justice Warren – Chair (until 30 December 2014)  
Associate Justice Wood – Chair (from 1 January 2015)

## Professional development

Supreme Court judges attended a total of 1,195.5 hours of professional development provided by the Judicial College of Victoria in 2014–15. The college provides education for judges, magistrates and VCAT members to keep them up-to-date with developments in the law and social issues.

The total number of hours is inclusive of time spent participating in programs, sitting on steering committees, commercial planning committees and editorial committees. The committees include:

- the Criminal Chargebook Editorial Committee
- the Civil Juries Chargebook Editorial Committee
- the Sentencing Manual Editorial Committee.

## Extra-curricular activities



A summary of judicial activity within the broader community is available in Appendix 1.

Supreme Court judges, associate judges and judicial registrars are also very active in the community, participating in events and activities that support and promote an understanding of the law and the courts.

# SUPREME COURT OF VICTORIA

## 2014–15 SIGNIFICANT EVENTS

### Independence of the courts: Court Services Victoria

From 1 July 2014, Victoria's courts and tribunals gained independence from departmental involvement and became accountable directly to the Victorian Parliament through an independent body directed by the Heads of Jurisdiction, Court Services Victoria (CSV).

The first year of CSV's operation focused on setting a foundation for long-term sustainability and enabling Victoria's courts and tribunals to flourish in a judicial-led environment.

CSV was embraced by the judiciary, including the Heads of all Jurisdictions who form the Courts Council and act as chairs of the six portfolio committees. Chief Justice Marilyn Warren chairs the Courts Council.

Judicial members of the portfolio committees have played a vital role in leading the development of the new statutory body.

An environment of collaboration led by CSV's Chief Executive Officer, Alan Clayton, with the jurisdiction Chief Executive Officers has rapidly developed and reflects the unlimited potential for innovation, sharing and support across the courts and tribunal system.

Many new policies, procedures and business processes have been developed and new delegations made to strengthen the independence of individual jurisdictions. Strategic planning has also been a focus to help manage financial, physical and human resources.

Significant effort and progress has been made by CSV's operational division, Jurisdiction Services, to build the capability and culture required for a standalone provider of support services to courts and tribunals.

An historic memorandum of understanding (MOU) was signed between the Attorney-General and Courts Council on 7 May 2015. The MOU recognises and enshrines the unique constitutional roles of the Courts and Executive Government and sets out how business will be conducted between the Attorney-General, the Department of Justice and Regulation, and the Department of Treasury and Finance.

Against these strong foundations, CSV faces contemporary challenges, including the built environment, safety and security, modern information technology solutions, reliable forecasting and planning capability and the effective management of human and physical resources. These challenges require a strong service culture and innovation in order to find timely and workable solutions.

The inaugural CSV three year strategic plan and priority actions will help to drive the ongoing development of the entity.

### 800th anniversary of the signing of Magna Carta

More than 100 people attended a 'LiberTea' hosted by the Law Library of Victoria on 15 June 2015 to mark the 800th anniversary of the sealing of the Magna Carta, the document that set the foundations for many of the liberties we enjoy today.

Those gathered heard Professor Joseph, Director, Castan Centre for Human Rights Law (Monash University), and Court of Appeal President Maxwell reflect on the Magna Carta's impact and its relevance today.

The Magna Carta, which means 'Great Charter' in Latin, was issued at Runnymede by King John of England as a practical solution to the political crisis he faced from rebellious barons.

The 4,000-word peace treaty, written on calfskin parchment, was the earliest attempt to limit royal authority and established for the first time the principle that everyone, including the king, was subject to the law.

One of its most important clauses, the 39th clause, gave all 'free men' the right to justice and a fair trial.

The Magna Carta also bequeathed to the world tenets such as 'due process', 'trial by jury' and 'justice delayed is justice denied'.

It formed the basis of political constitutions and civil rights declarations throughout the world, including the Declaration of Independence and the Bill of Rights.

The Magna Carta was annulled by the Pope nine weeks after it was created. It was redrafted multiple times before it was confirmed as English law in 1297. Most parts have since been repealed.



## Law student programs

The Supreme Court coordinated several university student placement programs throughout the year aimed at providing an interactive, hands-on experience for budding young lawyers.

In May 2015, law students studying dispute resolution (civil litigation) at Melbourne University had the opportunity to attend special information sessions led by a Supreme Court judge.

These sessions involved a presentation from a judge, followed by a Q&A, allowing students the chance to discuss principles and concepts previously studied in class. The students were then invited to watch either a trial or directions hearings, depending on the schedule of the relevant judge.

A pilot Monash externship program ran for 12 weeks from 11 March 2015 to 27 May 2015. Two Monash law students spent one day a week in judges' chambers, assisting judges and judicial staff with legal research, preparing case summaries and assisting with other legal and administrative duties in chambers and Court.

The placements allowed the students to gain a practical understanding of the work involved in practicing law, while gaining a broad appreciation of the functions of the Supreme Court. It also gave them the opportunity to meet important contacts and develop their professional identity as part of the legal profession.

Due to the success of the Monash program a further externship program commenced in July 2015.

In August 2014, the Court of Appeal hosted students from Victoria University and RMIT for a week-long observation internship. The students were given access to appeal submissions on a confidential basis, and then observed a range of appeal hearings.

They also attended pre-hearing discussions with judges of appeal, questions and answer sessions with Court staff, and tours of the Court including prisoners' cells, the Registry and the Library.

The Court of Appeal program enabled students to gain a practical and detailed understanding of the appeals process in Victoria, and the role that statutory interpretation and both written and oral advocacy play in that process.

## Multi-faith opening of the legal year

Australia's first multi-faith opening of the legal year was held at Government House in Victoria on 2 February 2015.

In the grand surrounds of the Vice-Regal Ballroom, Governor Alex Chernov hosted an historic opening ceremony, which was broadcast live at Federation Square.

Chief Justice Marilyn Warren, Attorney-General Martin Pakula and Shadow Attorney-General John Pesutto attended, as did Commonwealth Shadow Attorney-General Mark Dreyfus and Legal Services Board Chairperson Fiona Bennett.

About 300 people attended, including judicial officers, barristers, solicitors and interested members of the public.

The event was supported by leaders and representatives of various faiths. The Victorian Council of Churches, the Islamic Council of Victoria, the Buddhist Council of Victoria, the Hindu Community Council of Victoria and Rabbinical representatives of the Jewish Legal Community all participated in proceedings.

It is believed to be the first multi-faith ceremony held to open a legal year in not only Australia, but possibly the world.

The Melbourne Symphony Orchestra brass section played several musical interludes and members of the St Paul's Cathedral Choir sang. Reverend Rufus Black, Master of Melbourne University's Ormond College, delivered the address.

"We are people of many faiths gathering here today. Long before our faiths arrived on these shores there was law in these lands - deep and ancient. Its nature was formed by the sacred stories and places of the dreamtime. So in the beginning I would like to acknowledge traditional custodians of that law and land, the Wurundjeri people of the Kulin Nation," he said.

"While the relationship between law and religion is very different today, ceremonies like the one we are holding are signs that in our public life we have a sense of the enduring importance of the place of the secular within the realm of the sacred."

Following the ceremony, a morning tea was held by the Governor, who is a former Supreme Court and Court of Appeal judge.



## Welcome to Country and Smoking Ceremony

Smoke billowed from the courtyard of the Supreme Court on 20 May 2015 to the sound of a didgeridoo, as part of an official Smoking Ceremony and Welcome to Country.

The ceremony, held in the lead up to Reconciliation Week, acknowledged the Traditional Owners of the land and recognised the importance of reconciliation with the Aboriginal community.

It was the first official ceremony of its kind at the Court and is part of the Court's ongoing commitment to Koori inclusion.

Indigenous Elders joined Chief Justice Marilyn Warren, Attorney-General Martin Pakula, Shadow Attorney-General John Pesutto, Law Institute of Victoria President Katie Miller and Victorian Bar President Jim Peters for the historic occasion.

Members of Victoria's judiciary and Court staff also attended, along with representatives and students of Worawa Aboriginal College.

Worawa is Victoria's only independent Aboriginal school, and caters exclusively to young Aboriginal women from Years 7 to 10 from urban, regional and remote communities throughout Australia.

An exhibition of art work created by the talented students was held in the Court to coincide with the Smoking Ceremony and Welcome to Country.

The Chief Justice said the ceremony had been a long time coming considering she was the 11th Chief Justice of Victoria and among more than 140 Supreme Court justices in the Court's history.

"No real offer of welcome, acceptance, acknowledgment or friendship has been given," she told those present.

"To the traditional owners: 'I stand here today on behalf of all the judges, associate judges, judicial registrars and staff of the Supreme Court of Victoria. I welcome and acknowledge you and I offer you our friendship'."

In her Welcome to Country, Aunty Margaret Gardiner paid tribute to the Wurundjeri People, the custodians of the land on which the Supreme Court has stood for more than 40,000 years, while her son, Jesse, conducted a traditional smoking cleansing ceremony.

"You are on Wurundjeri Country and we thank you for inviting us here today to do this first Welcome to Country," Aunty Margaret said.

She stressed the importance of working towards reconciliation and doing more to change the over-representation of Indigenous people in the justice and penal system.

After the ceremony, participants and attendees viewed the students' art work, followed by an afternoon tea in the Supreme Court Library.





## Anzac ceremonial sitting

A Supreme Court ceremonial sitting to commemorate the centenary of the Gallipoli landings and Anzac Day was attended by more than 140 dignitaries, judges, members of Victoria's legal community and representatives of the armed forces.

The ceremony, held in the Banco courtroom on 24 April 2015, honoured the contribution of Victoria's legal profession during World War One.

About 300 Victorian barristers, solicitors and law students volunteered for service during the Great War — from a profession that only consisted of about 800 men.

Some became officers in the British Army. Those with the Australian Army served in rank from privates to generals. They were drivers, pay clerks and staff officers. Some worked in the postal corps, and some as nurses. A significant number were in the artillery and machine gunners. A few were in the flying corps, but the overwhelming majority were with the infantry battalions.

Among them were six judges of the Supreme Court who served on

the front line: Justices Sir Norman O'Bryan, Charles Duffy, Russell Martin, Sir Arthur Dean, Wilfred Fullagar (who later became a High Court judge) and Chief Justice Sir Edmund Herring.

Chief Justice Marilyn Warren told the commemorative service that World War One had touched each and every member of the Victorian community, and the legal profession was no exception.

"Many lives and promising legal careers were lost in World War One. No one was immune from the anxiety and grief for loved ones and colleagues, even judges," she said.

Chief Justice Warren and Court of Appeal President Chris Maxwell were joined on the Bench by Justices Kim Hargrave, Jack Forrest and Lex Lasry.

Sitting alongside them was VCAT President Justice Greg Garde, who is a retired Major General, the Navy's Deputy Judge Advocate General, Justice Jack Rush, and Associate Justice Mark Derham, the grandson of General Sir Brudenell White who supervised the evacuation of troops from Gallipoli.

"War is a terrible event," Chief Justice Warren said. "It inflicts pain and suffering at all levels of society. We acknowledge the bravery, tenacity, resilience and sacrifice of all who landed at Gallipoli on 25 April 1915.

"While we abhor war and endeavour to avoid it, Victorian and Australian soldiers and citizens when called upon have always inspired respect in times of war, none more so than the judges and lawyers of this State.

"With Gallipoli, when soldiers sailed away they thought they were on an adventure. Yet even so, they wanted to challenge an enemy they believed confronted and threatened Victorian society and life as they knew it. In their own way they were defending their democracy underpinned by the rule of law.

"The ultimate protectors of the rule of law are the judges and the lawyers. The commemoration of the Gallipoli landings and Anzac traditions also mark the commitment of those who fought to protect the rule of law. We acknowledge them. We remember them. We will never forget them."

## Remembering Eureka 160 years on

Audiences were transported back to 1855 during a re-enactment of the historical trial of Eureka rebellion leader Timothy Hayes, at the Supreme Court of Victoria on 18 and 19 March 2015.

The special performances by BottledSnail Productions were a highlight of the Court's events marking the 160th anniversary of the Eureka trials.

Mood lighting and live music set the scene in the historical Banco courtroom where the acting troupe of legal professionals wore historical era costumes, traditional robes and wigs.

Performing to a full house on both nights, the actors read from a script based on the original transcript of the Timothy Hayes trial, which took place during February and March of 1855.

A few weeks prior, in February 2015, the Chief Justice and Stella prize winning author Claire Wright also reflected on the importance of Eureka and the Eureka trials in a well-attended twilight talk held in the Law Library of Victoria.

The Eureka trials arose out of events that took place at the Eureka Stockade in Ballarat between 29 November and 3 December 1854.

The Stockade, a makeshift wooden barricade enclosing an acre of the goldfields, had been created by a large number of diggers who claimed that authorities were persecuting them over the payment of licenses to mine on the State's goldfields.

The bloody battle remains Australia's only armed uprising and resulted in the deaths of about 25 diggers and five soldiers.

In total, 13 men were charged with high treason. Chief Justice Sir William a'Beckett and Justice Sir Redmond Barry presided over Hayes' trial, with then Attorney-General William Stawell as prosecutor.

Stawell argued the rebels had plotted treason against the Crown and the State, but in their defence, the men claimed they had not sought to overthrow the Crown at all, but had simply not wanted to pay licensing fees for mining for gold. All men were acquitted at trial.

The Eureka rebellion and subsequent trials generated widespread interest within the community. Support for the diggers' cause went on to play a pivotal role in the formation of democratic government and sovereignty in Australia.





# OUR YEAR IN REVIEW: COURT DELIVERY

Once again, it was a busy year for the Court of Appeal, Trial Division and associate judges' jurisdiction.



COURT DELIVERY

# COURT OF APPEAL

The Court of Appeal hears appeals against criminal and civil decisions made in the Supreme Court and County Court jurisdictions, as well as some matters originally heard by the Victorian Civil and Administrative Tribunal. The Court of Appeal received 427 appeals or applications for leave to appeal in 2014–15. The total amount of pending appeals decreased by 26 per cent to 218 cases.

## The President:

Justice Maxwell

## Judges:

Justice Nettle  
(until 2 February 2015)

Justice Neave  
(until 23 August 2014)

Justice Redlich

Justice Weinberg

Justice Tate

Justice Osborn

Justice Whelan

Justice Priest

Justice Santamaria

Justice Beach

Justice Kyrrou  
(from 29 July 2014)

Justice Ferguson  
(from 12 August 2014)

Justice Kaye  
(from 3 February 2015)

Justice McLeish  
(from 3 March 2015)

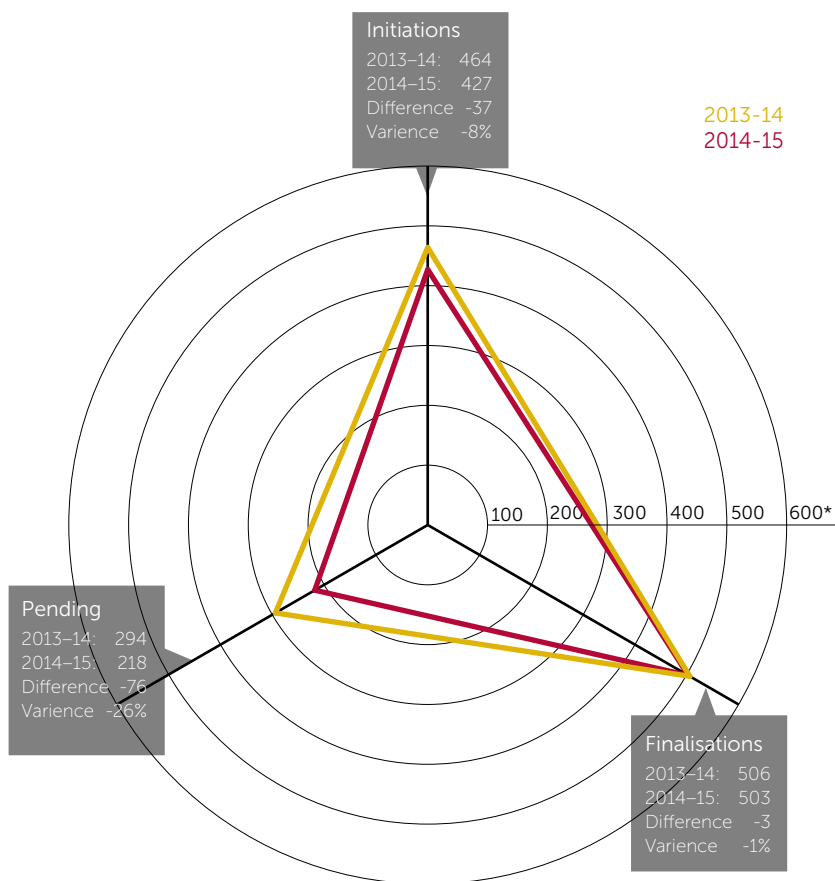
## Reserve judges

During the year, retired Justices Ashley, Neave, Mandie, Hansen, Bongiorno and Coghlan each returned to the Court of Appeal to sit as reserve judges, as per the *Courts Legislation Amendment (Reserve Judicial Officers) Act 2013*.

The reserve judges sat a total of 111 days and were involved in the delivery of 184 judgments. In total, reserve judges sat for 32.6 per cent of the Court of Appeal's total sitting days and were involved in 27.4 per cent of the judgments handed down.

## Disclaimer

Discrepancies between 2013-14 figures reported in this section of the report, compared to those presented in the 2013-14 Annual Report, are due to the further refinement of the Court's statistics after publication of the 2013-14 Annual Report.



\*Appeals and applications for leave to appeal

**Table 2: Total applications for leave to appeal and appeal (civil and criminal)**

	2013-14	2014-15	Difference	Variance
Initiations	464	427	-37	-8 %
Finalisations	506	503	-3	-1 %
Pending	294	218	-76	-26 %

## Criminal appeals

After the extremely successful introduction of the Ashley-Venne reforms, the Court has been able to build on that success by maintaining a very low number of pending criminal appeals.

The Court began the year with 174 cases and finished with 143. This has allowed the Court to further reduce the median time taken to finalise appeals from 6.8 months last year down to just six months in 2014–15. By contrast, the median in 2010–11 was 12.5 months. This is an excellent achievement made possible by the criminal appeal reforms.

**Table 3: Criminal applications for leave to appeal and appeals**

	2013–14	2014–15	Difference	Variance
Initiations	285	282	-3	-1 %
Finalisations	287	313	26	9 %
In list 30 June	174	143	-31	-18 %

**Table 4: Median time to finalisation in months**

	2013–14	2014–15
Appeals against conviction	10.8	9.1
Appeals against sentence	5.1	5.0
Time to finalisation (all criminal)	6.8	6.0

## Civil appeals

The number of pending civil cases decreased by 38 per cent in 2014–15 from 120 to 75. The Court finalised 13 per cent fewer cases this year than last year, but it should be noted that there were 19 per cent fewer cases filed this year. This is a direct result of the civil appeal reforms.

The median time to finalise civil appeals has decreased from 10.35 months to 7.87 months in 2014–15. This result has been achieved after only eight months of the civil reforms commencing. All indications are that this figure will continue to decline in 2015–16 which will be a huge benefit to all future parties involved in a civil appeal.

**Table 5: Civil applications for leave to appeal and appeals**

	2013–14	2014–15	Difference	Variance
Initiations	179	145	-34	-19 %
Finalisations	219	190	-29	-13 %
In list 30 June	120	75	-45	-38 %

**Table 6: Median time to finalisation in months**

	2013–14	2014–15
Civil appeals	10.35	7.87

## Circuit sittings

The Court of Appeal undertook four circuits in 2014–15: Warnambool (21–23 July, 2014), Bendigo (9–11 February, 2015), Wangaratta (18–19 May, 2015) and Geelong (1–3 June, 2015). During these circuits both civil and criminal appeals were heard, mainly arising from the region in which the Court was sitting.

## Significant cases

In *Boulton v The Queen* [2014] VSCA 342 (President Maxwell and Justices Nettle, Neave, Redlich and Osborn), the Court handed down its first ever guideline judgment under s 6AB(1) of the *Sentencing Act 1991*.

The decision not only provides thorough guidance to the courts on the imposition of Community Corrections Orders, but also reviews the history of the Community Corrections Orders regime and the legislative purposes underlying it. Later in the year, however, the Court noted that its guideline judgment in *Boulton* was not applicable to sentencing for a federal offence. See *Atanackovic v The Queen* [2015] VSCA 136.

The flexibility and speed of the Court's new civil regime was displayed in the case of *Sauber Motorsport AG v Giedo Van Der Garde BV & Ors* [2015] VSCA 37. Within two days of the Commercial Court decision upholding an international arbitral award in favour of the respondents, the Court of Appeal heard and handed down reasons affirming that judgment. This allowed the parties' participation in the Melbourne International Grand Prix to proceed without delay.

Similarly, in *Murphy v State of Victoria* [2014] VSCA 238, the Court was able to hear and determine an appeal involving a challenge to the East-West Link within three weeks of the first instance judgment.

# TRIAL DIVISION – COMMERCIAL COURT

The Commercial Court operates a number of commercial and specialist lists that provide for the targeted allocation of proceedings for management by judges with specialist expertise.

## Principal Judge:

Justice Hargrave

## Deputy Principal Judge:

Justice Judd

## Judges:

Justice Hargrave

Justice Robson

Justice Judd

Justice Vickery

Justice Croft

Justice Ferguson  
(until January 2015)

Justice Sifris

Justice Almond

Justice Digby

Justice Elliott

Justice Sloss

Justice Cameron  
(from 12 August 2014)

## Associate judges:

Associate Justice Efthim

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Randall

Associate Justice Derham

## Judicial registrar:

Judicial Registrar Hetyey  
(from 3 November 2014)

## Disclaimer

Discrepancies between 2013-14 figures reported in this section of the report, compared to those presented in the 2013-14 Annual Report, are due to the further refinement of the Court's statistics after publication of the 2013-14 Annual Report.

From 1 September 2014, the Commercial Court became a division of the Supreme Court in its own right. The restructure occurred pursuant to *Practice Note No. 4 of 2014 – New Structure of Trial Division*. As part of the transition, some probate and matters arising under Part IV of the *Administration and Probate Act 1958* (Vic) were transferred to the Common Law Division where they will continue to be initiated and managed.

The objective of the Commercial Court is to determine commercial disputes in a just, efficient and timely manner. In addition to supervising cases within the Commercial Court, the Court's Principal Judge (Justice Hargrave) and Deputy Principal Judge (Justice Judd) led this extensive reform process.

A cornerstone of the Commercial Court is the expansion of its general and commercial specialist lists to incorporate 11 judge-managed lists. The specialist lists deal with matters involving corporations, arbitration, taxation, admiralty, intellectual property, as well as technology, engineering and construction.

There has been a steady increase in the number of active matters under judicial management, from approximately 280 in early September 2014 at the time of the divisional restructure to approximately 400 by the end of June 2015.

Several new judicial officers and staff joined the Commercial Court. Among them were Justice Cameron, who was appointed in August 2014, and Judicial Registrar Hetyey, who began in November 2014.

The judicial registrar's position is a newly created role which has the responsibility and oversight of the Commercial Court Registry and provides operational, listings and judicial support to the Commercial Court judges.

The Commercial Court continued to encourage judicial mediations conducted by associate judges and judicial registrars in 2014-15, including during trials. This approach has produced a significant number of settlements and saved parties considerable expense. In addition, the program has saved numerous hearing days and an equivalent amount of judgment writing time.

## Caseload

During 2014–15, the total number of initiations in the Commercial Court increased dramatically in comparison to 2013–14. There were 4,519 cases initiated compared to 3,405 for the previous year (an increase of approximately 33 per cent). Finalisations have also increased.

The Commercial Court remains vigilant in its regular review of cases to ensure that they are efficiently and appropriately case managed. Commercial Court cases accounted for 2,176 initiated proceedings, 1,891 finalised proceedings and 1,108 active proceedings by 30 June 2015.

Of the total initiations within the Commercial Court, 319 were managed by a judge and 337 matters were finalised within the judge-managed lists.

The increase of the number of cases initiated in the Commercial Court includes judge-managed high-volume debt recovery proceedings, which arise from managed investment scheme group proceedings such as Timbercorp and Great Southern.

At the end of the financial year, the Court had numerous group proceedings before it. Such matters are complex in nature and occupy significant Court time and resources over an extended period. They involve numerous interlocutory issues, extended trials and the delivery of lengthy final judgments.

**Table 7: Commercial Court – all cases**

	2013–14	2014–15	Difference	Variance
Initiations	3,405	4,519	1,114	33 %
Finalised	3,413	3,826	413	12 %
In list 30 June	1,889	2,582	693	37 %

**Table 8: Commercial Court general commercial and specialist lists – all cases**

	2013–14	2014–15	Difference	Variance
Initiations	1,460	2,176	716	49 %
Finalised	1,455	1,891	436	30 %
In list 30 June	823	1,108	285	35 %

## Corporations List

**Judge in Charge:** Justice Robson  
**Managing Judges:** Justice Ferguson  
 (until January 2015)  
 Justice Sifris  
 (from January 2015)  
 Justice Judd

Corporations List judges hear applications brought under the *Corporations Act 2001* (Cth) or the *Australian Securities and Investments Commission Act 2001* (Cth). The associate judges assist in managing other cases in the List. Associate Justices Efthim, Gardiner and Randall dealt with a high volume of applications, including applications to wind up corporations.

In addition to hearing and determining matters related to the failure of numerous managed investment schemes, the List heard group proceedings within the Commercial Court, including those involving claims against Banksia Securities Ltd, Leighton Holdings Ltd, Timbercorp, Treasury Wine Estates Ltd, Worley Parsons Ltd, Vocation Limited, UGL Limited and Camping Warehouse Australia Pty Ltd.

The introduction of the Oppression Proceeding Pilot on 1 October 2014, by *Practice Note No. 5 of 2014 – Applications under s 233 Corporations Act 2001* (Cth) – *Oppressive Conduct of the Affairs of a Company*, is an example of flexible and innovative case management within the Commercial Court. The pilot was very well received by the profession and thus reinstated for the period 1 September 2015 – 1 August 2016 (with minor modifications).

During the reporting period, 1,955 matters were initiated in the List with 1,668 matters being finalised in the same period. The Corporations List experienced the biggest increase in filings across all of the Commercial Court Lists. There were 1,955 new matters in 2014–15 compared to 1,265 in 2013–14 (an increase of 55 per cent).

**Table 9: Corporations List**

	2013–14	2014–15	Difference	Variance
Initiations	1,265	1,955	690	55 %
Finalised	1,256	1,668	412	33 %
In list 30 June	419	706	287	68 %

## Taxation List

**Judge in Charge:** Justice Croft  
**Deputy Judge in Charge:** Justice Ginnane

The Taxation List hears and determines appeals from decisions of the Victorian Civil and Administrative Tribunal (VCAT) and objections to decisions of the Commissioner of State Revenue. Order 7 of the *Supreme Court (Miscellaneous Civil Proceedings) Rules 2008* governs the procedural requirements for these matters.

The List is also suitable for any proceeding that raises a substantial issue as to state or federal taxation, including taxation recovery, claims for damages against a taxation adviser, and disputes with respect to the Goods and Services Tax.

Over the reporting period 27 matters were initiated with a similar number being finalised. At the end of the financial year, 23 matters remained active.

**Table 10: Taxation List**

	2013–14	2014–15	Difference	Variance
Initiations	17	27	10	59 %
Finalised	21	26	5	24 %
In list 30 June	22	23	1	5 %

## Arbitration List

**Judge in Charge:** Justice Croft  
**Deputy Judge in Charge:** Justice Riordan

The Arbitration List continues to provide timely and effective support for international and domestic commercial arbitration in Australia. It is available to parties at all hours, seven days a week.

On 1 December 2014, the *Supreme Court (Chapter II Arbitration Amendment) Rules 2014* came into operation. The objective of the Arbitration Rules is to facilitate the harmonisation of procedures and forms across Australian jurisdictions. Along with *Practice Note No. 8 of 2014 – Commercial Arbitration Business*, the new Arbitration Rules are designed to be user-friendly, with anecdotal feedback from users being overwhelmingly positive.

During the year, 10 matters were initiated and 10 matters were finalised in the Arbitration List. Of particular note was the decision in *Giedo van der Garde BV v Sauber Motorsport AG* [2015] 317 ALR 792.

The case attracted international media attention and provided a demonstration of the Court's capacity to handle high profile, urgent arbitration matters at first instance and on appeal within a matter of a few days. Turn to the Case Study on page 31 to read about how the Court managed the proceeding.

**Table 11: Arbitration List**

	2013–14	2014–15	Difference	Variance
Initiations	9	10	1	11 %
Finalised	11	10	-1	-9 %
In list 30 June	5	5	0	0 %

## Admiralty List

**Judge in Charge:** Justice Digby

The Supreme Court has a long established specialist Admiralty List dedicated to maritime litigation. It is designed to ensure that all matters falling within the Court's maritime jurisdiction are dealt with promptly and cost-effectively.

The Admiralty List hears matters brought under the *Admiralty Act 1988* (Cth) as well as cases that involve: loss or damage to a ship or caused by a ship, loss or damage to goods carried by sea arising out of or in relation to carriage at sea, maritime liens or charges on ships or cargoes, in relation to contracts of marine insurance, the arbitration of a claim which might be subject to the above proceedings and shipping claims conducive to effective, prompt and economical determination.

The *Supreme Court (Admiralty) Rules 2010* (Vic) largely regulate the manner in which admiralty matters are initiated and progressed within the List.

The Court conducted an Admiralty List Symposium at the Supreme Court in June 2015.

During 2014–15, three new proceedings were initiated in the Admiralty List and five proceedings were finalised.

**Table 12: Admiralty List**

	2013–14	2014–15	Difference	Variance
Initiations	3*	3	0	0 %
Finalised	0	5	5	100 %
In list 30 June	4	2	-2	-50 %

\* Three related proceedings await initial findings from the Coroners Court.

## Technology, Engineering and Construction List

**Judge in Charge:** Justice Vickery

The Technology, Engineering and Construction List hears and determines three related areas of disputes: those that engage with technology-related subject matter, matters relating to engineering and design, and matters arising from building and construction. The Technology, Engineering and Construction List has been in operation since June 2009 and is governed by *Practice Note No. 2 of 2009 – Technology, Engineering and Construction List*.

The List has been at the forefront of procedural and technological initiatives both inside and outside of the courtroom, particularly in relation to RedCrest, the Commercial Court's e-filing and case management system.

RedCrest has been utilised in the Technology, Engineering and Construction List by Justice Vickery since September 2011, prior to its further development and expansion across most of the other Commercial Court Lists in August 2014.

**Table 13: Technology, Engineering and Construction List**

	2013–14	2014–15	Difference	Variance
Initiations	27	27	0	0 %
Finalised	18	15	-3	-17 %
In list 30 June	36	48	12	33 %

## Intellectual Property List

**Judge in Charge:** Justice Vickery

Proceedings in the Intellectual Property List are governed by the *Supreme Court (Intellectual Property) Rules 2006*. The List is suitable for matters such as allegations of infringements of intellectual property and in relation to the protection or exploitation of confidential information.

**Table 14: Intellectual Property List**

	2013–14	2014–15	Difference	Variance
Initiations	3	2	-1	-33 %
Finalised	0	4	4	100 %
In list 30 June	6	4	-2	-33 %

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## Significant cases

Significant cases heard by Justice Sifris included *John Francis Hall and Hall & Anor v ASIC & Anor* [2015] VSC 362 and *Warehouse Sales Pty Ltd (in liq) & Lewis and Templeton v LG Electronics Australia Pty Ltd & Ors* [2014] VSC 644.

In *John Francis Hall and Hall & Anor v ASIC & Anor* [2015] VSC 362 the plaintiffs sought an order pursuant to s 230 of the *Companies Act 1928* (Vic) that Glen Ora Proprietary Limited be restored to the register of companies. The company had been struck off the register in 1931. The reinstatement was sought by heirs of members of the company to enable the sale of land to a developer. Justice Sifris found that the conditions for reinstatement were satisfied and that it was just to restore the Company to the Register.

*Warehouse Sales Pty Ltd (in liq) & Lewis and Templeton v LG Electronics Australia Pty Ltd & Ors* [2014] VSC 644 concerned whether the sale of goods, in the ordinary course of business, resulted in extinguishment of interests arising by virtue of the *Personal Property Securities Act 2009* (Cth) in the goods. Justice Sifris found that no security interest is retained in the goods where suppliers of goods authorise sales by a retailer (including where the goods are on-sold to a subsidiary of the primary retailer) unless stipulated otherwise in the supply agreements.

Significant cases heard by Justice Robson include *Re Toll Holdings Limited* [2015] VSC 236, which concerned the approval of a scheme of arrangement which provided for Japan Post to acquire all the issued capital of Toll.

*Falkingham v Peninsula Kingswood Country Golf Club* [2014] VSC 437 concerned an oppression proceeding under s 232 of the *Corporations Act 2001* (Cth) arising from the merger of two golf clubs on the Mornington Peninsula. Justice Robson found that the applicant was not entitled to the relief sought, being the unwinding of the merger.

In two loan recovery proceedings brought by Timbercorp Finance (in liq) following the dismissal of group proceedings against Timbercorp, *Timbercorp Finance (in liq) v Collins and Timbercorp Finance (in liq) v Tomes*, the borrowers issued defences and counterclaims alleging breaches by Timbercorp Finance under the *Corporations Act 2001* (Cth) and the *ASIC Act 2001* (Cth) (among other general law claims). The borrowers sought an order declaring that their loan agreements are unenforceable and void.

On 2 September 2015 Justice Robson handed down judgment in respect of a preliminary question in these proceedings — namely, whether the borrowers were precluded from raising relevant defences by reason of their participation as group members within the meaning of Part 4A of the *Supreme Court Act 1986* (Vic) in the group proceeding against Timbercorp entities. Justice Robson held that the borrowers were not precluded from raising defences to Timbercorp's loan recovery proceedings by *Anshun* estoppel or abuse of process arising from a failure to bring their claims forward for 'case management' in the group proceeding.

Several other high profile matters were heard by the Commercial Court during 2014–15:

- The Australian Sports and Anti-Doping Agency and the Australian Football League brought an application to have subpoenas granted to compel Shane Carter and Nima Alavi to attend the tribunal hearings involving 34 past and present Essendon players.
- Brunswick resident Anthony Murphy brought a proceeding to prevent the former State Government from signing a multi-million dollar contract for the first stage of the East West Link project.
- A case between Dutch Formula One driver Giedo van der Garde and Switzerland's Sauber Motorsport AG attracted international media attention when it came before the Arbitration List within days of the Melbourne Grand Prix getting underway in March 2015. Read the Case Study on page 31.
- Matters associated with the Great Southern proceedings stretched over four years. There were 16 class actions as well as numerous individual proceedings and a 90-day trial. Within hours of being informed that the judgment would be handed down on 25 July 2014, parties notified the Court that deeds of settlement had been exchanged. A \$34 million settlement was subsequently approved in December 2014.





#### CASE STUDY

### In the spotlight – the Sauber case

In March 2015 the Sauber case attracted worldwide attention. The matter involved Formula One race car driver Giedo van der Garde, seeking to be reinstated as one of Sauber's two drivers for the 2015 Formula One Season.

The Dutchman claimed he was promised a seat for the 2015 season, however Swiss team Sauber dropped Mr van der Garde in favour of two other drivers.

Given the interest in the matter, the presiding judge, Justice Croft, allowed domestic and international media full access to the courtroom. The ABC filmed the entire proceeding and the hearings were streamed live on the Supreme Court website.

Giedo van der Garde, and the company set up to manage his interests, sought the enforcement of a Swiss arbitral award in Victoria.

The critical dispositive provision of the award required the respondent (Sauber) to:

*Refrain from taking any action the effect of which would be to deprive Mr van der Garde of his entitlement to participate in the 2015 Formula One Season as one of Sauber's two nominated race drivers.*

At the hearing, Sauber sought, amongst other arguments, to resist enforcement on public policy grounds. Sauber submitted that the critical dispositive provision was too uncertain to constitute an order of the Court. In support of this submission, Sauber argued that the subject of an order 'must be able to ascertain in precise terms what it is that they

must do, or refrain from doing', where default may ground an action for contempt.

Judgment was handed down on 11 March 2015, just over 36 hours after the conclusion of the full hearing.

All of the arguments advanced by Sauber and the other drivers against enforcement were rejected and orders were made enforcing the award and its critical dispositive provision, namely, the prohibitive injunction restraining Sauber from taking any action that would deny van der Garde of his place in the team for the 2015 Formula One Season.

The Court was available to assist the parties at all hours, seven days a week, in the event of any 'doubt or difficulty' in this regard. The Court of Appeal affirmed this approach within 36 hours of the delivery of judgment, and upheld the orders.

The expeditious and effective manner with which the Sauber case was managed through the Court, both at first instance and on appeal, is an excellent example of the Court's capacity to support arbitration.

In open court, the President of the Victorian Bar, James Peters QC commented that, "there are very few cases in legal history where a matter [has been] started, appealed and then [had] contempt proceedings resolved within eight days... We're very grateful to the Supreme Court of Victoria for going to that effort".

# TRIAL DIVISION – COMMON LAW

The Common Law Division manages three main categories of cases:

- claims in tort or contract law, including claims that involve professional negligence, personal injury or defamation
- proceedings relating to the Court’s supervisory jurisdiction over other Victorian courts, tribunals and public officials, such as applications for judicial review and appeals on questions of law
- cases relating to wills and estates, including testators family maintenance claims.

## Principal Judge:

Justice Williams (*until 12 February 2015*)

Justice J Forrest (*from 12 February 2015*)

## Deputy Principal Judge:

Justice J Forrest (*until 12 February 2015*)

Justice Emerton (*from 12 February 2015*)

## Judges:

Justice Williams (*until 12 February 2015*)

Justice Kyrou (*until 29 July 2014 – appointed to the Court of Appeal*)

Justice Kaye (*until 3 February 2015 – appointed to the Court of Appeal*)

Justice Bell

Justice Cavanough

Justice J Forrest

Justice T Forrest

Justice Emerton

Justice Dixon

Justice Macaulay

Justice McMillan

Justice Garde (*sitting at VCAT*)

Justice Ginnane

Justice Rush

Justice McDonald (*from 16 September 2014*)

Justice Zammit (*from 3 February 2015*)

Justice Riordan (*from 10 March 2015*)

## Associate judges:

Associate Justice Lansdowne

Associate Justice Daly

Associate Justice Ierodiaconou (*from 12 May 2015*)

At times, judges from other divisions, including Justices Osborn and Beach from the Court of Appeal, heard cases in the Common Law Division.

## Disclaimer

Discrepancies between 2013-14 figures reported in this section of the report, compared to those presented in the 2013-14 Annual Report, are due to the further refinement of the Court’s statistics after publication of the 2013-14 Annual Report.

Proceedings in the Common Law Division may be allocated into one of nine specialist lists: Civil Circuit, Major Torts, Personal Injuries, Dust Diseases, Judicial Review and Appeals, Professional Liability, Probate, Testators Family Maintenance, and Valuation, Compensation and Planning. Each list deals with a specific area of law and is managed by judges and associate judges with specialist expertise in the area.

## Caseload

During 2014–15, 2,619 cases were initiated in the Common Law Division. This was an increase of three per cent on the adjusted figures for the previous financial year that take into account the changes occasioned by the divisional restructure which took effect on 1 September 2014.

At the same time, overall finalisations increased by four per cent leading to an overall reduction of pending cases by two per cent.

The Common Law Division continues to monitor and actively manage older cases. During 2014–15, the Division reviewed all cases initiated prior to 2012 to ensure the timeliest possible resolution. At 30 June 2014, there were 52 such cases, of which 23 were not yet fixed for trial. Proceedings initiated prior to 2012, therefore, comprise only two per cent of all active cases.

**Table 15: Common Law Division – all cases**

	2013–14	2014–15	Difference	Variance
Initiations	2,538	2,619	81	3 %
Finalised	2,543	2,656	113	4 %
In list 30 June	2,290	2,253	-37	-2 %

The Common Law Division managed a wide variety of proceedings of significant public or legal interest during the reporting period. These are summarised below under the specialist list in which they were managed.

One significant case which did not fall under the umbrella of any of the specialist lists was *Rigoni v Victorian Electoral Commission* [2015] VSC 97. In that case, Justice Garde, sitting as the Court of Disputed Returns, was asked to consider the validity of the results of the 2014 Victorian State election.

The petitioner was a Palmer United Party candidate for the Legislative Council. The petitioner challenged the results of the election on the grounds that a high proportion of votes cast in the election were by way of early voting in circumstances where the conditions prescribed for early voting in the *Electoral Act 2002* had not been met.

Justice Garde held that the Court of Disputed Returns does not have power to declare an entire general election void, and that the petitioner only had standing to challenge the election in the Legislative Council region for which she was a candidate.

Although his Honour found that, in some instances, early voting was not conducted in accordance with the Act, the votes of the electors who voted early were valid and any failure to comply with the relevant sections of the Act did not affect the result of any election.

### Initiatives in case management

The increasing trend towards specialist case management saw the establishment of two new specialist lists in the Common Law Division from 1 January 2015: the Dust Diseases List and the Testators Family Maintenance List.

The Dust Diseases List is the specialist list for the management of all proceedings in which the plaintiff claims to suffer from a disease of the lungs or related organs attributable to exposure to dust, including asbestos. Prior to the establishment of the Dust Diseases List, such proceedings were managed within the Personal Injuries List.

The dedicated Dust Diseases List was established due to the:

- increasing number of dust-related proceedings
- often catastrophic nature of the injuries alleged
- frequent complexity of contribution claims between multiple defendants.

The establishment of the Dust Diseases List not only allows the Court to more closely monitor the progress of such cases, but also to react quickly to changing circumstances, particularly where the plaintiff's health is in rapid decline. While Victoria does not have a special legislative regime governing claims for dust-related injuries, the establishment of the Dust Diseases List reflects the Court's ability to effectively manage such litigation in accordance with its obligations under the *Civil Procedure Act 2010*.

The establishment of the Testators Family Maintenance List reflects the need to appropriately manage a growing number of proceedings. The Testators Family Maintenance List is for those making claims for further provision out of a deceased estate under Part IV of the *Administration and Probate Act 1958*. Such proceedings represented 16 per cent of overall initiations in the Common Law Division in 2014–15.

While procedures for the management of such claims had developed informally over time (such as fortnightly dedicated directions hearings days), the establishment of a specialist list and publication of a practice note has formalised those procedures and provided increased clarity for litigants.

Approximately 65 per cent of all initiations in the Division in 2014–15 were in one of the nine specialist lists. During the reporting period, the Division began to actively monitor new initiations and to transfer proceedings into specialist lists where appropriate.

The Common Law Division is considering the establishment of a small number of new specialist lists for the management of significant categories of cases not covered by existing lists.

Following the restructure of the Trial Division on 1 September 2014, the Common Law Division reviewed all its Practice Notes. As a result, new Practice Notes were issued on 1 January 2015 for all specialist lists with the exception of the Valuation, Compensation and Planning List (where a new Practice Note was issued on 1 March 2015). A Practice Note for Common Law Division class actions was also issued on 1 January 2015.

The new Practice Notes provide clear direction as to the types of proceedings that should be initiated in each list, and guidance on dealing with the Court in relation to directions hearings and interlocutory applications. Most Practice Notes also provide template orders.

Meetings of 'users' groups' consisting of experienced, representative practitioners were convened in 2014–15 for a number of lists. These groups provide a forum for the judges in charge of respective lists to consult with practitioners about proposed reforms, and for practitioners to provide feedback to judicial officers about the way in which Court procedures impact on litigation.

## Civil Circuit List

**Judge in Charge:** Justice J Forrest

**Associate Judge in Charge:** Associate Justice Daly

The Supreme Court regularly hears matters in regional Victoria. Civil circuit sittings are scheduled in 12 locations: Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, LaTrobe Valley (Morwell), Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

The Civil Circuit List is where non-commercial proceedings with a regional connection can be managed. The majority of Civil Circuit List proceedings involve claims for personal injuries arising from motor vehicle accidents, medical negligence and industrial accidents.

During the reporting period, 164 cases were initiated in the list – a three per cent increase on the previous year. Although the number of cases finalised in the period fell by 11 per cent, there was still an overall reduction in the list of 11 per cent on the previous year.

*Practice Note No. 1 of 2015*, published on 1 January 2015, clarifies that a proceeding should be initiated in the Civil Circuit List if the cause of action arose in regional Victoria or if the majority of parties or witnesses reside in regional Victoria.

In *McCready v Bendigo Health* [2014] VSC 565, the Court proposed on its own motion to transfer a personal injury proceeding from Melbourne to Bendigo. Justice J Forrest determined that the presence of medico-legal expert witnesses in Melbourne was not a sufficient factor outweighing the balance of the convenience of having a regional matter tried in the appropriate regional court.

Justice J Forrest also referred to the positive effect of allowing local communities to participate in and observe the administration of justice in relation to proceedings arising from their community.

The Supreme Court publishes a circuit timetable on its website. Cases are then allocated within these sitting periods. Where appropriate, the Court may also arrange a special fixture of an individual case at a regional court outside the circuit sitting period. The Court may provide an associate justice as a judicial mediator at the regional court.

In order to reduce costs for regional practitioners, procedures are in place to allow for pre-trial directions hearings by telephone and videoconference where appropriate. Deputy prothonotaries and staff at the regional courts are very accommodating of the Court's circuit sitting requirements and provide great assistance prior to and during the sittings.

**Table 16: Civil Circuit List – all cases**

	2013–2014	2014–2015	Difference	Variance
Initiations	160	164	4	3 %
Finalisations	210	186	-24	-11 %
In list 30 June	192	170	-22	-11 %

**Table 17: Civil Circuit List – cases by region**

	2013–2014	2014–2015	Difference	Variance
Ballarat	14	23	9	64 %
Bendigo	25	20	-5	-20 %
Geelong	8	8	0	0 %
Horsham	1	1	0	0 %
Hamilton	0	0	0	100 %
Mildura	14	17	3	21 %
Morwell	32	34	2	6 %
Sale	1	2	1	100 %
Shepparton	4	5	1	25 %
Wangaratta	31	14	-17	-55 %
Warrnambool	18	16	-2	-11 %
Wodonga	12	24	12	100 %
Total	160	164	4	3 %

## Personal Injuries List

**Judge in Charge:** Justice Williams  
(until 12 February 2015)  
Justice Zammit  
(from 12 February 2015)

**Associate Judges in Charge:** Associate Justice Daly  
(until 1 January 2015)  
Associate Justice Zammit  
(until 3 February 2015)  
Associate Justice Ierodiaconou  
(from 12 May 2015)

The Personal Injuries List is the largest list in the Common Law Division, with 591 initiations in 2014–15, or 23 per cent of total initiations in the Division. This represents a 24 per cent increase in initiations on the previous year.

A meaningful comparison with the 2013–14 year needs to include initiations in the new Dust Diseases List from 1 January 2015, since dust-related personal injuries were previously managed in the Personal Injuries List.

Taking Dust Diseases List initiations into account, there has been a significant increase in personal injury proceedings managed in the Common Law Division's specialist lists. The Court has adopted a more proactive approach in 2014–15 to ensure that personal injury claims are managed in the Personal Injuries List and Dust Diseases List. However, this accounts for only a small proportion of the increase in these lists. The Court continues to look for new ways to efficiently manage the increasing workload in its personal injury jurisdiction.

Proceedings managed in the Personal Injuries List include personal injury claims arising from:

- industrial accidents
- motor vehicle accidents
- public and occupier's liability
- medical negligence
- bullying and harassment
- sexual abuse.

Proceedings brought by the Transport Accident Commission under s 104 of the *Transport Accident Act 1986*, or by the Victorian Workcover Authority under s 138 of the *Accident Compensation Act 1985*, are also managed in the List.

Significant cases managed in the Personal Injuries List in 2014–15 included:

- *Doulis v State of Victoria* [2014] VSC 395: On 5 September 2014, Justice Ginnane delivered judgment in this case following a 19 day trial. The plaintiff, a former teacher at a government secondary college, claimed damages for psychiatric injuries sustained as a result of being allocated to teach a very high level of 'low and foundation' classes that were difficult to control, between 1999 and 2004. Justice Ginnane found that the college had failed to discharge its duty of care towards the plaintiff and awarded him \$1.27 million in damages.
- *Tamareisis v CSR Ltd*: This proceeding involved a claim for psychiatric injuries by a woman whose father died in 2006 from mesothelioma. His death was allegedly a result of exposure to insulation materials distributed by Hardie - BI company, a trading partnership of CSR and James Hardie and Coy Pty Ltd. The plaintiff, now a resident in Greece, successfully applied to have her evidence taken there on the grounds of inability to travel as a result of her health. Justice J Forrest sat for two weeks in Athens and Zakyntos hearing evidence from the plaintiff and several witnesses, including the plaintiff's family and doctors. The parties met the Court's expenses for the judge, an associate and a stenographer to travel to Greece to hear the evidence. The matter was settled between the parties prior to the recommencement of the trial in Australia.

**Table 18: Personal Injuries cases**

	2013–14	2014–15	Difference	Variance
Initiations	478	591	113	24 %
Finalised	464	528	64	14 %
In list 30 June	540	603	63	12 %

## Dust Diseases List

**Judges in Charge:** Justice Rush  
(from 1 January 2015)  
Justice Zammit  
(from 27 February 2015)

**Associate Judge in Charge:** Associate Justice Ierodiaconou  
(from 12 May 2015)

The Dust Diseases List was established on 1 January 2015 to meet the need for more flexible management and monitoring of the increasing number of personal injury proceedings arising out of alleged exposure to dust. From January to June 2015, 182 cases were initiated or transferred into this List.

**Table 19: Dust Diseases List cases**

	2013–14	2014–15	Difference	Variance
Initiations	0	182	182	100 %
Finalised	0	27	27	100 %
In list 30 June*	0	153	153	100 %

\* (including proceedings transferred into the new list)

## Major Torts List

**Judge in Charge:** Justice Dixon  
**Associate Judge in Charge:** Associate Justice Zammit  
(until 3 February 2015)

The Major Torts List is designed to manage large, complex, or otherwise significant tortious claims, including:

- personal injury proceedings involving a plaintiff who is alleged to have suffered catastrophic personal injuries
- complex personal injury proceedings involving three or more defendants or third parties
- complex tortious claims for economic loss or property damage
- defamation proceedings
- class actions where the predominant cause of action is based in tort.

During the reporting period 62 proceedings were initiated in the Major Torts List, 10 per cent less than the previous year. There was an overall reduction of 25 per cent in the number of proceedings in the List at 30 June 2015, compared to the previous year.

The decline in initiations can be partly attributed to the Court's promotion of the Personal Injuries List and Dust Diseases List as the preferred specialist lists for all but the most complex personal injuries proceedings.

Defamation is a significant aspect of the work in the Major Torts List. There were 34 proceedings in defamation finalised during the year. Of those, three proceedings went to judgment and the remaining 31 were settled or discontinued.

Significant class actions managed by the Major Torts List included:

- A \$494 million settlement reached prior to judgment was approved by Justice Osborn in July 2014 in relation to Victoria's largest ever class action, the Kilmore East Kinglake Black Saturday bushfire proceedings. The settlement followed a 16 month civil trial before Justice J Forrest that included 100 witnesses and 22,466 documents loaded on to the electronic court book. Several associate judges played crucial roles by resolving the many interlocutory and administrative matters that arose throughout the trial.
- The last of the Black Saturday class actions relating to the Murrindindi Marysville blaze also settled in early 2015, on the eve of the sixth anniversary of the bushfires. The \$300 million settlement was formally approved by Justice Emerton in May 2015. The Court retains an ongoing supervisory role in relation to the bushfire settlements.
- The Common Law Division also managed the Bonsoy class action involving almost 500 group members who claimed they had become ill after consuming the soy milk product. The manufacturer, exporter and distributor of Bonsoy soy milk, Spiral Foods, Muso Co and Marusan-Ai Co, agreed to compensate victims and a \$25 million settlement – believed to be the highest for a food safety class action in Australia – was subsequently approved by Justice J Forrest.

**Table 20: Major Torts List cases**

	2013–14	2014–15	Difference	Variance
Initiations	72	62	-10	-14 %
Finalised	100	91	-9	-9 %
In list 30 June	116	87	-29	-25 %

## Professional Liability List

**Judge in Charge:** Justice Macaulay

**Associate Judge in Charge:** Associate Justice Daly

The Professional Liability List manages proceedings involving a claim for economic loss against a professional for breach of duty in tort or contract, related statutory contravention (e.g. misleading or deceptive conduct), or for breach of equitable duties.

The majority of claims in the List are against legal practitioners, financial professionals, stockbrokers, insurance brokers, real estate agents, conveyancers and valuers. Claims against health practitioners, building practitioners and taxation professionals are managed within other lists in the Court.

Statistics for the second full year of operation of the List indicate that initiations are fairly stable, although there was a 10 per cent overall reduction in the number of cases in the List at year's end.

Significant cases managed during the period include:

- *Bill Express Limited (In Liquidation) v Pitcher Partners (A Firm)*: This matter involves allegations of negligence by former auditors and is set down for trial in February 2016 for an estimated eight weeks, with one estimate of the damages sought by the plaintiff in excess of \$200 million. The case has required special management during 2014–15 with numerous directions hearings and applications before Justice Macaulay and Associate Justice Daly. In September 2014, the plaintiff made an unsuccessful application for an order referring questions to a special referee, with the proposed questions involving construction of Australian Accounting Standards (see *Bill Express Ltd v Pitcher Partners (a Firm) & Ors* [2014] VSC 482). Justice Macaulay also presided over a case management conference in June 2015 where the parties gave consideration to how the trial should proceed, considering issues such as whether the trial could be by 'e-trial'.
- In *Kirk v PBP Accounting Solutions Pty Ltd* [2015] VSC 173 Justice Macaulay granted an application by the plaintiffs for summary judgment. This matter was transferred into the Professional Liability List in September 2014 for special management. It involved allegations of breaches of fiduciary duty by the plaintiff's accountant. In July 2014, the court set down a pleading timetable for a statement of claim and defences. The timetable was varied a

number of times, with the plaintiffs filing their statement of claim in February 2015. The plaintiffs sought judgment in default of defence at a directions hearing on 27 March 2015. The defendants were given a further opportunity to file a defence by 15 April 2015. No defence was filed and the plaintiffs renewed their application for summary judgment at the next directions hearing, on 17 April 2015. The defendants were ordered to pay the plaintiffs \$3.8 million equitable compensation, as well as almost \$1 million in interest.

**Table 21: Professional Liability List cases**

	2013–14	2014–15	Difference	Variance
Initiations	34	35	1	3 %
Finalised	26	42	16	62 %
In list 30 June	68	61	-7	-10 %

## Judicial Review and Appeals List

**Judges in Charge:** Justice Cavanough  
Justice Ginnane

**Associate Judges in Charge:** Associate Justice Lansdowne  
Associate Justice Daly

The Judicial Review and Appeals List covers proceedings relating to the conduct or decisions of lower courts, tribunals and other external persons or bodies, including:

- judicial review applications made pursuant to the *Administrative Law Act 1978* or Order 56 of the *Supreme Court (General Civil Procedure) Rules*
- appeals on a question of law from a final order of the Magistrates' Court
- appeals on a question of law from the Victorian Civil and Administrative Tribunal
- appeals on a question of law from the Children's Court
- referrals for determination of a question of law under the *Charter of Human Rights and Responsibilities Act 2006*.

Cases in the Judicial Review and Appeals List are initially managed by associate judges who determine applications for leave to appeal, settle questions of law, and the grounds of appeal. An ongoing issue for the Court is appropriate management of the significant number of judicial review proceedings involving self-represented litigants.

There was a small increase in initiations in this List during 2014–15, as well as an increase in finalisations.

Cases in the Judicial Review and Appeals List cover a wide variety of subject matter, as indicated by the following decisions handed down in 2014–15:

- In *Burgess v Director of Housing* [2014] VSC 648 Justice Macaulay made determinations concerning how the Director has to handle eviction proceedings involving public housing.
- In *XX v WW and Middle South Area Mental Health Service* [2014] VSC 564 Justice McDonald dealt with involuntary treatment orders and the liberty of the patient.
- In *Hallett v City of Port Phillip* [2015] VSC 313 Justice Ginnane held that councils have to comply with natural justice before issuing improvement notices under the *Public Health and Wellbeing Act 2008* relating to noise that causes a nuisance to neighbours.
- In *Overend v Chief Commissioner of Police* [2014] VSC 424 Justice Cavanough was initially asked to consider the constitutional validity of motor vehicle forfeiture provisions in the *Road Safety Act 1986* on the grounds that they infringed the separation of judicial and executive power. Justice Cavanough held that it was strictly unnecessary to decide the question, as he found that the forfeiture order before him should be set aside on the grounds of jurisdictional error by the magistrate who had made the order.
- In *Guss v Magistrates Court* [2015] VSC 259, Justice Cavanough held that a failure by the police in the first instance to comply fully with the requirements of s 13 of the *Criminal Procedure Act 2015* for the service of documents on a person being arrested under warrant did not mean that the criminal proceeding had not been duly commenced and did not mean that the charges had to be dismissed. Despite the irregularity in the manner of compelling the attendance of the accused, the Magistrates' Court was entitled to proceed with the case because the accused was physically present before it and because he had not suffered any procedural unfairness.

**Table 22: Judicial Review and Appeals List cases**

	2013–14	2014–15	Difference	Variance
Initiations	223	231	8	4 %
Finalised	200	216	16	8 %
In list 30 June	163	178	15	9 %

## Valuation, Compensation and Planning List

**Judge in Charge:** Justice Emerton

The Valuation, Compensation and Planning List manages proceedings that involve the valuation of land, compensation for the resumption of land, planning appeals from the Victorian Civil and Administrative Tribunal (VCAT) and disputes involving land use or environmental protection.

A total of 23 cases were initiated in the List in 2014–15, which was a significant decrease on the 33 cases initiated in 2013–14. A number of high profile cases were managed in the List. Of particular note were separate proceedings brought by the Cities of Yarra, Moreland, and Moonee Valley for judicial review of planning approvals in relation to the proposed East-West Link road.

In addition, the 12-day trial of *Port of Melbourne Corporation v Melbourne City Council* was held before Justice Emerton in April 2015. In that case, the plaintiffs claim that commercial properties in the Port of Melbourne have been incorrectly valued for rating purposes by a factor of 10. As at 30 June 2015 judgment in that matter remained.

**Table 23: Valuation, Compensation and Planning List cases**

	2013–14	2014–15	Difference	Variance
Initiations	33	23	-10	-30 %
Finalised	31	17	-14	-45 %
In list 30 June	37	43	6	16 %

## Probate List

**Judge in Charge:** Justice McMillan

Prior to the restructure of the Trial Division on 1 September 2014, the Probate List was managed within the former Commercial and Equity Division.

The Probate List provides specialist handling of probate matters to reduce delays, ensure consistency, facilitate expedition of cases and reduce the cost of litigation. Cases managed in the List include:

- matters where a caveat (a notice restraining certain action pending a decision of the Court) has been lodged against the making of a grant of probate
- applications for an informal will to be admitted to probate



- applications for revocation (cancellation) of a grant of representation
- applications for limited grants e.g. to appoint a personal representative to protect and preserve the assets of the deceased until an administrator is appointed
- rectification (correction) of wills owing to a clerical error or a failure to give effect to the testator's instructions in preparing the will
- applications by a trustee for the determination of a question arising from the administration of the estate or for the approval of a transaction already made
- applications regarding the construction of wills that are ambiguous
- removal or discharge of an appointed executor or administrator who can no longer carry out their duties in administering the deceased's estate
- applications for the named executor in a will to be passed over because they have not applied for a grant of probate after a lengthy delay.

In *Flocas v Carlson* [2015] VSC 221 the plaintiff was successful in arguing the doctrine of mutual wills between her father and his sister and, in the alternative, proprietary estoppel to prevent the estate administered by the defendants from denying her father's claim based on representations made to the sibling of the deceased.

Justice McMillan's judgment is the first decision in Victoria in recent times that has reviewed the doctrine of mutual wills and analysed the nature of the obligation created by mutual wills.

In *Bailey v Richardson* [2015] VSC 255 Justice McMillan authorised the making of a statutory will pursuant to s 21 of the *Wills Act 1997* in the case of a 90-year-old woman who lacked testamentary capacity. This is the first reported judgment to consider amendments to the *Wills Act 1997* in relation to statutory wills made as a result of the Victorian Law Reform Commission's *Succession Laws Report 2013*.

**Table 24: Probate List cases**

	2013–14	2014–15	Difference	Variance
Initiations	142	134	-8	-6 %
Finalised	170	139	-31	-18 %
In list 30 June	76	71	-5	-7 %

## Testators Family Maintenance List

**Judge in Charge:** Justice McMillan

**Associate Judge in Charge:** Associate Justice Derham

The Testators Family Maintenance List was established on 1 January 2015. All applications for further provision out of a deceased estate under Part IV of the *Administration and Probate Act 1958* are now managed in this List.

In terms of the number of proceedings, the List is the second largest specialist list in the Common Law Division.

The pre-trial management of proceedings in the List is undertaken by the associate judge in charge and other associate judges. More information about the role of the associate judges in this List may be found in the associate judges section on page 46.

Although decided prior to the establishment of the Testators Family Maintenance List, in *Hodge v De Pasquale* [2014] VSC 413 Justice McMillan considered the power of a trustee to compromise a Part IV claim for family provision as well as the duties of trustees in relation to engaging in a compromise. This is the first reported decision that reviews the relevant powers.

**Table 25: Testators Family Maintenance List cases**

	2013–14	2014–15	Difference	Variance
Initiations	0	421	421	100 %
Finalised	0	160	160	100 %
In list 30 June*	0	416	416	100 %

\* Including proceedings transferred into the new list

## Class Actions

**Judge in Charge:** Justice J Forrest

There are currently eight class actions in the Division awaiting trial. These cases are managed by the judge appointed to hear the trial.

In 2014-2015, the last of the Black Saturday Bushfire class actions settled (Kilmore East – Kinglake and Murrindindi). The class action arising out of allegedly contaminated Bonsoy was also settled prior to trial. In each case, the settlements were approved by the Court.

The Court also plays a role in supervising the administration of settlements which have been the subject of court approval. In relation to the Black Saturday Bushfires, the table below records the claims and finalised claims as at 30 June 2015.

**Table 26: Class action claims**

Pomborneit	21 claims	20 finalised
Coleraine	28 claims	16 finalised
Horsham	214 claims	171 finalised
Beechworth	186 claims	186 finalised



## CASE STUDY

# Bushfire class actions settle through mediation

On the eve of the sixth anniversary of the Black Saturday bushfires, the Murrindindi Black Saturday bushfire class action settled after being referred to Court-led judicial mediation. The successful mediation resulted in significant cost and time savings for the community, the legal system and all parties involved. Importantly, it also saved witnesses and victims the psychological and emotional stress of enduring a lengthy trial.

In July 2014, Justice Dixon, who was hearing the preliminary arguments in the class action, referred the matter to the Court's Appropriate Dispute Resolution (ADR) team for judicial mediation by Associate Justice Eftim, in the hope that a settlement could be reached without the matter having to go to trial.

Associate Justice Eftim convened preliminary meetings involving representatives from both parties and expert witnesses. His Honour engaged an expert mathematician and valuer to determine a sample by which quantum of the claim could be estimated. A valuer was then engaged to obtain a relevant sample by which the question of loss could be estimated.

Case management conferences were next held with the valuer and the parties to estimate loss. When the parties were in agreement as to the estimate of the loss, the mediation commenced.

The matter was settled, through mediation, without the need for a trial. The mediation resulted in a \$300 million settlement, without admissions of liability, and brought an end to the multiple legal actions arising from the deadly 2009 Murrindindi bushfire.

Judicial mediation in this matter allowed for a streamlined process, and made full use of the Court's facilities and expertise in complicated class actions. The efficiency of the judicial mediation system is clear.

It must be duly noted and acknowledged that Associate Justice Eftim played a pivotal role assisting the parties to resolve the case.

Upon settlement, Justice Dixon thanked the parties, assisted by their lawyers and the mediator (Associate Justice Eftim) for the sensible and necessary compromises that had brought the Murrindindi proceeding to a close:

"Active management of these proceedings by judges facilitated timely disclosure of documents, evidence, expert opinions and arguments and helped all those involved in these disputes, whether as plaintiffs, defendants, witnesses, experts or lawyers, to find an appropriate compromise. Resolution of so many claims within that time frame is an achievement worthy of note."

The settlement was subject to Court approval (as are all class actions), largely to safeguard the interests of group members. The settlement was approved by Justice Emerton in May 2015.

The settlement of the Murrindindi class action followed the settlement of the separate class action in relation to the Kilmore East – Kinglake fire. In contrast, this matter went through an external mediation process.

On 15 July 2014, after a 200 day trial before Justice Jack Forrest, the parties agreed to a settlement without admission of liability worth \$494 million, the largest in Australian legal history. The Court heard the application on 24 and 25 November 2014 and received approval from Justice Osborn on 23 December 2014.

The Supreme Court of Victoria is supervising the ongoing process of distribution of settlement funds as it has done with earlier Court-approved settlements arising out of the Beechworth, Coleraine, Horsham and Pomborneit fires.

Key issues in this matter included the pre-trial management of 40 expert witnesses, the use of expert conclaves, the effectiveness of concurrent evidence and the use of expert assessors to assist judicial officers.

The length and scope of the Kilmore East – Kinglake trial also demanded that the Court adopt flexible and innovative case management practices, including the use of a paperless 'e-trial'.

Since settlement, the Court has commissioned research into the way in which these issues were addressed in the context of the Kilmore East – Kinglake trial which will highlight lessons to be learned for the future conduct of a large scale litigation. It is expected that the research will be published in early 2016.

# TRIAL DIVISION – CRIMINAL

The Criminal Division is exclusively responsible for trying criminal cases of the most serious nature, such as murder, manslaughter and attempted murder, as well as fraud and significant drug offences. In addition to its original jurisdiction to hear trials and pleas, the judges of the Criminal Division hear bails, surveillance devices, witness protection, preventative detention order applications and requests for search warrants and other covert applications in its supervisory jurisdiction.

## Principal Judge:

Justice Lasry

## Deputy Principal Judge:

Justice Hollingworth

## Judges:

Justice Hollingworth

Justice King  
(until 14 August 2015)

Justice Lasry

Justice Croucher

Justice Beale

## Reserve judges:

During the Financial Year, Justices Bongiorno and Coghlan assisted the Trial Division as reserve judges, predominantly in the Criminal Division.

Over that period, the reserve judges heard a combined total of 192 matters, including trials, pleas and varying applications.

At times, the Chief Justice and judges from other divisions, including President Maxwell and Justices Weinberg, Bongiorno, Osborn, Coghlan, Priest, Beach and Kaye from the Court of Appeal, sat in the Criminal Division. Justices T Forrest, Bell, Emerton, Macaulay and Rush from the Common Law Division also sat in the Criminal Division on occasion.

The Criminal Division has ongoing responsibility for people on supervision orders under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA). The Division is assisted by Forensicare, the Attorney-General and the Office of Public Prosecutions in its dealings with people with mental illness, both in the criminal jurisdiction and also in those cases under the CMIA. In addition, the Division manages matters concerning proceeds of crime and post-conviction inquiries.

The past reporting year has seen an increase in the demands placed upon the Division associated with the increase in the State of Victoria's population. In order to meet the increase in its caseload, judges from other divisions, including the Chief Justice, President Maxwell, Justices Weinberg, Bongiorno, Osborn, Coghlan, Priest, Kaye and Beach from the Court of Appeal, and Justices T Forrest, Bell, Emerton, Macaulay and Rush from the Common Law Division have generously given their judicial time to assist the division with meeting the additional caseload demands.

Whilst the following statistics provide helpful guidance into the work of the Criminal Division during 2014–15, it is important to take into account some significant limitations. The main limitation stems from the fact that each and every application lodged is given a numerical statistical value of 'one'. Thus, a simple application for a surveillance devices warrant is reflected, statistically, in the same way that a complex and lengthy application under the *Major Crime (Investigative Powers) Act 2004* is that may require a significant amount of judicial and other resources to prepare and hear. Although complex applications are a small portion of the total number of applications heard, a slight increase in the number of these complex applications would have a profound impact the Division's workload and on the Court's limited resources. The Division has made significant efforts to maximise the efficient use of our resources.

Since 1 October 2014, the Division has been conducting Post-Committal Directions Hearings within 24 hours of the completion of the committal proceedings. This new requirement, contained in *Practice Note No. 6 of 2014*, aims to expedite the whole process once the matter has been committed to the Supreme Court. At the Post-Committal Directions Hearing, counsel or their nominees must keep the Court informed and up-to-date as to any progress towards resolving the matter. The prosecution is not required to file an indictment at the Post-Committal Directions Hearing, although they must provide a police summary prior to the hearing.

The new practice of conducting Post-Committal Directions Hearings within 24 hours has so far proven to be positive despite the inevitable increase in delay from Post-Committal Directions Hearings to trial (due to the empanelment of a jury). Median time to trial has increased from 7.7 months in 2013 to 8.8 months in 2014. Despite the Division's best efforts, there is also an increase in delay from verdict and plea to sentence. Median time from verdict to sentence has increased from 2.1 months in 2013 to 3.7 months in 2014 while the median time from plea to sentence has increased slightly from 1.4 months in 2013 to 1.7 months in 2014.

Substantive provisions of the *Jury Directions Act 2015* commenced 29 June 2015, which is part of an ongoing Victorian Government initiative aimed at simplifying the complex, technical and lengthy nature of a judge's charge, and simplifying and clarifying the issues jurors must determine in criminal jury trials. The *Jury Directions Act 2015* repeals and re-enacts, with amendments, the *Jury Directions Act 2013*, which over the last year has simplified, and significantly reduced the length of, legal directions to juries. The new Act simplifies directions on the following topics:

- misconduct evidence (such as tendency and coincidence evidence)
- unreliable evidence
- identification evidence
- delay and forensic disadvantage
- the failure to give or call evidence
- delay and credibility
- what must be proved beyond reasonable doubt.

Another significant legislative reform is the *Sentencing Amendment (Baseline Sentences) Act 2014*, a baseline sentencing scheme that commenced on 2 November 2014. The baseline sentence is that which parliament intends as the median sentence for the offence. When sentencing for any of the seven baseline offences committed on or after 2 November 2014, courts are required to sentence in accordance with that intention. Under the legislation, the sentence for murder increases by five years to 25 years, and the sentence for large-scale drug trafficking doubles to 14 years.

On 30 July 2015, Justice Lasry handed down the first sentence under this new sentencing scheme. His Honour sentenced an offender to six years and eight months' imprisonment, with a minimum of four years, after he pleaded guilty to four counts of incest. One of the counts was committed after the provisions of the *Sentencing Amendment (Baseline Sentences) Act 2014* came into effect. The Director of Public Prosecutions appealed against the sentence in the Court of Appeal on the ground that the total effective sentence and non-parole period was manifestly inadequate.

In a majority decision handed down on 17 November 2015, President Maxwell and Justices Redlich, Tate and Priest ruled that the baseline sentencing provisions enacted in 2014 were 'incapable of being given any practical operation'. In the view of the majority, the statement of intention was comprehensible but the provisions were silent as to the means by which a sentencing judge for incest was to do so 'in a manner compatible with' that stated intention.

Following the enactment of the new baseline sentencing provisions, the Division issued the new *Practice Note No. 11 of 2015*, which replaces *Practice Note No. 3 of 2011*. It came into effect on 1 March 2015 and reflects the legislative changes such as baseline sentencing provisions, minimum non-parole periods, alcohol exclusion orders and the decision of the Court of Appeal in *R v York* regarding victim impact statements.

As of 1 November 2014, the statutory defences for murder self-defence and manslaughter self-defence, as well as defensive homicide, were repealed by the *Crimes Amendment (Abolition of Defensive Homicide) Act 2014*. The new statutory self-defence provision, along with the abolition of common law self-defence and the repeal of various homicide self-defence provisions, was implemented to simplify the law. The result is that only one test for self-defence will apply to all offences alleged to have been committed after the commencement date, making it easier to explain self-defence to the jury. While reforming homicide legislation has been a long and complex process, the new legislation signifies a significant step forward in ensuring just responses to violence.

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## Circuit sittings

Although most cases in the Criminal Division are heard in Melbourne, circuit sittings remain an essential aspect of the Division's work and provide an opportunity for the regional community to witness the criminal justice system in process. During 2014–15, judges sat in the regional centres of Ballarat, Shepparton, Warrnambool, Bendigo, Wangaratta and the Latrobe Valley. The Division remains dedicated to circuit work and, in doing so, recognises the importance to the regional centres and the communities they serve.

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## Caseload

### Trials and pleas

The trial statistics are an improvement on those for the previous reporting year: this year, the division conducted 42 criminal trials involving 52 defendants, eight more than the number of trials conducted last year. This is a pleasing result, given that a number of particularly long trials have been finalised. Lengthy criminal trials included:

- R v Shae, Goussis & Perry (47 sitting days)
- R v Jacobson (39 sitting days)
- R v Trabert & Ryan (28 sitting days)
- R v Wilson (27 sitting days)
- R v Spence (27 sitting days)
- R v Zogheib (25 sitting days)
- R v Moreland, Tippens & Thorpe (25 sitting days)
- R v Lai (23 sitting days).

When a plea of guilty is entered, a matter is then listed for a plea hearing. Notably, 17 defendants who initially entered a plea of not guilty, changed their plea either after being given a date for trial, at the commencement of the trial, or during the trial. The Division disposed of 44 plea hearings involving 62 defendants, compared to 55 pleas involving 65 defendants in the last reporting year.

Overall, 86 matters involving 114 defendants were finalised, compared with 89 matters involving 101 defendants in the preceding reporting year. As a result of the increased number of longer trials, as at 30 June 2015, the Division ended the reporting year with four more outstanding cases (59 cases involving 88 persons), compared with the position at the end of 2014 (55 outstanding cases, involving 77 defendants).

**Table 27: Trials and pleas**

	Trials finalised	Pleas finalised	Total matters finalised
2009-10	38 (43 persons)	43 (63 persons)	81 (106 persons)
2010-11	46 (57 persons)	57 (82 persons)	103 (139 persons)
2011-12	54 (65 persons)	48 (60 persons)	102 (125 persons)
2012-13	38 (44 persons)	56 (62 persons)	94 (106 persons)
2013-14	34 (36 persons)	55 (65 persons)	89 (101 persons)
2014-15	42 (52 persons)	44 (62 persons)	86 (114 persons)

## Bail applications

Applications for bail are usually processed within a couple of days of receipt of a response from the Crown. Exceptions are made for urgent applications involving a child or a mentally ill applicant where they could be heard on the same or the following day. An affidavit supporting the application is filed at the same time as the application and a summary is then prepared by the Criminal Division Registry to a judge of the Criminal Division, outlining the key facts and factors for consideration. Following the hearing, reason for decision is published.

Table 28, below, identifies the number of bail applications heard by the Supreme Court since 2009. The number of applications made under the *Bail Act 1977* increased by 7 per cent: 110 bail applications were finalised during the year compared to 102 in 2013–14, and 85 in 2012-13. The procedure for applications under the *Bail Act 1977* is set out in the *Practice Note No. 5 of 2004*, which provides a timeframe for the filing of materials. However, the Division maintains flexibility and endeavours to expedite bail listings where appropriate.

**Table 28: Bail applications**

	No. of applications
2009-10	90
2010-11	70
2011-12	51
2012-13	85
2013-14	102
2014-15	110

## Surveillance devices and other covert applications

Since 10 February 2013, the Public Interest Monitor has been appearing at hearings of all relevant applications. These include: surveillance devices applications, covert search warrant applications, and applications for coercive powers orders, to test the content and sufficiency of the information relied on by the applicant. These matters are typically heard in closed court. In applications where the Public Interest Monitor is not required to appear – such as search warrant applications – judges typically decide the matters on the papers based on the affidavit materials provided by the applicant.

Table 29 shows the volume of work associated with these applications. There is also a slight increase in the number of applications made under the *Surveillance Devices Act 1999* (from 70 to 72 applications) compared with the previous reporting period.

**Table 29: Surveillance devices and other covert applications**

	Surveillance devices applications	Applications for confiscation and for proceeds of crime	Search warrant applications, witness protection applications and other covert applications
2009-10	78	55*	66*
2010-11	67	127*	52*
2011-12	99	138	55
2012-13	62	112	49
2013-14	70	84	46
2014-15	72	80	46

\* There may be issues with the accuracy of these figures due to the implementation of the Integrated Court Management System.

\*\* This includes applications under the Major Crime (Investigative Powers) Act 2004, Witness Protection Act 1991, and applications for compensation under the Sentencing Act 1991.

### Matters under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

One of the many challenges currently facing the Division is the increase in its workload, in particular, in the crimes mental impairment jurisdiction.

The following table shows that the volume of matters dealt with under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA) continues to increase. At 30 June 2015, there were 19 non-custodial and 61 custodial supervision orders in effect for people with mental illness. Over time, the total number of people subject to supervision orders under the CMIA continues to grow. Compared with 2013, there has been a 100 per cent increase in major reviews and an 8.3 per cent increase in applications for various orders, in this reporting period. These matters require considerable marshalling of judicial and other resources. In response to this growth in demand, the Court has redeployed judicial resources from its civil and appellate work.

**Table 30: Cases under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**

	Major reviews	Applications under the CMIA	Total
2009-10	2	12	14
2010-11	2*	14	16
2011-12	7*	15	22
2012-13	3	24	27
2013-14	4	24	28
2014-15	8	26	34

\* Some major reviews were not finalised and adjourned to another date for hearing.

## Future challenges

The Criminal Division cannot function without an adequate number of judicial officers or without appropriate physical facilities. The current accommodation arrangements remain unsatisfactory. Due to the unavailability of courtrooms in the Supreme Court building criminal trials and hearings have been conducted in the County Court from time to time.

Given Victoria's growing population it is inevitable that the Division's caseload will continue to increase. Until now, the Division has managed an increasing workload by improving efficiencies, and with the assistance of judges from the Court of Appeal and the Common Law Division, and reserve judges. With efficiency gains already leveraged, it seems inevitable that backlogs and the time within which matters are finalised will increase, unless changes are made to judicial resources and physical facilities.

## Acknowledgements

The Criminal Division would like to record its gratitude and appreciation for the extraordinary efforts, commitment and professionalism of all judicial officers and court staff in discharging their duties and their outstanding contribution to the efficient management of the Court's processes in the often challenging circumstances depicted in this report.

# ASSOCIATE JUDGES

Associate judges perform an essential role within the Court, hearing and determining a range of interlocutory and final matters. During the year changes in the jurisdiction impacted on some areas of their work, and their involvement in judicial mediations increased.

## Principal Associate Judge:

Associate Justice Derham

## Deputy Associate Judge

Associate Justice Efthim  
(also the Senior Master)

## Associate judges:

Associate Justice Efthim  
(also the Senior Master)

Associate Justice Wood

Associate Justice Lansdowne

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Zammit  
(until 3 February 2015)

Associate Justice Randall

Associate Justice Derham

Associate Justice Ierodiaconou  
(from 12 May 2015)

## Judicial registrars:

Judicial Registrar Gourlay

Judicial Registrar Ware  
(Court Administration)

Judicial Registrar Hetey  
(Commercial Court)

The associate judges are actively involved in:

- case management of proceedings, in both the Common Law Division and the Commercial Court (Civil Management List)
- management of personal injuries proceedings, which came from the Civil Management List, including directions and applications (Personal Injuries List and Dust Diseases List)
- adjudication of interlocutory disputes and other applications within the associate judges' jurisdiction (General Applications)
- the listing of civil proceedings for trial, including pre-trial directions, and pre-trial applications (Civil Trials List)
- the corporations jurisdiction of the Court (Corporations List)
- Management of testator family maintenance (the popular name more accurately known as 'family provision') under Part IV of the *Administration and Probate Act 1958* (Testators Family Maintenance List)
- the trial of proceedings, both within the original jurisdiction of associate judges and as referred pursuant to the Rules of Court by judges of the Trial Division (Trial Work)
- judge ordered mediation of proceedings, with the assistance of a mediation coordinator (Judicial Mediation).

## Judicial registrars – extended powers

From 1 March 2015, the *Supreme Court (Judicial Registrars Amendment) Rules 2015* have expanded the range of matters that now fall within the jurisdiction of judicial registrars. They are set out in the new Order 84. This includes matters formerly heard principally by the associate judges, including:

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

Judicial Registrar Gourlay, who primarily works in the Costs Court, and Judicial Registrar Hetey, from the Commercial Court, are now hearing and determining some matters under these extended powers, which would otherwise need to be heard by an associate judge in the Associate Judges' Practice Court.

## Management of oppression matters pilot

On 1 October 2014, *Practice Note No. 5 of 2014 - Applications Under s 233 Corporations Act 2001 (Vic) – Oppressive Conduct of the Affairs of a Company* introduced a six month pilot program to facilitate the resolution of oppression matters. The aim was to minimise the costs incurred by parties by dealing with the matters at the early stages of a proceeding.

This pilot was driven primarily by the Commercial Court, but facilitated by the Appropriate Dispute Resolution Coordinator. The outcome was generally positive and valuable information was obtained to create a more effective management process for these types of matters. A new practice note has been introduced to continue this program.



## Civil Management List

<b>Associate judges:</b>	Associate Justice Lansdowne
	Associate Justice Mukhtar
	Associate Justice Zammit (until 3 February 2015)
	Associate Justice Derham

The associate judges deal with directions and applications in civil proceedings that are not in a specialist list where the proceeding has been commenced by writ. These proceedings are entered into the Civil Management List for case management. The Civil Management List is designed to manage and expedite civil claims to trial. This process enables a responsive, flexible and practical approach in case management. The List deals with a variety of cases from the Common Law Division and Commercial Court, including:

- general common law claims not included in a specialist list
- commercial cases not assigned to a list in the Commercial Court
- proceedings arising out of banking and finance, real property and mortgages where they are not entered into a specialist list.

The Civil Management List is heard each Monday, when directions in Commercial Court and Common Law Division matters are made. After interlocutory steps are completed, proceedings are referred for pre-trial directions or into a list of the Commercial Court.

The Pre-Trial Directions List is heard by the associate judge in charge of Civil Listing.

Since the amalgamation of the Personal Injuries and Dust Diseases Lists on 1 January, the Civil Management List now sits only one day each week.

Consequently, the change to the Civil Management List has had an effect on the numbers reported in Table 31:

**Table 31: Civil Management List**

Hearings listed before the Civil Management List	
2013–14	1,354
2014–15	1,228

## Personal Injuries List and Dust Diseases List

<b>Associate judges:</b>	Associate Justice Daly (until 1 January 2015)
	Associate Justice Zammit (until 3 February 2015)
	Associate Justice Ierodiaconou (from 12 May 2015)

Effective 1 January 2015, *Practice Notes 2015 No. 2 Dust Diseases List* and *No. 3 Personal Injuries List* formally established the lists separately within the Common Law Division. The migration of Personal Injuries and Dust Diseases List matters from the Civil Management List has impacted on the numbers of hearings on the Monday, and to a certain extent, decreased the matters before the Listings Judge, Associate Justice Daly.

The increase in the Personal Injuries and the Dust Diseases Lists has, however, had an impact on the resources required to manage the List effectively.

The establishment of the Dust Diseases List was the catalyst for a review of the case management structure of both lists, overseen by the judge in charge. The driving force behind the management of these growing lists is primarily Justice Zammit, who is supported by Associate Justice Ierodiaconou.

As judge-managed lists, a more efficient and effective process structure is being formulated to ensure matters are managed from commencement, right through to finalisation.

This new structure should ensure proper resources are in place to relieve the judiciary of the case management administration normally too complex for associates.

The Personal Injuries and Dust Diseases Lists matters dealt with in the associate judges' jurisdiction are of an interlocutory nature. Therefore, the statistics are measured by the number of hearings as multiple appearances can result from the one proceeding or case. This enables more accurate reporting of the workload of the associate judges and explains the variation in statistics tabled by the Common Law Division for the same specialist lists.

**Table 32: Personal Injuries List**

Hearings listed before the Personal Injuries List	
2013–14	1,039
2014–15	1,149

**Table 33: Dust Diseases List**

Hearings listed before the Dust Diseases List	
2013–14	0
2014–15	80

## General applications

<b>Associate judges:</b>	Associate Justice Lansdowne Associate Justice Mukhtar Associate Justice Zammit <i>(until 3 February 2015)</i> Associate Justice Derham Associate Justice Ierodionou <i>(from 12 May 2015)</i>
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The Associate Judges' Practice Court sits nine days a fortnight in Court 2 to hear interlocutory matters, matters not otherwise issued in a specialist list, and matters within the original jurisdiction of the associate judges. Interlocutory disputes referred by specialist lists are also heard by judges in the Associate Judges' Practice Court.

A wide variety of matters are heard in the Associate Judges' Practice Court including:

- service of domestic and foreign process
- amendments to legal process
- joinder of parties
- disputes over pleadings
- disputes over discovery and subpoenas
- summary judgment applications
- security for costs applications
- the discharge or modification of restrictive covenants
- the recovery of possession of land
- orders for the payment out of moneys or securities in court
- applications to extend the validity of writs for service
- various procedures for the enforcement of judgments
- examination of debtors.

The associate judges also hear certain appeals and judicial review proceedings. Matters heard in the Associate Judges' Practice Court include applications for leave to appeal (on questions of law) from decisions of the Victorian Civil and Administrative Tribunal, appeals from the Magistrates' Court in both civil and criminal matters, and proceedings for judicial review of decisions of courts and tribunals.

**Table 34: General Applications**

Hearings listed before the Court 2 List	
2013–14	1,576
2014–15	1,589

## Civil Trials List

<b>Associate judge:</b>	Associate Justice Daly
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When a civil proceeding is ready to be fixed for trial it is referred to Associate Justice Daly for pre-trial directions. A trial date may be fixed or further interlocutory directions given, depending upon the circumstances. Associate Justice Daly also hears pre-trial applications that arise after the proceeding is considered ready for trial.

The Court aims to have the trial of every civil proceeding commence on or about the date fixed for trial. This is not always possible due to:

- the pressures of the business of the Court (in particular, the demands of hearing long cases and accommodating major civil litigation, such as class actions)
- the estimates given for the duration of trials are exceeded
- unfilled vacancies in the Court.

In 2014–15, eight proceedings were not tried on the date fixed (and marked 'not reached') due to the unavailability of a judge to try the case, compared with 18 proceedings in 2013–14. All such cases were either given priority within the next hearing date, or allocated to a particular judge as a special fixture on the next suitable date.

No cases were marked 'not reached' in 2015 to date, in part owing to the timely appointment of judges to fill vacancies at the Court.

**Table 35: Trial directions**

Trial directions	
2013–14	230
2014–15	269

## Trial Work

All the associate judges (with the exception of Associate Justice Wood, who is the Costs Court judge) undertake trial work.

These trials fall into two broad categories:

- those within the original jurisdiction of an associate judge
- matters referred to the associate judge by a Trial Division judge.

In addition to trial work, the associate judges hear interlocutory application of various kinds as special fixtures. These arise from the Associate Judges' Practice Court, the Corporations List or the Civil Trials List.

These are matters that are too complex or time consuming to be dealt with in those lists. In addition to trials, special fixtures often give rise to reserved judgments and extensive written reasons.

## Corporations List

**Associate judges:** Associate Justice Eftim  
Associate Justice Gardiner  
Associate Justice Randall

The associate judges are responsible for a wide range of work in the corporations jurisdiction of the Court. In particular, winding up applications, the setting aside of statutory demands and many other applications under the *Corporations Act 2001* in which jurisdiction is conferred on associate judges.

In addition, matters are referred by judges in the Corporations List of the Commercial Court for hearing and determination by associate judges. The associate judges:

- hear all company winding-up applications (s 459P) and applications to set aside statutory demands (s 459G)
- hear all other applications within the associate judges' jurisdiction each Friday in Court 5
- conduct liquidators' examinations on an ongoing basis
- hear trials and special fixtures on an ongoing basis.

In the corporations jurisdiction, it is common for trials to be conducted by associate judges on referral from a judge of the Court.

The upward trend in matters listed has impacted significantly on the associate judges' workload. To reduce the impact of matters building up during the Christmas/New Year break, Associate Justice Gardiner commenced hearing matters in the Corporations List from mid-January 2015 before the beginning of the legal year. Hearings continued through the winter break to alleviate pressure caused by interruption in proceedings.

The increase in winding-up applications noted in the previous reporting period through the introduction of Deputy Commissioner of Taxation matters, was also influenced by changes in interpretation of the rules, that has impacted on the number of matters brought before the Corporations List.

**Table 36: Hearings before the Corporations List**

Hearings listed before the Corporations List	
2013–14	3,128
2014–15	3,983

## Testators Family Maintenance List

**Associate judges:** Associate Justice Zammit  
(until 3 February 2015)  
Associate Justice Derham

Directions hearings in Testators Family Maintenance List proceedings are held every second Tuesday. The associate judges have been extremely successful in managing Testators Family Maintenance List cases through the interlocutory stages and mediation, when the majority are settled.

There is no cap on the number of matters heard in the Testators Family Maintenance directions list, which range from about 40 to 120 at each sitting. Recent successful initiatives introduced include the referral of matters to Justice McMillan for trial directions (the judge in charge of the List), and the requirement for practitioners conducting the trial to attend and inform the judge of salient aspects of the proceeding.

The associate judges also approve compromises in Testators Family Maintenance applications. These are heard in a closed court at 9.30am on each directions day, and are sometimes dealt with on the papers. This results in reduced cost to the parties and saves time.

Where estates are small (\$500,000 or less), mediations are conducted by an associate judge or judicial registrar. The use of position statements without the filing of affidavits is preferred. Orders are often made for practitioners to file a statement of their costs prior to mediation. The aim is to reduce the costs to the parties.

There were 83 Testators Family Maintenance mediations held before an associate judge or judicial registrar in 2014–15. Of these, 57 settled at mediation or shortly after, with the resolution rate of 69 per cent.

**Table 37: Testators Family Maintenance List**

Hearings listed before the Testators Family Maintenance List	
2013–14	1,018
2014–15	1,496

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## Judicial Mediation

<b>Associate judges:</b>	Associate Justice Efthim Associate Justice Wood Associate Justice Gardiner Associate Justice Randall Associate Justice Ierodiaconou <i>(from 12 May 2015)</i>
<b>Judicial registrars:</b>	Judicial Registrar Gourlay Judicial Registrar Ware <i>(Court Administration)</i> Judicial Registrar Heteyey <i>(Commercial Court)</i>

Mediations are conducted by associate judges or judicial registrars upon referral by judges or associate judges.

Suitability for mediation is usually identified at the first directions hearing or in the early stages of a trial where it is deemed by the judge that a matter can be resolved by mediation rather than proceed to trial.

The volume and success in accommodating effective mediations is also largely attributable to the hands-on approach of the Appropriate Dispute Resolution Coordinator. Mediations are often requested at short notice. The Appropriate Dispute Resolution Coordinator assigns an available associate judge or judicial registrar for hearing.

Judicial mediations increased from the previous reporting period. The upward trend is unlikely to continue due to limited judicial resources. The increase can be attributed to a number of factors, including:

- the upgrade of the mediation facilities
- increased numbers of available mediators
- refinement of the appropriate dispute resolution process and its administration
- the positive reputation of judicial mediations amongst practitioners
- the widely recognised significant savings that mediation provides.

An estimated saving of 985 court sitting days was achieved through mediation during 2014–15. This is in addition to savings in litigation costs, judgment writing time, courtroom facilities, as well as a reduction in stress to parties endured through ongoing litigation.

A large percentage of the mediations conducted are Testators Family Maintenance proceedings where the estate is small. There are significant costs savings to estates in these cases. Commercial matters also remain a significant component of mediations during the reporting period. In 2013–14, 70 commercial mediations were held, and 109 commercial mediations in 2014–15, which is consistent at around 30 per cent of all mediations. The statistics in Table 38 reflect the overall increasing trend.

**Table 38: Mediations**

	Mediations listed	Mediations proceeded
2013–14	219	173 (68 % settled)
2014–15	330	236 (61 % settled)

Of the 330 mediations listed, a number were either vacated or adjourned. Though these did not proceed, the management overhead impacts on the administrative workload.

The mediations resulted in a success rate of 61 per cent, which is down from 68 per cent on the previous reporting period. However, this decline is far outweighed by the increased savings in resources evidenced in the enormous amount of court sitting days saved.

## Costs Court

The Costs Court hears and determines disputes arising from costs orders made in court proceedings as well as costs disputes between legal practitioners and their clients.

**Associate judge:** Associate Justice Wood  
**Judicial registrar:** Judicial Registrar Gourlay

A Costs Court initiative to list bills of costs less than \$100,000 (referred to as 'small bills days'), as well as the assessment of bills less than \$20,000 on the papers by costs registrars continued to be effective in 2014–15.

A total of 113 matters were dealt with as small bills during the year, while 96 matters were assessed under the program. A further 86 matters were directly listed for case conference with a costs registrar, which achieved a settlement rate of close to 70 per cent.

Such measures have helped to reduce the amount of time for matters to be disposed of, resulting in lower costs for parties. In addition, early settlements led to a reduction of court time spent on the taxation of costs.

The implementation of WorkCover Litigated Costs protocols has led to a decline in County Court costs orders, and subsequently a decline in filings with the Costs Court. This was off-set by *Legal Profession Act 2004* filings, which are much more complex and require hearing times to be extended due to the associated preliminary applications for rulings on whether costs agreements are void, or costs disclosures incomplete.

Most party/party matters issued for amounts in excess of \$100,000, and costs reviews issued under the *Legal Profession Act 2004*, are referred to call-over and are listed for hearing or referred for mediation or case conferences. Many of these matters settle at mediation or case conference, resulting in costs savings for the parties.

### Reported decision of significance

Among the many matters that went before the Costs Court during 2014–15, Associate Justice Wood considered the standing of a third party payer to review receivers' legal costs in the matter of *Oswal v Freehills & Minter Ellison*. He also granted an application for a gross costs of trial order in the matter of *Amcor v Hodgson*.

Judicial Registrar Gourlay was referred the gross costs assessments in that matter, and the Bonsoy class action *Erin Downie v Spiral Foods Pty Ltd* and others. Both of these assessments are underway.

A successful mediation of the costs of a bushfire class action was conducted by Costs Registrar Conidi, which saved a possible 50 days of taxation. He is also undertaking mediation in the costs of the Horsham bushfire claim, which has the potential to require up to 100 days for taxation if it is not settled. In another matter, Costs Registrar Deviny sat with a judge to assist in the determination of the amount of gross costs, which removed the necessity for a hearing in the Costs Court.

Matters issued for a costs review pursuant to the *Legal Profession Act 2004* continue to occupy much of Associate Justice Wood and Judicial Registrar Gourlay's time. The complexity of such matters can result in the need for extended hearings. There were also five referrals during the financial year to the Legal Services Commissioner for conduct issues.

The commencement of the *Legal Profession Uniform Application Act 2014* on 1 July 2015 will change the jurisdiction of the Legal Services Commissioner to review disputed costs up to \$100,000. However, any applications that are out of time will need to be directed to the Costs Court, as will applications to set aside costs agreements. It can be expected that more disputes will be commenced following the commencement of the Act.

The County Court has also indicated that it may direct a number of applications pursuant to section 134AB(30) of the *Accident Compensation Act 1985* to fix solicitor-client costs to the Costs Court due to the increase in number and complexity of the applications.

Meanwhile, the reduction in overall listings and the use of small bills and case conferences freed up Associate Justice Wood to conduct more than 100 mediations in relation to Commercial Court, Common Law Division and Court of Appeal matters during the year – more than any other year. In addition, Judicial Registrar Gourlay was able to conduct mediations in Part IV and Commercial Court matters.

**Table 39: Taxation of costs – initiations**

	Party-party taxation				Solicitor-client taxation	Total
	SCV*	CCV**	MCV***	VCAT****	LPA	
Jul-14	24	28	4	8	17	81
Aug-14	17	11	4	2	10	45
Sep-14	29	31	4	5	8	77
Oct-14	23	14	4	0	17	58
Nov-14	16	10	3	1	13	43
Dec-14	22	9	3	4	10	48
Jan-15	13	6	1	0	10	30
Feb-15	17	2	1	6	12	38
Mar-15	18	3	1	1	16	39
Apr-15	21	16	3	1	6	47
May-15	15	10	1	3	14	43
Jun-15	13	14	4	4	22	57
Total	228	154	33	35	155	605

\* Supreme Court of Victoria

\*\* County Court of Victoria

\*\*\* Magistrates' Court of Victoria

\*\*\*\* Victorian Civil and Administrative Tribunal

**Table 40: Taxation of costs – finalisations**

	Party-party taxation				Solicitor-client taxation	Total
	SCV*	CCV**	MCV***	VCAT****	LPA	
Jul-14	26	16	5	2	15	64
Aug-14	27	24	4	7	12	74
Sep-14	24	26	7	2	8	67
Oct-14	31	28	4	9	14	86
Nov-14	19	10	4	2	13	48
Dec-14	20	9	0	1	16	46
Jan-15	19	9	3	1	6	38
Feb-15	16	8	1	1	16	43
Mar-15	19	10	2	5	19	55
Apr-15	22	3	1	1	13	40
May-15	16	12	3	4	12	47
Jun-15	21	13	1	0	9	44
Total	260	168	35	35	153	651

\* Supreme Court of Victoria

\*\* County Court of Victoria

\*\*\* Magistrates' Court of Victoria

\*\*\*\* Victorian Civil and Administrative Tribunal

# OUR YEAR IN REVIEW: SUPPORT DELIVERY

Key areas provide high quality support services and functions within the Supreme Court and to other jurisdictions.



SUPPORT DELIVERY

# COURT OF APPEAL REGISTRY

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

The Registry was managed by Mark Pedley, Judicial Registrar of the Court of Appeal, until 9 October 2015. The judicial registrar is assisted by two deputy registrars, one responsible for legal matters and the other for administrative matters.

The Deputy Registrar (Administration) is assisted by two registry office managers, and 10 registry officers. Together they assist the judicial registrar in the case management and administrative functions in respect of all civil and criminal appeals.

The Deputy Registrar (Legal) is assisted by two senior registry lawyers and seven registry lawyers. Each criminal and civil application that is filed is assigned to a registry lawyer to be closely managed throughout the leave and appeal process. The lawyers also manage any ancillary applications and assist the judicial registrar by advising on the readiness and complexity of matters for listing.

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## Innovation and change

### Implementation of the Civil Appeal Reforms

A key accomplishment for the Court of Appeal in 2014–15 was the implementation of the Civil Appeal Reforms. Major changes to the Court's Rules, practices and procedures regarding the filing and management of civil applications, including for leave to appeal, were implemented on 10 November 2014.

With appropriate modifications, these reforms closely mirror the very successful Ashley-Venne Reforms, which were implemented for criminal appeals in February 2011. Justice Nettle was the principal architect for these reforms, supported by Judicial Registrar Pedley.

Key elements of the new reforms include:

- the introduction of a general leave to appeal requirement
- a greater capacity for single judges to determine applications
- the requirement that a written case setting out detailed contentions and supporting papers to be filed when an application for leave to appeal is filed
- expanded capacity for applications to be determined based on the written case and supporting papers (without an oral hearing)
- time for initiating applications for leave to appeal increased (from 14 to 28 days)
- comprehensive front-end management of applications for leave to appeal and appeals by registry staff (including setting timetables and refining matters in dispute)
- expanded capacity for electronic filing.

The introduction of the Civil Appeal Reforms has already had a major effect on pending cases in the Court of Appeal. This is evidenced by a 38 per cent decrease in the number of pending cases from 120 to 75. The more stringent requirements for filing a civil appeal, as well as the now near universal requirement for leave to be granted, means that only meritorious cases proceed to a hearing.

Fewer cases are being initiated as a result of the requirement for an applicant to articulate at the outset the reasons why leave should be granted and the proposed appeal grounds. Moreover, the much closer management of cases by registry lawyers means civil appeals are now finalised more efficiently.

One long-term goal of the reforms was to reduce the median time to finalise civil appeals to six months. In 2013–14, the median time was 10.4 months. The median time dropped significantly to 7.9 months in 2014–15.

The effect the Civil Appeal Reforms are having on managing cases more efficiently can be seen with respect to self-represented litigants. For example before the reforms were introduced, a self-represented litigant who had a proceeding in the County Court that was finalised, would have had an automatic right to appeal – the previous procedures required a full appeal hearing before the appeal could be decided.

Self-represented cases have, on average, taken much longer (three years in some instances) to finalise than appeals with legal representation. But with the universal requirement for leave to appeal now in place, each application is listed for a leave hearing within one month of it being received by the Court.

If the matter is unmeritorious, leave is refused and the matter finalised. Under the new system, the judicial registrar also has the authority to refuse to accept an application for a number of reasons. This helped reduce the number of applications in respect of matters that the Court of Appeal has already determined, or those that represent an abuse of process.

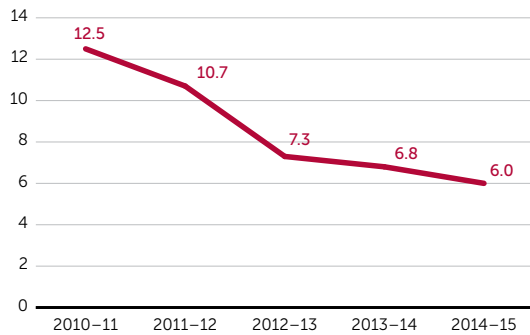
This flexibility in case management and listing allows the appeal judges to focus on appeals with merit and allows those appeals to be heard more expeditiously and efficiently.

### Ashley-Venne Criminal Appeal Reforms: four years on

The goal of the Ashley-Venne Reforms, introduced in February 2011, was to reduce court delays through closer management of criminal appeals. The reforms are modelled on the English criminal appeal process but were adjusted according to Victorian practice.



**Figure 17: Median time to finalise criminal appeals (in months)**



The continued success of the criminal reforms is shown in Figure 17. The graph shows the dramatic decrease in the median time taken to finalise criminal appeals since 2010-11.

In the four years from 2010-11 the median time to finalise criminal appeals has decreased by 6.5 months. This has benefited both the victims of crime and the appellants, and has reduced court costs.

### Changes to Court of Appeal fees

On 22 September 2014 the *Supreme Court (Fees) Amendments Regulations 2014* came into effect resulting in significant changes to fees in the Court of Appeal. These amendments were set out in a Regulatory Impact Statement released publicly on 5 June 2014.

The new fee structure enables the ongoing implementation of the Civil Appeal Reforms which have already begun to show enormous benefits in reducing backlog and ensuring the timely resolution of cases.

### Improved customer service

A new customer service counter and adjoining interview room was opened at the Court of Appeal Registry in September 2014, at 1/436 Lonsdale Street, Melbourne. As the counter area is in the same location as the Registry, Court of Appeal staff can now assist customers much more efficiently.

The adjoining interview room is available for customers who require somewhere to fill out their documents for filing, or for customers conducting Court of Appeal civil file searches. The counter area is open to the public from 9.30am to 4pm every day except weekends and public holidays.

# COMMERCIAL COURT REGISTRY

On 1 September 2014, the Commercial Court became a division of the Supreme Court in its own right. One of the key initiatives supporting the newly reconstituted division was the introduction of a specialist Commercial Court Registry.

The Commercial Court Registry provides administrative, case management, legal and policy support to the judiciary and profession. The Registry is premised upon a case management model which aligns specialist registry services to the needs of Commercial Court judges and Commercial Court users. Its aim is to facilitate the timely resolution of matters through active case management and fixed trial dates.

The Registry is managed by Judicial Registrar Hetyey. The judicial registrar oversees management of the Commercial Court Registry, the provision of operational, listings and judicial support to the Principal and Deputy Principal Judges of the Commercial Court, as well as performing judicial functions (such as presiding over public examinations and conducting judicial mediations).

Judicial Registrar Hetyey is assisted by an associate, a deputy registrar, two assistant registrars, a legal and policy officer and four registry staff.

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## Streamlining of Commercial Court case management processes

The introduction of the Commercial Court's specialist and general lists enables targeted allocation of proceedings to lists managed by judges who have extensive specialist and commercial law experience.

This process of targeted allocation is supported by the Commercial Court Registry which is staffed by a number of legally-qualified and highly capable personnel. This work is labour-intensive and involves an in-depth review of each new Commercial Court matter to produce summaries for consideration by judges at a weekly allocations meeting.

Internal processes have also been established in the Commercial Court Registry to streamline the weekly allocations process and to expedite return dates for parties.

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## Management of urgent commercial applications

The philosophy of specialist judge-management of commercial cases also flows through to the treatment of urgent applications in the Commercial Court. In particular, the Commercial Court Registry facilitates the listing of urgent commercial applications before a judge or an associate judge of the Commercial Court.

The Commercial Court Registry communicates with parties as to the nature of the application and the reason for the urgency. Common examples of urgent applications include applications for freezing orders or injunctions.

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## Support for the legal profession

The Commercial Court Registry provides services to the legal profession and other court users, including a counter service, located on the Ground Floor of 450 Little Bourke Street, where proceedings may be initiated, documents filed and procedural advice obtained in relation to Commercial Court matters.

Additionally, the Commercial Court Registry utilises RedCrest as its electronic filing and case management system. All judge-managed, Commercial Court matters (other than those in the Admiralty, Arbitration and Taxation Lists) are filed through RedCrest. The Registry provides a helpdesk function for both external users (including counsel, legal practitioners and law firm support staff), and internal users of RedCrest (including judges, associates and staff in the Principal Registry).

Several RedCrest training sessions for the legal profession, including a webinar, were held during the year to further assist professionals in using RedCrest.

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## User interaction

Part of the Commercial Court's mandate is to embrace innovative ideas in the management of commercial disputes. The Commercial Court is constantly seeking to develop new ways of achieving the just, efficient, timely and cost-effective resolution of matters.

The Commercial Court Registry will continue to assist the Commercial Court in achieving these objectives and implementing future reform.

With the Commercial Court Registry still in its start-up phase the implementation of numerous projects to streamline and consolidate internal processes, has had to be balanced with managing a significant and constantly increasing workload. A new fee model, debt recovery proceedings and the commencement of a review of the Green Book are some of the projects that the Registry worked on during 2014–2015.

## A new fee model

Last year a new funding model was developed for the Commercial Court. Underpinning this was a revised fee structure which commenced on 22 September 2014. One objective of the new fee model was to better cover the cost of reform of the Commercial Court, including the efficient operation of the Commercial Court Registry.

The fee regime is detailed and the Court must continue to refine internal processes to ensure that appropriate fee collection occurs. *Practice Note No. 12 of 2015 – Imposition of Fees in Commercial Court Judge-Managed Lists* provides further clarity as to the application of 'entry to list' fees in the Commercial Court. This remains a substantial body of work within Commercial Court Registry, in consultation with the Supreme Court Financial Management Services team.

## High volume debt recovery proceedings

The Commercial Court has voluminous debt recovery proceedings that have resulted from class actions, including Timbercorp. This has created significant workload pressures for Commercial Court judges, the Commercial Court Registry and other court staff.

The Registry liaises with the relevant legal practitioners prior to any scheduled court appearances and events resulting of each individual proceeding, and ensures any future court dates are accurately listed.

These high volume debt recovery proceedings resulted in workload 'spikes' within the Commercial Court Registry, requiring careful management. For example, a recent directions hearing had approximately 442 matters listed that resulted in orders needing to be processed and matters listed.

There were 771 Timbercorp debt recovery proceedings filed with the Commercial Court during 2014–2015. Filing is not complete and a further 100 matters are anticipated to be filed in the next financial year.

Additional debt recovery proceedings were recently commenced by Javelin Asset Management Pty Ltd resulting from the Great Southern Class Action proceedings. To date, 52 matters have been filed, with an anticipated total of 60 proceedings to be filed which will require judicial management.

## Review of the Green Book

The Green Book, a foundational guide to civil procedure within the Commercial Court, was last issued four years ago. Significant changes in the way in which the Commercial Court operates have occurred since then. The Green Book requires extensive revision and updating to reflect the realities of the rapidly changing landscape of modern commercial litigation. The Commercial Court Registry has taken the lead in reviewing the Green Book to align it with the current needs of the profession.

This is a significant piece of work that will require substantial consultation with Commercial Court judges and the legal profession. Work commenced on re-drafting the Green Book which will continue during 2015-16.

## Future reforms

Part of the Commercial Court's mandate is to embrace innovative ideas in the management of commercial disputes. The Commercial Court is constantly seeking to develop new ways of achieving the just, efficient, timely and cost-effective resolution of matters.

The Commercial Court Registry will continue to assist the Commercial Court in achieving these objectives and implementing future reform.

## CASE STUDY

# Paper-free Court

RedCrest is a case management system available to Commercial Court users 24 hours a day, seven days a week. It plays a crucial role in facilitating the Court's strategic objectives of becoming paper free and more service-centric by providing an easy-to-use platform for filing electronic documents of varying sizes, formats and complexity. It also frees up staff from data entry, file management and counter duties to better manage proceedings, ensuring cases are properly prioritised and moved through the Court as quickly as possible.

With the aid of this system, the Commercial Court Registry delivers a paper-free service to its users, which includes a number of case-management efficiencies including:

- ensuring a central, secure and verifiable repository of all documents filed in a proceeding
- allowing different levels of access to the file between judiciary, judicial support, Registry staff and practitioners
- providing access for judicial officers and associates to materials on the Court file at all times, without having to move the file between Registry and chambers
- automated notifications to chambers and parties when a new document is filed.

RedCrest was developed with the support of a \$675,000 grant from the Victorian Department of State Development, Business and Innovation. The system commenced operation in the Commercial Court on 1 August 2014. A second version was implemented on 31 December 2014.

The Commercial Court system is unique because, unlike similar Court systems, it allows both practitioners and the Court to directly interact with the electronic court file. Some of the defining features of this innovation for practitioners litigating in the Commercial Court include:

- allowing a user to register a system account and having access rights assigned based on their role in the proceedings
- enabling parties to initiate a case and make payments without having to leave their desk
- facilitating the filing of documents to the Court file in real time with email notifications of filings being automatically being sent to each party
- permitting electronic service by the parties where such orders are sought.

The system currently accepts filings in all judge-managed matters in the General Commercial, Corporations, Intellectual Property, and Technology, Engineering and Construction Lists. Approximately 750 proceedings are now managed in RedCrest. These include the Timbercorp and Great Southern debt recovery proceedings which account for approximately 500 of the cases filed to 30 June 2015.

RedCrest has over 1,200 registered users, of which approximately 1,100 are external to the Court. More than 6,500 documents have been accepted for filing.

The Court is committed to the continued improvement of all of its systems and processes and has actively encouraged and welcomed feedback from users about RedCrest's functionality. External users were recently invited to participate in an online survey about their experiences in using the system; this feedback is vitally important to the realisation of the Court's paper-free vision.



# PRINCIPAL REGISTRY

The Principal Registry is the service centre for administrative and procedural guidance for the Trial Division, and provides services to the judiciary, legal profession and the public. It also provides support and services for Probate jurisdictions and coordinates Practice Court matters. The Principal Registry is supported by the statutory roles of the Prothonotary and the Registrar of Probates.

Over the past year, under the direction of a newly appointed Director of Registry Development, significant work has been done to review, reform and quality assure the Registry's work to maximise service provision to the Court and its users. This is in response to a growing workload in terms of increasingly complex matters, the number of documents filed, and an increase in the demand for assistance by self-represented litigants for procedural guidance.

The Principal Registry has also taken on a number of projects and initiatives, including the establishment of a temporary dedicated Criminal Division Registry, streamlining of internal workflows, and importantly, preparation towards aligning Principal Registry operations to a specialist case management model. Turn to page 6 for more information about this initiative.

The overall workload of the Principal Registry continues to increase. This year:

- total initiations increased by 16.4 per cent (7,965 compared to 6,843 in 2013–14)
- 88,744 documents were accepted for filing (an increase of 7.4 per cent from 2013–14 (82,644))
- the percentage of documents filed electronically grew from 21.4 per cent in 2013–14 to 27 per cent in 2014–15
- 3,222 subpoenas to produce documents were issued, down from 3,696 in 2013–14
- 2,879 individual contacts were made between self-represented litigants and the Registry (an increase of 23 per cent from 2013–14)
- 9,585 orders were authenticated.

The increase in the number and complexity of matters has presented significant challenges for the Registry. These have been met, to a certain extent, by ensuring staff are trained across a wide range of functions and can be moved around the Registry teams to meet spikes in demand.

The transfer of three staff members to resource the newly created Criminal Division Registry has seen the work that would otherwise be done by these staff absorbed within existing resources. This is a temporary solution pending the resourcing of a dedicated ongoing team.

This has been made possible due to workflow changes implemented that reduce the multiple handling of files across teams, and moving the quality assurance function from an 'external' Registry team into business as usual for the teams who have specific responsibility for managing files. The review and streamlining of Registry operations and operating models will continue in 2015–16.

The increasing demand for e-filing services represents a risk in the context of the Court's outdated digital environment. The Principal Registry continues to identify e-based solutions and other measures to help improve efficiency and interaction between Registry staff and Court users.

## The Prothonotary

The Prothonotary is a statutory officer, employed pursuant to the *Supreme Court Act 1986*. With the assistance of deputy prothonotaries, and in accordance with the powers and functions conferred by legislation and subordinate instruments, the Prothonotary exercises procedural oversight of the Principal Registry functions.

The Prothonotary:

- manages the authentication of orders
- can hear and determine matters in the Costs Court
- can reject documents for filing in certain circumstances
- administers bail
- oversees pre-trial conferences
- provides procedural advice and support to the judges of the court, the legal profession and court users generally.

In 2014–15, a review of the exercise of the powers and functions of the Prothonotary was undertaken for the purpose of quality assuring the support to the Court and its users. Next year will see an ongoing focus on continuous improvement, support and training for deputy prothonotaries and the creation of a layer of senior deputy prothonotaries to support the Principal Registry in an environment of increasing complexity.

## Dedicated support to the Criminal Division

A dedicated Criminal Division Registry team was established to support the work of the Criminal Division. This has facilitated the implementation of initiatives designed to streamline the progress of criminal matters in the court.

In its first six months of operation the team:

- facilitated the implementation of 24-hour post committal directions hearings
- developed a case management approach to facilitate the double listing of cases
- reviewed, quality assured, developed, electronically documented and implemented processes to support the division
- established a comprehensive data reporting framework and expanded electronic data capture for criminal files
- assumed end-to-end management of bail matters
- commenced development of a case management framework that will augment support to the division to facilitate the implementation of further practice changes that will increase the efficiency of the management of criminal cases in the Court.

Resourcing is required for the ongoing operation of a dedicated registry team to support the Criminal Division of the Court.

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## Electronic filing

The Prothonotary accepts Court documents in both hard copy (over the counter or by post) and electronically via the Registry's e-filing facility. E-filing was first introduced in 2007 and since that time the Registry has seen a steady growth in its uptake.

A total of 24,120 documents were filed electronically in this reporting period, a growth of 36 per cent on the previous financial year (17,700). This represents 27 per cent of all documents filed, as compared with just over 21 per cent in the previous reporting period.

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## Self-represented litigants

The Supreme Court of Victoria was one of the first courts in Australia to address and manage the needs of self-represented litigants by creating a dedicated self-represented litigant coordinator position in 2006. Since then, the number of 'contacts' with self-represented litigants by mail, telephone, email or in person has risen significantly.

During the year, 421 self-represented litigant proceedings were initiated, defended or actioned in the Trial Division, representing 5.2 per cent of all cases. The self-help information packs for self-represented litigants available on the Supreme Court website continue to reduce the time required for judges to address many issues commonly caused by inadvertent errors in Court documentation.

During the reporting period, contacts with self-represented litigants increased by 23 per cent to 2,879 in 2014–15, compared to 2,340 in 2013–14.

A total of 39 referrals were made to the Duty Barristers Scheme of the Victorian Bar in 2014–15. Of those, seven were not accepted, one is pending and the remaining 31 resulted in 'one-off' representation. In addition, self-represented litigants are advised on a daily basis about potential pathways for obtaining legal advice and assistance from the Law Institute of Victoria, Victoria Legal Aid, community legal organisations and Justice Connect.

The increasingly complex nature of services required by self-represented litigants has led to the Principal Registry improving data and information collection to support a more in-depth understanding of their requirements. In the coming year, there will be a strong focus on working closely with legal assistance providers, to identify additional tools, referral and legal assistance pathways for these potential litigants.

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## Subpoenas

There was a decrease in the number of subpoenas issued during the reporting period, and a corresponding decrease in the number of attendances to inspect documents from 1,293 to 904. The introduction of a fee-based appointment system resulted in 990 appointments made. There was also a trend for practitioners to wait until all documents have been produced before attending to inspect.

The number of inspections that required an uplift of the documents from the Registry continued to decrease (50 compared to 75 the previous year). The majority of inspections were facilitated electronically, with a continued increase in the electronic production and storage of subpoenaed documents.

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## Court File Integrity

The preparation to establish Court File Integrity as one of the Court's future performance measures was a key project established in 2014–15. The Court applies the International Framework for Court Excellence as its foundation management model, which now incorporates the Global Measures of Court Performance (11 focused, clear, and actionable core court performance measures aligned with the values and areas of court excellence of the framework).

Court File Integrity is defined as the percentage of case files that meet established standards of availability, accuracy and organisation. As the Court does not use this performance measure at present, new processes are required to be developed within the Principal Registry and across chambers to enable the measure to be calculated and reported.

The Principal Registry has worked closely with judicial services coordinators in implementing an induction for associates that includes the introduction of protocols and guidelines to assist with the maintenance of Court files. Specific guidelines for 'Event Resulting' on CourtView have been provided with the quality assurance officer undertaking one-on-one visits to all chambers to discuss the document and assist associates to meet these important requirements.

Monthly meetings with judicial services coordinators have been established, providing a platform for feedback and continuous improvement. This work will continue, paving the way for the formal introduction of the measure in the future. Turn to page 6 for more information about this initiative.

## Trial Division reforms

Preparatory work has been undertaken to support the implementation of reforms recommended by the Boston Consulting Group following its review of the Trial Division towards the end of 2014. These reforms will see the Registry's operations aligned to a model of specialist teams supporting specialist lists, and result in closer alignment of registry and chambers staff.

The reforms will require significant change management to ensure staff are appropriately trained and supported through the change process. The process must also ensure that the standards of service provision to the Court and its users are maintained through any transition period.

Dedicated resources with significant legal expertise, leadership and management experience will be required to transition both the judicial support and the administrative areas of the Trial Division to the new model of operating.

A modest amount of funding received from the Court Fee Pool will see the commencement of two, senior, legally qualified staff to progress the new model. These roles are funded only for 12 months and will have significant work to do to design and progress this new model as a 'proof of concept'.

The work will be intensive and will need to continue well beyond the 12 month period if the reforms are to be successfully integrated. These new staff members will work closely with judicial officers and Principal Registry staff to model streamlined management of cases from filing of an originating process to the finalisation of the proceeding.

## Probate Office

The Supreme Court has exclusive jurisdiction to make orders in relation to the validity of wills, the appointment of executors and administrators and the administration of deceased estates.

As its core functions, the Probate Office:

- grants representation of deceased estates in Victoria
- provides a Small Estates service to members of the public
- acts as a custodian for all testamentary documents including 'deposited wills'.

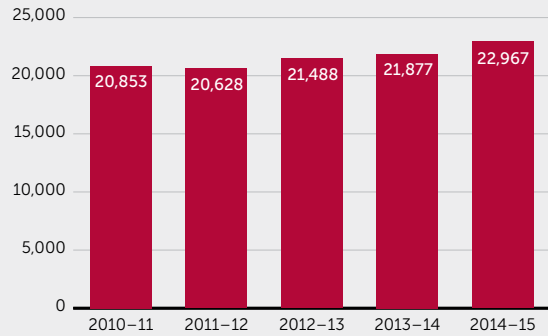
In another busy year with an escalating workload, the Probate Office made 20,193 orders granting representation – a four per cent increase over the previous year. The Probate Office operates in an environment of high volume processing with the majority of applications processed in five days.

Performance indicators exceed those of all other Australian jurisdictions (*Report on Government Services 2015*). In the 10-year period since 2004–05, the workload in the Probate Office has increased by more than 30 per cent and it is credit to the input, expertise and dedication of staff that the Office is able to maintain its ongoing high volume delivery of services.

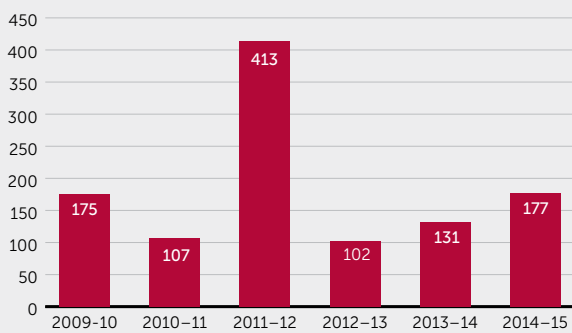
During the reporting year, proceedings were filed at a monthly average of 1,682. Categories of grant included:

- Grants of Probate – 17,948
- Administration Upon Intestacy – 1,649
- Administration with the Will Annexed – 423
- Reseals of Foreign Grants – 127
- Miscellaneous Grants (including Limited Grants) – 46.

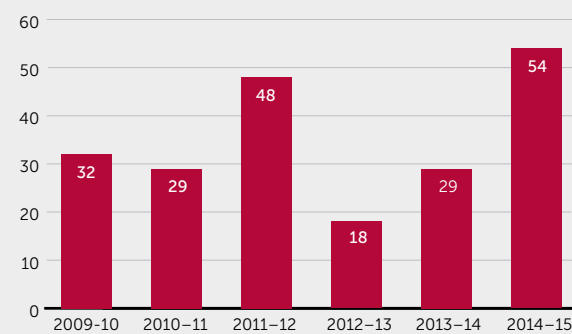
**Figure 18: Advertisements published on POAS**



**Figure 19: Living wills deposited**



**Figure 20: Small estate grants**



**Table 41: Grants of representation**

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Grant of probate	15,957	16,207	16,652	16,763	17,299	17,344	17,948
Administration upon intestacy	1,253	1,262	1,424	1,445	1,399	1,534	1,649
Administration with the will annexed	399	383	301	352	405	381	423
Reseals of foreign grants	190	196	183	154	172	145	127
Miscellaneous grants*	58	53	28	32	29	28	46
Total grants	17,857	18,101	18,588	18,746	19,304	19,432	20,193

\* This category includes Elections to administer, Applications by State Trustees under section 79 of the Administration and Probate Act 1958 and limited grants, e.g. Ad Colligenda Bona, Pendente Lite.

During the year, the Probate Office:

- serviced 16,198 attendances at the counter, a six per cent increase on the previous year
- accepted more than 250,000 documents for filing
- handled over 170 small estate enquiries and granted representation in 54 matters
- accepted 177 deposited wills
- issued 205 exemplifications and office copy grants received close to 1,800 emails through its probate and POAS email accounts.

In addition to queries about current and future applications, questions were received from practitioners, students, researchers and members of the public interested in the Court's probate jurisdiction, practice and procedure and succession law matters in general. Probate Office delivery standards ensure all enquiries are responded to within two working days.

Following the redevelopment of the Supreme Court of Victoria's website in 2014, useful information about the Probate Office and its work is now available online. This information includes practice and procedure guides, forms and fees, guidance notes on unusual applications and information for those applying for probate without legal assistance.

Users can also track the progress of cases online, conduct searches for grants, download forms and publish probate advertisements. This has dramatically improved the office's ability to provide efficient and effective services to Court users.

The 'Wills and Probate' homepage received 47,849 visits in 2014-15 and the probate online advertising service (POAS) recorded 53,520 visits.

The website was utilised extensively to communicate significant developments, including posting comment on the important Law Reform Commission Succession Laws Report and practice notes relating to the *Wills Amendment (International Wills) Act 2012*, which came into operation on 10 March 2015.



## Challenges

The growth in demand for probate services has always been steady, but demographic growth, changes in user profiles, improved access to the Court's website and recent legislative amendments have increased pressure on the Probate Office to the point of jeopardising service delivery.

Victoria is in the midst of a population surge. From 4.9 million Victorians in 2003, the current population of 5.9 million is expected to well exceed six million in the near future. Combined with the underlying demographic growth, the aging of the 'baby boomer' generation will mean that this cohort will be increasingly represented in future applications for probate. This group is characterised by having larger estates and a 'DIY' culture.

Over the past five years, there has been significant growth in the numbers of self-represented litigants, who now represent over eight per cent of all probate applications. There were 1,665 applications initiated by self-represented litigants in 2014–15.

The *Justice Legislation Amendment (Succession and Surrogacy) Act 2014*, which came into operation on 1 January 2015, has increased the workload of the office. The increase in the small estate value threshold from \$50,000 to \$100,000 has extended the scope of applicants who can seek the assistance of the Registrar in the preparation of small estate applications.

During 2014–15, there was an 86 per cent increase in the number of applications filed. Notably, the Victorian Law Reform Commission acknowledge the need for additional resources for this important service (*Succession Laws Report, August 2013*), however this has not yet been forthcoming.

## Initiatives

In 2013, the Court engaged consultants to review its non-judicial operational and reporting structures to address the growing need for a strengthening of its strategic capacity. This resulted in a new reporting structure which was established in 2014.

The revised structure of the Probate Office is more effective, resulting in enhanced service provision to the judiciary and Court users.

The Court has been progressively implementing a series of electronic initiatives to make use of technological opportunities to improve services to Court users. In line with this strategy, the Court is committed to implementing an e-filing solution for Probate applications.

A suite of initiatives have been proposed including expansion of the small estates service, the appointment of a dedicated self-represented litigant coordinator and most importantly, implementing enabling technologies to improve the service delivered by the Probate Office.

# FUNDS IN COURT

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

## Vision:

To enhance beneficiaries' lives with compassion and superior service.

## Mission:

To act in the best interests of beneficiaries by providing excellent service at the lowest cost and ensuring safe and effective investment of their funds.

Highlights during 2014–15 include:

- the Funds in Court Paperless Office project
- successful 'Embrace-Shine' beneficiary event
- the establishment of the Funds in Court Human Rights Committee
- the newly formed Ambassador Program
- submissions to the Royal Commission into Family Violence and the Productivity Commission Inquiry into Access to Justice Arrangements
- interest on Common Fund No.2 paid at 4.3 per cent and 4.1 per cent
- 5,143 beneficiaries were supported
- 6,400 orders were made
- 22,835 supporting documents were prepared
- 123,947 financial transactions were made
- 94 per cent of invoices were processed within five days
- more than 41,000 telephone calls were answered.

Payments into Court include compensation for injuries received in an accident, financial assistance awarded to a victim of crime, a person's share in a deceased estate or compensation for the loss of a parent. People who are under a legal disability and who have their money administered by FIC are called 'beneficiaries'. FIC also administers funds paid into Court as a result of disputes and security for costs.

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## Paperless Office project

Following on from the Chief Justice's vision of a paperless Court, FIC Information and Technology (ICT) Services developed a complete electronic record-keeping system with an electronic trail of document delivery and tax invoice processing.

FIC has digitised incoming documents, orders made and memoranda submitted to judicial officers since January 2002. FIC Officers already refer to the digital copy of an order when approving payments out of beneficiaries' accounts.

Since May 2015, FIC has recorded and maintained all data electronically with paper only used for certain records where it is necessary.

FIC uses the Australian Taxation Office's Tax Agent Portal for all taxation matters. FIC manages over 5,000 trusts and processes more than 500 individual returns each year. To reduce the amount of time spent on receipting refunds and eliminate the need for paper cheques, FIC implemented an electronic funds transfer (EFT) system that allows refunds to be paid directly into Common Fund No 2.

To date, the implementation of the Paperless Office project has been smooth with minimal issues. ICT Services will continue to monitor progress of the project closely.

## Embrace-Shine

To support beneficiaries and celebrate their achievements in art, craft, singing and music, FIC has held an exhibition and concert every two years since December 2010.

'Embrace-Shine' was held in December 2014 at the County Court in Melbourne. Beneficiaries travelled from all over Victoria and interstate to exhibit their artwork and perform in the concert. More than 150 people, including family members, carers, service providers and staff attended what was a hugely successful event.

It is anticipated that the next event will take place in December 2016.

## FIC Human Rights Committee

FIC established a Human Rights Advisory Committee, with the first meeting convened by the Senior Master and the FIC Strategy, Government and Community Relations Director, in December 2014.

The Committee examines access to justice issues and proposes recommendations, working within the framework of the Convention on the Rights of Persons with Disabilities and referencing the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and Victorian and federal disability and discrimination laws.

Members of the Committee include the Senior Master, the Deputy President of VCAT's Human Rights Division, the Deputy Disability Services Commissioner, senior representatives from Victoria Police, the Office of Public Prosecutions, the Transport Accident Commission, the National Disability Insurance Agency, the Department of Justice and Regulation, the Office of the Public Advocate, human rights lawyers and advocates, and a neuropsychologist.

Issues that the Committee addressed include piloting the use of intermediaries to provide an interface between disadvantaged and disabled people and the legal system, based on the UK model, in the Supreme Court and VCAT, and a Litigation Guardian's liability for costs framework.

## FIC Ambassador Program

The Ambassador Program, launched during the year, aims to increase awareness of the work of FIC and the challenges faced by persons under disability. FIC representatives and beneficiaries, or their families, consult with leaders in Victoria's business, community and government sectors, to explain the role of FIC, its service delivery model, and the *parens patriae* jurisdiction of the Court.

## Submissions

FIC, with the Supreme Court, contributed to the Royal Commission into Family Violence, describing the FIC service delivery model. The model which provides psychological interventions immediately when there is a threat of violence, has proven to significantly reduce the escalation of volatile situations.

FIC also made a submission to the Productivity Commission Inquiry into Access to Justice Arrangements. The Commission reported favourably on the work FIC performs in reducing legal costs for beneficiaries, stating:

*"It is unclear whether other jurisdictions have offices that perform the same function as Funds in Court. However, the Commission notes that the office creates substantial savings on legal fees for its beneficiaries — in the data provided to the Commission, solicitor-client fees were reduced on average by 25 per cent (with reductions ranging from 0-77 per cent of the original claim). As such, other jurisdictions may benefit from examining the model used in Victoria."<sup>1</sup>*

## Performance

FIC staff met or outperformed all key performance indicators relating to the delivery of services to beneficiaries during the reporting period.

Importantly, 94 per cent of 22,341 payments to, or on behalf of, beneficiaries were processed within five days of tax invoices being received and approved.

FIC received more than 3,494 phone calls on average each month. Of these calls 96.8 per cent were answered within one minute of the person calling.

**Table 42: No. of orders, supporting documents and financial transactions made**

	2010–11	2011–12	2012–13	2013–14	2014–15
<b>Orders</b>	7,302	6,694	7,048	6,468	6,400
<b>Supporting documents</b>	21,282	21,791	21,054	21,55	22,835
<b>Financial transactions</b>	102,953	103,659	109,810	116,072	123,947

Moneys paid into Court:	\$109,040,962
Moneys paid out of Court:	\$ 55,388,117

<sup>1</sup> *Access to Justice Arrangements; Productivity Commission Inquiry Report No. 72, 5 September 2014, p 616.*

## Beneficiary services

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

Every beneficiary is assigned a Trust Officer who is their primary point of contact at FIC. They help beneficiaries access their funds to purchase goods and services or for daily expenses.

The CLOs visit beneficiaries, usually in their homes or at a neutral venue, and provide assistance with respect to complex applications for payments. They are instrumental in assisting beneficiaries with many lifestyle difficulties they face.

Legal Officers prepare complex court orders and other documents and supervise the handling of legal matters by practitioners engaged for, and on behalf of, beneficiaries. Specialist legal officers examine and make recommendations in respect of the payment of legal costs on behalf of beneficiaries.

**Table 43: Client liaison**

	2010-11	2011-12	2012-13	2013-14	2014-15
No. of CLO visits	500	509	558	609	676

## New beneficiary accounts

**Table 44: No. of accounts opened**

Supreme Court awards	246
County Court awards	68
Magistrates' Court awards	3
VoCAT awards	408
TOTAL	725

- 663 payments into Court were made in accordance with an order of a Court or VoCAT and were for a person under disability (award payments for personal injury, family provision, wrongful death and VoCAT funds)
- 79 were non-award matters (dispute money, security for costs and money paid into Court pursuant to an Act).

An order is required to pay funds out of Court. Orders for payment out of funds are made by the Senior Master, Associate Justice Efthim or the judicial registrar attached to Funds in Court, Judicial Registrar Wharton.

The Senior Master makes all orders concerning a beneficiary's capacity to manage their own affairs and all significant administrative decisions regarding the operations of the FIC office. Judicial Registrar Wharton determines the majority of applications for payments from the Funds in Court.

**Table 45: Judicial registrar activity**

Orders made	4,676
Memoranda considered	3,098
Attendances in chambers	2,628

## Investments

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

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

The total value of funds under administration (including direct investment in real estate and other assets) was \$1.608 billion as at 30 June 2015, an increase of 3 per cent on the previous financial year.

## Common Fund No. 2

There is in excess of 5,200 beneficiary accounts within Common Fund No. 2 (CF-2). The primary objective for CF-2 is to provide the maximum return achievable consistent with investments in approved securities.

The interest rates fixed for 2015 continued to exceed industry benchmarks. This is an excellent outcome for the beneficiaries of CF-2, especially in the current financial climate. Investment performance continues to be superior to the FIC key performance indicator benchmarks.

**Table 46: CF-2 declared interest rate**

Year end	CF-2 only	CF-2 and CF-3
31 May 2011	6.00 %	5.80 %
31 May 2012	6.20 %	6.00 %
31 May 2013	5.55 %	5.35 %
31 May 2014	4.65 %	4.45 %
31 May 2015	4.30 %	4.10 %

### Common Fund No. 3

Equity investment through Common Fund No. 3 (CF-3) for more than 2,300 beneficiaries (representing approximately 42 per cent of all beneficiaries). The objective of CF-3 is to provide beneficiaries with capital growth and dividend income over a minimum period of six years. The fund also aims to provide a hedge against inflation for those beneficiaries with a longer-term investment outlook.

On 30 June 2015, the CF-3 unit price was \$1.6705. The unit price at the end of the previous financial year was \$1.6838.

The net annual return for the CF-3 portfolio was 5.8 per cent for the 2014-15 financial year. CF-3 outperformed the ASX 50 Leaders Accumulation Index benchmark of 5.5 per cent.

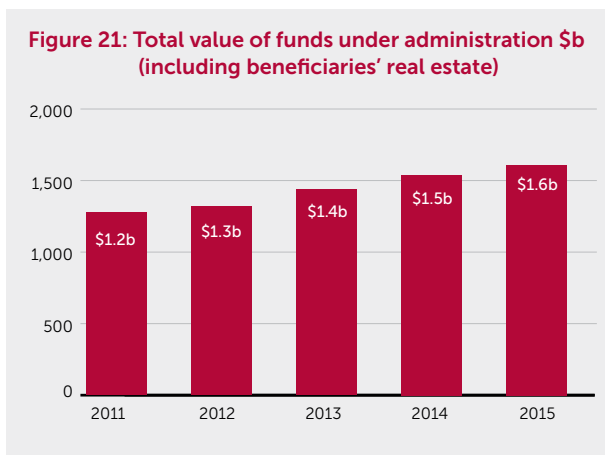
Over the five years ending 30 June 2015, CF-3 has shown a net annual return of 9 per cent compared to 10.3 per cent for the benchmark. However, the Senior Master's equity portfolio (which preceded and now includes CF-3) has shown a net annual return of 11.3 per cent since its inception on 21 December 1992, compared to the benchmark's return of 10.4 per cent per annum.

### Beneficiaries' properties

The majority of beneficiaries' properties held in trust are residential. Over the last five years, the number of trust properties has increased by 10.1 per cent, with the value of those properties increasing by 38.7 per cent.

### Investment Compliance Committee

The Investment Compliance Committee (ICC) monitors investment compliance with FIC's 'Asset Management Policy' in respect of the funds managed by the Senior Master. In accordance with the *Supreme Court Act 1986* and the *Trustee Act 1958* the ICC also reports on any breach of compliance or of the Senior Master's duties. No breaches were reported during the year.



### Accounting and taxation

The Financial Reports of the Senior Master are audited each financial year by the Victorian Auditor-General. The reports are available at [fundsincourt.vic.gov.au](http://fundsincourt.vic.gov.au).

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

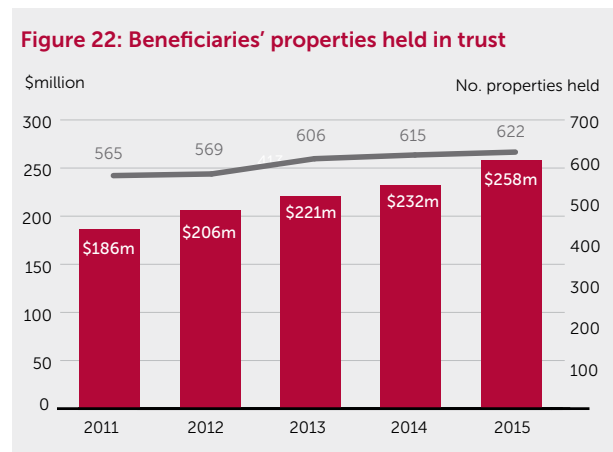
FIC annually benchmarks its administration expense ratio (AER). The AER is calculated by dividing the total operating expenditure for the financial year (excluding depreciation) by the total net assets at the end of the financial year (including property).

**Table 47: Administration expense ratio**

2010-11	0.52 %
2011-12	0.56 %
2012-13	0.58 %
2013-14	0.58 %
2014-15	0.59 %

In May 2015, JANA Investment Advisers Pty Ltd, FIC's asset consultants, observed that FIC's AER:

*"...represents good value for beneficiaries, as wholesale investors would expect to pay manager fees alone of between 40 to 60 basis points, whilst retail investors would be expected to pay in excess of 100 basis points. Obviously, the Senior Master also provides substantial services in excess of just managing money, so the net outcome represents excellent value for beneficiaries."*



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## Corporate governance

FIC's governance structure is driven by the need to be fully accountable to the Court and beneficiaries.

The Senior Master continues his commitment to risk management in accordance with Australian Standards, with prudential safeguards monitored by FIC's Corporate Governance Manager. The Corporate Governance Manager reports, each month, to the Senior Master on defined risk management matters.

There are several committees that strengthen FIC's corporate governance position:

- During the financial year, the **Audit Committee** met quarterly, together with a special meeting to consider the financial statements. The Committee is a cornerstone of communication between 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 deemed necessary by the Senior Master. It also incorporates key responsibilities of an ethics committee, overseeing FIC's ethics audits and training programmes, and compliance with the Senior Master's Code of Conduct. Further, it reviews and reports on ethical complaints referred to the Audit Committee and FIC's responses to such complaints.
- The **Executive Remuneration Committee** (ERC) provides transparency in relation to the remuneration of non-VPS executive staff, and assists the Senior Master in fulfilling his corporate governance responsibilities. The ERC's policies, as far as practicable, emulate the provisions of the Government Sector Executive Remuneration Panel.
- The **ICT Steering Committee** acts in an advisory capacity to the Senior Master, to fulfil the Senior Master's corporate governance responsibilities on matters relating to ICT systems.

Complaints made to FIC are treated seriously. With due consideration to the Senior Master's position as a judicial officer of the Supreme Court, FIC complaint procedures adhere to the guiding principles set out in Australian Complaints Standard ISO 10002:2006.

All complaints are documented and measured in accordance with the standard. During 2014-15, 55 complaints were received (there were 50 complaints in 2013-2014). Every complaint was followed up or finalised within the required 28 day period.

The Senior Master expects that:

- complaints are dealt with in a transparent, timely and appropriate manner
- all attempts are made to resolve complaints fairly and quickly
- issues identified as a result of complaints lead to service improvements.

FIC's Business Continuity Plan (BCP) enables FIC to respond to a disaster that destroys, damages, or prevents access to FIC's office space and its critical computer systems, and resume operations as quickly as possible. The BCP was successfully tested and reviewed in August 2014 and February 2015, to ensure its ongoing integrity.

To keep beneficiaries, their families, carers and interested parties informed of FIC's services, the Office publishes a regular newsletter, organises events and maintains a suite of pamphlets, booklets and a DVD, plus an up-to-date website.

Two key beneficiary groups contribute to the activities of the Office:

- The **Beneficiaries Advisory Group** (BAG) meets quarterly to discuss FIC practices and identify issues and opportunities for improvement. The BAG consists of representatives of FIC, beneficiaries' families and other interested parties such as the Law Institute of Victoria, the Office of the Public Advocate and the Victims Support Agency.
- The **Beneficiaries' Focus Group** (BFG) is a group of beneficiaries that provides FIC with feedback about the way the office is working, and contributes ideas. The 'Volunteer work' was the theme of the August 2015 meeting, where Volunteering Victoria presented.

# JURIES COMMISSIONER'S OFFICE

Jurors play an important role in the Victorian justice system. They are the voice of the community's conscience, independent of the government and the judiciary.

Jurors come from all walks of life, with their own experiences, opinions and expectations. Each of the almost 700 juries empanelled during the 2014–15 reporting period comprised a cross-section of the community to help reflect community values, standards and expectations.

In July 2014, the Juries Commissioner's Office developed its three-year 'Strategic Plan' (2014–17). This plan represents an exciting time in the evolution of jury services in Victoria. It recognises that the Office operates in an environment of political, economic, social and technological change and that it must be appropriately positioned to respond to these changes.

The vision for a 'jury system that delivers outstanding service and inspires community confidence' reflects the important service that the Juries Commissioner's Office provides the courts and the Victorian community.

## Jury management activity

The Juries Commissioner's Office must strike a balance between meeting the courts' demand for juries and minimising the impact of jury service on Victorian citizens, their families and their employers. Table 48, on the next page, provides a snapshot of jury activity during 2014–15 compared to the previous year, and highlights the number of citizens that were called upon for jury service.

While the Juries Commissioner's Office summonsed around the same number of people as the previous year, more than 1,000 fewer people attended court (down five per cent) despite the Office having to meet demand for more jury trials (up two per cent).

## Achievements

During 2014–15 the Juries Commissioner's Office:

- Hosted its third annual *Statewide Juries Conference and Workshop* on 8–9 April, 2015. The conference focused on the established strong and effective links with court circuit coordinators and listings teams. The aim was to better understand the demand for juries in regional courts to more proactively manage summonses and attendance.
- Partnered with respected academics in a number of research projects (see 'Research' on page 70).
- Commenced a number of key initiatives, including an assessment of user requirements for the introduction of a modern jury management system to be rolled out in 2015–16.

**Table 48: Jury service activity**

	2013–14 *	2014–15	Difference	Variance
<b>Jurors summonsed</b>				
Melbourne	36,508	35,682	-826	-2 %
Circuit	42,101	42,007	-94	0 %
Total	78,609	77,689	-920	-1 %
<b>Jurors attending</b>				
Melbourne	15,375	15,359	-16	0 %
Circuit	9,784	8,708	-1,076	-12 %
Total	25,159	24,067	-1,092	-5 %
<b>Jurors empanelled</b>				
Melbourne	5,177	5,423	246	5 %
Circuit	1,724	1,550	-174	-11 %
Total	6,901	6,973	72	1 %
<b>Supreme and County Court jury trials</b>				
Melbourne	455	474	19	4 %
Circuit	149	142	-7	-5 %
Total	604	616	12	2 %
<b>Supreme and County Court jury trial days</b>				
Total days	4,275	4,200	-75	-2 %
Ave length	7.1	6.8	-	-

\* Data has been counted and recorded differently than in previous years. This year shows the entire number of people who received a summons. In previous years those who had been administratively deferred or excused after receiving a summons were removed from the total.

Table 49 shows a breakdown of the number and type of jury trials as well as in which court they were heard.

**Table 49: Jury trials 2014–2015**

	County Court	Supreme Court	Total
Civil	62	31	93
Criminal	480	43	523
Total	542	74	616

## Research

The Juries Commissioner's Office supported three research projects in 2014–15. Professor Jonathan Clough (Monash University) and Professor Jim Ogloff (Swinburne University), completed the observational field study component of their research to evaluate jurors' abilities to comprehend judicial directions. The findings of their research will be published in 2016.

University of Tasmania academics, including the Governor of Tasmania, Professor Kate Warner, began a national study of jurors to gauge informed public opinion on the sentencing of sex offenders.

The research methodology relied on the Juries Commissioner's Office identifying all jury trials involving offending of a sexual nature, and then inviting jury members who delivered guilty verdicts to participate in the research. The project's control group is derived from citizens who attend for jury service but who are not selected on a jury. This research will continue next year.

Finally, towards the end of the reporting period, University of Western Sydney's Professor David Tait and Dr Karen Gelb began a study entitled *Digital Evidence in the Jury Room: The Impact of Technology on the Jury Deliberations*.

The first stage, which will continue next year, aims to test in a simulated environment whether the use of tablets by jurors in their deliberations has an impact on those deliberations or their decision-making. As with previous research, the Juries Commissioner's Office will facilitate access to participants in this study.



# COURT ADMINISTRATION

During 2014–15 the Court’s Human Resources and Financial Management Services teams have worked closely with Jurisdictions Services (within Court Services Victoria) to align and comply with the processes and policies of the new governing administrative arm of the courts. Similarly, the Court’s IT function and strategic outlook has been strengthened through the formation of a partnership approach with the Office of the Chief Information Officer, Court Services Victoria.

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## Human Resource Services

The Human Resource Services team is responsible for providing a range of human resource and Occupational Health and Safety (OHS) functions including payroll, recruitment and retention, performance management employee relations matters, coordination of WorkCover claims and health and wellbeing matters.

In 2014–15 the team worked closely with representatives from the other jurisdictions to review all human resource related policy documents. Internally, all Supreme Court of Victoria OHS related policies and procedures were reviewed to ensure consistency with other jurisdictions.

## Occupational Health and Safety

The Court is committed to promoting an environment which develops effective standards of health, safety and employee wellbeing. Continued support was provided for a number of health and wellbeing activities such as yoga/Pilates programs and supporting staff to participate in the Australian Corporate Games.

During the year, 35 incidents (including injuries, near misses and risk hazards) were reported, representing a 17 per cent decrease from the previous year. This decrease is attributed to a number of factors including the commitment demonstrated by both Court management and the OHS Committee in maintaining their ongoing support toward the safety and wellbeing of all who interact within the environment of the Court.

A total of 275.5 days lost were recorded as a consequence of WorkCover claims. While this represents an increase on the previous year (209 days), it is largely a consequence of a single long-term claim.

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## Communications and Media Support Services

The Communication Services team is responsible for developing and maintaining a range of initiatives aimed at keeping judges and staff informed about Court business, in addition to engaging and educating the community about the work of the Court.

During the year two open days were hosted to help promote access to justice, and enhance the public’s understanding of both the law and the Court. More than 1,600 people visited the Court in July 2014 as part of Open House Melbourne, while in excess of 2,000 community members visited the courts, participating in talks and tours at the Supreme Court, during Courts Open Day in May 2015.

In addition, the Communication Services team coordinated more than 40 events held at the Court by organisations associated with the legal profession, including the Victorian Bar, the Law Institute of Victoria, the Victoria Law Foundation and Melbourne-based universities.

The Court’s Education Program, where students learn about the Court and its processes, hosted more than 5,000 VCE legal studies students and teachers from metropolitan and regional Victoria.

The team continued to work with Court Network, providing regular information and updates about the Supreme Court and managing on-site facilities, from which Court Network operates to support victims and people accused of crime, their families, and the public.

During National Volunteers Week, a lunch was held for volunteers from both Court Network and the Court’s Education Team. Several judges attended to express thanks and recognise the contribution that the volunteers make to the Court.

The media plays an important role in informing the community about Court proceedings and significant cases heard and determined at the Supreme Court. The Court provides assistance to the media to help facilitate full and accurate reporting of what the Court does.



#### CASE STUDY

## Paying tribute to those who served

2015 marked the centenary of World War One. The Court's acknowledgment of this important anniversary was observed through commemorative projects and events, held as part of the Court's ongoing commitment to educating and engaging with the Victorian community.

On 24 April 2015, the Court held a commemorative sitting to mark 100 years since the landing of the ANZAC forces at Gallipoli. The ceremony was attended by serving and former legal defence personnel, as well as members of the Bar and the Law Institute of Victoria (LIV). In addition, special guests including the Turkish Consul in Melbourne and the Victorian President of the RSL also attended.

Joining the Chief Justice on the Bench was the President of the Court of Appeal, Justices Forrester and Lasry, and Justices Rush and Garde who have held significant positions as reservists in the Navy and Army respectively. Associate Justice Derham was also on the Bench; his grandfather General Brudenell White oversaw the withdrawal of the ANZAC troops from Gallipoli in late 1915.

The Chief Justice joined the President of the Bar and the LIV in paying tribute to those members of the legal profession who served in World War One.

The 'Stories from the Memorial Board' project, made possible by a grant from the Victoria Law Foundation, involved researching the 159 members of Victoria's legal community whose names appear in gold script on the large wooden honour board that hangs proudly in the foyer of the Court's main William Street entrance.

Little had previously been known about these men, including the work they carried out within the legal system before they went to war and fought alongside the Allied troops – many of them never came home. The Court's Archives and Records team spent 18 months researching the biographies of every name that appears on the memorial board. A website was created to tell the men's stories, which went live in October 2014.

A World War One exhibition was also held in the Supreme Court Library showcasing material from the Library's own collection, plus items including the articles of clerkship register and the Prize Court book from the Public Record Office.

Several significant common law and commercial cases were heard in Court 15 throughout the reporting period, including:

- ASADA and Essendon Football Club
- Great Southern class action
- Kilmore East – Kinglake Black Saturday bushfire class action settlement.

The media was provided with access to vision and audio of all proceedings, which was supplemented by the Court's own web streaming facilities. This resulted in higher than usual coverage on television, radio and in newspapers.

In March 2015, a Formula One commercial arbitration case was brought to court. The case attracted world-wide attention, largely through the use of social media. This case was held in Court 15, which allowed television crews to plug directly into the audio system. The judgments were also streamed online.

The case generated enormous coverage from overseas media and the Court's Twitter followers, which increased by more than 400 followers during the week.

## Non-publication orders

In 2014–15, Supreme Court judges made 63 suppression orders under the *Open Courts Act 2013*. Nine have subsequently been revoked and 14 expired, leaving 40 orders still in place. The Court of Appeal made one order during the reporting year.

**Table 50: Non-publication orders in the Supreme Court**

	Active	Revoked/expired
2014	16	7/5
2015	24	2/9

## Information Technology Support Services

The Information Technology Support Services team provides day-to-day support and services for hardware and software to more than 350 computers. Support is also extended to in-Court technology and mobile devices used by the judiciary and Court staff.

During 2014–15, Information Technology Support Services implemented a number of IT projects including enhancements to the wireless network and improved functionality on the Court's paper-free meeting component, enabling judges to access reports and meeting materials on internet-enabled devices.

A major achievement for the year was the successful rollout of the Judicial In-Court Technology Program which provides the Court's judicial officers with highly secure cloud storage capability, a fully mobile computing environment based on Microsoft Office 365 and the latest productivity software.

This program is to be extended to chambers staff and other areas of the Court during 2015–2016.

The Court initiated RedCrest system was launched within the judge-managed list of the Commercial Court on 1 August 2014. While originally envisaged to accommodate 100 to 200 matters, RedCrest has been expanded to support hundreds of matters arising from the Timbercorp proceeding. At 30 June 2015, RedCrest held 747 cases and provided service to nearly 1,200 external users.

## Facilities and Services

The Facilities and Services team play an important role in the planning, development, replacement and maintenance of the Court building and infrastructure.

The requirement to preserve one of Victoria's pre-eminent, heritage listed buildings coupled with the demands for modern, compliant office accommodation continued to present an enormous challenge for the Court in 2014–15. The lack of sufficient funding over multiple financial years and the deteriorating state of the building fabric, further heighten and compound this ongoing challenge.

Major activities in the past year included the completion of an architectural assessment of more than 700 rooms within the Court's three main buildings. The results will help determine priorities for future repairs and maintenance work.

Additional mediation rooms were constructed on 6/436 Lonsdale Street, and a public counter and interview room were built for the Court of Appeal Registry on Level 1. Accommodation for the Commercial Court Registry was also reconfigured in the Old High Court.

Through funding provided by the Commonwealth Department of Environment, the Old High Court will receive some overdue attention in 2015–16 with the planned repair of timber panelling and skylights.

## Archives and Records Management Services

Archives and Records Management Services is responsible for the management of the Supreme Court's archives, the storage of Court records, the disposal and storage of administrative records, and the care, storage and display of historical artefacts, objects and records.

In 2014, the flooding of the basement of 436 Lonsdale Street had a significant impact, damaging mostly probate files in addition to Registry and Court of Appeal records. With some generous support from the Public Records Office, staff facilitated the transfer of many of these records to the Public Records Office.

Archives and Records Management Services played a significant role in the Court's engagement with the community in 2014–15. In particular, the team contributed to the historical research behind the Court's World War One centenary projects and commemorative events program, as highlighted in the community engagement case study in this report (on page 72).

**Table 51: Records transferred to the Public Record Office**

Probate Records (2009)	814 Boxes
Criminal Files (1990–2000)	277 Boxes

## Business Intelligence Services

The function of Business Intelligence Services is to provide timely, accurate and meaningful information for analysis and reporting purposes. This information is used to assist the Court in making well-informed decisions about current and future Court needs and trends.

The Court continues to benefit from the in-house developed data warehouse, which provides the Court with up-to-date and accurate activity and performance reports and advice for decision-making.

The Business Intelligence Services team has also continued to work with both Principal and Court of Appeal Registries as well as the Juries Commissioner's Office in ensuring their information is regularly updated and audited to maintain data accuracy and timeliness.

During 2014–2015, Business Intelligence Services was involved in many projects, including:

- the continued development of the Supreme Court Business Intelligence Services intranet site, which assists the Court in accurately reporting and monitoring its activities and assists in ongoing resource analysis across all divisions
- development and implementation of the Juries Commissioner's Office Business Intelligence Services intranet site, which provides the Juries Commissioner's Office with up-to-date information about juries. This is used for reporting and analysis as well as forecasting for the requirement of juries and trends

- the development and implementation of the Court File Integrity application for the Principal Registry, which is used to assist with processes and court file accuracy
- development and testing of new management reports for the Commercial Court and Criminal Division
- providing ongoing assistance and analysis in the creation of a suite of reports for performance indicators across the Court.

## Financial Management Services

The Financial Management Services team provides operational and strategic financial advice across the Court to demonstrate sound financial practices in accordance with the *Financial Management Act 1994* and Court Services Victoria financial policies.

The team reports on the Court's financial performance against the allocated annual budget; supports the CEO and senior managers in the costing of new initiatives; and advises all Court staff on financial considerations ranging from personal claims for reimbursement, specific employee entitlements and how to procure goods and services in compliance with best financial practices and policies.

Some of the key deliverables this year include:

- an in-depth 2014–15 Mid-Year Review to enable the Court to focus and re-prioritise financial commitments within the available funding. This resulted in a significant reduction in contractors expenses for the new financial year and the findings from this review are the basis for an in-depth examination of all Court expenditure to identify further efficiencies
- a systematic review of all internal procedures to ensure a smooth transition to the new Court Services Victoria
- using the new budget system reporting capability to automate and enhance internal finance reports for managers and to improve visibility especially in reporting employee numbers
- ensuring a smooth transition of all contracts and purchase orders held in the financial systems under Department of Justice and Regulation into the new Court Services Victoria reporting structure.

# LAW LIBRARY OF VICTORIA

The Law Library of Victoria provides access to quality legal materials for the legal profession, helping to improve the administration of justice in Victoria.

The Law Library consolidates the libraries of the Supreme Court of Victoria, the County Court, the Magistrates' Court and the Victorian Civil and Administrative Tribunal. An extensive range of online resources for all jurisdictions is now managed by the Law Library.

Management of the Law Library is overseen by the Law Library of Victoria Committee. The committee comprises representatives from the four jurisdictions, the Victorian Bar and the Law Institute of Victoria. Justice Macaulay is the Chair of the Committee.

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## Legal information assistance

It has been one year since the Law Library of Victoria was established. During this time, many innovative changes have been implemented amidst the Law Library hosting a number of exciting events.

The Law Library handled almost 3,000 queries from people requiring help to access legal information. Many of these queries were from judicial officers and staff, and around one-third came from members of the legal profession. The remainder are law librarians or members of the public.

The Law Library continues to implement strategies to enhance the provision of services to clients. This includes ready access to modern electronic services including trials of iPad legal resources and enhanced online search tools via computer terminals placed strategically throughout the Supreme Court Library.

During the year more than 2,000 people attended functions, or enjoyed tours of the Supreme Court Library. Approximately 15 per cent were educational visits.

During the upcoming year the Law Library will enhance access to information for members of the judiciary and the general public via the improvement of online resources.

## Highlights

- The Law Library of Victoria marked the 800th anniversary of the sealing of the Magna Carta with a LiberTea held in the Supreme Court Library on the 15th of June, 2015.  
More than 100 people attended this ceremony which also included discussion by a panel of guest speakers on *The Magna Carta: what happened then, and does it matter now?* Guest speakers were: President Maxwell and Professor Sarah Joseph, Director, Castan Centre for Human Rights Law, Monash University.
- The Library has brought collection management up to industry standards. With the Committee's adoption of a Collection Policy, Library staff prioritised tasks that make the collection more accessible to users.
- Work began on a tender process for the Law Library's Subscriptions Purchasing.
- A recital by BottledSnail productions in the Supreme Court Library was held in April 2015. The event was well attended and future events are planned.

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## Supreme Court Library

The Supreme Court Library (managed by the Law Library of Victoria) has well over 90,000 volumes and is one of the largest law collections in Victoria. The library's holdings include an extensive series of law reports from all Australian jurisdictions and law reports from other countries including the United States of America and the United Kingdom. It also has a large collection of statutory material, textbooks and periodicals.

The Supreme Court Library is open to the public and is a National Trust building of historical significance. Since July 2014, in excess of 11,000 people have visited the Library. Judicial officers, barristers and solicitors make up the largest number of users. Approximately 10 per cent of in-person library users are members of the general public. A small proportion of library users are self-represented litigants.

Assistance provided by Supreme Court Library staff includes:

- search strategies for online resources
- one-on-one training on electronic research
- the delivery of legal resources to legal practitioners outside of Melbourne's central business district.

The Law Library manages the process of publishing decisions of the Supreme Court. During the past year, 1,395 unreported judgments were published by a total of seven publishers. This created almost 10,000 points of access to the decisions of the Supreme Court of Victoria.

This type of activity is a high priority for the Library, symbolising the fundamental principles of:

- respect for the judiciary and the administration of justice in Victoria
- the application of sophisticated information management skills
- deep and abiding commitment to providing access to meaningful content
- improving community capabilities with regard to the legal process.

The Supreme Court Library epitomises the provision of high quality service which has ensured the success of the Law Library of Victoria.

# SUPREME COURT OF VICTORIA FINANCIAL REPORT

Significant growth in the demand for court services during 2014–2015 has impacted on the Court’s ability to continue in its effective use of revenue appropriations, and the management of expenditure within its allocated funds.



## Revenue appropriation and expenditure

The Court's success in financial management is depicted in the following tables and graphs, which show that expenditure has been effectively managed against appropriated revenue year on year.

Table 52 shows the revenue appropriated to the Court through Court Services Victoria, the expenditure incurred against each appropriation, and the net operating result for the past three financial years.

This financial year the Supreme Court output appropriation incurred unplanned expenses resulting in an overspend of \$0.490m.

A range of factors have contributed to the Court moving from a balanced budget with modest surpluses in previous reporting periods, to incurring a small operating deficit.

In the reporting period the Court experienced a growth in demand which could not be accommodated within existing resources. This is evidenced by a 13 per cent increase in overall filings in the civil jurisdiction (the total number of initiations in the Commercial Court increased approximately 33 per cent), a 20 per cent increase in the number of civil trials (many of which are complex class actions) and a reducing clearance rate (a trend which is continuing).

At the same time, the cumulative impact of the savings initiative imposed by the Victorian Government in 2012 amounted to \$2.4 million or 10 per cent of the Court's discretionary, operating budget. Over one half of the Court's appropriation is associated with the cost of judges and most properly the imposed savings could not be applied to this area. Therefore, in effect, a double application of the measures was applied to other areas of the Court; in the main staffing, facilities and supplies and services.

In addition, the Court continued to be disadvantaged by the legacy of the rollout of the Integrated Courts Management System (ICMS) and the related IT infrastructure, inhibiting its ability to deliver modern efficient digital services. In response, the Court invested over \$300,000 to develop a stand-alone network capability for judicial officers, to mitigate the ongoing performance issues and the adverse impact of constant outages and outmoded applications.

Finally, the Court faces the ongoing challenge of maintaining and preserving the integrity of one of Victoria's pre-eminent, heritage listed buildings and the demands for modern compliant court services. This challenge was heightened and compounded in the reporting period by the lack of sufficient funding over previous years and the deteriorating state of the building fabric.

**Table 52: Revenue appropriated through Court Services Victoria**

	2012-13 Revenue \$'000	2012-13 Expenditure \$'000	2012-13 Result \$'000	2013-14 Revenue \$'000	2013-14 Expenditure \$'000	2013-14 Result \$'000	2014-15 Revenue \$'000	2014-15 Expenditure \$'000	2014-15 Result \$'000
Special appropriation**	24,820	24,820	0	25,113	25,113	0	27,770	27,770	0
Output appropriation-Supreme Court****	27,423	27,700	(277)*	28,872	28,855	17*	31,216	32,399	(1,183)
Output appropriation-Juries Commissioner's Office	6,575	6,230	345*	6,463	6,453	10*	6,622	5,929	693
Capital***	294	294	0	160	160	0	0	0	0
<b>Total</b>	<b>59,112</b>	<b>59,044</b>	<b>68</b>	<b>60,608</b>	<b>60,581</b>	<b>27</b>	<b>65,608</b>	<b>66,098</b>	<b>(490)</b>

\* Output appropriation results for 2012-13 and 2013-14 have been adjusted to reflect the end of year result after end of financial year adjustments including adjustments for approved carry forwards (\$425k from 12-13 and \$691k from 13-14).

\*\* Special appropriation revenue is recognised on a cash basis and expenses are reflected on an accrual basis. Therefore figures presented for special appropriation in the table above is the accrued expense result.

\*\*\* Represents funding received by the Court as an Owner's Equity contribution for capital works, buildings fit-outs and to meet its finance lease obligations. The capital contribution to the Court is minor in comparison to total revenue appropriated. For financial year 2014-15 there was no capital appropriation received for capital works and building fit-outs.

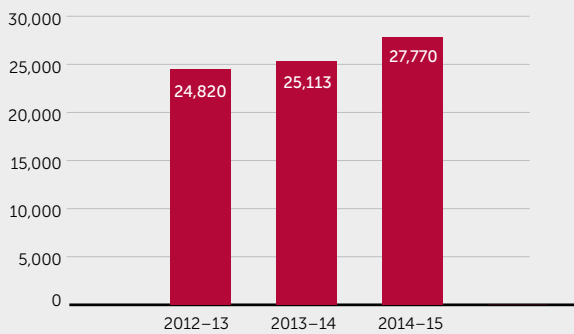
\*\*\*\* Supreme Court output appropriation revenue includes a funding allocation from the Court Fee Pool.



## Special appropriation

Funding appropriated to the Court for the remuneration and entitlement expenditure of judges, associate judges, reserve judges and judicial registrars.

**Figure 23: Special appropriation – Supreme Court of Victoria (\$'000)**

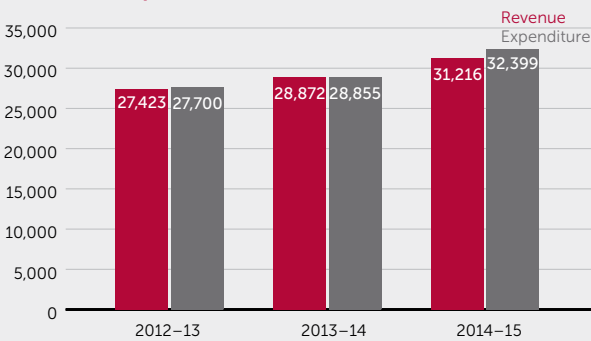


Special appropriation revenue is recognised on a cash basis and expenses are reflected on an accrual basis. To date the Supreme Court has not exceeded its available warrant. The accrued expenses result is presented in Table 23.

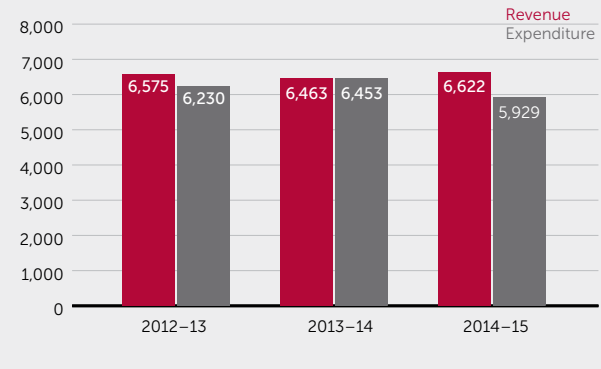
## Output appropriation

Funding appropriated to the Court for discretionary and non-discretionary expenditure, including the Juries Commissioner's Office. Discretionary expenditure is controlled by the Court, and includes employee-related expenses and operating expenses. Non-discretionary expenditure is managed centrally by Court Services Victoria, and includes rent, depreciation and amortisation.

**Figure 24: Output appropriation – Supreme Court of Victoria (\$'000)**



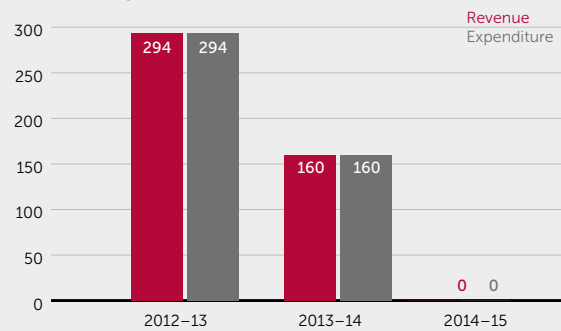
**Figure 25: Output appropriation – Juries Commissioner's Office (\$'000)**



## Capital appropriation

Capital appropriation represents capital funding received by the Supreme Court for capital works, buildings fit-outs and to meet Vicfleet motor vehicles finance lease payments. As previously noted, the capital appropriated to the Court is minor in comparison to total revenue appropriated. For financial year 2014-15 there was no capital appropriation received for capital works and building fit-outs.

**Figure 26: Capital appropriation – Supreme Court of Victoria (\$'000)**



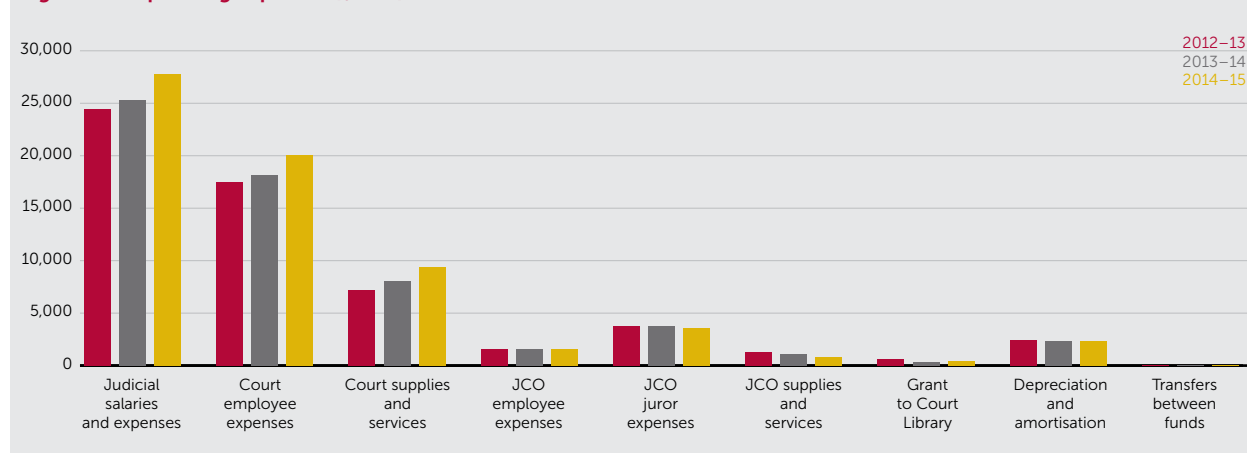
## Analysis of expenditure

The following table and graph below show how the Court utilised its appropriated revenue in the past three years. Appropriated revenue, operating expenses and the net operating result attained by the Court and the Juries Commissioner's Office is shown.

**Table 53: Appropriated revenue and operating expenses**

	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
<b>Judiciary</b>			
Special appropriation revenue	24,820	25,113	27,771
Judicial salaries and expenses	(24,820)	(25,113)	(27,771)
<i>Net result from judiciary activities</i>	0	0	0
<b>Court Administration</b>			
Output appropriation revenue	27,423	28,872	31,216
Employee salaries and on-costs	(17,501)	(18,152)	(20,081)
Supplies and services	(7,242)	(8,032)	(9,431)
Grant to Court Library	(600)	(350)	(450)
Transfers between funds	(9)	(19)	(1)
Depreciation and amortisation	(2,348)	(2,302)	(2,436)
<i>Net result from Court Administration</i>	(277)	17	(1,183)
<b>Juries Commissioner's Office</b>			
Output appropriation revenue	6,575	6,463	6,622
Employee salaries and on-costs	(1,585)	(1,578)	(1,542)
Juror expenses	(3,761)	(3,800)	(3,608)
Supplies and services	(882)	(1,073)	(775)
Depreciation and amortisation	(2)	(2)	(4)
<i>Net result from Juries Commissioner's Office</i>	345	10	693
<b>Net operating result from all Court activities</b>	<b>68</b>	<b>27</b>	<b>(490)</b>

**Figure 27: Operating expenses (\$'000)**



## Court fees

Court resources are used to collect Court fees and probate online application fees on behalf of the State of Victoria. The collection of these fees is part of the Court's routine service delivery. Approximately five per cent of the total Court fees collected was returned to the Court via a Section 29 Revenue Retention transfer. Therefore, 95 per cent of total fees were remitted into the Victorian Government's Consolidated Fund.

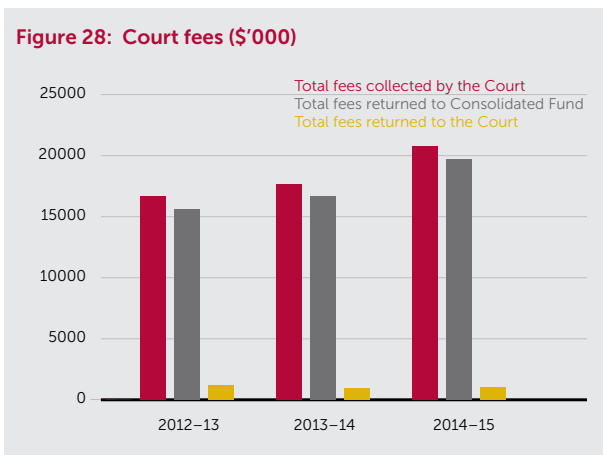
Table 54 shows the administered court fees and probate online application fees collected by the Court on behalf of the State of Victoria in the last three years.

**Table 54: Collection of administered fees\***

	2012-13	2013-14	2014-15
	\$'000	\$'000	\$'000
Court fees	15,806	16,712	19,772
Probate online application fees	856	899	970
Total fees collected by the Court on behalf of the State	16,662	17,611	20,742
Less: Fees returned to the Court under Section 29 of the <i>Financial Management Act (Revenue Retention)</i>	(1,221)	(982)	(1,029)
<b>Total fees returned to Consolidated Fund</b>	<b>15,441</b>	<b>16,629</b>	<b>19,713</b>

\* Only includes administered court fees and administered probate online application fees

Figure 28 depicts the total Court fees and probate online application fees collected by the Court on behalf of the State of Victoria, total court fees returned to the Victorian Government's Consolidated Fund and total fees returned to the Supreme Court of Victoria.



SUPREME COURT OF VICTORIA  
APPENDICES



# APPENDIX 1: JUDICIAL ACTIVITY

## The Chief Justice

**21 July 2014:** Chaired the inaugural meeting of the Courts Council and attended the launch of Court Services Victoria by the Hon Robert Clark, Attorney-General, at the William Cooper Centre.

**2 July 2014:** Presided at the swearing-in of Magistrate Gregory Stuart Robinson.

**23 July 2014:** Delivered the address, 'Judicial Independence', at the Magistrates' Court professional development day.

**24 July 2014:** Attended the State memorial service for the victims of Malaysia Airlines Flight MH17 at St Paul's Cathedral.

**31 July 2014:** With the President, attended the swearing-in of Justice Kyrou as a Judge of Appeal at Government House.

**7 August 2014:** Attended and delivered the opening address at the Judicial College of Victoria's Human Rights Conference.

**7 August 2014:** Hosted a dinner for The Hon Dame Sian Elias GNZM, Chief Justice of New Zealand, Lord David Neuberger, President of the Supreme Court of the United Kingdom and Sir Anthony Mason, Former Chief Justice of the High Court of Australia.

**15 August 2014:** Opened the Judicial College of Victoria's Leadership Symposium.

**18 August 2014:** Chaired a meeting of the Council of Legal Education.

**20 August 2014:** Delivered the Newman Lecture entitled, 'What is justice?' at Mannix College.

**26 August 2014:** Attended the Monash University 2014 Richard Larkins Oration at the Myer Mural Hall.

**3 September 2014:** Attended a lecture by Professor Cheryl Saunders AO, 'The marginalisation of Parliament', at Melbourne University.

**4 September 2014:** With Justice Nettle and Justice Lasry, attended the swearing-in of Justice Beale as a judge of the Trial Division at Government House.

**8 September 2014:** Chaired a meeting of the Court Services Victoria Major Assets Strategic Planning Group with Justices Osborn, Dixon and Garde.

**10 September 2014:** Presided over a welcome ceremony for Justice Cameron, followed by a reception in the Old High Court Library.

**11 September 2014:** Addressed the Commercial Bar Association Reception.

**11 September 2014:** Delivered a presentation, 'Forensic investigations and technology in the Courts', at the Australian Institute of Professional Investigators Conference at Melbourne University.

**12 September 2014:** Presided over a welcome ceremony for Justice Beale, followed by a reception in the Old High Court Library.

**15 September 2014:** Attended, as patron, the Lucinda Lecture at Monash Law School.

**16 September 2014:** Spoke at the Royal Historical Society Victoria launch of the Justice Willis notebooks online.

**17 September 2014:** With Justice Nettle and Justice Williams, attended the swearing-in of Justice McDonald as a judge of the Trial Division at Government House.

**23 September 2014:** Delivered the annual Sir Zelman Cowen Address for the Melbourne University Law Review.

**23 September 2014:** Presided over a welcome ceremony for Justice McDonald, followed by a reception in the Old High Court Library.

**24 September 2014:** Delivered a presentation, 'Courts governance – the Victorian experience', with Chief Justice Bryant of the Family Court, at the 7th International Conference of the International Association for Court Administration, in Sydney.

**25 September 2014:** Attended the International Commission of Jurists annual fundraising function.

**26 September 2014:** Hosted a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**1 October 2014:** Toured the new Melbourne University School of Design building with the Dean, Professor Kvan.

**2 October 2014:** Presided over the 4th Annual Michael Kirby Contract Law Moot final at the County Court of Victoria.

**4 October 2014:** Attended a meeting of the Australasian Institute of Judicial Administration Council.

**8 October 2014:** Attended the unveiling of the Victorian Bar Portraits Collection at Owen Dixon Chambers West.

**8 October 2014:** Chaired a meeting of the Costs Coordination Committee with Associate Justice Wood and representatives from the Bar and Law Institute of Victoria.

**9 October 2014:** Officially opened the Commercial Court Conference held in partnership with Melbourne University.

**9 October 2014:** Opened the International Criminal Law Conference at the Melbourne Cricket Ground.

**14 October 2014:** Attended the unveiling of Melbourne University's Donor Wall acknowledging the contribution of the Supreme Court Library as a major donor.

**17 October 2014:** Delivered the opening address at the joint Victorian Bar and Law Institute Conference.

**21 October 2014:** Attended a reception hosted by His Excellency Governor Hurley at the NSW Government House.

**22 October 2014:** Attended the Council of Chief Justices meeting at the Supreme Court of NSW.

**23 and 24 October 2014:** Attended and presented at the National Judicial College Conference on Judicial Leadership, in Sydney.

**28 October 2014:** Presented the Victorian Australian of the Year Awards at the RACV Club.

**7 November 2014:** Attended the Commercial Bar Workshop, 'The briefing of women in commercial law', with the President and Justices Ferguson, Hollingworth, Almond and Elliott.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**10 November 2014:** Presided at the swearing-in of Judicial Registrar Hetyey.

**19 November 2014:** With Justice J Forrest, spoke at the HWT Journalists Trainee Scheme tour of the Court.

**19 November 2014:** Attended the unveiling of Chief Judge Desmond Whelan's portrait at the County Court with Justices Whelan, Santamaria, Robson, Digby and McMillan and Associate Justices Efthim, Gardiner and Lansdowne.

**20 November 2014:** Attended the Frank Costigan Oration delivered by the Hon Justice Crennan AC, in the Banco Court.

**25 November 2014:** Chaired a consultation meeting with the editors of the Age and the Herald Sun, the ABC Director of News and senior media lawyers to discuss the Open Courts Act with Justice Whelan.

**25 November 2014:** Attended the naming ceremony and celebration in honour of Professor Emeritus Sir David P Derham, at the Melbourne Law School with Associate Justice Derham.

**26 November 2014:** Attended the VIFM Council Dinner to mark the retirement of Professor Stephen Cordner AM as Director.

**5 December 2014:** Together with the President and Justices Kaye, Hargrave and Lasry, received the new Senior Counsel in the Banco Court.

**8 December 2014:** With the President and judges, attended the Law Library of Victoria's end of year function.

**11 December 2014:** Together with the President and Justices Lasry, Judd, Hargrave, Emerton and Associate Justices Derham and Daly, and Judicial Registrar Ware, met with the Boston Consulting Group.

**12 December 2014:** Attended the farewell sitting for the Hon Justice Crennan AC at the High Court, in Canberra.

**15 December 2014:** Met with Chief Justice Carmody of the Supreme Court of Queensland in relation to matters pertaining to the Court.

**23 December 2014:** The Chief Justice and the President, as the Governor's Commissioners, presided over the swearing-in of Members of the Legislative Council and Legislative Assembly.

**23 December 2014:** With the President and Justices Tate, Cavanough and Croft, attended the Opening of the 58th Victorian Parliament.

**19 January 2015:** Opened the Australian Bar Association Annual Advance Advocacy Training Program, at the Federal Court.

**2 February 2015:** Together with judges, associate judges and judicial registrars, attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**2 February 2015:** With the President and Supreme Court judges, attended the Australian Bar Association function for newly appointed Senior Counsel at the High Court, in Canberra.

**3 February 2015:** Together with the President and Supreme Court judges, attended the swearing-in ceremony for the Hon Justice Nettle at the High Court, in Canberra.

**5 February 2015:** Attended Government House for the swearing-in of Justice Kaye as a Judge of Appeal and Justice Zammit as a judge of the Trial Division.

**7 February 2015:** Attended the Melbourne Law School Gala Dinner at the Myer Mural Hall.

**12 February 2015:** Delivered a presentation at the American Chamber of Commerce: Women in Leadership Series Breakfast Seminar at Crown Casino.

**13 February 2015:** Delivered an address at the University of NSW Constitutional Law Conference in Sydney.

**18 February 2015:** Attended a reception at the Supreme Court Library to acknowledge the authors and contributors of a forthcoming publication which will celebrate 175 years of the Supreme Court in Victoria.

**23 February 2015:** Delivered a presentation at the launch of the Swinburne Law School and the new Bachelor of Laws Degree.

**24 February 2015:** Delivered an address in the Supreme Court Library on the Eureka Trials.

**25 February 2015:** Delivered a presentation at the National Commercial Law Seminar at Monash University Law Chambers.

**27 February 2015:** Attended the Judges' and the Academy Seminar held at Melbourne University Law School.

**3 March 2015:** Addressed the Australian Italian Lawyers Association on 'The Italian Constitution'.

**5 March 2015:** Delivered a presentation entitled 'The Italian Contribution Diversity in the Law' at the Australian Italian Lawyers Association function held at the RACV Club.

**5 March 2015:** With the President, attended the swearing-in of Justice McLeish as a Judge of Appeal at Government House.

**10 March 2015:** Officiated at the swearing-in of Magistrates Carolene Gwynn and John O'Brien in the Sir John Young Room.

**12 March 2015:** With Justice J Forrest, attended the swearing-in of Justice Riordan as a judge of the Trial Division.

**13 March 2015:** Delivered a presentation entitled 'Connecting with Victoria's Ethnically Diverse Communities: Enhancing Public Trust and Confidence in Courts and Tribunals' at the AIJA Cultural Diversity Conference held at the Wentworth Hotel, Sydney.

**18 March 2015:** Delivered the Kew Historical Society's 2015 McIntyre Lecture entitled 'The Eureka Treason Trials: 160 Years On' at the Kew Courthouse.

**19 March 2015:** Presided over a welcome ceremony for Justice Riordan, followed by a reception in the Old High Court Library.

**23 March 2015:** Attended the unveiling of the Sir Zelman Cowen portrait hosted by the Hon Nicola Roxon, at Victoria University.

**26 March 2015:** Delivered a paper to the National Conference of Chief Justices and Chief Judges of Canada on 'Measuring the performance of Victorian courts'.

**26 March 2015:** Attended and presented awards at the Monash University Post Graduate Ceremony at Monash Law Chambers.

**30 March 2015:** Delivered a video link presentation and a paper entitled 'Measuring the Performance of Victorian Courts' at a seminar for Chief Justices, Chief Judges and Associates, Ottawa, Canada.

**31 March 2015:** Attended a meeting of the Council of Chief Justices in Auckland, New Zealand.

**9 April 2015:** Delivered a paper to the National Conference of County and District Courts, 'Embracing technology: the way forward for the courts'.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**20 April 2015:** Attended the Mega Litigation Seminar at the Judicial College of Victoria Learning Centre.

**22 April 2015:** Hosted a joint Supreme Court/Judicial College of Victoria sponsored luncheon with guest speaker Professor Noah Messing, Lecturer in Practice of Law and Legal Writing at Yale Law School in the Old High Court Library.

**22 April 2015:** Attended a dinner at Government House hosted by His Excellency the Governor in honour of HRH the Duke of Kent.

**24 April 2015:** Presided at the commemorative sitting in the Banco Court to mark the centenary of the Gallipoli Landing.

**25 April 2015:** Attended the ANZAC Day Dawn Service at the Shrine of Remembrance.

**27 April 2015:** Presided over the grand final of the Monash University Senior Division General Moot.

**5 May 2015:** Presided over the swearing-in ceremony for public notaries.

**6 May 2015:** Presided over the swearing-in ceremony of newly appointed Magistrate Julian Ayers.

**12 May 2015:** Attended an event to thank the Supreme Court volunteers for their support and contribution to the Court.

**15 May 2015:** Attended the farewell of Justice Hayne of the Federal Court of Australia.

**15 May 2015:** Chaired the Judicial College of Victoria seminar, 'The age of statutes; principles of statutory interpretation'.

**19 May 2015:** Officiated at the swearing-in and welcome of Associate Justice Ierodiaconou.

**19 May 2015:** Hosted a tour with the President and other Supreme Court judges for members of Parliament.

**20 May 2015:** Attended and delivered the closing remarks at the Gender Equality Workshop at the Federal Court of Australia.

**20 May 2015:** Officiated at the first Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**22 May 2015:** Hosted the Courts Council farewell for Judge Couzens, President of the Children's Court of Victoria.

**27 May 2015:** Hosted a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov, in the Supreme Court Library.

**29 May 2015:** Led a discussion at a seminar for staff of the Grattan Institute on the Rule of Law.

**29 May 2015:** With other Supreme Court judges, attended a Victorian Bar function.

**2 June 2015:** Attended and delivered the welcome address at the Admiralty List Symposium, in the Banco Court.

## The President

**12-13 September 2014:** Attended the United Kingdom Analytical Legal and Political Philosophy Conference, in Edinburgh.

**22 September 2014:** Delivered a keynote address, 'From Pericles to iPads: Can the jury system survive new technology?' at the 9th Greek Legal and Medical Conference.

**3 March 2015:** Attended the Judicial College of Victoria seminar, 'Community Corrections Orders'.

**5 March 2015:** Addressed the Young Lawyers Group at Victoria Legal Aid.

**17 March 2015:** Attended a Judicial College of Victoria seminar, 'Koori twilight: understanding kinship'.

**2 May 2015:** Attended the Appellate Advocacy Workshop as part of the Melbourne Law School Philosophical Foundations of Law Class.

**12 May 2015:** Attended a meeting with the Law Institute of Victoria President.

**15 May 2015:** Chaired a meeting of the Jury Directions Advisory Group.

**15 May 2015:** Attended the Judicial College of Victoria's Age of Statutes Conference.

**20 May 2015:** Attended a Commercial Bar Workshop, 'Gender equality'.

**15 June 2015:** Spoke at the Library's Magna Carta 800th Anniversary LiberTea.

## Justice Nettle

**8 August 2014:** Chaired the keynote address given by the Rt Hon the Lord David Neuberger of Abbotsbury entitled, 'The role of judges in human rights jurisprudence: A commentary of the Australian and UK experience', at Monash University Law Chambers.

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

## Justice Neave

**31 July 2014:** Attended Foundation House's 2014 Oration.

**4 August 2014:** Attended a Queen's College function.

**5 August 2014:** Attended a meeting of the Sexual Assault Advisory Committee.

**11 August 2014:** Presented to students at Victoria University.

**11 August 2014:** Attended the Sugden Fellow Lecture, with guest speaker Professor Herman Philipse, at Queen's College.

**12 August 2014:** Attended a Cairnmillar Institute function, at St. Michael's Church.

**15-16 August 2014:** Presented a paper at Monash University Law Chambers, 'The Victorian Law Reform Commission and its proposals for reform'.

**20 August 2014:** Attended Monash University's Women in the Law Breakfast.

## Justice Redlich

**7-8 August 2014:** Attended the Human Rights Conference, 'Under the Charter: The development of human rights in law in Victoria'.

**26 February 2015:** Attended a Victoria Legal Aid seminar, 'Baseline sentencing'.

## Justice Weinberg

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**1 August 2014:** Presented a paper, 'The impact of special commissions of inquiry/crime commissions on criminal trials', at the Supreme Court of New South Wales Annual Conference.

**23 September 2014:** Attended the annual Sir Zelman Cowen Address.

**8-11 April 2015:** Attended the 23rd Biennial Conference of District and County Court Judges of Australia and New Zealand.

**26 May 2015:** Presented a session, 'Tendency and coincidence', to County Court judges.

**26 June 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Equity and the rule of law'.

**9-10 June 2015:** Attended the Judicial College of Victoria seminar, 'Evidence, evidence, evidence'.

## Justice Tate

**31 July 2014:** Attended a meeting of the Monash University, Faculty of Law, External Professional Advisory Committee.

**7 August 2014:** Presented a paper entitled, 'Statutory interpretive techniques under the Charter: three stages of the Charter – has the original conception and early technique survived the twists of the High Court's reasoning in Momcilovic?' at the Human Rights Under the Charter Conference.

**30 August 2014:** Delivered a presentation, 'Judicial independence as institutional autonomy: court-led reforms', at the 2014 Western Australian Judges, Masters and Registrars' Conference, in Perth.

**4 September 2014:** Attended the book launch, *Constitutionalising Asia: Asian Constitutionalism or Constitutionalism is Asia?*, by Professor Jiunn-rong Yeh, at the Melbourne Law School.

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**6 November 2014:** Presented as part of a panel discussing, 'Civil Appeal Reforms', at the Law Institute of Victoria.

**23 December 2014:** Attended the Opening of the 58th Victorian Parliament.

**2 February 2015:** Attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**3 February 2015:** Attended the swearing in ceremony for the Hon Justice Nettle at the High Court, in Canberra.

**7 February 2015:** Attended the University of Melbourne Law School Gala.

**10 February 2015:** Attended a reception for the Governor-General's Prize in the Great Hall of the High Court, in Canberra.

## Justice Osborn

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**11-12 September 2014:** Attended the Appellate Judges Conference, in Sydney.

**23 October 2014:** Attended the Jury Directions Advisory Group Meeting.

**11 November 2014:** Attended a judicial workshop in relation to the redevelopment plans for the Shepparton Law Courts.

**12 November 2014:** Attended a meeting of the Shepparton Law Courts Steering Committee.

**19 November 2014:** Attended the Australian Academy of Forensic Sciences (Victorian Chapter) Meeting.

**20 November 2014:** Attended the Frank Costigan Oration delivered by the Hon Justice Crennan AC, in the Banco Court.

**12 January 2015:** Attended the Opening of the Legal Year Ceremony, in Geelong.



**13 March 2015:** Attended a meeting of the Shepparton Law Courts Steering Committee.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**4 June 2015:** Attended the launch of the Judicial College of Victoria's *Serious Injury Manual*.

## Justice Whelan

**23-24 October:** Attended the Australasian Institute of Judicial Administration's Public Information Officers' Conference, 'The implications of social change on the courts', at the Commonwealth Law Courts. Delivered a presentation, 'Parole Board saga', and participated in two panel discussions: 'Jurors and social media' and 'Suppression orders in the post Jill Meagher case/post WikiLeaks legal world'.

**31 March 2015:** Delivered a presentation at a Judicial College of Victoria seminar, '*Open Courts Act 2013* and suppression orders'.

**25 June 2015:** Presented a paper, 'Contempt in the face of the Court', at the National Judicial Orientation Program, on the Gold Coast.

## Justice Priest

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

## Justice Santamaria

**5-7 August 2014:** Presented a paper, 'Religious liberty and law', at the Faith in the Public Square seminar, in Toronto, Canada.

**8 October 2014:** Attended the opening of Peter O'Callaghan QC Gallery in Owen Dixon Chambers.

**23 October 2014:** Attended a seminar, 'The role of statute in commercial law', at Melbourne Law School.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**12 November 2014:** Attended the Liturgical Reception and Mass of Installation for Most Rev Anthony Fisher OP DPhil, in Sydney.

**25 November 2014:** Attended the naming ceremony and celebration in honour of Professor Emeritus Sir David P Derham, at the Melbourne Law School.

**2 February 2015:** Attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**27 February 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Equity in the age of statutes'.

**18-20 March 2015:** Attended the Judicial College of Australia course, 'Judgment writing', in Adelaide.

**24 April 2015:** Participated in a ceremonial sitting of the Court to mark the centenary of landings at Gallipoli.

**15 May 2015:** Attended the Judicial College of Victoria seminar, 'Judging in the age of statutes'.

**23 May 2015:** Gave the address, 'Jews and justice: the Jewish roots of secular law', at Elsternwick Jewish Community Synagogue.

**26 May 2015:** Presented the Supreme Court Prize and the Chief Justice's prize, on behalf of the Court and Chief Justice, at the University of Melbourne Law School Prizes Ceremony.

**3 June 2015:** Attended the annual Christian Legal Society function.

## Justice Beach

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference in Darwin.

**13 August 2014:** Presented at the Commercial Court seminar, 'Large class actions and litigation funding', at Monash University Law Chambers.

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**23 April 2015:** Represented the Chief Justice at the Monash University Law School Prizes occasion, presenting the Supreme Court Prize.

**4 June 2015:** Participated in a discussion regarding, 'Serious injury proceeding in the County Court'.

## Justice Kyrou

**15 August 2014:** Delivered a paper entitled, 'Obligations of public authorities under Section 38 of the *Victorian Charter of Human Rights and Responsibilities*', at the Victorian Human Rights Conference.

**15 August 2014:** Attended the Judicial College of Victoria Leadership Symposium.

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**12 March 2015:** Attended a meeting of the National Diversity Council, in Sydney.

**13-14 March 2015:** Attended the Cultural Diversity and the Law Conference, in Sydney.

**16 June 2015:** Presented a paper to the Hellenic Australian Lawyers Association, 'The judiciary in a multicultural society'.

**June 2015:** Presented two papers, 'Courtroom control communication' and 'Cultural barriers in the courtroom and managing interpreters', at the National Judicial Orientation Program, at the National Judicial Orientation Program, on the Gold Coast.

## Justice Ferguson

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

## Justice Kaye

**19 August 2014:** Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

**8 September 2014:** Attended the launch of the 'Victorian Aboriginal Heritage Council Strategic Plan for 2014-2019', at Queen's Hall in Parliament House.

**3 October 2014:** Attended the opening of the Peter O'Callaghan QC Gallery at Owen Dixon Chambers West.

**14 October 2014:** Attended the Judicial College of Victoria seminar entitled, 'Supports for Koori offenders'.

**18 November 2014:** Attended the 'Indigenous River Walk' conducted by the Judicial College of Victoria.

**20 November 2014:** Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

**21 November 2014:** Attended the Greens List annual function.

**27 November 2014:** Chaired a meeting of the Court's Koori Indigenous Action Plan Steering Committee.

**8 December 2014:** Participated in a teleconference of the National Judicial College Indigenous Justice Committee.

**15 December 2014:** Attended the Victorian Bar Indigenous Lawyers Committee seminar, 'Mabo: its legacy and suggested reforms, with particular reference to Victoria'.

**2 February 2015:** Attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**6 February 2015:** Attended a presentation by Professor Neyers, 'Talking about torts'.

**18 February 2015:** Chaired a meeting of Judicial Officers' Aboriginal Cultural Awareness Committee.

**11 March 2015:** Attended a Federal Court reception for the 2015 Indigenous law clerks.

**17 March 2015:** Attended a Judicial College of Victoria seminar, 'Koori twilight: understanding kinship'.

**24 March 2015:** Chaired a meeting of the Court's Koori Indigenous Action Plan Steering Committee.

**25 March 2015:** Hosted a function for the 2015 Indigenous law clerks.

**21 April 2015:** Delivered a presentation at the Victorian Law Foundation's presentation of the Legal Reporting Awards 2015.

**24 April 2015:** Attended the 41st Aboriginal Justice Forum.

**20 May 2015:** Attended the first Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**18 June 2015:** Attended a seminar, 'Koori twilight: recognising traditional owner rights'.

**24 June 2015:** Chaired a meeting of the Koori Action Plan Committee.

## Justice McLeish

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**15 May 2015:** Attended and presented at the Judicial College of Victoria seminar, 'The age of statutes, principles of statutory interpretation'.

**26 May 2015:** Attended a lecture by Justice Gageler, 'Lord Bryce and the Australian Constitution', at the Commonwealth Law Courts.

**27 May 2015:** Attended a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov held in the Supreme Court Library.

**29 May 2015:** Attended a Victorian Bar function.

**9 June 2015:** Attended the swearing in ceremony for the Hon Justice Gordon to the High Court of Australia, in Canberra.

**12 June 2015:** Attended a State Dinner in the Queen's Hall at the State Library.

**26 June 2015:** Attended the Judicial College of Victoria seminar, 'Judicial use of academic writing'.

## Justice Williams

**15 August 2014:** Attended the Judicial College of Victoria Judicial Symposium.

## Justice Hollingworth

**11 August 2014:** Spoke to students from Mt Alexander College and Lilydale High School about a career in the law.

**15 August 2014:** Attended the Judicial College of Victoria Judicial Symposium.

**16 August 2014:** Attended the Homicide Law Reform in Victoria Conference.

**19 August 2014:** Attended an International Commission of Jurists breakfast forum, 'Asylum seeker issues in focus'.

**1 September 2014:** Attended a meeting of the Criminal Liaison Group.

**9 September 2014:** Judged the grand final of the Sir Zelman Cowan Victorian Mooting Championship.

**15 September 2014:** Attended a meeting regarding 'Delivering high quality criminal trials consultation', with Victoria Legal Aid.

**16 September 2014:** Attended the Sentencing Advisory Council seminar, 'Baseline sentencing'.

**22 September 2014:** Met with representatives from Victoria Legal Aid to discuss 'Long term trends'.

**25 September 2014:** Attended the International Commission of Jurists annual fundraising function.

**26 September 2014:** Delivered a presentation, 'A judicial view of essential writing skills', to Victorian Bar Readers.

**26 September 2014:** Attended an event hosted by the Chief Justice for Justice Virginia Bell.

**9-12 October 2014:** Attended the 14th International Criminal Law Congress.

**14 October 2014:** Attended the Judicial College of Victoria seminar, 'Supports for Koori offenders'.

**23 October 2014:** Attended a Victorian Bar Readers function.

**30 October 2014:** Attended the launch of the Victorian Bar's Indictable Crime Certificate Program.

**7 November 2014:** Participated in a Commercial Bar workshop with practitioners in relation to the briefing of women in commercial law.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**10 November 2014:** Chaired a meeting of the Criminal Liaison Group.

**1 December 2014:** Attended a meeting of the Criminal Liaison Group.

**19 and 23 January 2015:** Coached, with Justice Sloss, in the Australian Bar Association Advanced Advocacy Training Course.

**2 February 2015:** Attended the International Commission of Jurists' ceremony at the County Court.

**9 February 2015:** Attended a meeting of the Criminal Liaison Group.

**17 February 2015:** Attended the book launch, *Just Mercy*, by Bryan Stevenson.

**20 February 2015:** Chaired a session at The Principle of Legality in Australian and New Zealand Law Conference hosted by Deakin Law School.

**2 March, 23 March and 14 April 2015:** Attended meetings of the Commercial Bar Planning Committee..

**2 March and 13 April 2015:** Attended a meeting of the Criminal Liaison Group.

**16 March 2015:** Delivered a presentation, 'Written submissions', to Victorian Bar Readers.

**18-20 March 2015:** Taught in the Judicial College of Australia course, 'Judgment writing', in Adelaide.

**24 March 2015:** Chaired a meeting of the Melbourne Law School External Advisory Council.

**3 June 2015:** Attended a demonstration of the iManage file management system, at the County Court.

## Justice Bell

**18 November 2014:** Delivered a presentation, 'The next stages and necessary steps for further developments in Victoria's human rights jurisprudence', at Monash Law Chambers.

**9 December 2014:** Attended a presentation by Professor Philip Alston, of New York University School of Law, 'Could Australia really become a police state?'

**15 April 2015:** Attended the 2015 Miegunyah Distinguished Visiting Fellow public lecture, 'The first century of Magna Carta and the law', presented by Professor Paul Brand.

**20 April 2015:** Attended the Judicial College of Victoria seminar, 'Complex trials'.

## Justice Hargrave

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**20-22 August 2014:** Chaired the Judicial College of Victoria course, 'Judgment writing'.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**20 April 2015:** Attended the Judicial College of Victoria seminar, 'Managing mega litigation'.

## Justice King

**10 April 2015:** Presented a paper entitled 'Perspectives from the Bench' at the Director of Public Prosecutions Victoria Modern Prosecutor Conference.

## Justice Cavanough

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**29 August 2014:** Attended the Administrative Law Conference, at the Federal Court.

**8 October 2014:** Attended the official opening of Peter O'Callaghan QC Gallery in Owen Dixon Chambers.

**10-12 October 2014:** Attended the Judicial College of Victoria Colloquium Conference, in Noosa.

**23 December 2014:** Attended the Opening of the 58th Victorian Parliament.

**21 January 2015:** Attended the Australia Day Reception at Government House.

**6 February 2015:** Attended a presentation by Professor Neyers entitled, 'Talking about torts'.

**6 March 2015:** Attended a meeting of the National Rules Harmonisation Committee at the Federal Court, in Sydney.

**15 March 2015:** Attended a meeting of the Supreme and Federal Court Judges' Conference Steering Committee, at the Supreme Court of Queensland.

**9 April 2015:** Took part in a teleconference of a sub-committee of the National Rules Harmonisation Committee.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

## Justice Robson

**1 July 2014:** Attended the launch of Court Services Victoria by the Hon Robert Clark, Attorney-General, at the William Cooper Centre.

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**15 July 2014:** Addressed the Law School Faculty conducting the Phoenix Project, at the University of Melbourne.

**31 July 2014:** Attended the book launch, *Not for profit law*, edited by Professor Ann O'Connell of the University of Melbourne and launched by the Hon Justice Kenny.

**4 August 2014:** Chaired the Deakin School of Law Advisory Committee.

**21 August 2014:** Presided over the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

**11 September 2014:** Attended the Commercial Bar Association Reception in the Supreme Court Library.

**16 September 2014:** Attended the book launch, *Excursions in the Law*, by the Hon Peter Heerey AM, QC, at Owen Dixon Chambers.

**25 September 2014:** Attended the launch of the David Derham Lecture Theatre, at the University of Melbourne Law School.

**27 September 2014:** Attended the presentation of the Menzies Foundations Scholarships.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**2 February 2015:** Attended the Opening of the Legal Year, at Government House.

**3 February 2015:** Participated in a panel discussion, with the Hon Justice Middleton and the Hon Justice Davies, to Corporate Law Masters' students at the University of Melbourne.

**7 February 2015:** Attended the University of Melbourne Law School Gala.

**17 February 2015:** Attended the book launch, *Just Mercy*, by Bryan Stevenson, at the Owen Dixon Chambers.

**23 February 2015:** Participated in a seminar, 'Trade rule of law', with Deputy Chief Justice Petrus Damaseb of Namibia, at Owen Dixon Chambers.

**25 February 2015:** Attended a Monash Law School seminar, at which the Chief Justice of Victoria spoke, inter alia, on the Commercial Court.

**5 March 2015:** Attended the launch of centenary celebrations of the Victorian Chapter of the Chartered Institute of Arbitrators.

**10 March 2015:** Chaired the Deakin School of Law Advisory Committee.

**22 April 2015:** Attended Professor Noah Messing's address, 'Judicial writing', at the Judicial College of Victoria.

**1 May 2015:** Attended a Supreme Court of Victoria event with Professor Carolyn Evans.

**4 May 2015:** Addressed Juris Doctorate students from the University of Melbourne on 'Civil procedures and alternative dispute resolution'.

**20 May 2015:** Attended the 2015 Harold Ford Memorial Public Lecture, presented by Chief Justice French AC, at the University of Melbourne.

**20 May 2015:** Attended Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**27 May 2015:** Attended a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov held in the Supreme Court Library.

**29 May 2015:** Attended a Victorian Bar function.

**23 June 2015:** Attended a presentation by the Hon Murray Gleeson AC at the Victorian Chapter of the Chartered Institute of Arbitrators.

## Justice J Forrest

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**12 August 2014:** Delivered a presentation, 'Do's and don'ts for new barristers', for the Victorian Bar.

**15 August 2014:** Attended the Judicial Symposium at the College of Law.

**27 August 2014:** Attended the Asbestos Users' Group meeting with members of the profession.

**8 September 2014:** Presented on 'The challenges of modern common law litigation', for the Victorian Bar.

**10 September 2014:** Attended a meeting with representatives of Victoria Legal Aid regarding advocacy before the Forensic Leave Panel.

**15 September 2014:** Hosted Fiona Knowles for a day in chambers, as part of the 'Readers with judges' program.

**16 September 2014:** Attended the book launch, *Excursions in the law*, by the Hon Peter Heerey AM QC.

**22 September 2014:** Spoke at a mid tier litigation function.

**9 October 2014:** Delivered a presentation, 'In-court advocacy', with Chris Keogh, to Victorian Bar Readers.

**17 October 2014:** Presented, 'The overarching obligations under the Civil Procedure Act', to the Law Institute of Victoria and Victorian Bar Conference.

**30 October 2014:** Attended a Foley's List function.

**2 February 2015:** Presented the opening address at the Opening of the Legal Year, in Bendigo.

**2 February 2015:** Attended the Australian Bar Association function for new Silks, in Canberra.

**3 February 2015:** Attended the swearing in ceremony for the Hon Justice Nettle at the High Court, in Canberra.

## Justice Lasry

**28 August 2014:** Delivered a presentation, 'Justice speech', to LaTrobe University and Leo Cussen law students.

**1 September 2014:** Attended a meeting of the Criminal Liaison Group.

**15 September 2014:** Attended a meeting regarding, 'Delivering high quality criminal trials consultation', with Victoria Legal Aid.

**22 September 2014:** Met with representatives from Victoria Legal Aid to discuss 'Long term trends'.

**25 September 2014:** Hosted the International Commission of Jurists annual fundraising function.

**6 October 2014:** Presented at the Victorian Bar Readers course.

**9 October 2014:** Was a panellist at the Reprieve Australia Fundraising Event, 'Death penalty' discussion.

**9 October 2014:** Was a panellist at the International Criminal Law Conference.

**24 October 2014:** Delivered a presentation, 'Judging, advocacy and the media', at the Law Society of South Australia Criminal Law Conference, in South Australia.

**1 December 2014:** Attended a meeting of the Supreme Court Criminal Liaison Group.

**9 February 2015:** Attended a meeting of the Supreme Court Criminal Liaison Group.

**26 February 2015:** Attended the Victoria Legal Aid seminar, 'Baseline sentencing'.

## Justice Judd

**27 November 2014:** Attended the University of Melbourne John C Walker Scholarship Launch.

## Justice Vickery

**5 February 2015:** Delivered a paper, 'Recent developments in discovery in commercial litigation', at the Commercial Court seminar.

**28 May 2015:** Delivered a paper, 'Dispute resolution boards in construction contracts', to the Society of Construction Law (Australia) and the Dispute Resolution Board Foundation.

## Justice T Forrest

**25 July 2014:** Delivered the keynote address, 'The role of the instructing solicitor in the criminal trial', at the Law Institute of Victoria's Criminal Law Conference.

## Justice Emerton

**25 September 2014:** Attended the International Commission of Jurists annual fundraising function.

## Justice Croft

**19 August 2014:** Presented to Belmont High School as part of the Victoria Law Foundation's Classroom Law Talks program.

**28-30 August 2014:** Delivered a presentation, 'Awarding costs in arbitration: A view from the Bench', at the Arbitrators' and Mediators' Institute of New Zealand Conference in New Zealand. His Honour also presented, 'The judicial approach to arbitration: An Asia Pacific perspective', at the conference.

**10 September 2014:** Attended the book launch, *Annotated Class Actions Legislation*.

**13 November 2014:** Presented, as part of a panel, on 'Alternative dispute resolution processes within arbitration proceedings', at the International Arbitration Conference, in Sydney.

**13 January 2015:** Delivered introductory and closing remarks at the Opening of the Legal Year, at the Geelong Law Court.

**2 February 2015:** Attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**3 February 2015:** Attended the Opening of the Legal Year Orthodox Service.

**18 February 2015:** Presented a paper, 'Specialist lists: A Victorian Supreme Court perspective', at the Arbitrators' and Mediators' Institute of New Zealand and ICC Arbitration Day.

**5 March 2015:** Delivered introductory remarks at the Chartered Institute of Arbitrators' centenary celebrations, 'An evening with Neil Kaplan CBE QC SBS'.

**26 March 2015:** Attended the Law Institute of Victoria seminar, 'Promoting Australia as a leader in international arbitration'.

**15 April 2015:** Chaired and delivered introductory remarks at a Monash Law Chambers commercial seminar.

**3 June 2015:** Chaired the session, 'International arbitration', at a MTECC seminar.

## Justice Sifris

**9-11 August 2014:** Delivered a paper, 'The impact of pre-contractual conduct on contractual interpretation', at the 31st Annual Conference of the Banking and Financial Services Law Association, in New Zealand.

**13 August 2014:** Chaired a seminar, 'Large class actions/litigation funding', at Monash Law Chambers.

**11 September 2014:** Delivered a presentation, 'Religion, democracy and civil society – battle of the rights', at a Jews of the CBD and Kliger Partners function.

**24 February 2015:** Delivered a presentation at the Victorian Bar seminar, 'Rights, rule of law, foreign investment and football'.

**19 March 2015:** Attended a seminar, 'The Corporations List', at the Commercial Bar Association.

**24 March 2015:** Participated in a panel discussion, with the Chief Justice of Namibia, for the Commercial Bar Association.

## Justice Almond

**28 August 2014:** Presided over the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

**7 November 2014:** Attended the Commercial Bar Workshop, 'Gender equality at the Federal Court'.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

## Justice Macaulay

**10 March 2015:** Attended the Graeme Clark Oration at the World Trade Centre.

**18-20 March 2015:** Attended the Judicial College of Australia course, 'Judgment Writing', in Adelaide.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**20 May 2015:** Attended Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**29 May 2015:** Attended a Victorian Bar function.

**3 June 2015:** Delivered a speech, 'How a society of Christian lawyers can make a difference', at the Annual Victorian Christian Legal Society function.

**15 June 2015:** Attended the Magna Carta 800th Anniversary LiberTea.

**26 June 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Equity and the rule of law'.

## Justice McMillan

**22 September 2014:** Attended a mid tier litigation function.

**21 November 2014:** Presented a paper, 'The Probate List', at the South Australian Law Society Conference.

## Justice Garde

**31 May to 6 June 2015:** Presented a paper, 'The media, institutions and professional practice', at the 15th Greek-Australian International Legal and Medical Conference in Thessaloniki, Greece.

## Justice Digby

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**14 August 2014:** Presided over the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

**11 September 2014:** Attended the Commercial Bar Association of Victoria annual function.

**24 September 2014:** Adjudicated the grand final of the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

**25 September 2014:** Attended an Australian Academy of Law seminar, at the Federal Court of Australia.

**6 October 2014:** Attended a Directors' Meeting of the Victorian Bar Foundation.

**8 October 2014:** Attended the opening of Peter O'Callaghan QC Gallery in Owen Dixon Chambers.

**9 October 2014:** Co-convened and chaired a session at the Annual Supreme Court of Victoria/Melbourne University Commercial Law Conference.

**14 October 2014:** Attended the Judicial College of Victoria seminar, 'Supports for Koori offenders'.

**14 October 2014:** Attended the Annual General Meeting of the Australian Academy of Law.

**15 October 2014:** Presented on 'The Civil Procedure Act', at Monash Law Chambers.

**24 October 2014:** Attended the annual Dever's List function.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**20 November 2014:** Attended the Frank Costigan Oration delivered by the Hon Justice Crennan AC, in the Banco Court.

**24 November 2014:** Was a keynote speaker at the 2014 Asian Pacific Law Forum at Parliament House.

**3 December 2014:** Attended a Victorian Bar Council function in honour of retiring Chairman, Will Alstergren QC, and retiring members of the 2013-14 Bar Council.

**12 December 2014:** Attended the farewell sitting for the Hon Justice Crennan AC at the High Court.

**13 February 2015:** Attended the ceremonial sitting of the High Court of Australia to mark the occasion of the first Melbourne sitting of Justice Nettle.

**23 February 2015:** Attended the launch of Swinburne Law School and the new Bachelor of Laws Degree at Swinburne University.

**5 March 2015:** Attended the launch of the Chartered Institute of Arbitrators' centenary celebrations.

**17 April 2015:** Attended the Monash Law Chambers Judges and the Academy seminar, 'Judging and community values'.

**20 May 2015:** Attended the Harold Ford Lecture at Melbourne Law School, 'Trusts and statutes', presented by Chief Justice Robert French AC.

**21 May 2015:** Attended the lecture, 'ASIO's role and the threat of terrorism in Australia', presented by Duncan Lewis, Director-General of Security.

## Justice Elliott

**24 February 2015:** Attended and jointly chaired the Victorian Bar event, 'Rights, Rule of Law and Foreign Investment'.

**27 February 2015:** Attended and chaired a session, 'Equity in the age of statutes', at the Melbourne Law School Obligations Group.

**17 March 2015:** Attended a Judicial College of Victoria seminar, 'Koori twilight: understanding kinship'.

**30 March 2015:** Delivered a presentation, 'Witness interview skills', to Victorian Bar Readers.

**9-10 June 2015:** Attended the Judicial College of Victoria seminar, 'Evidence, evidence, evidence'.

**16 June 2015:** Attended a demonstration at the Watson Experience Centre, IBM.

### Justice Ginnane

**20 November 2014:** Attended the Frank Costigan Oration delivered by the Hon Justice Crennan AC, in the Banco Court.

**20 November 2014:** Was a guest speaker at the Industrial Bar Association annual function.

**24 November 2014:** Addressed VCE legal studies teachers as part of the Victorian Commercial Teachers Association Conference.

**5 February 2015:** Participated in a teleconference Executive Meeting of the Judicial Conference of Australia.

**7 February 2015:** Attended the Melbourne University Law School Gala.

### Justice Sloss

**20-22 September 2014:** Attended the Judicial College of Victoria course, 'Judgment Writing'.

**24 October 2014:** Attended the annual Dever's List function.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**10 November 2014:** Attended a Victorian Bar function in honour of Chief Justice Warren AC and Chief Justice Bryant AO.

**21 November 2014:** Attended the book launch, *The Good Lawyer*, at Monash University.

**19-23 January 2015:** Attended the Australian Bar Association Advocacy Course.

**27 February 2015:** Chaired a presentation by Prof Lionel Smith at the Equity in the Age of Statutes Conference.

**15 April 2015:** Attended the Monash Law Chambers seminar, 'Expert evidence'.

### Justice Croucher

**17 March 2015:** Representing the Chief Justice, attended a function hosted by the Archbishop, the Most Reverend Denis Hart to mark St Patrick's Day.

### Justice Rush

**22 September 2014:** Spoke at a mid tier litigation function.

**22 October 2014:** Chaired the Judicial College of Victoria seminar, 'Managing expert evidence'.

**16 February 2015:** Spoke at the Monash Law Students' Society Careers in Law seminar.

**27 March to 1 April 2015:** Presented the paper, 'Historical and current legal issues relating to occupational causes of

respiratory malignancies', at the Thoracic Society of Australia and New Zealand Annual Scientific Meeting on the Gold Coast.

### Justice Cameron

**18-20 March 2015:** Attended the Judicial College of Australia course, 'Judgment writing', in Adelaide.

**21-26 June 2015:** Attended the National Judicial Orientation Program, on the Gold Coast.

### Justice Beale

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**12 February 2015:** Attended the Foley's List presentation, 'Tendency and coincidence evidence'.

**10 March 2015:** Delivered a presentation, 'Tendency and coincidence evidence', for the Criminal Bar Association.

**18 March 2015:** Delivered a presentation, 'Cross examination', to Victorian Bar Readers.

### Justice McDonald

**18-20 March:** Attended the Judicial College of Australia course, 'Judgment writing', in Adelaide.

**16 May 2015:** Addressed the public at Courts Open in the Banco Court.

**20 May 2015:** Attended Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**27 May 2015:** Attended a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov held in the Supreme Court Library.

**29 May 2015:** Attended a Victorian Bar function.

**21-26 June 2015:** Attended the National Judicial Orientation Program, on the Gold Coast.

### Justice Zammit

**25 February 2015:** Met with Judge Kobayashi, Tokyo District Court, Japan.

**25 February 2015:** Met with PT Damaseb, Deputy Chief Justice and Judge President of the High Court of Namibia.

**5 March 2015:** Met with Justice Homma, Takamatsu District Court, Japan.

**5 March 2015:** Was the keynote speaker at an Australian Italian Lawyers Association seminar.

**11 March 2015:** Attended the Dame Roma Mitchell Memorial Lecture.

**14 March 2015:** Attended the Premier's Gala.

**25 March 2015:** Delivered the presentation, 'Class actions', to the Melbourne Law School.

**20 April 2015:** Presented at the Judicial College of Victoria seminar, 'Mega-litigation'.

**22 April 2015:** Was the keynote speaker at an Australian Italian Lawyers Association event.

**28 April 2015:** Delivered the welcome address at the Multicultural Conference and Summit 2015.

**20-22 May 2015:** Attended the Australian Institute of Judicial Administration Conference, in Brisbane.

**27 May 2015:** Attended a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov held in the Supreme Court Library.

**9-10 June 2015:** Attended the Judicial College of Victoria seminar, 'Evidence, evidence, evidence'.

**11 June 2015:** Attended the Go Red for Women's Breakfast.

**12 June 2015:** Was the keynote speaker at the King David School's Women's Breakfast.

**16 June 2015:** Attended the Hellenic Australian Lawyers event, 'An evening with the Victorian Attorney General, Martin Pakula MP'.

**21-26 June 2015:** Attended the National Judicial Orientation Program, on the Gold Coast.

## Justice Riordan

**21 April 2015:** Attended the 2015 Victoria Law Foundation Legal Reporting Awards.

**14 May 2015:** Presented the Supreme Court Prize at the Deakin Law School Academic Awards.

**15 May 2015:** Attended the Judicial College of Victoria seminar, 'The age of statutes: principles of statutory interpretation'.

**4 June 2015:** Attended a meeting with the design team for the Shepparton Law Courts redevelopment.

**12 June 2015:** Attended a meeting of the Shepparton Law Court Steering Committee.

## Associate Justice Wood

**22 September 2014:** Addressed Monash University law students in relation to 'Lawyers' ethics and professional responsibility'.

**16 October 2014:** Addressed Monash University law students in relation to 'Lawyers' ethics and professional responsibility'.

**18 May 2015:** Addressed the University of Melbourne law students on 'The role of an associate judge and judicial mediation'.

**22 June 2015:** Presented a paper, 'Court processes and access to justice', at the Monash Australian Centre for Justice Innovation seminar.

## Associate Justice Lansdowne

**22 September 2014:** Addressed Monash University law students in relation to 'Lawyers' ethics and professional responsibility'.

**16 October 2014:** Addressed Monash University law students in relation to 'Lawyers' ethics and professional responsibility'.

## Associate Justice Daly

**26 September 2014:** Attended a function in the McCubbin Room for the Hon Justice Bell of the High Court.

**10-12 October:** Attended the Judicial College of Victoria Colloquium Conference, in Noosa.

**14 October 2014:** Presented, with Judge O'Neill of the County Court, on 'Forewarned is forearmed: What practitioners and insurers need to know. Recent developments, judicial protocols and procedures in the post Yara Australia v Oswal era', to the Australian Insurance Law Association.

## Associate Justice Mukhtar

**16 September 2014:** Delivered a lecture to the Victorian Bar Readers Course on 'Critical Aspects of Advocacy'.

**3 February 2015:** Attended the swearing in ceremony for the Hon Justice Nettle at the High Court, in Canberra.

**16 March 2015:** Delivered a lecture to the Victorian Bar Readers Course on 'Critical Aspects of Advocacy'.

**30 April 2015:** Attended the Victorian Bar Readers Course Dinner as a guest of the Chairman.

**9 June 2015:** Attended the swearing in ceremony for the Hon Justice Gordon to the High Court of Australia, in Canberra.

## Associate Justice Derham

**5-9 July 2014:** Attended the Supreme and Federal Courts Judges' Conference, in Darwin.

**27 August 2014:** Attended an event with the Chairman of Barristers Chambers relating to his Honour's contributions to Barristers Chambers Limited as Chairman and Director.

**11 September 2014:** Attended the Commercial Bar Association of Victoria annual function.

**8 October 2014:** Attended the opening of Peter O'Callaghan QC Gallery in Owen Dixon Chambers.

**9 October 2014:** Commentator at the Annual Supreme Court of Victoria/Melbourne University Commercial Law Conference.

**22 October 2014:** Attended the Judicial College of Victoria seminar, 'Managing expert evidence'.

**7 November 2014:** Attended the opening of the Owen Dixon Chambers West extension.

**13 November 2014:** Attended Aickin Chambers Event held at Aickin Chambers.



**25 November 2014:** Attended the naming ceremony and celebration in honour of Professor Emeritus Sir David P Derham, at the Melbourne Law School.

**3 December 2014:** Attended a Victorian Bar Council function in honour of retiring Chairman, Will Alstergren QC, and retiring members of the 2013-14 Bar Council.

**2 February 2015:** Attended the Opening of the Legal Year Multi-Faith Service, at Government House.

**20 April 2015:** Attended the Judicial College of Victoria seminar, 'Managing mega litigation'.

**22 April 2015:** Attended Professor Noah Messing's address, 'Judicial writing', at the Judicial College of Victoria.

**1 May 2015:** Attended a Supreme Court of Victoria event with Professor Carolyn Evans.

**20 May 2015:** Attended Welcome to Country and Smoking Ceremony at the Supreme Court of Victoria.

**27 May 2015:** Attended a farewell for His Excellency the Hon Alex Chernov AC QC and Mrs Chernov held in the Supreme Court Library.

**9-10 June 2015:** Attended the Judicial College of Victoria seminar, 'Evidence, evidence, evidence'.

### Associate Justice Ierodiaconou

**15 May 2015:** Attended a Law Institute of Victoria Awards event.

**21 May 2015:** Attended a Women Barristers Association event.

**29 May 2015:** Attended a Victorian Bar function.

**4 June 2015:** Attended the launch of the Judicial College of Victoria's Serious Injury Manual.

**16 June 2015:** Attended the Hellenic Australian Lawyers event, 'An evening with the Victorian Attorney General, Martin Pakula MP'.

### Judicial Registrar Pedley

**20 October 2014:** Attended a presentation on 'Civil Appeal reforms' at the Victorian Bar.

**6 November 2014:** Attended a presentation on 'Civil Appeal reforms' at the Law Institute of Victoria.

**10 November 2014:** Attended a presentation on 'Civil Appeal reforms' at the Transport Accident Commission in Geelong.

**11 November 2014:** Attended the Commercial Court Users' Group meeting.

**19 November 2014:** Attended a presentation on 'Civil Appeal reforms' at Mallesons.

### Judicial Registrar Wharton

**12 September 2014:** Attended the Succession Law Conference 2014.

**2 October 2014:** Attended the Law Institute of Victoria Property Law Conference.

**12 November 2014:** Attended an aged care information session at Funds in Court.

### Judicial Registrar Hetey

**27 November 2014:** Presented at a RedCrest Users' Group information event and webinar.

**25 February 2015:** Met with Deputy Chief Justice Petrus Damaseb of the High Court of Namibia to discuss Commercial Court reforms and the Judicial Registrar role.

**13 March 2015:** Presented a paper, 'Commercial Court reforms', at the Legalwise Advanced Litigation Conference.

**20 April 2015:** Attended the Judicial College of Victoria seminar, 'Managing mega litigation'.

**15 May 2015:** Presented at a RedCrest information session for the Commercial Bar.

**22 May 2015:** Convened a panel discussion on 'Sharing technology', at the Australian Institute of Judicial Administration Conference, in Brisbane.

**27 May 2015:** Attended a Commercial Court Users' Group meeting.

**16 June 2015:** Presented at a RedCrest information session for the Commercial Bar.

# APPENDIX 2: CONTACTS AND LOCATIONS

## Court of Appeal Registry

Level 1, 436 Lonsdale Street  
Melbourne VIC 3000  
Tel: (03) 9603 9100  
Fax: (03) 9603 9111  
coaregistry@supremecourt.vic.gov.au

## Commercial Court Registry

Ground floor, 4 50 Little Bourke Street  
Melbourne Victoria 3000  
Tel: (03) 9603 4105  
commercialcourt@supremecourt.vic.gov.au

## Principal Registry

Level 2, 436 Lonsdale Street  
Melbourne VIC 3000  
Tel: (03) 9603 9300  
Fax: (03) 9603 9400

## Court Administration

Level 4, 436 Lonsdale Street  
Melbourne VIC 3000  
Tel: (03) 9603 9395  
Fax: (03) 9603 9400  
info@supremecourt.vic.gov.au

## Law Library of Victoria

210 William Street  
Melbourne VIC 3000  
Tel: (03) 9603 6282  
llv@courts.vic.gov.au

## Juries Commissioner's Office

Ground Floor, County Court  
250 William Street  
Melbourne VIC 3000  
Tel: (03) 9636 6811  
Fax: (03) 8636 6829  
juries@supremecourt.vic.gov.au

## Funds in Court

Level 5, 469 La Trobe Street  
Melbourne VIC 3000  
Tel: 1300 039 390  
Fax: 1300 039 388  
fic@supremecourt.vic.gov.au

## Regional courthouses and registry locations

### Ballarat

100 Grenville Street South  
(PO Box 604)  
Ballarat VIC 3350  
Tel: (03) 5336 6200  
Fax: (03) 5336 6213

### Bendigo

71 Pall Mall  
(PO Box 930)  
Bendigo VIC 3550  
Tel: (03) 5440 4140  
Fax: (03) 5440 4162

### Geelong

Railway Terrace  
(PO Box 428)  
Geelong VIC 3220  
Tel: (03) 5225 3333  
Fax: (03) 5225 3392

### Hamilton

Martin Street  
(PO Box 422)  
Hamilton VIC 3300  
Tel: (03) 5572 2288  
Fax: (03) 5572 1653

### Horsham

22 Roberts Avenue  
(PO Box 111)  
Horsham VIC 3400  
Tel: (03) 5362 4444  
Fax: (03) 5362 4454

### LaTrobe Valley

134 Commercial Road  
(PO Box 687)  
Morewell VIC 3840  
Tel: (03) 5116 5222  
Fax: (03) 5116 5200

### Mildura

56 Deakin Avenue  
(PO Box 5014)  
Mildura VIC 3500  
Tel: (03) 5021 6000  
Fax: (03) 5021 6010

### Sale

79-81 Foster Street  
(Princes Highway)  
(PO Box 351)  
Sale VIC 3850  
Tel: (03) 5144 2888  
Fax: (03) 5144 7954

### Shepparton

14 High Street  
(PO Box 607)  
Shepparton VIC 3630  
Tel: (03) 5821 4633  
Fax: (03) 5821 2374

### Wangaratta

21 Faithfull Street  
(PO Box 504)  
Wangaratta VIC 3677  
Tel: (03) 5721 0900  
Fax: (03) 5721 5483

### Warnambool

218 Koroit Street  
(PO Box 244)  
Warnambool VIC 3280  
Tel: (03) 5564 1111  
Fax: (03) 5564 1100

### Wodonga

5 Elgin Boulevard  
(PO Box 50)  
Wodonga VIC 3690  
Tel: (02) 6043 7000  
Fax: (02) 6043 7004

DESIGN AND PRODUCTION

Mackay Branson design

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