

SUPREME COURT OF VICTORIA 2013-14 ANNUAL REPORT



Letter to the Governor

February 2015

To His Excellency Alex Chernov AO QC, 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 *Supreme Court Act 1986* with respect to the financial year 1 July 2013 to 30 June 2014.

Yours sincerely,



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

On the cover

The Kilmore East–Kinglake Black Saturday bushfire class action in the Supreme Court of Victoria was the largest civil trial in Victoria's history, lasting more than 200 court sitting days. Testimony from 100 witnesses was heard and more than 10,000 documents were admitted to evidence.

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

February 2015

© Supreme Court of Victoria

This report is protected by copyright. Apart from any use permitted under the *Copyright Act 1968*, all rights are reserved.

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

Enquiries:

Supreme Court of Victoria

210 William Street

Melbourne Victoria 3000

Tel: 03 9603 6111

Email: info@supremecourt.vic.gov.au

SUPREME COURT OF VICTORIA

2013–14 ANNUAL REPORT

Contents	
Remarks of the Chief Justice	2
Remarks of the Chief Executive Officer	4
Significant events	5
At a glance	10
Our year in review: Court Delivery	23
The Court of Appeal	24
The Trial Division – Commercial and Equity	28
The Trial Division – Common Law	35
The Trial Division – Crime	44
Associate Judges	47
Our year in review: Support Delivery	53
Court of Appeal Registry	54
Commercial Court Registry	55
Principal Registry	56
Funds in Court	60
Juries Commissioner's Office	65
Court Administration	67
Law Library of Victoria	73
Financial report	74
Appendices	79
Appendix 1: Judicial Activity	80
Appendix 2: Contacts and Locations	88

CASE STUDIES



page 20

Designing justice

In collaboration with the Faculty of Design and Architecture at the University of Melbourne, students developed designs for a new Supreme Court building for Victoria.



page 30

Expansion of the Commercial Court

The Court has embarked upon significant reforms that build upon the Commercial Court's operations.



page 40

Hearing Victoria's largest common law trial

The Kilmore East-Kinglake Black Saturday bushfire class action created an unprecedented workload, requiring innovation in the hearing of the trial.



page 50

The difference mediation is making

The increase in judicial-led mediation – and the impact that successful resolutions is having on all those involved – is staggering.



page 59

Preserving open justice through new media

The rise of new media technologies has changed the way the Supreme Court is keeping Court users and the wider community informed about the work of the Court.

SUPREME COURT OF VICTORIA

Remarks of the Chief Justice

The Supreme Court has continued to implement widespread reforms and innovations during the financial year to help improve efficiencies and services for all Court users.

The 2013-2014 Annual Report highlights many of the 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.

Court Services Victoria

The *Court Services Victoria Act 2014* received Royal Assent on 11 February 2014. The Supreme Court, together with the other courts and VCAT, worked closely with Government in the development of this legislation to create an independent, judge-led administration for Victoria's courts and tribunals. The passage of the Act was an important milestone in the state's history.

The legislation created a new statutory body corporate with a governing Courts Council comprising of Heads of Jurisdiction for each court and VCAT as well as independent members appointed by the Council. The Council is chaired by the Chief Justice of the day. The purpose of the Council is to provide administrative services and facilities necessary to support the performance of functions of the courts. In anticipation of this reform, an Advisory Council was formed as the precursor to the Courts Council. The Advisory Council, under my leadership, directed and oversaw the changes necessary to effect the transition to the new corporate entity, Courts Services Victoria. I extend my appreciation to a number of the judges of this Court who dedicated (and continue to dedicate) valuable judicial time to assist and lead the various committees formed by the Council for the purposes of the transition.

Significant work was also undertaken by the Supreme Court in preparation for commencement of the Act on 1 July 2014. The Court reviewed its internal organisation and capabilities to ensure it remained in a strong position to self-administer. The formation of a new Board of Management and the creation of a new judicial registrar position with special responsibility for court administration, in addition to judicial duties to support the Chief Justice, were two significant initiatives of the Court.

Court Services Victoria will enable the courts to self-govern and ensure all resources allocated to courts are properly applied to achieve the best outcomes for the community. The Victorian courts will demonstrate their full transparency and

accountability through the establishment and their commitment to CSV.

Information Technology

Following the immense difficulties with an earlier IT case management system (the Integrated Court Management System - ICMS), the court, together with the support of Government - in particular the Minister for Business and Technology - and with significant judicial involvement, developed a new case management system called 'RedCrest'. The new system has run as a pilot in the Technology, Engineering and Construction List under the supervision of the Honourable Justice Vickery, and has proved very successful. With support from the Government, the Court is in the process of rolling out RedCrest into the very busy Commercial Court. It is regarded by the Court as a panacea to many of the problems and deficiencies in ICMS. It is also a very efficient and cost effective system that will greatly benefit the Court and the profession.

Judge Led Reform

The Supreme Court continued on its path of innovation and reform during the reporting year. The significant reform to criminal appeals in the Court of Appeal has dramatically reduced delays and improved the administration of criminal justice. Preparation has commenced for the implementation of civil appeal reforms that will mirror the successful criminal appeal reforms.

In the Trial Division, the Commercial Court prepared for its expansion and takeover of the Commercial and Equity Division in the 2014-2015 financial year. The Commercial Court has been a resounding success witnessing growth in the nature and types of cases brought by litigants to the Court, and also, the numbers of corporation cases being filed. The implementation and reforms in the Commercial Court have been driven very much by judges supported by Supreme Court staff.

Leading edge technology has also been successfully implemented across the Court, particularly regarding class actions in the Common Law Division managed by the Honourable Justice J Forrest, and also in major Commercial cases such as Timbercorp and Great Southern. The application of technology in these class actions has



seen trial time reduced by approximately one third. Again these reforms have been led by the judges.

Similarly, reforms are underway in the Criminal Division regarding the progress, preparation for trial and nature of matters filed. The reporting year has seen an expansion of the criminal jurisdiction in the Supreme Court to include not only homicide trials but significant sexual offences and commercial fraud cases.

Alternative Dispute Resolution (ADR)

An extraordinary achievement in the reporting year has been the success of judge-led ADR provided by the associate judges. As explained in the report, this work has been very significant in providing a service to litigators and the public by facilitating the faster resolution of cases at no cost, usually under the direction of a judge. The success rate of the Court's ADR program has saved parties and the Government significant time and cost. It needs to be borne in mind that it is not only the saving of the actual court time allocated to the trial or the appeal, but significantly, the time that would otherwise be taken up by judges in the preparation of judgments.

Sound Financial Management

Through sound financial management the Supreme Court has again achieved a modest surplus in its budget. This is a significant achievement particularly in light of budget cuts. When lined up against its national comparators in the civil jurisdiction, the Court provides an efficient and cost-effective process for the resolution of disputes.

Law Library of Victoria (LLV)

The year also saw the continuation of the development of the Law Library of Victoria. The consolidation of the libraries of all Victorian courts is well underway with the assistance of the Victorian Bar and the Law Institute of Victoria and under the stewardship of the Law Library of Victoria Committee chaired by the Honourable Justice Macaulay. It is anticipated that the establishment of Court Services Victoria will help further with the progress towards the completion of the establishment of the LLV.

Supreme Court Building

Again I mention the Supreme Court building. Court Services Victoria will provide a strategic opportunity for the Supreme Court of Victoria to promote its case for the commitment by Government to a major project, namely, a new Supreme Court building. Nothing has changed from previous years and problems remain with lack of security, inadequate arrangements for the public and the unnecessary constraints placed on the management of electronic trials.

Administrative Staff

Finally, on behalf of the Judges of the Supreme Court I thank the former Chief Executive Officer David Ware, the current acting CEO, Tony Hoogeveen, and all the Court staff for their extraordinary support and commitment to serving the Supreme Court of Victoria and its judges. Administrative support is vital to the judicial role.

The Court also thanks the Secretary and staff of the Department of Justice for their important assistance and cooperation through the reporting year.

A handwritten signature in black ink, appearing to read 'M. Warren'. The signature is fluid and cursive.

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

SUPREME COURT OF VICTORIA

Remarks of the Chief Executive Officer

The achievements and challenges highlighted in the 2013-14 Annual Report demonstrate the Court's ongoing commitment to innovation and reform.



A handwritten signature in black ink, appearing to read 'Anthony Hoogveen'.

Anthony Hoogveen
Acting Chief Executive Officer

Performance against a number of key benchmarks shows the Court is meeting day-to-day demands and developing new and innovative ways to improve its services to Court users.

The Court continued to finalise more cases during the reporting period than new cases initiated, with a court-wide clearance rate of 102 per cent. The Court also continued the trend of a reduction in the number of pending cases with the number of cases pending for more than 12 months down from 29 per cent to 25 per cent. And for the fifth year in a row, the Court delivered a balanced budget with a modest surplus.

Ongoing improvements introduced by the Court of Appeal Registry continued to reduce the backlog of appeals and applications for leave to appeal by 13 per cent. Building on the successful introduction of the Ashley-Venne criminal appeal reforms introduced in 2010-11, there has been a further reduction in the median time taken to finalise criminal appeals in the last financial year. While the median time was 12.5 months in 2010-11, that dropped to 6.8 months in 2013-14. To pave the way forward a concerted effort was made to finalise older civil appeals during the reporting period. This resulted in a 26 per cent decrease in the number of civil appeals pending. Significant reforms to the way civil appeals are handled are also being introduced in late 2014.

To support the large-scale operations of the Commercial and Equity Division a dedicated Registry was opened in November 2013. Preparations continued for the rollout of RedCrest, the electronic case management system, which will be used for all new initiations in the judge-managed lists of the Commercial Court in the latter half of 2014, as part of the Court's push to become paper-free by 2016.

Also supporting the Court's Trial Division, the Principal Registry performed above expectation. In the past year, more than 72,000 documents were received and processed, representing a 12.5 per cent increase on the previous year.

Notably, the Court had more contact with self-represented litigants than ever before with 2,340 contacts. This was considerably higher than the previous record number of 2,041 contacts, in 2010-11.

Funds in Court outperformed all key performance indicators regarding its delivery of services to beneficiaries. Importantly, 94 per cent of payments to, or on behalf of, beneficiaries were processed within five days. Funds under administration increased by seven per cent, including direct investment in real estate and other assets.

The Juries Commissioner's Office was kept busy, summoning almost 57,000 jurors, of which 7,035 were empanelled to serve on Supreme Court and County Court trials. The number of jury trials in regional Victoria increased too in 2013-14 by 14 per cent, with circuit trials at Geelong, Bendigo and the La Trobe Valley the busiest.

Engagement with the wider community continues to be a strong focus of the Court with a new website launched in June 2014. The website provides important information for legal practitioners and the community about the work of the Court, plus regular news and educational updates, links to audio and video webcasting among many other functions.

More than 4,800 VCE legal studies students participated in the Court's Education Program. And an estimated 1,500 people visited the Court of Appeal as part of Open House Melbourne in July 2013. A further 1,000 people visited the Trial Division on Courts Open Day as part of Law Week in May 2014.

Ongoing challenges continue to be faced regarding the antiquated infrastructure in which the Court operates and the difficulties associated with maintaining and preserving the integrity of the Court's heritage-listed building.

It has been another challenging year of continued innovation and service improvement and we look forward to the coming year in which we continue our commitment to providing the highest level of support to the Court.

SUPREME COURT OF VICTORIA

Significant events

It has been a period of continuing reform and innovation in the Supreme Court of Victoria.



Growth of the Commercial Court

The Supreme Court's Commercial Court has grown from a modest operation with four specialist lists hearing corporations cases, to a large-scale dynamic area of the Court. Commencing operations in 2009 as a sub-division of the Supreme Court's Commercial and Equity Division, today the Commercial Court hears a vast number of commercial disputes.

One of the team's first goals was to establish a dedicated Commercial Court Registry. A project team was established to assist in managing the growth. With the vision of launching the Commercial Court as a division in its own right. The Commercial Court Registry launched in November 2013 — read more on page 30.





Strengthening juries management

The Juries Commissioner’s Office (JCO), together with the Court’s Business Intelligence team, created the Juries Information and Reporting Portal. A sophisticated and powerful reporting tool, the web-based interface links to the JCO’s jury information management system, which holds vast amounts of data. The portal enables the Juries Commissioner to access real-time data, statistics and trends across all jury management activities.

The portal is being used within the JCO to inform business process decisions, from the number of jury eligibility questionnaires to be posted to the number of prospective jurors to be provided for a jury panel. In the coming months, the Juries Commissioner will introduce the portal to the judiciary to assist with, and inform, in-court jury management practice, particularly the jury empanelment process.



Mooting for a cause

The Hanover Mooting Competition has been held at the Supreme Court of Victoria for more than 10 years. It provides an invaluable opportunity for trainees and new lawyers to exercise and improve their advocacy skills, and raises funds for Hanover to continue its work with people experiencing homelessness. Hanover, a leading welfare agency, has been working in the area of homelessness for more than 40 years, assisting in excess of 6,500 people with accommodation and support services each year.

The mooting competition is organised by the Law Institute of Victoria and is proudly supported by the Supreme Court and the Australian Advocacy Institute. A number of Supreme Court judges participated in the mooting rounds and Justices Osborn, Digby and Sifris judged the grand final. The winner of the 2014 competition was Arnold Bloch Leibler, with Colin Biggers & Paisley as runner-up.

This year, \$34,100 was raised through the competition and donated entirely to Hanover Welfare Services to help the homeless.



Top: Presentation to the winning team – Arnold Bloch Leibler; Justice Sifris, Alexandra Lachel, Tom Dreyfus, Claire Kelly, Sam Flynn, 2013 LIV President Reynah Tang, Justice Digby.

Above: Runners up – Colin Biggers & Paisley; Aoife Gallagher-Watson, Kirsten Hawkes.



Left: Visit to Yorta Yorta Country in October 2013, as part of the 'Back to Country' weekend.



Aboriginal cultural awareness training

As chair of the Judicial Officers' Aboriginal Cultural Awareness Committee, established to address two recommendations from the 1991 report of the Royal Commission into Aboriginal Deaths in Custody, Justice Kaye is playing an important role in helping to address the over-representation of Aboriginal people* in the criminal justice system. The committee, in conjunction with the Judicial College of Victoria, seeks to educate judicial officers about the cultural and socioeconomic issues that affect Aboriginal people who come before the courts.

Seminars on identity, mental health issues affecting Aboriginal people, and returning ancestral remains to Country were held for judicial officers. In October 2013, a 'Back to Country' weekend visit to Yorta Yorta Country (near Echuca) was organised. The visit involved various activities including discussions with Yorta Yorta members, a tour of the Barmah Forest and Yenbena Indigenous Training Centre and a cultural boat trip along the Murray River. Judicial officers also visited the Baroona Youth Healing Centre and received a presentation on the activities of the Njernda Aboriginal Corporation.

During the year, the Supreme Court participated in a Victorian Bar program, which provided internships to three Aboriginal law students. The Supreme Court, the Federal Court and the Victorian Bar, each hosted the students for a week, giving them an opportunity to experience different facets of working in the law. In addition, Supreme Court judges participated in a Victorian Bar program where judges and barristers jointly mentored Aboriginal lawyers and law students.

*Aboriginal is used to reflect both Aboriginal and Torres Strait Islander people.

Connecting with the community

The Supreme Court has embraced new technologies to augment open justice and ensure the fundamental tenet of Australian democracy – that justice is not only done, but also seen to be done – is fulfilled.

In December 2013, the Supreme Court set up a Facebook page to provide information to a wider cross-section of the community. And in June 2014, the Court launched a new website, which hosts important information for legal practitioners and Court users, plus regular news and educational updates for the community. On the new site, the community and legal profession can also find out about cases currently before the Court, and the outcome of matters that have been decided, via audio and video web casting in some instances. Read more in the case study on page 59.



Court of Appeal internships

The Court of Appeal coordinated an internship program involving 30 students from RMIT University and Victoria University. The program began in 2013 as a joint initiative between Victoria University's College of Law and Justice, and the Court of Appeal. This year, following the success of the 2013 pilot, the program was extended to include students from RMIT's Center for Innovative Justice.

The students observed a number of criminal and civil hearings and met with Justices Nettle, Neave, Redlich, Weinberg and Priest in the Court of Appeal. Tours of the Supreme Court library, the registry and the old holding cells took place. The students also participated in a networking lunch attended by 10 young lawyers from various areas of practice.

The difference mediation is making

The increase in judicial-led mediation – and the impact that successfully mediated resolutions have on parties and the Court – is staggering.

Associate judges and judicial registrars once again played a crucial role in resolving cases that were originally listed for trial through mediation. Judicial-led mediations can take place through own motion mediations or by referral by judges or associate judges, they can also arise from practitioner applications and requests. A recent initiative, endorsed by the Chief Justice, aims to ensure even greater responsiveness to the demand for mediations in commercial matters.

During the year, 219 cases were listed for mediation: 118 matters were settled at mediation and 55 were not resolved. The remaining 46 matters were either adjourned or vacated.

Resolving matters at mediation saves considerable Court time and resources and provides parties with multiple benefits including less legal costs, a swifter resolution and less distress that ongoing litigation can generate. Read more about the Court's commitment to mediation in the case study on page 50.





Transitioning to CSV

In February 2014, the Court initiated a project to develop a Memorandum of Understanding (MOU) with Court Services Victoria (CSV) to be used as a basis for the ongoing relationship from 1 July 2014. The project examined and clarified the scope of services to be provided by Jurisdiction Services staff within CSV, and how services delivered by the Department of Justice up until 30 June 2014, would transition to CSV.

The resulting MOU specifies the administrative services and facilities to be provided to the Court by Jurisdiction Services. It articulates the guiding principles for the provision of the services and the values that will apply to both parties. Further, it establishes issues management and dispute resolution processes.

The MOU eliminates ambiguity regarding accountabilities for administrative functions, and defines the separate and distinct nature of the Court from that of Jurisdiction Services. The MOU has been an important tool to manage business continuity risks of support services provided to the Court during the transition from the Department of Justice to CSV.

More information about the Court's governance arrangement is available on page 22.



Launch of the Melbourne Arbitration and Mediation Centre

In March 2014, the Melbourne Commercial Arbitration and Mediation Centre officially opened in the William Cooper Justice Centre. The Supreme Court worked closely with the Victorian Bar, Law Institute of Victoria, Courts Services Victoria and the Department of Justice to establish the Centre, which is set to attract domestic and international arbitration business. As Chair of the Project Board, Justice Croft (Judge-in-charge of the Supreme Court's Arbitration List) was instrumental in steering the development of the Centre.

The opening represented a milestone for Victoria's arbitration community. Previously, the provision of facilities for parties seeking a venue to resolve commercial disputes out of the courts was somewhat ad hoc. The new Melbourne Commercial Arbitration and Mediation Centre ensures parties have access to Victoria's best arbitration and mediation facilities. It is a significant step towards Melbourne becoming a key part of the international arbitration hub in the Asia Pacific region.

Paper-free by 2016

After a successful trial as a proof of concept in the Court's Technology, Engineering and Construction List, RedCrest was launched in the Commercial Court. RedCrest, the Court's innovative electronic case management system, is now being used for all new initiations in the judge-managed lists of the Commercial Court, including the Commercial List, Intellectual Property List, the Technology, Engineering and Construction List and the Corporations List.

RedCrest is the central pillar of the Court's aim to be paper-free by 2016. It is a one-stop shop that allows practitioners to initiate cases, pay fees and share documents with the Court and other parties online. On filing an originating process, RedCrest creates a case page and electronic Court file and provides the filing party with a copy of their document complete with case number, filing date, return date (if applicable) and a Court seal, ensuring the document is immediately ready for service.

The project team is forging ahead with a view to rolling the system out across the remainder of the Court during 2015.

SUPREME COURT OF VICTORIA

At a glance

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



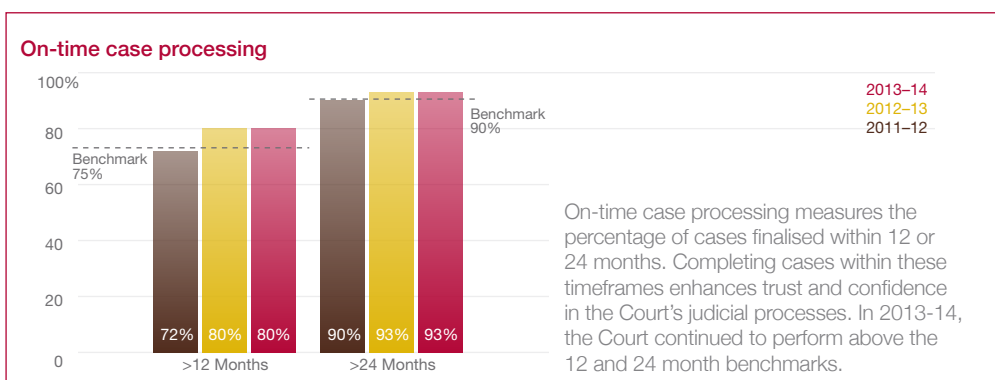
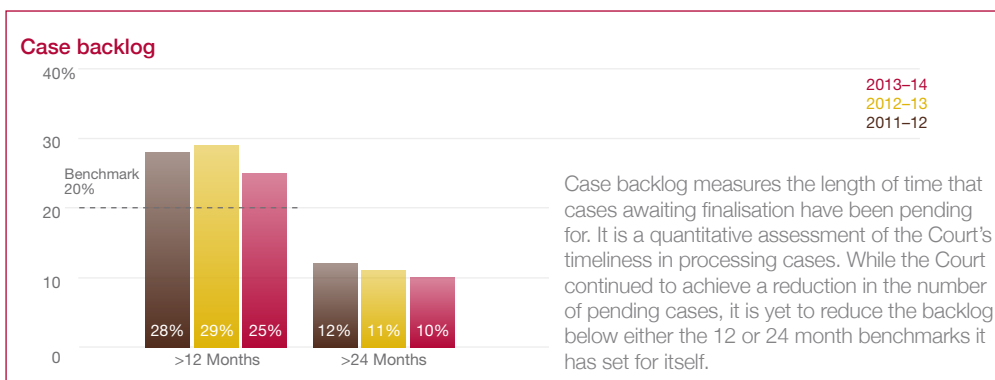
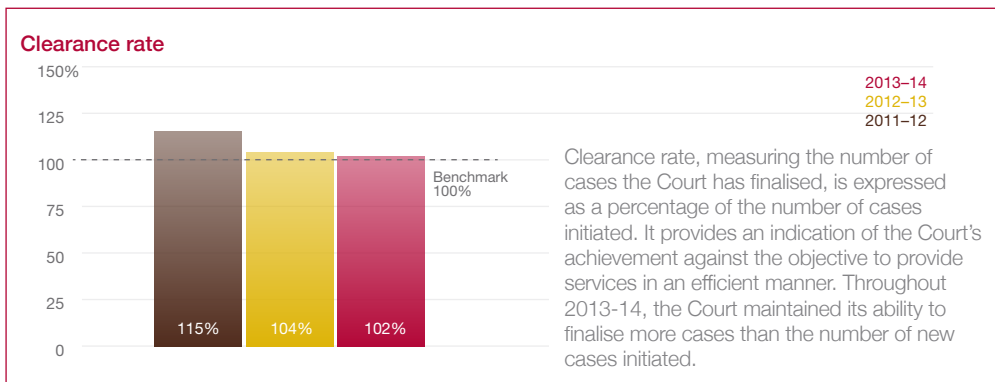
Global Measures of Court Performance

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).

During the year, the Court continued its transition to the global measures, as part of its ongoing implementation of the Framework.

This year, the Court has sufficient quality data associated with three global measures: clearance rate, case backlog and on-time case processing, for reporting on in this Annual Report. It is anticipated that further data will be available next year to enable reporting on an additional five measures: court user satisfaction, access fees, court file integrity, trial date certainty and employee engagement.

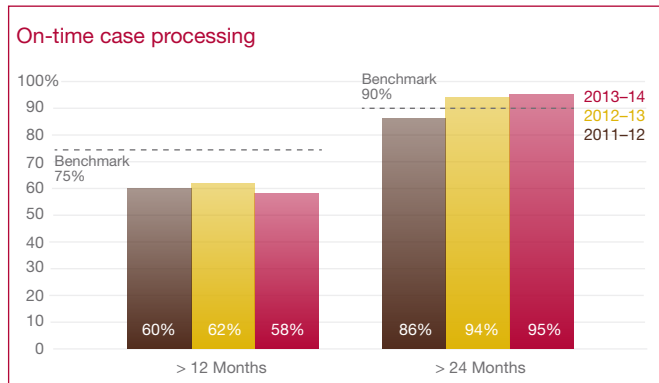
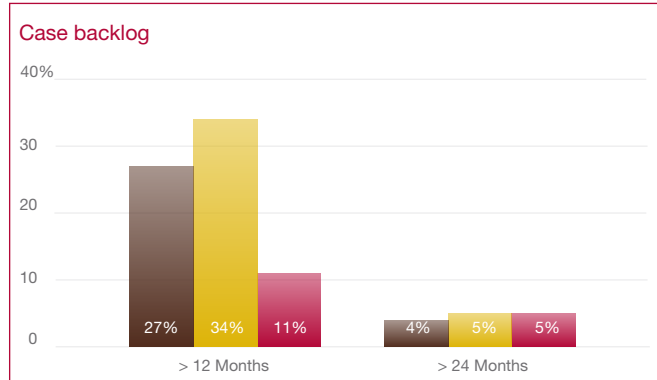
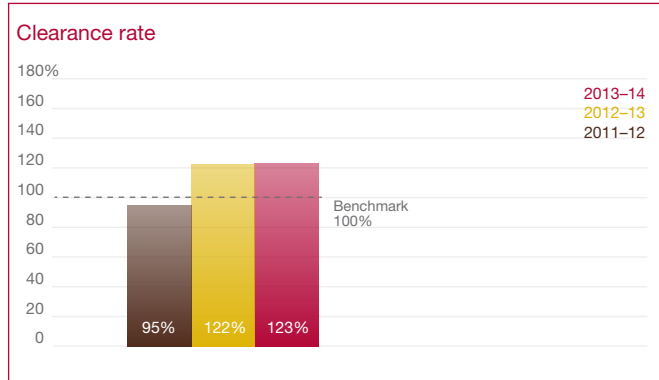
The Court is progressively establishing benchmarks for all of these performance measures to monitor whether it is achieving the quality outcomes it expects of itself.



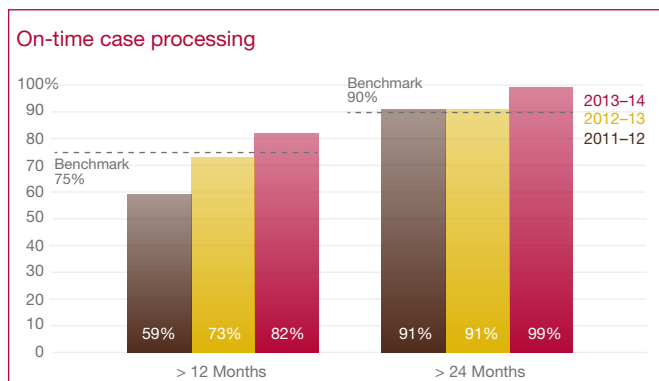
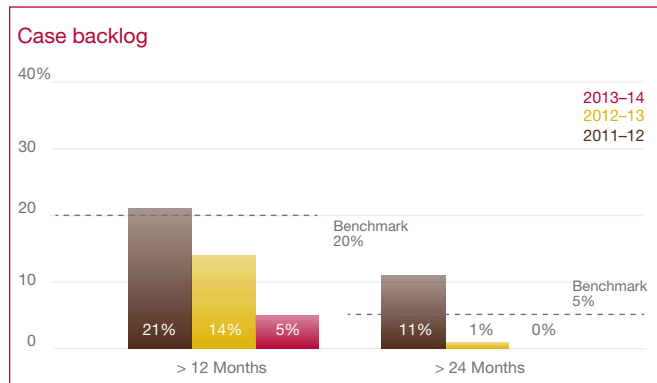
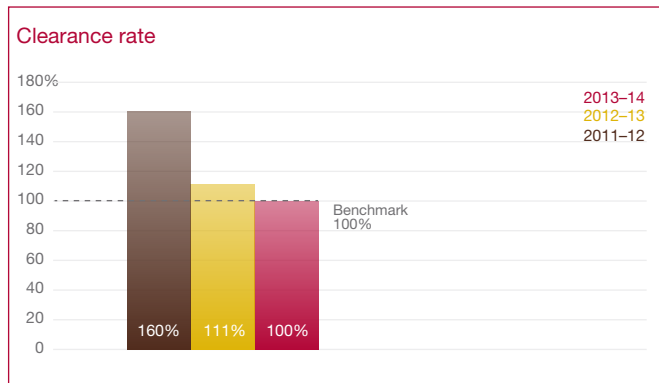
The Court of Appeal

The graphs below provide an overview of the performance of the Court of Appeal in relation to the four Global Measures of Court Performance. For further information about the Court of Appeal, turn to page 24.

Civil



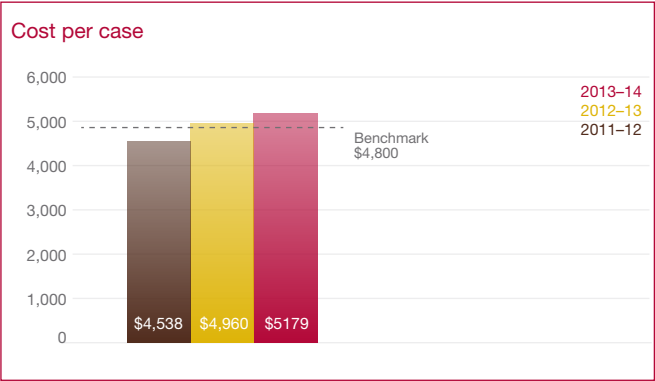
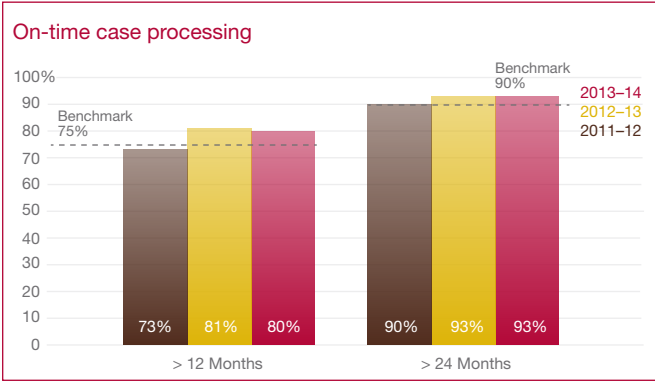
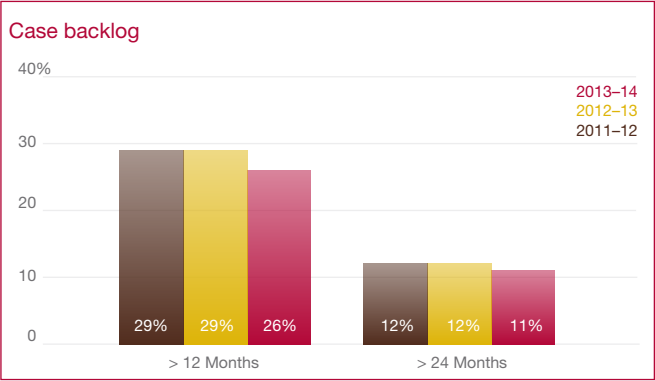
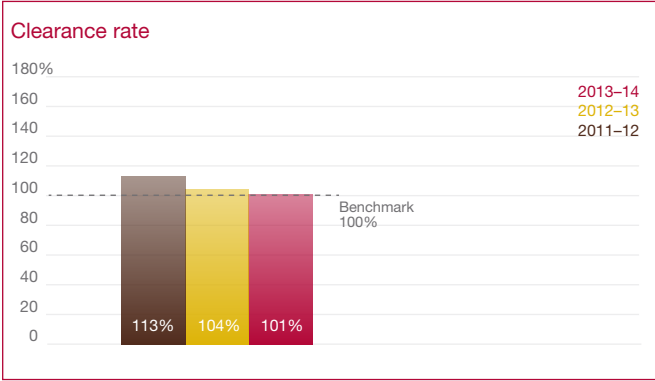
Crime



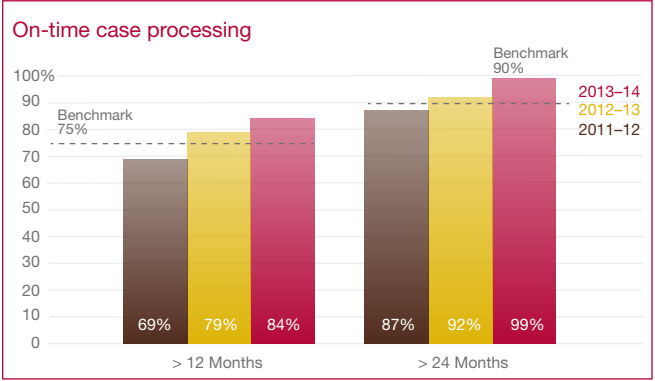
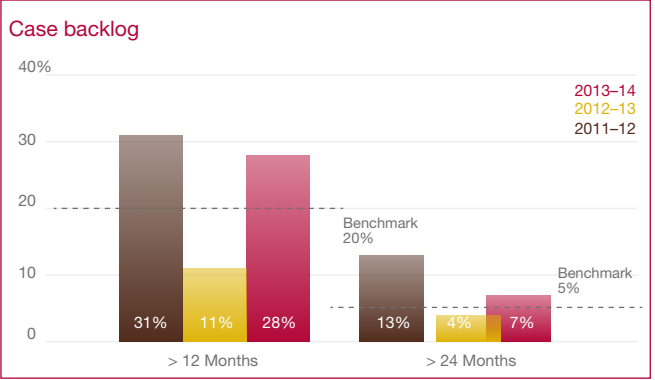
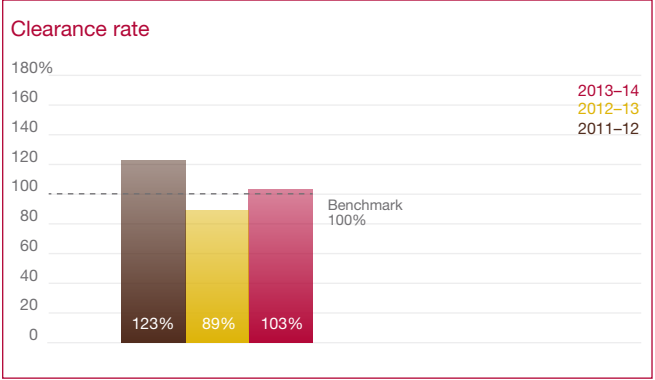
The Trial Division

The graphs below provide an overview of the performance of the Trial Division in relation to the four global measures. Turn to page 28 for more information about the Commercial and Equity Division’s workload. For more information about the Common Law Division, turn to page 35. Further information about the Crime Division can be found on page 44.

Civil



Crime



Financial management

Once again, the Supreme Court achieved a balanced budget for the financial year. The table below depicts a high level, consolidated overview of the Court's financial performance during the last three years.

The Court continued to demonstrate sound financial planning and management practices through its effective use of revenue appropriations, and the management of expenditure within its allocated funds.

The Court's management of its financial resources is addressed in full in the Financial Report on page 74.

Revenue appropriation, expenditure and operating result

Revenue appropriation, expenditure and operating result	2011-12 Rev \$'000	2011-12 Exp \$'000	2011-12 Result \$'000	2012-13 Rev \$'000	2012-13 Exp \$'000	2012-13 Result \$'000	2013-14 Rev \$'000	2013-14 Exp \$'000	2013-14 Result \$'000
Special appropriation	25,607	25,607	0	24,448	24,448	0	25,300	25,300	0
Output appropriation (Supreme Court)	25,907	25,907	0	28,148	27,700	448	29,548	28,859	689
Output appropriation (Juries Commissioner's Office)	6,122	6,060	62	6,947	6,602	345	6,486	6,473	13
Capital appropriation	229	229	0	267	294	(27)	83	136	(53)
Total	57,865	57,803	62	59,810	59,044	766	61,417	60,768	649

Priorities and initiatives for the year ahead

Looking forward, the Court will continue to progress an exciting program of priorities and initiatives aimed at modernising and reforming its service delivery.

In 2014-15, the Court will implement a suite of judiciary-led programs that will 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:

Strategic leadership

Further develop a strong, collegiate and independent Supreme Court.

Paper-free e-Court

Key Court Delivery and Support Delivery services offered by the Court can be done electronically and remotely to contemporary standards of security, functionality and cost.

Iconic court building

Work with the Court Services Victoria Courts Council and Judicial Services to develop a master plan for the legal precinct facilities that advances the compelling need for a state-of-the-art court building (which complements court delivery of the future).

The Commercial Court

The Commercial and Equity Division of the Trial Division will be restructured into an enlarged Commercial Court, including the better integration of associate judges, a dedicated registry and the introduction of the RedCrest electronic case management system.

Civil procedures reforms

A program to continue the reform and modernisation of the Court’s civil practice, procedures and processes, pursuant to the *Civil Procedure Act 2010*, in collaboration with the County and Magistrates’ courts, and the profession. This will include the promotion and enforcement of the overarching obligations of parties under the Act in matters before the Court.

Civil appeals in Court of Appeal

The Court will complete its reform of civil appeals processes and procedures, supported by legislative changes to the *Supreme Court Act 1986*.

Trial Division review

A major review will be undertaken of the Trial Division to examine how the Court can continue to meet growing demand, and ensure best use of its judicial, staff and other capacities. This will include a particular focus on the role of associate judges and judicial registrars in the Court. Innovations will be piloted and trialled in the Common Law Division, and continued improvements made to the quality and capacity of registry services.

SUPREME COURT OF VICTORIA

About the Court

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



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 wherever possible. The Court regularly travels to regional communities and sits at local courthouses in Ballarat, Bendigo, Geelong, Hamilton, Horsham, Latrobe Valley (Morwell), Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

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 originally 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 issued by the Court. For more information about the Court of Appeal, turn to page 24.

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 before the Court are heard in the Commercial and Equity, Common Law and Criminal Divisions.

A principal judge is appointed to oversee the work of each division. Within the Commercial and Equity and Common Law Divisions, there are also a number of ‘specialist lists’, each of which is assigned to a judge who is responsible for the work of that list. Urgent applications that need not, or cannot (due to availability), be made to a judge sitting in any of the Supreme Court specialist lists are heard by a trial judge in the Practice Court.

Civil proceedings outside judge-managed lists are case-managed by the Court’s associate judges.

Associate judges conduct some trials, primarily in the Commercial and Equity Division. 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 Trial Division from page 28, and the work of the associate judges from page 47.

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.

Court Delivery

The Supreme Court judiciary comprises the Chief Justice, the President of the Court of Appeal, judges, associate judges and judicial registrars. Appointments to the Court are made by the Attorney-General after a consultative process with the Court.

Judges of the Court during 2013-14

Chief Justice

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

President of the Court of Appeal

The Honourable Justice Christopher Murray Maxwell: 18 July 2005 – present

Judges of the Court of Appeal

The Honourable Justice Peter Buchanan: 28 October 1997 – 11 October 2013**

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

The Honourable Justice Marcia Ann Neave AO: 22 February 2006 – present

The Honourable Justice Robert Frank Redlich: 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 Paul Anthony Coghlan: (2007*)

1 January 2013 – 12 January 2014**

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

The Honourable Justice David Francis Rashleigh Beach: (2008*)

22 October 2013 – present

Judges of the Trial Division

The Honourable Justice Katharine Mary Williams: 28 October 2002 – present

- Principal Judge: Common Law Division

The Honourable Justice Stephen William Kaye AM:

16 December 2003 – present

The Honourable Justice Elizabeth Jane Hollingworth:

7 June 2004 – present

The Honourable Justice Kevin Harcourt Bell: 10 February – present

The Honourable Justice Kim William Spencer Hargrave:

16 March 2005 – present

- Principal Judge: Commercial and Equity Division

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

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

The Honourable Justice Elizabeth Helen Curtin:

3 October 2006 – 7 May 2014**

- Principal Judge: Criminal Division (until 28 April 2014)

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

The Honourable Justice John Herbert Lytton Forrest: 7 August 2007 – present

The Honourable Justice Lex Lasry: 25 October 2007 – present

- Principal Judge: Criminal Division (from 28 April 2014)

The Honourable Justice James Judd: 4 March 2008 – present

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

The Honourable Justice Emilios John Kyrou: 13 May 2008 – present

The Honourable Justice Jennifer Davies: 31 March 2009 – 4 July 2013

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 Anne Ferguson: 3 May 2010 – 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

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

2 July 2013 – present

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

Associate Judges

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

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

The Honourable Associate Justice Robyn Lansdowne:

18 September 2006 – present

The Honourable Associate Justice Melissa Daly: 10 October 2006 – present

The Honourable Associate Justice Simon Gardiner:

6 November 2008 – present

The Honourable Associate Justice Nemeer Mukhtar:

18 August 2009 – present

The Honourable Associate Justice Rita Zammit: 22 March 2010 – present

The Honourable Associate Justice Rod Randall: 19 May 2011 – present

The Honourable Associate Justice David Mark Brudenell Derham:

11 December 2012 – present

- Principal Judge: Associate Judges

Judicial Registrars

Judicial Registrar Mark Pedley: 28 January 2011 – present

Judicial Registrar Meg Gourlay: 31 January 2011 – present

Judicial Registrar Steven Wharton: 11 December 2012 – present

Judicial Registrar David Ware: 20 May 2014 – present

*Date appointed to the Trial Division

**Date retired from the bench

Retirements and appointments

During the reporting year, Justices Buchanan and Coghlan retired from the Court of Appeal.

The Court of Appeal welcomed the appointments of Justice Santamaria, and Justice Beach.

The Trial Division welcomed the new appointments of Justices Sloss, Croucher and Rush in 2013.

Justice Curtain retired from the Trial Division in 2014. Her Honour also served as the Principal Judge of the Criminal Division from 1 January 2013 to 28 April 2014.

In May 2014, the Governor-in-Council appointed David Ware to the new role of Judicial Registrar (Administration).

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 to undertake duties of a judge of the Court made by the Chief Justice during that period.

In 2013-14, the Supreme Court welcomed the return of Justice Ashley as a reserve judge, and the new appointments of Justices Mandie, Hansen, Bongiorno and Coghlan as reserve judges of the Supreme Court.



Justice Santamaria



Justice Sloss



Justice Croucher



Justice Rush



Judicial Registrar Ware

Committees

Supreme Court judges are involved in a number of Court committees that oversee and guide decision-making in relation to the 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 Priest
- Education Committee – chaired by Justice Croft
- Library Committee – chaired by Justice Macaulay

External boards

In accordance with legislation there are a number of positions external to the Court that must be held by a Supreme Court judge. In 2013-14, these positions were held by the following judges:

Victorian Civil and Administrative Tribunal

Justice Garde – President

Judicial College of Victoria

Chief Justice Warren – Chair

Council of Legal Education

Chief Justice Warren – Chair

Justice Kyrou – member

Justice Bell – member

Justice Davies – member (until 4 July 2013)

Justice Ginnane – member

Adult Parole Board

Justice Curtain – Chair (until 31 December 2013)*

Forensic Leave Panel

Justice Williams – President

Justice Bell – member

Justice T Forrest – member

Justice J Forrest – member

* The *Corrections Amendment (Parole Reform) Act 2013* commenced on 20 November 2013. It removed the requirement for a Supreme Court judge to chair the Adult Parole Board.

Designing justice

In collaboration with the Faculty of Design and Architecture at the University of Melbourne, the Supreme Court of Victoria embarked upon a three-year program requiring final-year Master of Architecture students to design a new Supreme Court building. At the Chief Justice's invitation, students were to design a new Supreme Court building on the old Mint site.

The Court's brief required 27 courtrooms, chambers to accommodate up to 56 judges, and generous public and professional support spaces, all within a secure and sustainable building that is user friendly and adaptable. The thesis to which the students worked, was developed using Professor Graham Brawn's extensive experience in courthouse planning and design, and reflected space planning guidelines from Victoria, Queensland's new Supreme Court, and Western Australia's new District Court.

The goal of the program was to find a design that best reflected a modern judiciary, a building that is a connected, transparent and accessible vehicle within which citizens could exercise their individual rights.

The research and design work was done over 14 weeks during 2011, 2012 and 2013. Students toured local and interstate courthouses, met with the Chief Justice and judges of the Supreme Court and judicial officers of other courts during this time. They also received briefings from design architects, and met with panels of judges, architects and court administrators.

Each design was expected to be authoritative but not intimidating; welcoming and open yet not too casual and informal; calming, respectful and dignified. The students immersed themselves in current debates surrounding contemporary court design and each articulated their vision for a transparent and accessible justice system.

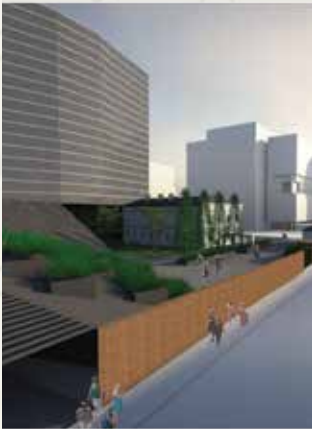
Each year, the Court has awarded the Chief Justice Prize for excellence in design, concept and execution. In late 2014, the Supreme Court in partnership with the University of Melbourne's School of Design and Architecture will publish a book on the design and construction of the 'Australian Courthouse'. The book will address the origins and form of our justice system and the evolution of the courthouse as a civic building and symbol of a just society, through to the role of architecture in expressing current aspirations and expectations of our justice system. Students' designs will be presented in the publication.



The 19th Century heritage-listed Supreme Court building stands grand and magnificent; a new modern building will enable the Court to function more efficiently in the 21st Century.



*Right, below and below left:
Elements of final-year Master
of Architecture students' work,
exploring opportunities in the design
of a new Supreme Court building on
the Old Mint site.*



Professional development

The Judicial College of Victoria (JCV) provides education for judges, magistrates and VCAT members, contributing to a highly skilled judiciary abreast of developments in the law and social issues.

In 2013-14, Supreme Court judges attended a total of 1,182.5 hours of JCV programs. This figure includes of the number of hours spent participating in programs, sitting on steering committees, commercial planning committees and editorial committees (including the Criminal Chargebook Editorial Committee, Civil Juries Chargebook Editorial Committee and Sentencing Manual Editorial Committee).

Extra-curricular activities

Supreme Court judges and associate judges are very active in the community, participating in activities that support and promote an understanding of the law and the courts. A summary of extra-curricular judicial activity in the reporting period is available in Appendix 1, from page 80.

Support Delivery

Support Delivery is made up of the following areas:

- Court of Appeal Registry
- Commercial Court Registry
- Principal Registry
- Funds in Court
- Juries Commissioner's Office
- Court Administration
- Law Library of Victoria

These seven areas provide integrated operational functions that help to enable the effective delivery of the Court. More than 170 staff are employed in these areas, with the majority of staff employed in the registries and Funds in Court.

While Funds in Court is recognised as a Support Delivery area of the Court, it operates as a discrete division under the direct control of the Senior Master.

Accountability and evaluation

Throughout 2013-14, the Court published key performance outcomes on its website, including the initiation of new cases, finalisation of cases, case clearance rates and the backlog of cases pending. The Court publishes such updates on a quarterly basis. The performance of the Court as a whole is shown. To provide transparency and accountability across all areas of the Court, the performance of the Court of Appeal and Trial Division, in both the civil and criminal jurisdictions, is published. This is an unprecedented level of public accountability in performance reporting for a Supreme Court in Australia.

The Court's commitment to implementing the Global Measures of Court Performance continued through 2013-14 with additional performance measures being introduced. Once sufficient data has been compiled to enable meaningful interpretation of the measures, they too will be published on the Court's website and in future annual reports.

Report on Government Services

In January each year, specific aspects of performance in courts and tribunals around Australia are analysed as part of the Report on Government Services (RoGS). The Court provides the Productivity Commission with data relating to the efficiency, effectiveness and equity of its performance. The RoGS is managed by the Australian Government Productivity Commission and the report submitted to the Council of Australian Governments.

In the 2013-14 RoGS, the Supreme Court recorded a strong performance in both trial and appeal areas. Case initiation and finalisation data continued to show that the Court operates in a high workload environment. Regardless of the pressures that accompany such a large workload, the Court operates as a high-performing Supreme Court in relation to efficiency and timeliness of caseload management benchmarks.

Governance

The Court's governance arrangement stipulates how it is directed and managed. Early in 2014, the Court updated its governance arrangement in preparation for the transition to Court Services Victoria. A Board of Management was established as the body responsible for decision-making regarding court administration and the services delivered for the Court by Court Services Victoria, on behalf of the Council of Judges.

SUPREME COURT OF VICTORIA

Our year in review: Court Delivery

2013–14 was a busy year once again for the Court of Appeal, Trial Division and Associate Judges jurisdictions.



The Court of Appeal

The President

Justice Maxwell

Judges in the Court of Appeal

Justice Buchanan
(until 11 October 2013)

Justice Nettle

Justice Neave

Justice Redlich

Justice Weinberg

Justice Tate

Justice Osborn

Justice Whelan

Justice Priest

Justice Coghlan
(until 12 January 2014)

Justice Santamaria
(from 20 August 2013)

Justice Beach
(from 22 October 2013)

Reserve judges

During the year, retired Justices Ashley, Hansen, Mandie, 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 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 in the Victorian Civil and Administrative Tribunal. The Court of Appeal received 463 appeals/applications for leave to appeal in 2013-14. The number of pending appeals decreased by 13 per cent to 291 cases, with most of the reduction occurring in civil appeals.

Total applications for leave to appeal and appeals (civil and crime)

	2012-13	2013-14	Difference	Variance
Filed	494	463	-31	-6%
Finalised	573	505	-68	-12%
Pending	333	291	-42	-13%



Justice Nettle,
Court of Appeal

Criminal appeals

The Court has built upon the extremely successful introduction of the criminal appeal reforms – the Ashley-Venne Reforms – in 2011, by maintaining a very low number of pending criminal appeals. The Court began the year with 178 criminal appeal cases pending, and finished with 177.

The Court has been able to further reduce the median time taken to finalise appeals from 7.3 months in 2012-13 to just 6.8 months in the reporting period. By contrast, the median time taken to finalise an appeal in 2010-11 was 12.5 months. This excellent achievement has been made possible by the criminal appeal reforms.

Criminal applications for leave to appeal and appeals

	2012-13	2013-14	Difference	Variance
Initiations	274	284	10	4%
Finalised	305	285	-20	-7%
Pending	178	177	-1	-1%

Median time in months from case initiation to case finalisation

	2012-13	2013-14
Appeals against conviction*	12.8	10.8
Appeals against sentence	6.0	5.1
Time to finalisation (all criminal)	7.3	6.8

* Includes combined conviction and sentence appeals, which are treated as one appeal.

Civil appeals

The number of civil cases pending decreased by 26 per cent in 2013-14. The Court focussed intently on finalising older appeals in preparation for the anticipated introduction of civil appeal reforms in late 2014.

The Court finalised 18 per cent fewer cases this year, but it should be noted that the number of cases finalised in 2012-13 was unusually high, and was largely the result of the new civil applications listing process implemented in the lead up to the civil appeal reforms (as reported in last year's Annual Report). It is important to note too that the number of matters finalised this year (220) is consistent with the number of matters finalised in years past.

The median time taken to finalise civil appeals increased from 8.5 months to 10.4 months as older appeals were finalised during the year. This underscores the need for full introduction of the Court's proposed civil appeal reforms.

Civil applications for leave to appeal and appeal

	2012-13	2013-14	Difference	Variance
Filed	220	179	-41	-19%
Finalised	268	220	-48	-18%
Pending	155	114	-41	-26%

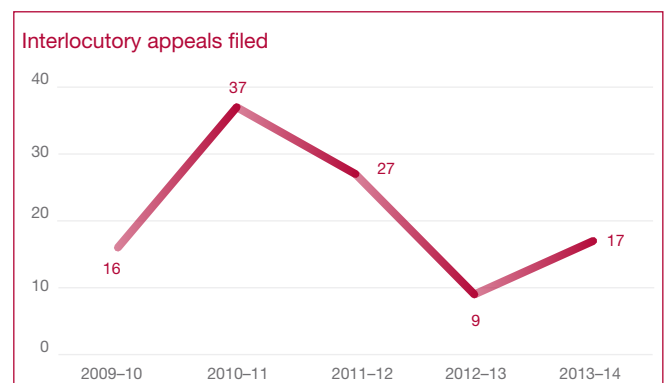
Median time in months from case initiation to case finalisation

	2012-13	2013-14
Civil appeals	9.0	10.4

Interlocutory appeals

This year there were 17 interlocutory appeals filed in the Court of Appeal (an increase of eight from last year). The graph (right), highlighting the number of interlocutory appeals filed since 2009-10, shows that the number of interlocutory appeals filed varies significantly from year to year.

Interlocutory appeals are always listed with priority. Interlocutory appeals continue to constitute a significant part of the Court of Appeal's criminal workload, as they often involve important points of principle which must be decided quickly.



Circuit sittings

The Court of Appeal sat in regional Victoria once during 2013-14. During this circuit, in the La Trobe Valley on 11-12 August 2013, both civil and criminal appeals originating in the region were heard.

Significant cases

Christian Youth Camps Ltd & Anor v Cobaw Community Health Services Ltd & Ors [2014] VSCA 75

In 2010, the Victorian Civil and Administrative Tribunal (VCAT) upheld a complaint of discrimination against Christian Youth Camps ('CYC'), over its manager's refusal to allow one of CYC's camping resorts to be used for the purposes of a weekend camp to be attended by same-sex-attracted young people. The manager of the camp was also found liable for discriminatory conduct.

CYC, and the manager, applied to the Court of Appeal for leave to appeal against VCAT's decision. An appeal from VCAT is limited to questions of law. The Court of Appeal (by majority) dismissed CYC's appeal, and allowed the appeal by the manager, also by majority.

Background

The request for accommodation was made by Cobaw Community Health Services Limited, an organisation concerned with the prevention of youth suicide. Cobaw focuses particularly on same-sex-attracted young people and aims 'to raise awareness about their needs and the effects of homophobia and discrimination on young people and rural communities generally'.

CYC was established by the trustees of the Christian Brethren Trust, itself established for purposes connected with the Christian Brethren Church. CYC and the manager gave evidence before VCAT that they were opposed to homosexual sexual activity as they consider it to be contrary to God's teaching as set out in the Bible.

VCAT held that the refusal amounted to unlawful discrimination on the basis of the sexual orientation of those who would be attending the proposed camp. This was a contravention of the anti-discrimination provisions of the *Equal Opportunity Act 1995* (the 'EO Act').

On the appeal to this Court, CYC disputed the finding, maintaining that there was a fundamental distinction between an objection to 'the syllabus' to be taught at the proposed camp — that is, to beliefs or opinions which would be expressed by Cobaw to those attending the camp — and discrimination on the basis of the sexual orientation of those attending.

Before VCAT, CYC contended that if, contrary to their principal submission, the refusal would otherwise have constituted unlawful discrimination, the exemption provisions regarding religious freedom in the EO Act were applicable, and as such that there had been no contravention. These exemptions apply to conduct by 'a body established for religious purposes' (s 75(2)), and to discrimination by a person which is necessary in order 'to comply with the person's genuine religious beliefs or principles' (s 77). VCAT held that neither exemption was applicable.

The complaint brought by Cobaw alleged that it was the manager who had committed the act of discrimination. CYC, the manager's employer, was said to be liable only vicariously. In the result, VCAT upheld both of these claims, concluding that the manager was directly liable and CYC vicariously liable for the contravention of the EO Act.

Court of Appeal decision

The appeal was heard by President Maxwell, Justice Neave and Justice Redlich.

The majority of the Court of Appeal (President Maxwell and Justice Neave) concluded that there was no error of law in VCAT's decision. That is, there was no error in the original finding that there was discrimination on the basis of sexual orientation and neither of the exemptions directed at preserving religious freedom applied in the circumstances of the case.

Justice Maxwell and Justice Neave found that CYC was directly liable for the act of discrimination. When the manager refused Cobaw's request for accommodation, the manager was acting with the authority of CYC and in the course of managing its business. The manager's actions were the actions of CYC.

Justice Maxwell further concluded that, in consequence, the manager had no personal liability for the contravention. The manager's appeal should therefore be allowed. Justice Neave, on the other hand, concluded that the manager remained liable, notwithstanding that CYC itself was directly liable.

Justice Redlich concluded that s 102 of the EO Act made both CYC and the manager liable for the relevant conduct, but that the conduct was exempt under one of the religious freedom exemptions.

The unanimous view of the Court was that CYC was not a body established for religious purposes and hence could not invoke the exemption under s 75(2) of the EO Act. Section 75(2) permits such a body to engage in otherwise prohibited conduct, where that conduct conforms with the doctrines of the religion or is necessary to avoid injury to the religious sensitivities of people of the religion.

Even if CYC had been such a body, the Court held, the refusal of accommodation was not conduct to which the exemption would have applied.

The other exemption relied on was that contained in s 77 of the EO Act, which permits discriminatory conduct by a person which “is necessary for the...person to comply with [his/her] genuine religious beliefs or principles”.

In the view of Justice Maxwell and Justice Neave, this exemption was not applicable either. In relation to the manager, the refusal of accommodation was not necessary for him to comply with his religious beliefs.

In relation to CYC, their Honours concluded that the exemption was not intended to be available to a corporation. There was no indication in the Act that Parliament contemplated that a corporation would be deemed, for this purpose, to be able to hold a religious belief and therefore the exemption could not apply to CYC. Accordingly, Justice Maxwell and Justice Neave dismissed CYC’s appeal.

Justice Redlich disagreed on this question of law. In his Honour’s view, s 77 was intended to be available to all persons, which by definition included corporations as well as individuals. His Honour concluded, moreover, that the exemption applied, as the refusal of the accommodation was necessary for both CYC and the manager to comply with their genuine religious beliefs. On that basis, his Honour would have allowed the appeals of both CYC and the manager.

Outcome

The majority dismissed CYC’s appeal, holding that there was no error of law in VCAT’s decision that the conduct was discriminatory and that neither of the religious freedom exemptions applied.

The manager’s appeal was allowed:

- (a) by Justice Maxwell, on the ground that it was CYC, not the manager, which committed the act of discrimination; and
- (b) by Justice Redlich, on the ground that the conduct of the manager, which would otherwise have breached the Act, was covered by the religious belief exemption.

On 14 May 2014, CYC filed an application for special leave to appeal at the High Court.

Yara Australia Pty Ltd & ORs v Oswal [2013] VSCA 337

In this case, the Court of Appeal considered whether the parties had breached their overarching obligation, under s 24 of the *Civil Procedure Act 2010* (Vic) (‘the Act’). This section requires the parties to use reasonable endeavours to ensure that costs incurred in a proceeding are reasonable and proportionate to the complexity and importance of the issues and the sums in dispute.

The Court held that in determining whether the parties have met their obligations a court must objectively evaluate the conduct of the parties by weighing the legal costs incurred against the complexity and importance of the issues and the amount in dispute. The Court rejected the submission by Yarra Australia Pty Ltd (‘YA’) that the expenses incurred must be seen in the context of the litigation as a whole, and held that expenses incurred on an interlocutory application must be proportionate to the proceeding in question.

The Court commented that each party, their solicitor and counsel have a duty to comply with the overarching obligation contained in s 24 of the Act. This includes solicitors and counsel involved in, or who provide advice on, the preparation of pleadings, affidavits or other materials that are to be used in the proceeding. Where a large volume of unnecessary and excessive material is provided to a court there will be a *prima facie* case (that is, on ‘face value’) that the overriding obligation has been breached. Solicitors and counsel must also ensure that the extent and level of representation proposed for their client is reasonable and proportionate, having regard to the issues. The duty to comply with the overarching obligation is non-delegable and, where inconsistent, overrides the practitioner’s duty to their client. Advice or instructions given or received by legal practitioners, and instructions given by the client, may inform, but will not be determinative of whether there has been a breach of the obligation.

In this case, the Court found that the overarching obligation was breached by the filing of excessive material, as the application books provided to the Court contained a large amount of unnecessary material, little of which was referenced in oral argument and more than half of which was entirely unnecessary to the questions raised by the notice of appeal.

The Act confers on the Court broader and more flexible powers than are available under the *Supreme Court (General Civil Procedure) Rules 2005* (Vic) or the Court’s inherent jurisdiction to sanction and discipline legal practitioners and parties who fail to meet the overarching obligations in the Act. A breach of an overarching obligation may be taken into account in making an order for costs, and there will be cases where a breach may support an order for indemnity costs. In this case the Court ordered that each applicant’s solicitor compensate the applicant for 50 per cent of the respondent’s costs incurred in relation to the unnecessary content of the application books. The Court disallowed the applicant’s solicitor from recovering 50 per cent of the costs relating and incidental to the preparation of the appeal books from the applicant.

The Trial Division – Commercial and Equity

Principal Judge

Justice Hargrave

Deputy Principal Judge

Justice Judd

Judges in the Commercial and Equity Division

Justice Robson

Justice Judd

Justice Vickery

Justice Croft

Justice Ferguson

Justice Sifris

Justice Almond

Justice Digby

Justice Elliott

Justice Sloss
(from 30 July 2013)*

*The Division welcomed the appointment of Justice Sloss in July 2013.

The Commercial and Equity Division determines commercial disputes in a just and efficient manner. This includes disputes arising out of ordinary commercial transactions where there is a question that has importance in trade or commerce, and matters that touch on one of its specialist areas.

The Division incorporates the Commercial Court and several specialist judge-managed lists. These specialist lists deal with matters involving corporations, arbitration, taxation, admiralty, intellectual property as well as technology, engineering and construction.

In addition to supervising cases in the Division, the Principal Judge (Justice Hargrave) and the Deputy Principal Judge (Justice Judd) led the expansion of the Commercial Court during the reporting period. A dedicated Commercial Court Registry commenced operations in the Old High Court on 6 November 2013. The registry provides counter services including the initiation of all proceedings as well as information and guidance on court processes.

To ensure the Division's resources are used as effectively as possible, a pilot program was launched, involving the increased use of associate judge-led mediations during trials. The pilot was highly successful. It enabled judges of the Division to maintain focus on other matters that remained in dispute and required finalisation, and provided greater flexibility for urgent matters to be dealt with. The pilot provided parties with greater control over the litigation process and is a great example of the Division's commitment to alternative dispute resolution.

The Division continued to consult and maintain links with the legal profession. Meetings with several user groups were held during the year where feedback on proposed Court reforms was invited with a view to making the litigation process more timely and cost effective for all involved.

Judges of the Division also participated in various law reform committees and spoke at seminars on a range of topics concerning legal and case management issues, as outlined in Appendix 1 from page 80.

Caseload

The number of matters in the Division, and the number of cases initiated and finalised, during the financial year decreased slightly in comparison to the last reporting period.

All cases

	2012-13	2013-14	Difference	Variance
Initiations	5,126	4,733	-393	-8%
Finalisations	5,389	4,796	-593	-11%
In list 30 June	2,672	2,609	-63	-2%

As part of the associate judge-led mediation pilot, judges referred 185 matters to associate judges for mediation during the year. Of this number, 104 (56 per cent) were resolved. Only 41 matters (22 per cent) were not resolved. The balance of matters were not mediated, for various reasons. These types of mediations continued to be a highly effective mechanism for resolving disputes and reducing the congestion of matters before the Court.

At the end of the financial year there were numerous group proceedings involving tens of thousands of parties before the Court. These matters are complex in nature and often take up a significant amount of the Court's time and resources. They involve the hearing of numerous interlocutory issues, extended trials and the delivery of lengthy final judgments. The *Great Southern* proceedings, which had a long history in the Commercial Court, is such an example. The e-trial involved 22,000 group members and individual plaintiffs involved in a managed investment scheme and dealt with a number of issues including the *Corporations Act 2001* (Cth). A very extensive judgment was to be delivered by Justice Croft on 25 July 2014 (subsequent to the reporting period), however the case was settled two days before judgment was to be handed down.

In a similar trend to the previous reporting period, 36 per cent of cases within the Division were managed in specialist lists at the end of the financial year. Of the 2,609 matters within the Division, 939 proceedings were finalised in the past 12 months.

Cases in specialist lists

	2012-13	2013-14
Finalisations	924	939
In list 30 June	35%	36%

The Commercial Court

The Commercial Court is made up of a number of lists, that were managed by nine judges with the assistance of associate judges during the year, including Justices Robson, Judd, Croft, Ferguson, Sifris, Almond, Digby, Elliott and Sloss. Associate Justices Efthim, Gardiner and Randall provided assistance in the Commercial Court, Associate Justice Daly managed its listings.

The just and efficient determination of matters has, and continues to be, the cornerstone of the operation of the Commercial Court. The Commercial Court remained vigilant in its regular review of cases to ensure that they were appropriately case managed.

During this financial year, 1,401 proceedings were initiated, 1,410 proceedings were finalised and 668 proceedings remained in the Commercial Court as at 30 June 2014. A number of matters initiated in the last financial year were finalised in the past 12 months.

Of the 1,401 matters initiated in the Commercial Court, 1,263 were issued in the Corporations List (further information below) and 215 matters were managed by a judge.

Commercial Court – all

	2012-13	2013-14	Difference	Variance
Initiations	1,472	1,401	-71	-5%
Finalisations	1,402	1,410	8	1%
In list 30 June	677	668	-9	-1%

Commercial Court – judge-managed proceedings

	2012-13	2013-14	Difference	Variance
Initiations	233	215	-18	-7%
Finalisations	241	269	28	11%
In list 30 June	319	309	10	-3%

Corporations List judges:

Justice Robson
Justice Ferguson
Justice Sifris

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

In addition to hearing and determining matters relating to the failure of managed investment funds, the Corporations List has played a significant role in dealing with group proceedings within the Division, including those involving claims against Banksia Securities Ltd, Leighton Holdings Ltd, Treasury Wine Estates Ltd, Worley Parsons Ltd, Camping Warehouse Australia Pty Ltd and Downer EDI Ltd.

In the last 12 months, 1,263 matters were initiated in the Corporations List and 1,234 matters were finalised.

Corporations List

	2012-13	2013-14	Difference	Variance
Initiations	1,304	1,263	-41	-3%
Finalisations	1,237	1,234	-3	0%
In list 30 June	410	439	29	7%

CASE STUDY

Expansion of the Commercial Court

Since the mid 1980s the Supreme Court has had dedicated judicial and administrative resources to fast track the resolution of commercial disputes. Initially, there were two Commercial Lists managed by judges from the Commercial and Equity Division. Judges were rotated through the lists at about two yearly intervals. Then, in February 2009, the Commercial Court was established with four lists, to accommodate the growing demand for specialist judges to hear corporations cases.

Growth in the number of corporations cases has remained constant due to a combination of factors including practitioner choice, the global financial crisis, and the demise of managed investment schemes.

The Supreme Court has embarked upon significant reforms that build upon the Commercial Court's existing operations and further enhance its capacity to ensure the just and efficient determination of all commercial disputes.

In November 2013, a dedicated Commercial Court Registry commenced operations with staff readily available to provide specialist knowledge to legal practitioners and Court users about Commercial Court processes and procedures.

Preparations are underway for the pilot of an electronic filing and case-management system, RedCrest. RedCrest will allow for the real-time filing and viewing of court documents online. It is anticipated RedCrest will improve efficiencies and increase communications with litigants, members of the legal profession and the general public.

In March 2014, a pilot program was also launched to enable the early identification and referral of commercial matters to associate judges for mediation. The program has thus far proven to be a highly effective means of finalising proceedings.

A number of other changes are planned for the year ahead, including a divisional restructure, fees review and the streamlining of existing case management practices and technologies.



Taxation List

Taxation List judges:

Justice Croft

Justice Sloss (from September 2013 to June 2014)

The Taxation List hears and determines appeals and applications for leave to appeal decisions of the Victorian Civil and Administrative Tribunal (VCAT). Order 7 of the *Supreme Court (Miscellaneous Civil Proceedings) Rules 2008* (Vic) governs the procedural requirements for those matters.

Matters also heard in the list include taxation appeals and any proceedings that raise a substantial taxation issue, such as taxation recovery, claims for damages against a taxation adviser and disputes regarding GST.

During the reporting period, the Court of Appeal handed down a landmark decision in *Lend Lease Development Pty Ltd v Commissioner of State Revenue* [2013] VSCA 207. The case was originally heard and determined in the Taxation List in March 2012. The question before the Court of Appeal was whether the developer's costs for infrastructure and construction works were consideration for the purpose of assessment of stamp duty. Subsequent to the reporting period, the High Court granted the Commissioner special leave to appeal the judgment of the Court of Appeal.

In the past 12 months, 15 matters were initiated in the list, while a number of proceedings from the 2012-13 financial year were finalised. At the end of the reporting period, 21 matters remained in the list.

Taxation List

	2012-13	2013-14	Difference	Variance
Initiations	14	15	1	7%
Finalisations	10	19	9	90%
In list 30 June	25	21	-4	-16%

Arbitration List

Judge in Charge:

Justice Croft

The purpose of the Arbitration List is to facilitate and support arbitration in Victoria and Australia. All arbitration proceedings, any applications in those proceedings, and any urgent applications with respect to arbitration matters are directed to the Arbitration List.

Practice Note No. 2 of 2010 – Arbitration Business, together with Order 9 of the *Supreme Court (Miscellaneous Civil Proceedings) Rules 2008*, sets out the procedural requirements for applications for Court assistance, supervision and enforcement for parties and their legal practitioners.

Over the past 12 months, nine matters were initiated and 11 matters were finalised in the list. A significant judgment delivered by Justice Croft was *Subway Systems Australia v Ireland* [2013] VSC 550, where the Court considered an arbitration clause in a local franchise agreement. The clause in the agreement effectively meant that in the event of arbitration, parties involved would be forced to deal with the Permanent Court of Arbitration in The Hague, and the American Arbitration Association, regimes that were seen by the Court to be of considerable complexity and expense given the nature of the dispute. These matters were of particular relevance given the Commonwealth Government's recent attention to franchising arrangements.

An important development in the Court's continued support of domestic and international arbitration was the opening of the Melbourne Commercial Arbitration and Mediation Centre in the William Cooper Justice Centre, in March 2014. The Centre will help facilitate the development of existing international networks and facilitate closer connections with other leading arbitral centres in the Asia-Pacific region. Read more about the Melbourne Commercial and Arbitration Centre in Significant Events, page 9.

Arbitration List

	2012-13	2013-14	Difference	Variance
Initiations	8	9	1	13%
Finalisations	7	11	4	57%
In list 30 June	5	3	-2	-40%

Admiralty List

Judge in Charge:

Justice Digby

The Supreme Court's long established specialist Admiralty List, dedicated to maritime litigation, 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)
- involving loss or damage to a ship (or caused by a ship) or to goods carried by sea
- relating to maritime liens (the right to hold the property of another as security for performance of an obligation or payment of a debt)
- regarding contracts of marine insurance
- relating to charges on ships or cargoes
- involving the arbitration of claims that might be subject to the above-mentioned proceedings
- shipping claims conducive to effective, prompt and economical determination.

The *Supreme Court (Admiralty) Rules 2010* (Vic) set out the manner in which the list is operated and Commonwealth proceedings are dealt with.

On 1 May 2014, Justice Digby invited 17 practitioners who specialise in the maritime jurisdiction to an Admiralty List user group meeting. The purpose of the meeting was to provide the practitioners with an update on the operation of the list and to seek their input as to its accessibility, their requirements, and related issues to improve its operation.

During the reporting period, three proceedings were issued in the Admiralty List. Three related proceedings await findings from the Coroners Court before finalisation.

Admiralty List

	2012-13	2013-14
Initiations	2	3
Finalisations	2	0
In list 30 June	1	1

Technology, Engineering and Construction List

Judge in Charge:

Justice Vickery

The Technology, Engineering and Construction List (TEC List) hears and determines three related areas of disputes. Namely, those which engage with technology-related subject matter, matters relating to engineering and design, and matters arising in building and construction. The list which commenced on 19 June 2009 is governed by *Practice Note 2 of 2009 – Technology, Engineering and Construction (TEC) List*.

This list, has been at the forefront of technological initiatives both inside and outside of the courtroom. RedCrest, the Court's e-filing and case management system, was first developed and used in the list.

Technology, Engineering and Construction List

	2012-13	2013-14	Difference	Variance
Initiations	22	27	5	23%
Finalisations	27	17	-10	-37%
In list 30 June	27	37	10	37%

Probate List

Judge in Charge:

Justice McMillan

The Probate List provides specialist administrative 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 refraining certain action pending the decision of the Court) has been lodged against the making of a grant of probate. For example, where it is alleged that the deceased was unduly influenced
- applications for an informal will to be admitted to probate because the document was not executed in the manner required by legislation
- applications for revocation (cancellation) of a grant of representation
- applications for limited grants, for example to appoint a personal representative to protect and preserve the assets of the deceased until an administrator is appointed (an *ad colligendum bona* application)
- the 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
- the 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.

Proceedings arising under Part IV of the *Administration and Probate Act 1958* (Vic) are not managed in this list.

Probate List

	2012-13	2013-14	Difference	Variance
Initiations	160	137	-23	-14%
Finalisations	183	157	-26	-16%
In list 30 June	102	85	-17	-17%

Intellectual Property List

Judge in Charge:

Justice Vickery

Proceedings in the Intellectual Property List are governed by the *Supreme Court (Intellectual Property) Rules 2006* (Vic). 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.

Intellectual Property List

	2012-13	2013-14
Initiations	1	1
Finalisations	0	1
In list 30 June	3	3

Significant cases

Telstra Corporation Limited v Optus Pty Ltd [2014] VSC 35

Telstra Corporation Limited v Optus Pty Ltd (No 2) [2014] VSC 108

From late January 2014, Singtel Optus Pty Ltd ('Optus') broadcast an advertisement on free-to-air television across Australia and on its website, which addressed the mobile coverage of Optus and Telstra Corporation Limited ('Telstra') networks. Telstra alleged that Optus had substantially misrepresented Optus' geographic coverage compared to Telstra's. The representations made included that:

- Optus and Telstra networks covered 98.5 per cent and 99.3 per cent of the Australian land mass respectively
- the geographic coverage of the Telstra mobile network was less than 1 per cent greater than the geographic coverage of the Optus mobile network
- the difference between the coverage of the Telstra mobile network and that of the Optus mobile network was minimal and insignificant.

The Court found that the representations were misleading or deceptive pursuant to the *Competition and Consumer Act 2010*. Justice Elliott's view was that "the making of each representation amounted to a false or misleading statement in trade and commerce and that the services offered by Optus on its network are of a particular standard, quality or grade or have performance characteristics, users or benefits they do not have".

As a result, a number of orders were made, one of which required Optus to write to its customers who had entered into contracts after the advertisement had aired and provide them with an opportunity to cancel their mobile phone contracts without penalty.

Managed investment schemes

Throughout the reporting period, the Commercial Court was actively involved in a number of proceedings covering the various stages involved in the winding up of managed investment schemes, together with associated debt recovery proceedings.

The proceedings impacted on a large cross section of the public who invested in various industries and asset classes. The cases heard and judgments delivered in the last 12 months have involved parties such as:

- the Gunns Group of companies: [2013] VSC 365, [2013] VSC 430, [2013] VSC 595, [2014] VSC 239 and [2014] VSC 267
- Willmott Forests Limited [2013] VSC 574
- the Banksia Financial Group of companies: [2013] VSC 416, [2013] VSC 451, [2014] VSC 8 and [2014] VSC 184
- Timbercorp Securities Limited [2014] VSC 246
- the Great Southern Group of companies [2013] VSC 351.

These matters were managed predominantly in the Corporations List, with some run as group proceedings.

The Trial Division – Common Law

The Common Law Division manages two main categories of cases:

- 1 claims in tort or contract law, including claims that involve professional negligence, personal injury or defamation
- 2 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.

Matters in the Common Law Division may be allocated into one of six specialist lists: Civil Circuits, Judicial Review and Appeals, Major Torts, Personal Injury, Professional Liability, and Valuation Compensation and Planning. Each list deals with a specific area of law and is managed by a judge with specialist expertise in the area.

Caseload

In the 2013-14 financial year, 1,890 cases were initiated in the Common Law Division. This was an increase of 12 per cent from the previous financial year. However, an increase in case finalisations offset this higher initiation rate and therefore the number of active cases at the end of the financial year remained consistent with that of the previous year.

The Division recently undertook an analysis of all active cases initiated prior to 2011. At 30 June 2014, only 47 of these cases remained active. Each is now the subject of active case management to ensure their expeditious progress to a resolution.

Common Law Division – all cases

	2012-13	2013-14	Difference	Variance
Initiations	1,694	1,890	196	12%
Finalisations	1,682	1,898	216	13%
In list 30 June	1,664	1,656	-8	0%

Initiatives in case management

During the reporting period, the Division implemented new case management strategies. These have been successful in facilitating the early settlement of cases and are assisting with the listing of common law trials. Specifically, at the start of each sitting term, the Division examines all cases that meet any of the following criteria:

- cases where the estimated number of sitting days is 10 or more
- cases involving multiple defendants
- cases involving related proceedings (for example, a recovery proceeding is to be heard immediately following a worker’s proceeding).

The Division then determines whether the case will benefit from a more active level of management leading up to the trial date. This decision takes into account factors including whether the parties have recently appeared before the Court for a directions hearing, whether the trial date has previously been adjourned, and the date that the case was initiated. If more active management is considered appropriate, parties are notified that the case has been referred to the Principal Judge or Deputy Principal Judge for a final directions hearing (which will generally be held two to four weeks before the trial date).

In the 2013-14 financial year, 81 cases in the Common Law Division were referred to a final directions hearing before either the Principal Judge or the Deputy Principal Judge.

- 44 cases (54 per cent) settled prior to the trial date:
 - » 26 cases (32 per cent) settled after the parties received an email notification of the final directions hearing (but before the date of the final directions hearing). The directions hearing was vacated in these instances.
 - » In a further five cases (6 per cent), the Court was advised at the final directions hearing that the case had settled.
 - » An additional 13 cases (16 per cent) settled between the directions hearing and the trial date.
- 22 cases (27 per cent) settled during the trial (half of which settled on the first day of the trial).
- The trial date was adjourned in 12 cases (15 per cent), either at the directions hearing (8 cases) or between the directions hearing and the trial date by consent (4 cases).
- Three cases (4 per cent) proceeded to verdict/judgment.

Earlier settlement assists the Court in listing and allocating common law trials, ensuring that trials are able to proceed on the date they are fixed to commence.

Principal Judge

Justice Williams

Deputy Principal Judge

Justice J Forrest

Judges in the Common Law Division

Justice Williams

Justice Kaye

Justice Bell

Justice Cavanough

Justice J Forrest

Justice Kyrou

Justice Beach
(until 22 October 2013)*

Justice T Forrest

Justice Emerton

Justice Dixon

Justice Macaulay

Justice McMillan

Justice Garde
(sitting at VCAT)

Justice Ginnane

Justice Rush

(from 26 November 2013)**

Justice Osborn

(28 April – 23 May)

Associate Judges

Associate Justice
Lansdowne

Associate Justice Daly

Associate Justice Zammit

* Justice Beach was appointed to the Court of Appeal on 22 October 2013.

**The Division welcomed the appointment of Justice Rush in November 2013.

Civil Circuit List

Judge in Charge:

Justice J Forrest

Associate Judge in Charge:

Associate Justice Daly

The Supreme Court regularly hears civil and criminal matters in regional Victoria. Circuit sittings are scheduled in 12 locations: Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

Assuming that parties and witnesses live in the local area, practitioners in regional Victoria are expected to issue proceedings out of the local registry. Alternatively, proceedings issued in Melbourne that are more appropriately heard in a circuit court may be transferred to a regional registry by an order of the Court.

The Supreme Court publishes a circuit timetable each year. Criminal and civil 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.

When a circuit case meets the Judicial Mediation Guidelines, set out in the *Practice Note No. 2 of 2012*, the Court may provide an associate justice as a judicial mediator at the regional Court.

Deputy prothonotaries and other staff at the regional courts are extraordinarily accommodating of the Court's circuit sitting requirements and provide great assistance prior to, and during, the sittings.

In 2013-14, 160 cases were initiated in the list. Although this was fewer than last year, the number of cases finalised increased by 11 per cent. Cases included claims associated with workplace injuries, motor vehicle accidents, defamation, asbestos exposure, disputes over property ownership and deceased estates.

Civil Circuit List – all cases

	2012-13	2013-14	Difference	Variance
Initiations	184	160	-24	-13%
Finalisations	193	215	22	11%
In List 30 June	222	167	-55	-25%

This year, the largest number of circuit cases were initiated in Morwell, the majority of which are claims by power industry workers exposed to asbestos in the Latrobe Valley region.

Civil Circuit List – cases by region

	2012-13	2013-14	Difference	Variance
Ballarat	7	14	7	100%
Bendigo	31	25	-6	-19%
Geelong	10	8	-2	-20%
Horsham	0	1	1	100%
Hamilton	0	0	0	0%
Mildura	21	14	-7	-33%
Morwell	29	32	3	10%
Sale	2	1	-1	-50%
Shepparton	6	4	-2	-33%
Wangaratta	35	31	-4	-11%
Warrnambool	28	18	-10	-36%
Wodonga	15	12	-3	-20%
	184	160	-24	-13%

Judicial Review and Appeals List

Judges in Charge:

Justice Cavanough
Justice Kyrou

Associate Judges in Charge:

Associate Justice Lansdowne
Associate Justice Daly

Proceedings managed in the Judicial Review and Appeals List include:

- judicial review applications under the *Administrative Law Act 1978* or Order 56 of the *Supreme Court (General Civil Procedure) Rules 2005*
- appeals from an order of the Magistrates' Court on a question of law under s 109 of the *Magistrates' Court Act 1989* or s 272 of the *Criminal Procedure Act 2009*
- appeals from an order of the Victorian Civil and Administrative Tribunal (VCAT) on a question of law under s 148 of the *Victorian Civil and Administrative Tribunal Act 1998*
- appeals from a final order of the Children's Court on a question of law under s 329 or s 427 of the *Children, Youth and Families Act 2005*.

Cases in the Judicial Review and Appeals List are initially managed by Associate Judges in Charge who determine applications for leave to appeal and settle questions of law and the grounds of appeal. They also manage the progress of matters to ensure they proceed efficiently.

In 2013-14, 226 matters were entered into the list, an increase of 9 per cent from the previous year. At 30 June 2014, 163 active matters remained in the list.

Judicial Review and Appeals List

	2012-13	2013-14	Difference	Variance
Initiations	207	226	19	9%
Finalisations	192	201	9	5%
In list 30 June	138	163	25	18%

Several cases of significance were decided in the Judicial Review and Appeals List during the reporting period. *YY v ZZ & Anor* [2013] VSC 743 dealt with the concept of behaviour by one person 'towards' another person under the definition of family violence in the *Family Violence Protection Act 2008*. Justice Cavanough held that attempting to discover the address of an affected family member where it was known the family member did not want to be found could amount to behaviour 'towards' that person, even though the conduct occurred without the family member being present and without the family member's knowledge.

In *Seven Fields Property Pty Ltd v Murray Valley Citrus Board* [2013] VSC 423, the plaintiffs challenged the validity of a charge levied on each tonne of citrus fruit produced by them in the Murray Valley. The plaintiffs argued that the charge was not a valid fee for services provided by the defendant but rather an excise duty which the State of Victoria was prohibited from levying pursuant to the Commonwealth Constitution. Justice Kyrou concluded that the charge was not a valid fee for services.

In *Maddingley Brown Coal Pty Ltd v Environment Protection Authority* [2013] VSC 582, the Court considered the plaintiff's liability under the *Environment Protection Act 1970* to pay landfill levies on contaminated soil used in the construction of a firewall. Justice Kyrou held that the use of the soil was subject to a partial exemption that the Environment Protection Authority (EPA) had granted in respect of the levy and that the EPA's amendment to the exemption, which purported to insert an expiry date, was invalid. However, the plaintiff's claim for reimbursement of the amount paid to the EPA after the purported expiry date was unsuccessful because Justice Kyrou found that, as the plaintiff had passed on the levy to its customers, recovery of those amounts would result in a windfall gain for the purposes of s 20B of the *Limitation of Actions Act 1958*.

Major Torts List

Judge in Charge:

Justice Beach (*until October 2013*)

Justice Dixon (*from October 2013*)

Associate Judge in Charge:

Associate Justice Zammit

The Major Torts List is designed to expedite the passage of tortious claims to trial. Any proceeding that is primarily of a tortious nature may be heard in the Major Torts List, as well as any associated proceeding deriving from tortious conduct. Claims handled in the list include:

- common law class actions
- substantial personal injury
- nuisance
- occupiers' liability
- industrial accidents
- medical negligence
- defamation
- product liability
- motor vehicle accidents
- tortious economic loss.

In the 2013-14 year, 72 matters were initiated in the list. As at 30 June 2014, 92 matters remained in the list. There were less proceedings issued in the list compared to the last financial year, however the number of cases finalised increased by 24 per cent.

Major Torts List

	2012-13	2013-14	Difference	Variance
Initiations	86	72	-14	-16%
Finalisations	88	109	21	24%
In list 30 June	129	92	-37	-29%

The resolution of three noteworthy cases should be mentioned.

1. The class action, *A v Peters*, in which class members claimed to have been infected with Hepatitis C by an anaesthetist during a medical procedure, settled just prior to the commencement of a 4-6 week trial. The settlement was later approved by Justice Beach.
2. A complex defamation proceeding, *Cripps v Vakras* [2014] VSC 279, proceeded to judgment on 20 June 2014, before Justice Kyrou. The proceeding involved multiple issues, with numerous defences raised, and resulted in a substantial award of damages, including aggravated damages, for the plaintiff.
3. In *Swansson v Harrison & Ors*, a terminally ill plaintiff issued proceedings in negligence against an insurance adviser on 5 December 2013. The trial commenced on 5 March 2014 and Justice Macaulay delivered judgment ([2014] VSC 118) on 26 March 2014.

The list continued to provide experienced practitioners with large or otherwise significant tort cases with efficient judicial management, facilitating the timely resolution of matters.

Personal Injuries List

Judge in Charge:

Justice Williams

Associate Judges in Charge:

Associate Justice Daly

Associate Justice Zammit

Proceedings managed in the Personal Injuries List include:

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

Associate Justices Daly and Zammit give directions for the management of a proceeding in this list at a first directions hearing. At or shortly after the hearing, a trial date for the proceeding is fixed by the associate judge.

To facilitate the large number of claims where a plaintiff is suffering from a terminal dust-related disease, the associate judges in charge allocate time for the management of these cases each week. The Court has implemented unique case management processes to expedite the progress of these matters to trial, as outlined in *Practice Note No. 10 of 2010 – Personal Injury List*. Pre-trial conferences in asbestos cases are conducted by senior registry staff.

Between 1 July 2013 and 30 June 2014, 478 matters were initiated in the list. Both initiations and finalisations remained relatively constant when compared to the last financial year, as did the number of cases in the list at the end of the financial year.

Personal Injury List

	2012-13	2013-14	Difference	Variance
Initiations	467	478	11	2%
Finalisations	454	481	27	6%
In list 30 June	500	497	-3	-1%

Professional Liability List

Judge in Charge:

Justice Macaulay

Associate Judge in Charge:

Associate Justice Daly

The Professional Liability List manages claims for financial loss against a professional for breach of duty in tort or contract, related statutory breaches (for example misleading or deceptive conduct) and breach of equitable duties. The most common claims in the list are those against legal practitioners, financial advisers and property valuers. Claims against medical and health practitioners, building, construction and engineering practitioners and taxation professionals are managed by other lists in the Court.

The Professional Liability List provides specialist judicial oversight of each proceeding with particular attention to the early identification of the key issues in dispute to ensure the cost-effective and timely progression of each matter to trial.

Justice Macaulay is assisted by Associate Justice Daly, and the other associate judges of the Division, in the management of cases in the list. In particular, the associate judges hear interlocutory applications such as discovery disputes, strike out or summary judgment applications and disputes concerning amendments to pleadings or further particulars. The Judge in Charge may refer management of a matter arising in a proceeding to an associate judge. Parties are expected to assist the Court by identifying matters suitable to be determined by an associate judge, as set out in *Practice Note No. 3 of 2012 – Professional Liability List*.

In the 2013-14 financial year, 34 cases were initiated in the list, representing a 10 per cent increase from the 2012-13 year. There was a significant 175 per cent increase in the number of cases finalised as compared to the previous financial year. Overall, the number of cases that remained active in the list at the end of the financial year was consistent with the previous year.

Professional Liability List

	2012-13	2013-14	Difference	Variance
Initiations	31	34	3	10%
Finalisations	12	33	21	175%
In list 30 June	59	60	1	2%

As the list was established in October 2012, the 2012-13 statistics represent only nine months of operation. In contrast, the 2013-14 statistics encompass a full 12 months of operation. It should also be noted that the initiation statistics do not capture the many cases initiated prior to the 2012-13 financial year, but which have been subsequently transferred into this list. As such, a comparison between the second and third years of operation should present a more accurate picture of caseload trends.



CASE STUDY

Hearing Victoria's largest common law trial

The Kilmore East-Kinglake Black Saturday bushfire class action was the biggest civil trial in Victoria's history. It lasted more than 200 court sitting days and included testimony from 100 witnesses. More than 10,000 documents were admitted to evidence.

The 2009 Black Saturday bushfires killed 173 people when hundreds of blazes broke out across the state, during extreme weather-bushfire conditions, on or around 7 February.

The Kilmore East-Kinglake class action was the most complex of six class actions stemming from these bushfires.

A total of 119 people died and 1,200 homes were razed in the Kilmore East-Kinglake fire as it spread across 125,000 hectares in five municipalities. More than 10,500 group members sought compensation for personal injuries and property and economic loss, through lead plaintiff Carol Matthews.

Not only was a \$4.4 million technologically advanced courtroom purpose-built within the William Cooper Justice Centre to accommodate the trial (no appropriate accommodations existed), but because several defendants sued other parties involved, multiple legal battles were fought concurrently.

This caused a significant workload for the judge hearing the trial – Justice J Forrest – resulting in 26 pre-trial directions hearings, 34 pre-trial applications and 60 court rulings. A number of these were handled by Associate Justices Derham and Zammit,

who resolved interlocutory and administrative matters that arose throughout the trial. This ensured the smooth preparation and running of the proceedings because it enabled the trial judge to move on to other matters until the issues or disputes were resolved. It also eliminated timely and costly delays.

In an innovative approach to managing and presenting expert testimony in large civil proceedings, endorsed in the *Civil Procedure Act 2010* (Vic), a number of conclaves, comprising experts from engineering and scientific fields, were held in preparation for the proceedings. The conclaves (11 in total) were held to enable the experts to refine their views and prepare joint reports detailing points that were agreed – and those that remained in contention – before the hearing of concurrent evidence sessions during the trial. Associate Justice Zammit acted as moderator for each conclave.

During the trial, 40 expert and 60 lay witnesses gave evidence, and 22,466 documents were loaded on to the electronic court book.

Settlement, which is subject to Court approval, was reached in mid-July 2014 without admission of liability by any of the defendants in the proceedings.





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.

During the year, 33 new cases were initiated in the list, a slight increase when compared to the previous financial year. At 30 June 2014, 35 matters remained in the list.

Valuation Compensation and Planning List

	2012-13	2013-14	Difference	Variance
Initiations	30	33	3	10%
Finalisations	38	31	-7	-18%
In list 30 June	33	35	2	6%

Significant cases

Matthews v SPI Electricity Pty Ltd & Ors (Ruling No 19) [2013] VSC 180 Matthews v SPI Electricity Pty Ltd & Ors (Ruling No 32) [2013] VSC 630

Matthews v SPI was a class action proceeding arising out of the Black Saturday bushfires on 7 February 2009 (one of six actions initiated in the Court following Black Saturday). The fire destroyed more than 125,000 hectares of land spanning five municipalities, including much of the townships of Kinglake and Strathewen, and 119 people lost their lives.

One of the key questions for determination in the trial was how and why the conductor broke. This issue involved complex scientific and engineering evidence.

The parties engaged 10 experts to provide opinions on the cause of the failure of the conductor. Because of the technical nature of the analysis, two of the experts (one engaged by Mrs Matthews, one by SPI) delivered a briefing to the Court on the fundamental concepts involved in determining why the conductor broke. By the time of Ruling 19 (mid-trial), these experts had, between them, prepared 24 individual reports and five joint reports.

Two Rulings (19 and 32) related to the appointment of the expert assessors. Ruling 19 concerned the question of whether the Court was equipped to determine the issue without technical assistance. Three options were considered: referring the issue to a special referee, appointing assessors to provide technical assistance to the Court while leaving the decision-making solely to the Court, and allowing the Court to determine the matter without assistance.

Ruling 19 considers the overarching principles set out in ss 7 and 9 of the *Civil Procedure Act 2010* (Vic) ('CPA'), s 65M of the CPA (which specifically relates to court appointed experts), s 77 of the *Supreme Court Act 1986* (Vic) ('SCA'), which provides for the appointment of assessors, and Rule 50 of the *Supreme Court (General Civil Procedure) Rules 2005* (Vic), which provides for the referral of any question to a special referee to either decide a question or give an opinion.

Justice J Forrest was not satisfied that the Court was equipped to determine the question of why the conductor broke alone. His Honour decided that referral to a special referee was inappropriate and determined to appoint one or two assessors, to "enable [his Honour] to seek advice and guidance on scientific and engineering points which are beyond [his] ken" ([34]). The process of identifying and appointing the assessor(s) was delegated to Associate Justice Zammit.

By the time of Ruling 32, two assessors – professors specialising in technical engineering areas – had been appointed and the 10 experts engaged to consider the issue were scheduled to give evidence concurrently in a four-week evidence session. The purpose of Ruling 32 was (among other things) to provide further guidance as to the scope of the role of the assessors.

Drawing on principles derived from the CPA, the SCA, and the limited number of cases in which assessors have been appointed, his Honour defined the scope of the role as follows:

- The assessors would provide assistance to his Honour. However, the ultimate decision would be that of his Honour alone.
- The assessors would sit with his Honour during the concurrent evidence session.
- The assessors would be permitted to ask questions (of limited scope) of the experts or counsel during the concurrent evidence session.
- His Honour would be permitted to consult with the assessors during the concurrent evidence session and in chambers.
- The assessors would provide to his Honour, when sought, guidance and technical assistance, including basic ‘lessons’ on technical matters.
- The assessors would provide advice to his Honour on matters in dispute between the experts.
- The assessors would be available for consultations with his Honour after the conclusion of the concurrent evidence session, including while drafting the judgment.
- In the event the assessors raised a theory or opinion with his Honour that had not been previously identified by the parties, his Honour would discuss this with counsel.

The composition of such a large group of experts in a concurrent evidence session, which ultimately ran for approximately one month and traversed areas of engineering complexity, distinguishes the trial and the rulings as ones of significant interest. These circumstances, and the limited case law on the appointment and role of assessors, created opportunities for innovation. The rulings – and ultimately the success with which the concurrent evidence session was carried out with the assistance of the assessors – offer guidance for future matters that may require a similar approach.

McDonald’s Australia Ltd v Watson [2013] VSC 502

A group of protestors sought to prevent McDonald’s Australia Ltd from demolishing a building in Tecoma, and building a new McDonald’s restaurant. The protestors trespassed on the land and obstructed vehicles and workers. Some of the protestors climbed onto the roof of the existing building and refused to come down. McDonald’s was not able to identify all of the individuals by name.

McDonald’s commenced a representative proceeding under Order 18 of the *Supreme Court (General Civil Procedure) Rules 2005*, naming eight defendants. On 18 July 2013, Justice Kyrou granted an interim injunction, in which two of the named defendants were appointed as representatives of two distinct groups of unnamed protestors. The injunction restrained the named defendants and the two groups from trespassing on, or interfering with, the land. On 27 August 2013, his Honour heard submissions as to whether the interim order should continue as an interlocutory order and whether the representative order should continue. The parties disagreed as to whether, if a representative order were not available, the Court had the power to issue an injunction against unnamed persons.

Justice Kyrou considered the purpose of representative proceedings and identified the preconditions to the grant of a representative order. His Honour found that it is not necessary that there be an identifiable group or class, or that the representative have management or control of that group. However, the representative must have a common interest with the members of the group. His Honour also identified discretionary considerations, including the suitability of the representative and their willingness to represent the group.

Justice Kyrou found that the preconditions for a representative order were satisfied, concluding that in the absence of a representative order, McDonald’s would be left without a remedy against unnamed protestors who were flagrantly interfering with its legal rights as part of an ongoing coordinated campaign. His Honour expressed the opinion that, had such an order been unavailable, the Court would nevertheless have jurisdiction to issue an injunction against an unnamed but identifiable person who is committing a tort such as trespass or nuisance. His Honour said that the Court should not fetter its capacity to make orders that further the administration of justice and uphold the rule of law.

The Trial Division – Crime

Principal Judge

Justice Curtain
(until 7 May 2014)

Justice Lasry
(from 8 May 2014)

Deputy Principal Judge

Justice Hollingworth

Judges in the Criminal Division

Justice Hollingworth

Justice King

Justice Curtain

Justice Lasry

Justice Croucher

Cases were also heard by judges from other divisions, including the Chief Justice, President Maxwell, and Justices Nettle, Weinberg, Bongiorno, Whelan, Priest and Coghlan from the Court of Appeal, and Justices Kaye, Bell, Kyrou, Beach, Forrest (T), Emerton, Dixon and Macaulay from the Common Law Division.

The Criminal Division hears trials and pleas in the most serious criminal matters such as murder, manslaughter and attempted murder as well as fraud, sexual offences and major drug trafficking offences under State and Commonwealth law.

Judges of the Division also hear bail applications, applications under the *Surveillance Devices Act 1999*, *Witness Protection Act 1991*, *Serious Sex Offender (Detention and Supervision) Act 2009* and *Major Crime (Investigative Powers) Act 2004*, as well as matters concerning proceeds of crime and post-conviction inquiries.

While the statistics below provide some guidance into the work the Division has undertaken during the reporting year, it is important to take into account the significant limitations upon the conclusions that may be drawn from the figures. The main limitation stems from the fact that every application lodged with the Division is statistically represented as ‘one’ application. 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, which may require a significant amount of judicial and other resources to prepare and hear. Although complex applications constitute a small portion of the total number of applications heard during the year, a slight increase in the number of these complex applications has a profound impact on the Division’s workload and on the Court’s limited resources.

The Criminal Division continues to preside over major reviews and applications made under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, despite the fact that such applications are processed by the Court in its Common Law Division capacity. The Division works closely with judges of the Common Law Division and judges of the Court of Appeal, who have always generously given their time to conduct criminal trials, pleas and other applications required to be heard expeditiously.

The *Jury Directions Act 2013*, which commenced on 1 July 2013, is a major 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 reforms also aim to streamline criminal trials. The Act is one of the most significant pieces of criminal law reform in Victoria’s history. The new process has worked well, particularly the requirement that parties articulate on the issues and specify, with precision, the particular directions they require the trial judge to give in his or her charge. In most cases, the intended consequences of both simplifying and shortening the length of judges’ directions have been achieved.

Although most cases 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 this reporting period, judges sat in the regional centres of Mildura, Ballarat, Geelong, Sale, Shepparton, Warrnambool, Bendigo 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.

Caseload

The trial statistics are very similar to those for the previous reporting year. This year, the Division conducted 34 criminal trials involving 36 defendants, which is four fewer than the number of trials conducted in 2013. This year however, the Division finalised a number of particularly long trials, with the longest trial exceeding nine weeks in length. Lengthy criminal trials included:

- R v Shea, Goussis and Perry: 48 sitting days (Justice Lasry)
- R v Visser and Falanga: 46 sitting days (Justice King)
- R v Seckold: 46 sitting days (Justice Lasry)
- R v Curran: 28 sitting days (Justice (T) Forrest)
- R v Meade: 26 sitting days (Justice Weinberg)

Approximately 49 of the accused committed to this Court entered a plea of not guilty at arraignment, with those matters subsequently listed for trial.

Notably, 13 defendants who initially entered a plea of not guilty changed their plea after being given a date for trial, at the commencement of the trial, or during the trial. When a plea of not guilty is entered, a matter is then listed for a plea hearing.

The Division disposed 55 plea hearings involving 65 defendants, compared to 56 pleas involving 62 defendants in the last reporting year.

Overall, 89 matters involving 101 defendants were finalised, compared with 94 matters involving 106 defendants in the preceding reporting year. This slight decline is directly attributable to the decrease in the number of permanent and reserve judges who served in the Division this year.

The number of applications made under the *Bail Act 1977* increased by 20 per cent: 102 bail applications were finalised during the year compared to 85 in 2012-13, and 51 in 2011-12. The procedure for applications under the *Bail Act 1977* is set out in the *Practice Note No. 5 of 2004*, which provides time frames for the filing of materials. However, the Division maintains flexibility and endeavours to fast track bail listings where appropriate.

There was also a slight increase in the number of applications made under the *Surveillance Devices Act 1999* (from 64 to 70 applications) compared with the previous reporting period. The Division is indebted to the assistance the Public Interest Monitor provides in regard to these applications.

Despite the increased number of longer trials, the Division ended the reporting year with 15 fewer outstanding cases (55 cases involving 77 persons), compared with the position at the end of 2013 (70 outstanding cases, involving 80 defendants).

Trials

	2008-09	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Trials finalised	47 trials 65 persons	38 trials 43 persons	46 trials 57 persons	54 trials 65 persons	38 trials 44 persons	34 trials 36 persons
Plea hearings finalised	57 pleas 89 persons	43 pleas 63 persons	57 pleas 82 persons	48 pleas 60 persons	56 pleas 62 persons	55 pleas 65 persons
Total matters finalised	104 matters 154 persons	81 matters 106 persons	103 matters 139 persons	102 matters 125 persons	94 matters 106 persons	89 matters 101 persons

The variation in the number of trials finalised between 2009 and this reporting year is explained by a range of factors including a decrease in the number of judges serving in the Division between 2012 and 2014, an increase in the average duration of trials, and the collapse or adjournment of large criminal trials. The collapse or adjournment of trials reduces the Division's ability to deal with the backlog of cases. The average number of trials finalised per judge has also decreased marginally, from 6.9 trials in the last reporting period to 6.1 trials this year.

Matters heard pursuant to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Heard under s 35 Major Reviews	2	2*	7*	3	4
Other types of applications and hearings heard under the Act	12	14	15	24	24
Total	14	16	22	27	28

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

Criminal applications

	2008-09	2009-10	2010-2011	2011-2012	2012-2013	2013-2014
Heard under the <i>Bail Act 1977</i>	85	90	70	51	85	102
Heard under the <i>Surveillance Devices Act 1999</i>	82	78	67	99	62	70
Heard under the <i>Confiscation Act 1997</i> and <i>Proceeds of Crime Act 2002 (Cth)</i>	89	55*	127*	138	112	84
Other criminal applications filed**	53	66*	52*	55	49	46
Total applications heard	309	289*	316*	343	308	302

* 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*.

Future challenges

The Victorian Government introduced the *Sentencing Amendment (Baseline Sentencing) Bill 2014* into Parliament in April 2014. The Act will require courts to impose jail sentences according to ‘baselines’ across the range of sentences available to judges in criminal matters. This model of sentencing will pose varied challenges for the Division in the administration of criminal justice. Such reforms are likely to impact on the sentencing discretion that the law commits to judges, the Court’s approach to non-parole periods, the interplay between head sentences and non-parole periods, the classification of the seriousness of offences during plea hearings. Fixed sentences and the removal of sentencing considerations of mitigating circumstances may also increase the disincentive to plead. These likely flow on effects include an increased prison population and correction costs, less guilty pleas, and increased delays and greater complexities in both trial and sentencing phases. It is worth noting that the new provisions will only apply to offences committed after the proposed commencement date of 1 July 2015. Work is underway within the Division in the consideration of how the provisions might be applied in practice, with particular reference to murder trials.

The introduction of the *Crimes Amendment (Abolition of Defensive Homicide) Bill 2014* in June may also present interesting challenges for the Division. The Bill aims to abolish the offence of defensive homicide, which was introduced following the abolition of the defence of provocation in Victoria. The introduction of the Bill is a significant move toward ensuring appropriate responses to deadly violence in the Victoria’s criminal justice system. The Division looks forward to the Act achieving its stated objectives.

A continuing challenge in the Criminal Division is the increased work in areas that are not widely publicised, such as applications and major reviews under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*. The volume of matters under this Act has gradually risen during the last five years, effectively doubling from 2009-2010 (14 matters) to 28 matters in this reporting year. These matters require considerable marshalling of judicial and other resources. It is anticipated that another 16 matters will be listed before the end of 2014.

The Division cannot function without an adequate number of judicial officers or without appropriate physical facilities. The current accommodation arrangements remain unsatisfactory. Due to unavailability of courtrooms in the Supreme Court building criminal trials and hearings have been conducted in the County Court from time to time. Given the growing population of our State, it is inevitable that the caseload of the Division will continue to increase. Until now, the Division has been able to manage the increasing workload by improving efficiencies, and with the assistance of the judges of the Court of Appeal, the Common Law Division and reserve judges. With efficiency gains already leveraged, it seems inevitable that backlogs and the time to finalise matters will increase unless judicial resources and physical facilities increase to meet the demand of an increasing workload.

Acknowledgements

The Criminal Division farewelled one of its most experienced judges. The Honourable Justice Curtain, Principal Judge of the Criminal Division, retired on 7 May 2014, following almost eight years of service as a Supreme Court judge. The Court remains grateful to her Honour for the outstanding contribution she made to the life and work of the Criminal Division and the Court.

The Division also acknowledges the continued commitment, dedication and professionalism of the associates, tipstaves and registry staff in discharging their duties and their outstanding contribution to the efficient management of the Court’s processes.

Associate Judges

The associate judges have experienced another year of increased workload in all areas in which they work. The associate judges perform a wide range of work involving interlocutory and final matters.

Within the Court, the associate judges are actively involved in:

- the case management of proceedings, in the Common Law Division and the Commercial and Equity Division (Civil Management List)
- the adjudication of interlocutory disputes and other applications that are within the jurisdiction of the associate judges' jurisdiction (General Applications)
- the listing of civil proceedings for trial, including pre-trial directions, and pre-trial applications (Listing of Cases for Trial)
- the Corporations jurisdiction of the Court (Corporations)
- the 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)
- trial of proceedings, both within the original jurisdiction of associate judges and as referred by judges in the Trial Division, pursuant to the Rules of Court (Trial Work)
- mediation of proceedings, with the assistance of a mediation coordinator (Mediation).

Civil Management List

Associate judges:

Associate Justices Lansdowne
Associate Justice Mukhtar
Associate Justice Derham

The associate judges deal with directions and applications in civil proceedings that are not in a specialist list and where the proceeding has been commenced by writ. These proceedings are entered into the Civil Management List (CML) for case management – the majority of all civil proceedings in the Court are in this list.

The list deals with a large volume and variety of cases from the Common Law and Commercial Divisions of the Court, including:

- claims arising from transport accidents, workplace injuries, medical negligence claims, and dust and diseases injuries
- commercial cases
- banking and finance, real property and mortgages.

The CML is designed to manage and expedite civil claims to trial. The preparatory steps for trial are managed in a flexible way to enable a responsive and practical approach in case management. Divided into two streams, matters for directions hearings for the Commercial Court and non-personal injury Common Law matters are heard every Monday. After interlocutory steps are completed, they are referred for pre-trial directions, which are heard by the Associate Judge in charge of Civil Listing. On Wednesdays, personal injury and common law matters are listed, including applications for urgent trial in terminal disease proceedings. Post-interlocutory orders and trial date allocations are made in this list.

Civil Management List

	2012-13	2013-14
Orders made	1,429	1,598

Principal Associate Judge

Associate Justice Derham

Associate Judges

Associate Justice Efthim
Senior Master

Associate Justice Wood

Associate Justice
Lansdowne

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Zammit

Associate Justice Randall

General applications

Associate judges:

Associate Justice Lansdowne
Associate Justice Mukhtar
Associate Justice Zammit
Associate Justice Derham

The associate judges sit in the Practice Court (Court 2) each day to hear interlocutory matters, plus matters not otherwise issued in any specialist list and matters within the original jurisdiction of the associate judges. Interlocutory disputes referred from the specialist lists are also heard by the associate judges.

The volume of general applications processed is increasing. A wide variety of matters are heard including service of domestic and foreign level process, amendments to legal process, joinder of parties, disputes over pleadings and disputes over discovery and subpoenas. Other matters include summary judgment applications, security for costs applications, the discharge or modification of restrictive covenants, orders for the payment out of moneys or securities held in Court, applications to extend the validity of writs for service, and various procedures for the enforcement of judgments and examination of debtors.

Additional matters 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.

General applications

	2012-13	2013-14
Orders made	4,786	4,976

Trial work

All of 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, and matters which are referred to the associate judge by a Trial Division judge. The associate judges may choose to sit during an allocated trial period, or periods, of about six weeks to conduct civil trials in the same way as a judge of the Court.

Trials heard by associate judges

	2012-13	2013-14
Trials	39	50

Listing of cases for trial

Associate judges:

Associate Justice Daly
Associate Justice Zammit

Associate Justice Daly is the Judge in Charge of listing civil proceedings for trial. When her Honour is unavailable, she is assisted by Associate Justice Zammit.

Civil proceedings that are ready to be fixed for trial are referred to Associate Justice Daly for pre-trial directions, at which time a trial date may be fixed or further interlocutory directions given. Associate Justice Daly also hears pre-trial applications arising after a proceeding is considered ready for trial.

It is the Court's aim to have the trial of every civil proceeding commence on, or about, the date that is fixed for trial. This is not, however, always possible due to the pressures of the Court's business, in particular, the resources required to hear long cases and accommodate major civil litigation. Trials exceeding the estimated duration and unfilled vacancies in the Court also have an impact.

Trial directions hearings

	2012-13	2013-14
Trial directions	263	231

Corporations

Associate judges:

Associate Justice Eftim
Associate Justice Gardiner
Associate Justice Randall

The associate judges undertake a wide range of work in the corporations jurisdiction of the Court. They:

- hear all company winding-up applications (s 459P) and applications to set aside statutory demands (s 459G)
- conduct liquidators examinations on an ongoing basis
- hear special fixtures as required.

They also hear many other applications under the *Corporations Act 2001* that are within their jurisdiction and which are conferred on them by the Corporations Rules, including matters referred to them by judges in the Corporations List of the Commercial Court. The judges are assisted by Associate Justice Derham from time to time.

The corporations work of the associate judges has steadily increased over the years. This year 1,901 orders were made, compared with 1,637 in the 2012-13 year.

Corporations List

	2012-13	2013-14
Orders made	1,637	1,907

Commencing in the 2014 calendar year, the Commonwealth Deputy Commissioner of Taxation started to move a significant number of winding-up applications to the Supreme Court. Following a trial period, it is anticipated that from 1 July 2014 approximately 400-500 winding-up applications will be filed by the Australian Taxation Office to the Supreme Court, vastly increasing the volume of work undertaken by the associate judges.

Testators' Family Maintenance List

Associate judges:

Associate Justice Zammit
Associate Justice Derham

The Court holds directions hearings in Testator Family Maintenance (TFM) proceedings every second Tuesday. Associate Justice Zammit is primarily responsible for TFM directions, and is assisted by Associate Justice Derham.

The associate judges have been extremely successful in managing TFM cases through the interlocutory stages and mediation, where most are settled. There can be anywhere between 80 to 120 directions at each sitting. Few TFM proceedings go to trial.

Recent successful initiatives introduced include:

- The fixing of matters for trial on a 'not before' date, which removes the need for the parties to attend a pre-trial directions hearing. This saves the parties, and the Court, time and costs.
- Approvals of compromises in TFM applications are now heard in closed Court 1 instead of being dealt with at the end of the general directions hearing, again resulting in cost and time saving benefits.

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, as are orders for practitioners to file a statement of their costs prior to mediation, which can reduce costs to parties. In 2013-14, there were 93 TFM mediations held before an associate judge or judicial registrar; of these 83 matters (89 per cent) were settled at mediation or shortly after.

Regular audits of TFM matters were carried out during the year to encourage parties to progress their matter to a final conclusion. This has shown marked results.

Testators' Family Maintenance List

	2012-13	2013-14
Orders made	1,085	1,320



CASE STUDY

The difference mediation is making

Associate judges and judicial registrars play a crucial role in resolving cases that were originally listed for trial, through mediation.



The increase in judicial-led mediation – and the impact that successfully mediated resolutions is having on parties and the Court – is very significant. The resolution of cases at mediation saves considerable Court time and resources, and provides parties with a plethora of benefits including a reduction in costs, delays and distress that ongoing litigation can generate. This approach has proved successful in a number of matters.

Judicial-led mediations can take place through own motion mediations or on referral by judges or associate judges. Identifying cases that are suitable for mediation is crucial – it is estimated that one in four trial matters are suitable for referral. Mediations also arise from practitioners making requests and applications.

During the year, 219 cases were listed for mediation before the associate judges/judicial registrars. Of those that proceeded, 118 were settled at mediation and 55 were not resolved. The remaining 46 matters were either adjourned or vacated.

A large percentage of the mediations conducted were Testator Family Maintenance proceedings where the estate was small, resulting in significant costs savings to estates.

The increase in judicial mediations is attributed largely to the greater demand by judges and practitioners. The demand for proceedings to be mediated is now exceeding the availability of associate judges and judicial registrars.

A recent initiative endorsed by the Chief Justice seeks to ensure greater responsiveness to the demand for mediations in commercial matters. Judges in the Commercial Court are often able to identify during the early stages of a trial where mediation may be beneficial. The pilot project commenced late in the reporting period, with Associate Justices Efthim and Wood made available to undertake mediations at short notice. Since introduced, significant savings in Court resources have been achieved in addition to the beneficial flow-on effects for parties involved. For example, six trials that were expected to be lengthy were referred for mediation. Of these, four were estimated to run for 10 days, and two for longer than two months. The matters were resolved at mediation, amounting to an enormous saving of more than 160 Court sitting days, which does not include days saved from judges writing judgments and disposing of arguments as to costs. It also led to savings in the allocation of judicial resources and less legal expenses and stress that long trials can cause parties. Such benefits highlight the importance of identifying and referring matters for mediation early.

With the majority of matters referred for mediation during the year resolved (68 per cent), the trend is expected to continue in 2014-15. The only barrier to the increasing success of mediations is available judicial and facility resources.



Costs Court

Associate judges:

Associate Justice Wood
Associate Justice Efthim
Associate Justice Daly
Associate Justice Mukhtar

Judicial registrar:

Judicial Registrar Gourlay

The Costs Court program of listing bills of costs of less than \$100,000 prior to callover (referred to as ‘small bills days’) has proved to be an effective and efficient way to finalise party/party taxation matters from the issue of the summons for taxation. The costs registrars and the Prothonotary conduct either case conferences or mediations referred to them, and most resolve successfully. The costs registrars assess bills of less than \$20,000 on the papers pursuant to Part 8 of Order 63. This has also resulted in greatly reduced costs to the parties.

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. Costs registrars and the Prothonotary hear matters arising from orders made in all jurisdictions without any limitation. Costs Registrar Conidi also hears reviews under the *Legal Profession Act*.

This year, there has been a drop in the number of matters initiated (about 100 cases), arising from County Court orders. This is due to the impact of the WorkCover changes referred to in last year’s Annual Report.

Reported decisions of significance:

- *Sunland Waterfront (BVI) Ltd & Anor v Prudentia Investments Pty Ltd & Ors* (No.4) [2013] VSC 669: a matter referred to Associate Justice Wood in relation to gross costs, where the Prudentia parties were awarded \$4.039 million and Matthew Joyce was awarded \$2.782 million.
- *Paper Australia Pty Ltd v Victorian WorkCover Authority* [2013] VSC 444: dealt with the basis of taxation where a Magistrate ordered reasonable costs in a criminal matter without defining the basis upon which costs would be quantified.
- *Owners Corporation No 1579 & Ors v Giurnia* [2014] VSC 63: involved the refusal of an application to extend time within which to review a decision of a costs registrar, and considered breaches of the *Civil Procedure Act 2010*.

Matters issued for a costs review pursuant to the *Legal Profession Act 2004* continue to occupy most of Associate Justice Wood and Judicial Registrar Gourlay’s time. The complexity of these matters can result, in some cases, in the need for extended hearings. There has been an increase in applications to review orders made by the costs registrars and also in the number of appeals from orders made pursuant to s17D of the *Supreme Court Act 1986*.

The taxation of costs statistics, referred to in the tables below, highlight the distinction between the number of party/party taxations and reviews brought under the *Legal Profession Act*. The number of party/party taxations initiated and finalised across all jurisdictions are shown.

Taxation of costs – initiations

	Party/Party taxation				Legal Profession Act 2004	
	SCV*	CCV**	MCV***	VCAT****	solicitor/client taxation – SCV*	Total
Jul-13	25	19	5	7	15	71
Aug-13	22	25	1	1	8	57
Sep-13	17	16	3	3	10	49
Oct-13	21	24	2	5	11	63
Nov-13	29	15	5	2	13	64
Dec-13	18	13	3	3	10	47
Jan-14	18	12	1	0	8	39
Feb-14	28	18	5	5	5	61
Mar-14	13	18	1	1	17	50
Apr-14	36	10	2	0	16	64
May-14	32	15	4	1	11	63
Jun-14	22	12	2	4	21	61
Total	281	197	34	32	145	689

* Supreme Court of Victoria

*** Magistrates' Court of Victoria

** County Court of Victoria

**** Victorian Civil and Administrative Tribunal

Taxation of costs – finalisations

	Party/Party taxation				Legal Profession Act 2004	
	SCV*	CCV**	MCV***	VCAT****	solicitor/client taxation – SCV*	Total
Jul-13	31	19	6	4	2	62
Aug-13	27	21	3	2	8	61
Sep-13	21	16	1	8	7	53
Oct-13	27	31	3	5	35	101
Nov-13	20	25	3	2	8	58
Dec-13	25	14	2	4	16	61
Jan-14	23	15	2	2	6	48
Feb-14	27	14	2	3	11	57
Mar-14	27	22	5	3	19	76
Apr-14	22	12	5	3	9	51
May-14	21	14	2	2	13	52
Jun-14	25	11	1	0	13	50
Total	296	214	35	38	147	730

* Supreme Court of Victoria

*** Magistrates' Court of Victoria

** County Court of Victoria

**** Victorian Civil and Administrative Tribunal

Supreme Court bills of costs drawn pursuant to the amended Order 63 and the scale of costs in Appendix A of the Supreme Court Rules will continue to flow into the Costs Court. The impact of the changes to Order 63 may result in more taxations. It is hoped to refer more reviews of legal practitioners' costs brought under the *Legal Profession Act* to case conferences or mediations to attempt early settlement of these proceedings.

The likely commencement of the *Legal Profession Uniform Application Act 2014* in early 2015 will enable the jurisdiction of the Legal Services Commissioner to review costs disputes up to \$100,000. However, any applications which are out of time will need to be made by the Costs Court, as will applications to set aside costs agreements. Thus, it is expected that there will be an increase in matters initiated in the Costs Court following the commencement of this Act.

SUPREME COURT OF VICTORIA

Our year in review: Support Delivery

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



Court of Appeal Registry

The Court of Appeal Registry supports the Court of Appeal through the efficient administration of proceedings before the Court. The Registry works with the judiciary, the legal profession and the public.

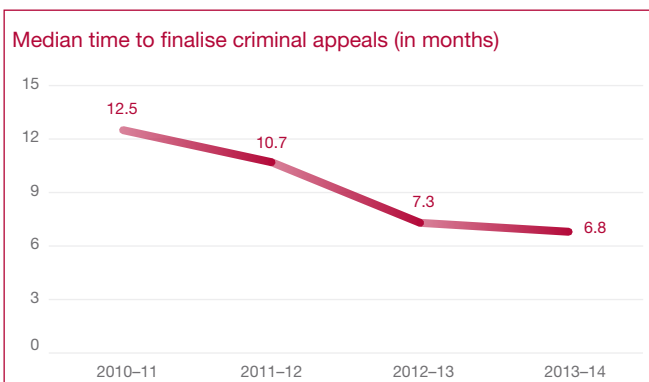
The Registry is headed by Judicial Registrar Mark Pedley. Mark is assisted by two Deputy Registrars, one responsible for legal matters and the other for administrative matters. The Deputy Registrar (Administration) is assisted by two registry office managers, and 10 registry officers. Together they assist the Judicial Registrar in the case management and administrative functions of all civil and criminal appeals.

The Deputy Registrar (Legal) is assisted by two senior registry lawyers and six registry lawyers. Each appeal that is filed is assigned to a registry lawyer and closely managed throughout the leave and appeal process. The lawyers also manage ancillary matters that arise during the life of the appeal and assist the Judicial Registrar by advising on the readiness and complexity of matters for listing.

Over the past 12 months the Court of Appeal has taken significant steps towards the Supreme Court's goal of becoming a paperless court. The Court of Appeal Registry now provides judicial staff with electronic files, as well as physical files, in all criminal and civil appeals and applications. In civil appeals, appellants are now required to provide appeal books in electronic format as well as hard copy. More than 90 per cent of correspondence filed with the Court is received electronically and judges are increasingly using tablets for the preparation of appeals in place of heavy files and appeal books. Parties in appeal cases have been extremely cooperative in assisting the Court with the provision of electronic material.

Criminal appeal reforms – three years on

The Ashley-Venne Reforms commenced on 28 February 2011 with the goal of reducing court delays through the closer management of criminal appeals. The reforms were initiated by the Court following a visit to the English Court of Appeal by Justice Ashley, and a visit to Melbourne by Master Roger Venne of that Court. The reforms are modelled on the English criminal appeal process, but have been tailored for Victorian practice.



The continued success of the criminal reforms is evident from the graph (left), which shows the dramatic decrease in the time taken to finalise criminal appeals. In the 3 years from 2010-11 the median time taken to finalise criminal appeals decreased by 5.7 months. This is an excellent achievement, benefitting victims of crime and appellants, and reducing court costs significantly.

Civil appeal reforms

Following the success of the criminal reforms, the government provided fixed-term funding for the Court's Civil Appeals Reform project. The Court intends to align the civil appeals process, where appropriate, with the criminal appeals process. This will require more detailed paperwork to initiate a civil appeal and involve greater Court of Appeal Registry management of matters. The funding has so far provided the resources

necessary to further increase front-end management of civil appeals by the Registry. The Court has recruited an additional two lawyers and one officer within the Registry, to more closely manage civil appeals and applications and assist in their preparation for early hearing.

Later this year the Court is aiming to release a new Practice Direction to coincide with significant amendments to the *Supreme Court Act 1986* and *Supreme Court (General Civil Procedure) Rules 2005*. These changes will further enhance the Court's ability to manage civil appeals and applications at the front end, and reduce the time it takes to finalise civil appeals.

Court of Appeal fee review

The Court of Appeal participated in a review of its fee structure, undertaken by an external analyst. Significant changes were recommended as a result. A *Regulatory Impact Statement* advising of these changes was released publicly on 5 June 2014. Members of the legal profession and the public were given 30 days to provide feedback regarding the proposed changes. The *Supreme Court (Fees) Amendment Regulations* were finalised and approved by Parliament, and commenced in late 2014.

Commercial Court Registry

Since commencing operation in 2009, the Commercial Court has experienced significant growth. In mid 2013, the Commercial Court Reform project team was formed to assist in managing this growth. One of its first goals was to open the Commercial Court Registry located in the Old High Court Building in close proximity to the judges and courtrooms of the Commercial Court.

The Commercial Court Registry began as a new public registry of the Court on 6 November 2013. It provides a range of administrative, case management, legal and policy support to the judiciary, as well as registry services to the legal profession and other court users.

Located on the Ground Floor of 450 Little Bourke Street, the Registry provides a counter service where members of the legal profession and other court users may initiate proceedings, file documents and obtain procedural advice in relation to Commercial Court matters.

The Commercial Court Registrar assists the Commercial Court judges in the allocation of cases and management of proceedings. The Registrar also facilitates the listing of urgent applications in the Commercial Court and provides court users with procedural advice.

A Deputy Registrar, Legal and Policy Officer and Registry Officer assist the Registrar to deliver these services in respect of all judge-managed proceedings in the Commercial Court.

Over the past six months, the Registry has been preparing for RedCrest, the Supreme Court's online case management system, to be launched in the Commercial Court in the second half of 2014. It will be supported by a helpdesk operating out of the Registry and will provide the judiciary and legal profession with comprehensive online access to court files.

Principal Registry

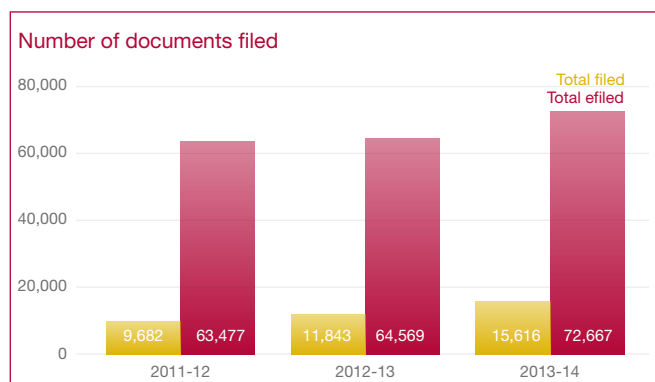
The Principal Registry provides administrative support and services to the judiciary, legal profession, Supreme Court users and the public. The function of the Registry is supported by the statutory roles of the Prothonotary and the Registrar of Probates.

There have been further improvements to case management procedures during 2103–14. The facilitation of the electronic filing of many orders and documentation has helped Registry services meet their increasing demands.

Each year, a high volume of work is undertaken by the Registry. This year:

- more than 72,000 documents were received and processed (a 12.5 per cent increase on the previous reporting period)
- 3,215 subpoenas to produce documents to the Prothonotary were issued
- 2,340 individual contacts were made between the self-represented litigants and the Registry - the largest number of contacts ever made in a year.

The Registry aims to continue implementing e-platforms and other measures to improve efficiency and interaction between Registry staff and Court users to help meet its increasing workload moving forward.

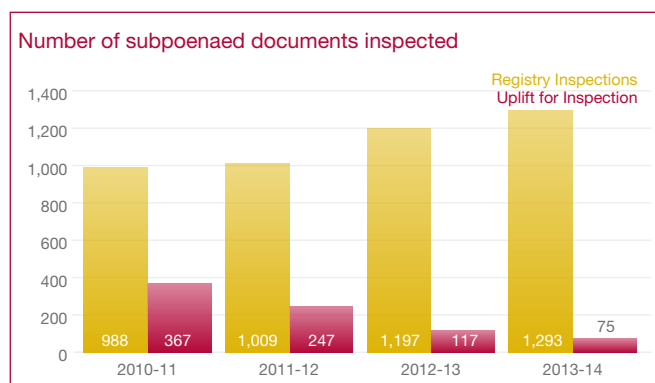


Electronic filing

As the graph indicates, there was a 31.8 per cent increase in the electronic filing of Registry documents during the reporting period compared to the previous financial year. The 15,616 documents accepted for e-filing represents almost one quarter (21.4 per cent) of all civil documents filed in the Registry.

Registry staff are no longer required to print certain types of files that are commenced electronically, in circumstances where they are likely to be addressed and disposed of by the Prothonotary.

This has saved valuable filing space and reduced the environmental impact without compromising the legitimacy of court records. It has also been an important step towards a paperless court.



Subpoenaed documents

While the number of documents produced under subpoena continues to increase, the removal of files from the Registry for inspection decreased dramatically during 2013-14 year. This is largely due to an increase in the production and electronic storage of subpoenaed documents. The information is easily stored and copied for use in court proceedings. This has provided important cost and time savings for parties and the Registry.

Improvements to orders

The implementation of electronic filing for all consent orders in civil proceedings, via a dedicated email address, enables chambers and the

Principal Registry to edit, authenticate and distribute them to relevant parties.

All orders in the Corporations List are also authenticated and distributed by email to relevant parties. The Principal Registry has continued working with the Courts Technology Group to redevelop several forms in the Court's case management system, CourtView, to better reflect requirements. Templates have also been created for certain orders to help improve Registry practices.

Dedicated Court support

Associate judges

The creation of new roles within the Principal Registry to help manage the increasing workload in the associate judges' jurisdiction is leading to more efficient practices. The Practice Court Coordinator (Court 2) continues to work closely with the associate judges to strengthen existing processes and ensure support is readily available. And a key component of the Deputy Registrar of Associate Judges has been to manage resources in the Principal Registry and provide greater supervision and control of the movement and tracking of files between the associate judges' area and the Principal Registry.

Class actions

During the year, the Principal Registry appointed a Deputy Registrar of Class Actions to provide assistance to group proceedings, such as the cases that stemmed from the Black Saturday bushfires.

Trials in class action matters involve multiple parties and often run for lengthy periods of time. They sometimes include hundreds of thousands of evidentiary documents, requiring specialist management. The Deputy Registrar maintains a close working relationship with the judiciary to refine practices aimed at facilitating just and timely outcomes in the relation to these highly complex matters.

The Prothonotary

The role of Prothonotary is a statutory function of vital importance to the effective operation of the Supreme Court. In addition to managing core functions, such as the authentication of orders, the Prothonotary hears and determines matters in the Costs Court, facilitates mediations, sits as a member of the Court's Business Group, administers bail and provides advice to both the judiciary and the legal profession.

A focus during 2013-14 was the development of senior roles to manage the complex administrative and quasi-judicial functions of the Prothonotary. Six deputy prothonotaries were appointed, bringing the number of deputies to 25. Each deputy focuses on a particular area, which it is hoped will help achieve a much more efficient Court moving forward that is better able to respond to the changing needs of Court users.

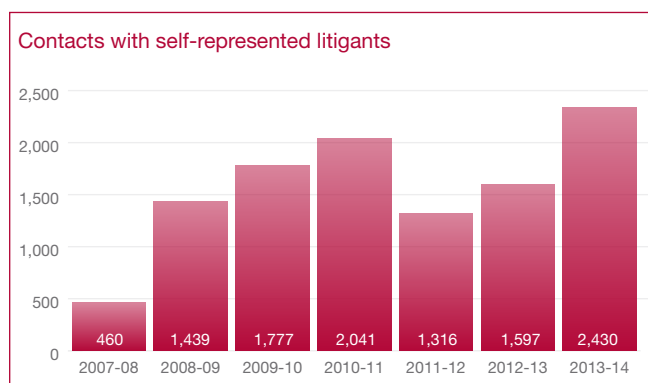
A small team from the Prothonotary maintains the listing of matters in the Trial Division and Associate Judges' Practice Courts. During the reporting period, this team continues to explore ways of assisting associate judges with the timely and appropriate listing of matters. The introduction of a new booking system for applications before associate judges, has helped balance out the workload and reduce overall waiting times somewhat in the busy Associate Judge's Practice Court.

Service improvements for self-represented litigants

The Supreme Court was one of the first Australian courts to address and manage the needs of self-represented litigants (SRLs) when it created a dedicated coordinator in 2006.

During the 2013-14 financial year there were 2,340 'contacts' with self-represented litigants by mail, phone, email or in person.

This year, 377 SRL proceedings were initiated, defended or actioned in the Trial Division, representing about 5.7 per cent of all cases. Of those, 85 were mortgage default claims and 62 cases related to SRLs seeking to appeal or review the decision of a lower jurisdiction. The development of Self-help information packs for SRLs has helped to reduce the time required for judges to address many issues such as inadvertent errors often made by self-represented litigants in Court documentation.



Probate Office

The Probate Office, residing within the Registry, processes all applications for probate within Victoria. The highly specialised staff are managed by the Registrar of Probates.

In another busy year, 19,352 grants of representation were made by the Court. In the last decade, the work of the Probate Office has increased by 24 per cent while staffing levels have remained the same. Workload increases have been managed by innovation in procedures that have led to greater efficiencies. However, with the growth in Victoria’s population, ageing demographic, and increased self-representation in this area, the Probate Office is faced with significant increasing demand for services.

The Probate Office is reforming and modernising its systems to maximise efficiencies and improve services. The Probate Office mandated that all requisitions on probate files be made electronically, allowing for requisitions to be dispatched to practitioners the next working day, in most cases. Improvements have also been made to the Probate Online Advertising System (POAS) to make placing – and searching for – advertisements on the website easier. Search results have also been configured for users of tablet and mobile phone devices. During the year, advertisements increased by 1.81 per cent compared to the previous financial year, in direct correspondence to the increased number of probate applications filed.

Information about probate on the Court’s new website was carefully considered before its launch, to ensure superior usability and navigation for users. Specifically, the objective was to increase the amount of probate business that is conducted electronically, by promoting and facilitating access to the Probate Office’s many online services. The enhanced website caters for people wanting to apply for a grant without professional assistance, as well as provides information to practitioners and guidance notes on unusual applications.

The Registrar continued to serve both as a member of the Court’s Probate Users’ Committee and on the Victorian Law Reform Commission’s Advisory Committee in its deliberation of succession law reference. The Victoria Law Reform Commission’s report on succession law is currently being considered by government.

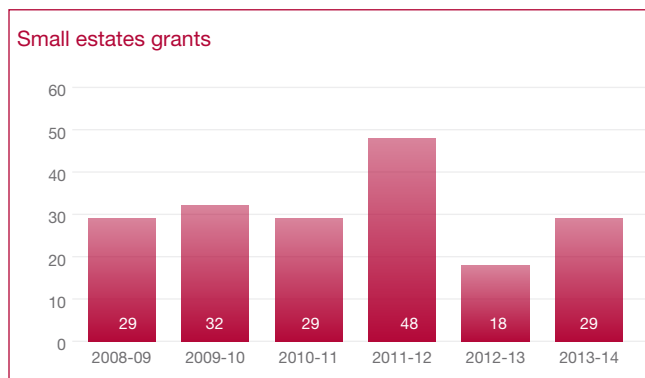
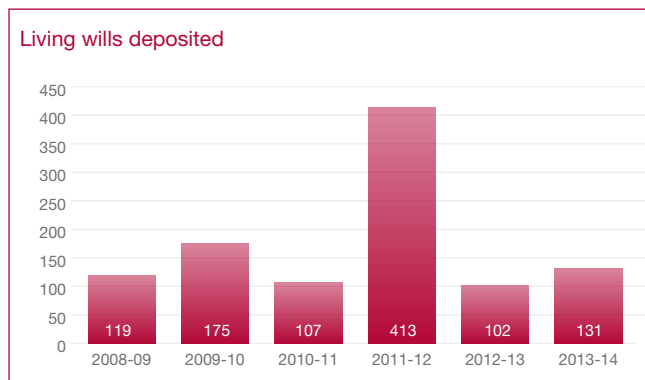
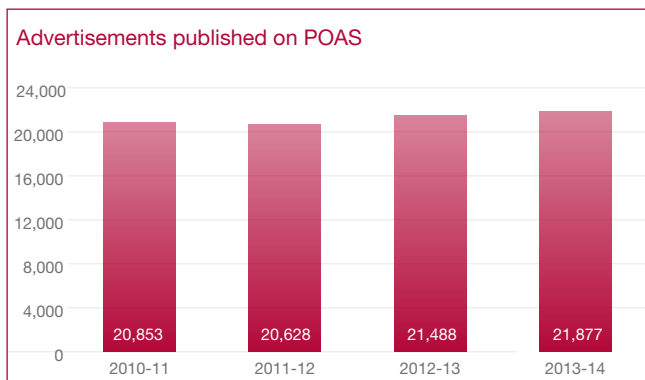
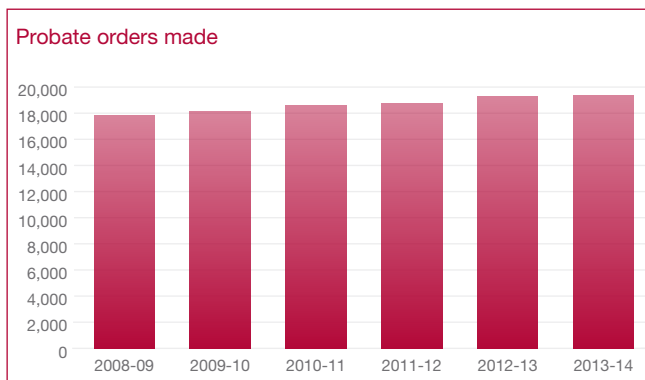
As foreshadowed in the previous Annual Report, the Probate Office is moving to e-filing of probate applications. While a great deal has been achieved, there is still much to do to deliver a genuinely enhanced probate system that is more responsive and less costly to practitioners and the public. A feasibility study will be undertaken in the coming year to further these goals.

Living wills

The Probate Office registers and provides secure storage for ‘living wills’. There were 131 living wills deposited this year.

Small estates

Instead of engaging a lawyer or trustee company to obtain a grant in relation to small estates, people can seek assistance from the Registrar of Probate in relation to the preparation of necessary documentation. Assistance however is limited to straightforward and uncontentious matters, as the Registrar would otherwise be called upon to make determinations in relation to an application prepared in his office. Over time there has been a marked decline in the demand for this service, due to the fixed threshold eligibility criteria set out in the *Administration and Probate Act 1958*. However, this may change if the recommendations in the Victorian Law Reform Commission’s report on succession laws are implemented by government.



Preserving open justice through new media

The rise of new media technologies has led to a dramatic shift in the way the wider community is kept informed about the work of the courts. While court reporters traditionally acted as the intermediary between the justice system and the community, the change in media technologies has led to a decline in the number of news reporters now covering courts.

Open justice now increasingly means that the community is able to access information about the courts through the internet and social media. It is driving the courts to engage directly with the community.

In October 2013, the Supreme Court embarked upon a large-scale project to radically improve its website. The new site provides the legal community with improved ways to interact and do business with the Court. Launched on 5 June 2014, the website also provides a number of ways for the community to

learn about and understand the work of the Court.

Members of the public can watch educational videos, listen to audio recordings of sentencing remarks, download judgments and judgment summaries, and read about the work of the Court through breaking news stories. Several civil cases, including the Great Southern proceedings and the Kilmore East bushfire trial were also web-streamed live via the website, enabling parties and plaintiff groups to watch proceedings from home via the internet.

During the year, the Court delivered on its pledge to further embrace social media to reach a wider cross-section of the community. The Court launched a Facebook page, which is being used to inform the public about matters before the Court and cases that have already been decided, sentences and other Court news. The Court is believed to be one of the first Australian courts to interact with the public on Facebook. And the Court's Twitter account continues to grow; by the end of the reporting period, the Court had more than 3,300 Twitter followers.



Funds in Court

Funds in Court (FIC) is an office of the Supreme Court of Victoria that administers all funds paid into Court, including funds awarded by other Victorian courts or by the Victims of Crime Assistance Tribunal (VOCAT).

Monies paid into court may be in the form of compensation from an accident or injury, from a will or for people under the age of 18 who have lost a parent or have been a victim of crime.

People who are under a legal disability and who have their money administered by FIC are called ‘beneficiaries’. The funds are held in trust for beneficiaries by the Senior Master of the Supreme Court. Associate Justice Efthim is the Senior Master.

In addition to administering funds paid into court for people under disability, FIC also:

- administers all funds formerly held by the County and Magistrates’ Courts, and by VOCAT, on behalf of persons under disability, pursuant to the *Courts Legislation (Funds in Court) Act 2004*
- gives support and advice to the Supreme Court Registry in the administration of all dispute funds
- responds to enquiries from the legal profession and other interested parties in respect of dispute funds
- provides advice and support to judges, associate judges, judicial registrars and their associates, when requested, in respect of all matters.

A new support team

The Intensive Support Team (IST) was introduced within the beneficiary services area during the financial year to support a small group of beneficiaries with challenging behaviours and/or with difficult and complex issues. Treating beneficiaries with courtesy and respect, the IST supports FIC’s most vulnerable beneficiaries and seeks to protect their interests (including their financial welfare). Other outcomes depend on the goals identified for each beneficiary, which seek to ensure:

- their needs are appropriately recognised and addressed
- access to appropriate supports (such as social agencies or other case management services) is provided to effectively manage complex or crisis situations
- the reduction in risk of harm and safety concerns for the beneficiary
- their improved wellbeing and quality of life
- strong relationships with FIC
- the development of beneficiaries ability and capacity to act independently.

The IST provides a full range of support services and expertise to beneficiaries, which includes Trust Administration and Client Liaison. The multi-discipline membership of the IST creates synergy and enhanced decision-making. The IST is chaired by Judicial Registrar Wharton, to ensure continuous review, prompt decision-making and quick implementation of decisions.

The IST also now offers a Financial Independence Program (FIP) for eligible beneficiaries seeking to establish increased independence in managing their own financial affairs.

Financial independence and security is an important priority for many beneficiaries. FIC strongly supports this through the FIP by helping beneficiaries learn and practise the skills needed to manage their own money (including some of their funds in Court) and to develop the confidence and independence to manage their own financial affairs.

Enhancing the Costs Team

The Costs Team is responsible for reviewing and analysing applications for costs made by law practices that act on behalf of beneficiaries. In considering these applications, the team endeavours to ensure that solicitors are fairly remunerated for the work that they do on behalf of our beneficiaries, while ensuring that the beneficiaries’ funds are adequately protected.

FIC recruited an expert in this field during the year to further enhance the skills of the team and to ensure the most efficient and effective outcomes for beneficiaries.

Performance

FIC staff met or outperformed all key performance indicators (KPIs) relating to the delivery of services to beneficiaries during the reporting period. Importantly, 94.1 per cent of payments to, or on behalf of, beneficiaries were processed within five days of receipt. FIC received more than 3,340 phone calls each month. On average, 97.3 per cent of calls were answered within one minute of the person calling.

Orders

	2009-10	2010-11	2011-12	2012-13	2013-14
No. of orders made	6,914	7,302	6,694	7,048	6,468

Supporting documents

	2009-10	2010-11	2011-12	2012-13	2013-14
No. of documents prepared	21,185	21,282	21,791	21,054	21,551

Financial transactions

	2009-10	2010-11	2011-12	2012-13	2013-14
No. of transactions recorded	93,749	102,953	103,659	109,810	116,072

Beneficiary services

During the financial year, 669 new accounts were opened, comprising 791 payments into Court; 68 were non-award matters (dispute money, security for costs, money paid in under an Act), 601 were award payments (made for personal injury, Family Provision claims, Part III of the *Wrongs Act 1958*, Victims of Crime Assistance Tribunal funds).

New accounts

	Supreme Court of Victoria	County Court of Victoria	Magistrates' Court	VOCAT	Total
No. of accounts opened	211	53	1	404	669

Moneys paid into Court totalled \$109,593,872. Moneys paid out of Court totalled \$46,623,666 (representing 713 accounts).

Many beneficiaries with personal and financial challenges are involved in complex legal or financial matters and require 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. Trust officers 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. They provide input in respect of complex applications for payments and are instrumental in assisting beneficiaries with many lifestyle difficulties they face in their every day.

Client liaison

	2009-10	2010-11	2011-12	2012-13	2013-14
No. of CLO visits	550	500	509	558	609

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

The creation of an Intensive Support Team and Financial Independence Program.

Enhancing the Costs Team.

Common Fund No.2 declared rates of interest 4.45 per cent and 4.65 per cent.

5,171 beneficiaries.

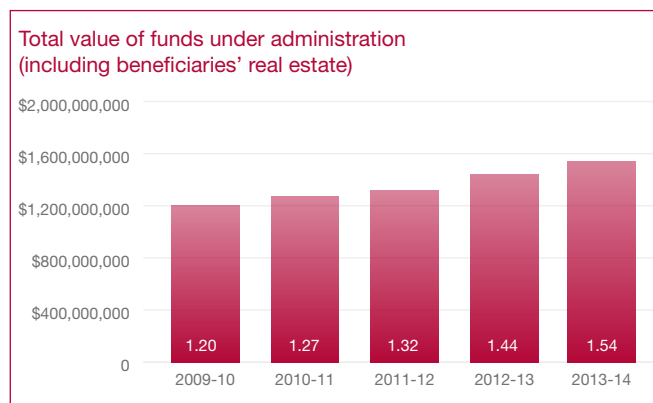
6,468 orders made.

21,551 supporting documents prepared.

116,072 financial transactions made.

94.1 per cent of invoices processed within five days.

More than 40,000 telephone calls received.



Investments

The investment area within FIC considers and, if appropriate, implements investment advice given by advisers engaged by the Senior Master. It provides administrative support to the Investment Review Panel which includes fixed interest and equities experts and meets quarterly. The FIC investment team also provides administrative support to the Investment Compliance Committee which meets twice a year and whose members include superannuation and tax experts.

Funds under administration (including direct investment in real estate and other assets) exceeded \$1.54 billion, an increase of approximately seven per cent during the financial year.

Common Fund No. 2

There are over 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 declared for CF-2 over the past five years are noted in the following table.

Year end	CF- 2 declared interest rate
31 May 2010	5.70%
31 May 2011*	6.00% (CF-2 only) 5.80% (CF-2 & CF-3)
31 May 2012	6.20% (CF-2 only) 6.00% (CF-2 & CF-3)
31 May 2013	5.55% (CF-2 only) 5.35% (CF-2 & CF-3)
31 May 2014	4.65% (CF-2 only) 4.45% (CF-2 & CF-3)

* For the first time separate rates of interest were fixed by the Senior Master in respect of CF-2 dependent on whether a beneficiary also held investment in Common Fund No.3 (CF-3).

The interest rates fixed for 2014 continued to exceed that offered by many wholesale cash management trusts (or 'at call' accounts). This is an excellent outcome for the beneficiaries of CF-2, especially in the current financial climate. It reflects the hard work of the FIC investment area. Investment performance continues to be superior to the key performance indicator benchmarks.

Common Fund No. 3

There are over 2,200 beneficiaries (representing approximately 42 per cent of all beneficiaries) for whom equity investment has been undertaken through CF-3. The objective of CF-3 is to provide beneficiaries with capital growth and dividend income over a minimum of 6 years. The fund also aims to provide a hedge against inflation for those beneficiaries with a long-term investment outlook.

On 30 June 2014, the CF-3 unit price was \$1.6838. The unit price in 2013 was \$1.5171.

The net annual return for the CF-3 portfolio was 15.6 per cent for the 2013-14 financial year. The CF-3 underperformed the S&P/ASX 50 Leaders Accumulation Index benchmark of 17.3 per cent, by 1.7 per cent. Over the five year period ending 30 June 2014, CF-3 has shown a net annual return of 10.9 per cent compared to 11.9 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 11.6 per cent since its inception on 21 December 1992 (compared to the benchmark's return of 10.6 per cent per annum).

Investment Compliance Committee

The Investment Compliance Committee (ICC) monitors investment compliance with Funds in Court'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 is also required to report on breaches of compliance or breaches of the Senior Master's duties. No breaches have been reported.

Beneficiaries' properties

The majority of beneficiaries' properties held in trust are residential. During the last five years, the number of trust properties has increased by over 19 per cent with the value of those properties increasing by more than 39 per cent.

Beneficiaries' properties held in trust

	No. of properties	Value
2009-10	518	\$167,418,304
2010-11	565	\$185,991,490
2011-12	590	\$205,974,472
2012-13	606	\$220,979,406
2013-14	615	\$232,114,008

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 www.fundsincourt.vic.gov.au.

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

FIC annually benchmarks its administration expenses 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 financial year (including property).

Administration expense ratio

	2009-10	2010-11	2011-12	2012-13	2013-14
Administration expense ratio	0.50%	0.52%	0.56%	0.58%	0.58%

In May 2014 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."

Corporate governance

The Senior Master is committed to achieving and demonstrating the highest standards of corporate governance. The FIC governance structure is driven by the need to be fully and properly accountable to the Court and beneficiaries.

FIC released an updated version of its Corporate Governance Statement, in March 2014.

The revised statement was well received by all parties who have key relationships with the Senior Master and FIC.

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 regularly reports to the Senior Master on risk management matters.

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

- 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.
- The Audit Committee provides a focal point for 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.

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

- oversight of FIC’s compliance with the Senior Master’s Code of Conduct
- oversight of FIC’s ethics audits and ethics training programme
- the reviews of ethical complaints referred to it and reporting on FIC’s responses to such complaints, advising the Senior Master where appropriate.

During the financial year, the Audit Committee met quarterly to consider the financial statements.

Complaints

All complaints made to FIC are treated seriously. Complaints are analysed by management and, where necessary, procedures are implemented to improve services and client satisfaction.

Complaints procedures have been created to conform, as far as practicable, with Australian standards. With due consideration of the Senior Master being a judicial officer of the Supreme Court, FIC adheres to the guiding principles set out in the Australian Standard ISO 10002:2006.

All complaints are documented and dealt with in a reasonable time. During 2013-14, 50 complaints were received. Every complaint was finalised or followed up within the required 28-day period.

The Senior Master expects officers to take all complaints seriously with the expectation that complaints are dealt with in a transparent, timely and appropriate manner and all attempts are made to resolve complaints fairly and quickly.

Business operations

FIC’s Business Continuity Plan (BCP) is tested every six months. Tests were successfully conducted off-site in August 2013 and February 2014.

FIC is committed to improving the lives of beneficiaries by providing innovative, proactive and forward-thinking support. A key element of this is being able to communicate with FIC and ensuring that beneficiaries, their families, carers, and all interested parties are provided with as much information as possible about FIC’s services.

In addition to organising regular events for beneficiaries, FIC also maintains an up-to-date website, produces information booklets and pamphlets, offers a DVD to beneficiaries and their families and publishes a regular newsletter. Information about FIC is also provided to new starters and Supreme Court staff. Ideas and feedback from the Beneficiaries’ Advisory Group (BAG) and Beneficiaries’ Focus Group (BFG) are also welcome.

The BAG continued to meet on a quarterly basis. 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 BFG is a group of beneficiaries who get together to provide FIC with feedback about the way the office is working. The BFG is open to all beneficiaries and staff make themselves available to catch up with those attending BFG meetings.

The meeting is generally held every 12 months. The theme of the meeting held on 10 June 2014 was ‘health and well being’. A recreational specialist provided the group with some ideas and thoughts on recreational aspects of the theme. Another guest speaker spoke about healthy eating. The findings of the group will be provided to all beneficiaries in FIC’s August 2014 newsletter.

Juries Commissioner's Office

Juries are an integral part of Victoria's justice system, contributing to and supporting the right to a fair trial for every person accused of a serious offence. To this end, the strength of the jury system lies in its independence; its representativeness of the community as a cross-section of backgrounds, experiences and values; and its inherent principle of decision-making spread across a number of people.

The Juries Commissioner's Office (JCO) ensures that a sufficient number of citizens, representative of the community, are available to participate as jurors on jury trials. Every year, more than 6,500 Victorians serve on juries and the JCO is guided by a genuine desire to minimise the inconvenience to them, their families and their employers. The JCO continually looks at ways of improving administrative processes to achieve this goal.

Jury management activity

The table below provides a snapshot of jury activity for the reporting period compared to the previous year.

- **Jurors summoned:** The number of citizens summoned has decreased, despite the demand for jury trials increasing. This is a good measure of jury management practice, which sees fewer citizens being unnecessarily put on notice.
- **Jurors empanelled:** The increase in jurors empanelled is not proportionate to the increase in jury trials. While the number of criminal jury trials went up by 18, civil jury trials increased by 27 (civil trials require less jurors).
- **Jury trials:** Jury trials in regional Victoria (circuit trials) have increased overall by 14 per cent. The busiest circuits, from a jury management perspective were the Geelong, Bendigo and La Trobe Valley law courts.

Jury activity

	2012-13	2013-14	Difference	Variance
Jurors summoned				
Melbourne	25,703	25,214	-489	-2%
Circuit	32,361	31,498	-863	-3%
Total	58,064	56,712	-1,352	-2%
Jurors attending				
Melbourne	15,148	14,643	-505	-3%
Circuit	8,132	9,282	1,150	12%
Total	23,280	23,925	645	3%
Jurors empanelled				
Melbourne	5,233	5,213	-20	Nil
Circuit	1,488	1,822	334	18%
Total	6,721	7,035	314	4%
Supreme & County Court jury trials				
Melbourne	452	475	23	5%
Circuit	138	160	22	14%
Total	590	635	45	7%
Supreme & County Court jury trial days				
Total days	3,733	3,966	223	6%
Ave length	6.3	6.2	-	-

A jury panel is a group of people who are randomly balloted from the jury pool for the purposes of empanelling a jury. A number of factors influence the size of a panel, such as the expected length of trial, the number of people accused and the nature of the trial (for example, the JCO recommends an additional five to eight people in a jury panel for trials of a sexual nature, or where there are children complainants or witnesses).

Highlights

The second annual *State-wide Juries Conference and Workshop* in Melbourne on 21–22 November 2013.

Rolling out a staff training and development program for all JCO staff across Victoria.

Development of the *JCO Information and Reporting Portal*, a sophisticated and powerful reporting tool that provides the Juries Commissioner with statistics and trends across all areas of jury management.

Partnering with academics from Monash University, Swinburne University of Technology and the University of Tasmania in jury-related research.

The following table illustrates how the work undertaken by the JCO in the lead up to a trial can reduce the time taken by judges to empanel a jury. The table provides data on the average size of jury panels and the average number of in-court excuses granted by judges in all Melbourne criminal trials that involved one accused person, in the last five years. It further provides the number of excuses granted by judges in all Melbourne criminal trials involving one accused person, where trials were estimated to run for between seven to 10 days, and where trials were estimated to run for longer than four weeks.

In-court excuses granted in jury trials

	2009-10	2010-11	2011-12	2012-13	2013-14
All jury trials					
Jury panel size	35	36	36	36	34
In-court excuses	5	5	6	5	4
Jury trials, estimated duration 4+ weeks					
Jury panel size	70	63	58	52	51
In-court excuses	19	18	11	12	3
Jury trials, estimated duration of 7-10 days					
0 (no excuses)	2	9	8	10	12
1 – 3 excuses	28	36	27	34	42
4 – 9 excuses	33	51	42	38	24
10	12	13	13	9	5

The data shows that the efficient use of the jury pool enables the JCO to meet the daily demand for jury panels across a number of courts, while minimising inconvenience to citizens. Put simply, we can summons fewer people, bring fewer people in on any given day and still meet the continued high demand for jury panels.

Secondly, the improvements made over the past couple of years in the way we communicate with prospective jurors has had a direct impact on the empanelment process. Jurors now have a better understanding of the time commitment required for jury service before they get into a courtroom, which means judges are hearing fewer applications related to juror availability. This, coupled with other jury pool management practices, has been especially helpful in longer trials. Four years ago judges were granting 18 or 19 excuses on average per trial. In the current reporting period, that number was three. The number of trials with less than four excuse applications increased, while the number of trials with more than 10 applications declined. Both trends are complimentary of the work of the JCO.

Organisational change

The review conducted in the previous reporting period led to the implementation of a new organisational structure in July 2013, where a number of work roles were created and some deemed unnecessary. All roles, from the Juries Commissioner down were enhanced. The new structure provides greater support to judges and their staff, while maintaining a strong focus on citizens as jurors.

Over the past 12 months, the JCO has set the stage for the introduction of service standards and a compliance framework with a renewed and robust emphasis on regional jury management. The new organisational structure also provides greater strategic capability, a metrics-based approach to decision-making, and a greater focus on training and development for all staff with jury management responsibilities.

Acknowledgements

The JCO wishes to thank Supreme and County Court judges and their staff, registry staff (especially in the listings area), County Court circuit coordinators, and Magistrates' Court registrars in regional Victoria for their continued interest in, and contribution to, the Victorian jury system.

We also wish to express our sincere gratitude to the vast number of citizens (almost 24,000 people) who made themselves available for jury service in the past year, particularly the 7,000+ Victorians who served on juries. Your contribution to the administration of justice is always appreciated and never underestimated.

Court Administration

Human Resource Services

The Court is committed to fostering a professional, productive and efficient workforce that delivers high quality services to the community.

The Human Resources Services team provides a range of compliance, advisory and strategic services to enable the Court to attract, develop and retain outstanding staff.

Key achievements during the 2013-14 financial year include:

- developing an internal audit schedule including a review of employee files, excess annual leave, archive files, contract and probation reports and monthly reporting
- monitoring the Performance Development Review cycle completion rates, and reporting on outcomes
- conducting organisational reviews to ensure that the Court structures its workforce in a way that is responsive, innovative, quality-focussed and efficient
- developing an organisational change toolkit for managers
- maintaining a proactive approach to managing human resource related issues by providing timely and effective interventions
- introducing a work experience program for year 10 students and formalising the process for accepting tertiary students into our program, resulting in an increase in students accepted for tertiary placement at the Court
- undertaking research in respect of employee engagement programs.

Occupational Health and Safety

The Court is a workplace that is committed to developing and maintaining an environment with the highest standards of health, safety, injury management and wellbeing.

There was a continued focus on creating a culture of health and safety throughout the Court in the 2013-2014 year. The Court maintained representation on the Department of Justice's Safety and Wellbeing Governance Committee. The Court's Occupational Health and Safety (OHS) Committee continued to represent all employees across the Court, as well as maintaining a collaborative relationship with judicial officers and management on a wide range of health and safety matters.

Human Resource Services led a Judicial Workspace Ergonomic Assessment Project, that resulted in more than 40 judicial chambers and all Supreme Court courtrooms being ergonomically assessed. Subsequent recommendations were implemented.

The Court's *Health and Wellbeing Plan* steered a wide range of activities throughout the year. The plan aims to enhance staff performance and assist in developing a workplace with increased employee morale and job satisfaction.

Monthly analysis and reporting in incident reporting and WorkCover claims provides the Court with qualitative measures on effective health and safety trends and strategies. During the 2013-14 financial year, 42 incidents were reported (including injuries, near misses and risk hazards). Interestingly, the number of risk hazards reported was greater than the previous year, however the overall number of incidents represents a 16 per cent decrease compared to the previous year. This decrease is a reflection of the influential work of both management and the OHS Committee who are committed to the health and wellbeing of all those who work within the Court environs.

Highlights

The ergonomic assessment of 40 judicial chambers and all Supreme Court courtrooms.

Launch of a Facebook page in 2013 and new website in June 2014 to increase engagement with Court users.

Expansion of the wireless network providing Court users with internet access anywhere in the Court.

Development of a World War One commemorative microsite that tells the stories of 159 men whose names are inscribed on the memorial board at the entrance of the Court.

Enhanced budget planning, development and reporting processes.

Publishing almost 1,000 judgements through five online publishers.

Communications and Media

Communications is responsible for developing and maintaining a range of initiatives to keep staff and judges informed about Court business, and to help educate and engage the community about the workings of the Court.

In October 2013, the Court embarked on a project to update its website. The new website, launched in June 2014, is part of the Court's conscious effort to preserve open justice and use new technologies to reach a wider cross-section of the community. It enables members of the public and the legal community to find out about matters currently before the Court, cases which have been decided, and other news and educational information. Read more about this in the case study on page 59.

Significantly, the Court also launched a Facebook page and is slowly growing a following. Believed to be the first Australian court to move into this social media space, the Court is using Facebook to tell the public it serves, what it does, how it does it and why the rule of law matters. The Court's Twitter account, established in 2011, has continued to grow and had more than 3,300 followers at the end of the reporting period. Twitter is an effective, fast way to notify the community of Court decisions, announcements and sentences.

Certain cases and ceremonies continue to be streamed live via the Court's website, and made available thereafter on demand, giving the public more ways to find out about matters before the Court. A total of 23 cases from the Trial Division and Court of Appeal were web or audio-streamed in the financial year. In high profile cases where there was considerable media interest, such as the bushfire class actions, Tabcorp and Tatts litigation, television cameras were allowed in the court, (on a pool basis), to film opening addresses.

Among the highlights for the reporting year, the Communications team managed two hugely successful open days that promoted an understanding of the law and Victoria's justice system. More than 1,500 people visited the Court of Appeal in July 2013; in May another 1,000 community members participated in talks and tours in the Trial Division during Courts Open Day. Associates represented the Court in the Victoria Law Foundation's Law Talks program, presenting to students from Galen Catholic College, Wodonga Senior Secondary College, McGuire College, Yarrawonga P-12 College, Euroa Secondary College, Wangaratta High School, Benalla College and Rushworth P-12 College in Wangaratta. In a new and exciting collaboration with the Victoria Law Foundation, Supreme Court judges are now also meeting and speaking regularly to students in regional areas.

During the year Communications ran an internal speaker series that provided opportunities for judges, management and special guests to hear about Court news and business. The sessions were attended by more than 223 staff and judges. Highlights included Justice J Forrest discussing the challenges presented to the Court in accommodating Victoria's largest common law trial, Associate Justice Derham on the breadth of work undertaken by the associates judges, Justice Ginnane and Court legal researchers on the work undertaken by the Court's legal researchers, and Michael Carroll, Court Services Victoria's Deputy Chief Executive Officer on the establishment and impact of CSV on Supreme Court staff.

To enhance internal communications the Supreme Court's internal Wiki site was decommissioned and a space for the exclusive use of Supreme Court staff and judges built within the Court Services Victoria intranet. The new Supreme Court intranet will be developed further in the coming financial year to ensure it is an effective tool for providing relevant, timely and useful information for staff and judges.

Communications continued to work with Court user groups, arranging private rooms for the Witness Assistance Service to provide support to families of victims attending Court for plea hearings, verdicts, and sentences. Communications also provided Court Network with regular information and updates about the Court and managed on-site facilities, from which Court Network operates.

In addition, Communications coordinated the hosting of more than 34 events at the Court, run by organisations associated with the legal profession, including the Victorian Bar, the Law Institute of Victoria, the Victoria Law Foundation and Melbourne-based universities. Events assistance was also provided on judicial welcomes and farewells, and 25 admission ceremonies at which 1,379 new lawyers were admitted to practice law.

The Court's Education Program, where students learn about the Court and its processes, hosted more than 4,800 VCE legal studies students and teachers from metropolitan and regional Victoria. The Court worked with Court Services Victoria to establish a role that coordinated the school bookings and education volunteers who deliver the program. The Supreme Court gratefully acknowledges the work of the Law Institute of Victoria in helping to deliver the program during the past 21 years and the valued contributions that the Education Team makes each year.

Non-publication orders

The Court strives to ensure the media can access information about judicial decisions, court proceedings and Court initiatives to enhance access to justice.

The Court makes suppression orders to prevent the media from publishing certain aspects of a case, or sometimes the entire case, for a limited time. The Court makes these orders, often on application from counsel, when it is considered necessary to:

- not prejudice the administration of justice
- not endanger the national or international security of a state or Australia
- protect the safety of a person
- ensure undue distress or embarrassment is not caused to a complainant or witness in a proceeding involving sexual assault or family violence.

On 1 December 2013 the *Open Courts Act 2013* came into operation. Among the changes introduced was the requirement of applicants for suppression orders to give three business days' notice of the making of suppression order applications to the Court. Upon receiving notice, the Court is required to take reasonable steps to ensure that 'any relevant news media organisation' is notified of the suppression order application. To accommodate these requirements, the Court established a unique email account to receive and issue such notifications.

Among other changes introduced under the Act is the requirement for judges to specify the purposes and grounds of an order, and that each order be given an expiry date.

Since the Act came into operation, 11 notices of suppression order applications have been made to the Court, nine of which were granted.

The Act also makes provisions for interim orders. Six were made and subsequently lapsed or were replaced with formal orders.

In 2013-14, judges of the Trial Division imposed 53 non-publication orders; 16 of which were subsequently revoked. A number of the orders were made in single criminal trials where issues such as the safety of witnesses and national security arose. The Court of Appeal did not make any non-publication orders during the 2013-14 reporting period.

Non-publication orders issued in the Supreme Court

	Active	Revoked
2013	16	6
2014	21	10

Information Technology Support Services

The Information Technology Support Services (ITSS) team provides day-to-day support and services for hardware and software for more than 350 desktop and laptop computers used by the judiciary and Court staff. ITSS also provides advice and support on the selection of hardware and software technology to meet the daily and long-term needs of staff at the Court. The main functions of ITSS are:

- Governance: providing the operating parameters for individuals' and operating units use of the IT systems, networks and architecture.
- Infrastructure: providing the operating network and circuitry and all equipment needed to make the IT system work in accordance with an established operating standard and system.
- Functionality: providing the capacity for the development of operating applications, the storing and securing of electronic information, and providing assistance in software use and data management to all areas in the Court.

During 2013-14, ITSS implemented and worked on a number of IT projects for both the Court, and Department of Justice, including:

- the expansion of the wireless network to include coverage to all areas of the Court, giving all Court users access to the internet via mobile web-enabled devices
- working with the Business Intelligence Unit to initiate the Court's first paper-free meeting, which enabled judges to access reports via the Wi-Fi network on mobile devices
- the upgrade of 180 desktop and laptop computers for the judiciary, which included upgrading Microsoft Office from 2003 to 2010
- working with the judiciary to upgrade judgment templates from Microsoft Word 2003 to 2010 in both the Trial Division and Court of Appeal
- assisting the Department of Justice with analysis and testing of a new Standard Operating Environment Platform, including deployment testing and documenting Court applications.

Facilities and Services

The Facilities and Services team is responsible for the planning, development, replacement and maintenance of the Court's accommodation assets, communication and associated support services. The team is also responsible for the procurement of office equipment and supplies and maintaining the fleet of judges' and court pool cars. It is pleasing to report that all six positions within the Facilities and Services team were able to be permanently filled during the year.

Despite reductions in running costs (the main source for repairs and maintenance) and no allocation of capital funds for the first time in nearly 10 years, the team has been able to maintain all buildings to a high standard and meet the essential services requirements. All other courtrooms and chambers were fully operational and available for use throughout the year with Court 10 the only exception while it was repainted.

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 office accommodation. This challenge is heightened and compounded by the lack of sufficient funding over previous years and the deteriorating state of the building fabric.

In early June 2014, the flooded basement at 436 Lonsdale Street provided a further opportunity to test the resilience of the Court's Business Continuity Plan. From a facilities perspective, the Court was able to respond quickly and efficiently to provide temporary accommodation and services to key personnel and staff.

Late in the financial year funds were committed, and in some instances, works associated with a number of smaller capital projects commenced:

- the building of a counter cubicle and an interview room for the Court of Appeal Registry
- the building of additional office and reconfigured workstations for the Court of Appeal Registry
- radio interference to Court of Appeal recording systems was addressed
- the chair lift at the rear of the Court of Appeal was refurbished
- the reconfiguration of level 4, 436 Lonsdale Street, for the Kilmore-East Kinglake Trial project team.

Priorities for the coming year include:

- completing the expansion of the mediation centre on level 6, 436 Lonsdale Street
- completing accommodation changes on level 3, 436 Lonsdale Street, including creating discrete library and additional office space

- conducting a room-by-room and service-by-service assessment of the Trial Division, Court of Appeal and Old High Court
- application for capital funding through Jurisdiction Services
- enhanced high-definition web streaming capabilities in six courtrooms.

Archives and Records Management Services

Archives and Records Management Services is responsible for 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. The Archives and Records Manager is also the Court's Privacy Coordinator, who developed and implemented a privacy awareness strategy.

The main focus of the Archives team is the preparation of records for long-term storage, whether for storage with a Public Record Office secondary supplier, or for direct transfer to the Public Record Office. Work continues on records identified as suitable for direct transfer to the Public Record Office. In addition, investigations into the transfer of electronic records of trials, such as the Kilmore East-Kinglake Black Saturday bushfire matters to State archives has begun.

This year's records transfer to the Public Record Office consisted of admission records from 1963 to 1975 and from 1990 to 1995. All extant records about admission to legal practice from 1891 to 1995 are now located at the Public Record Office.

Archives and Records Management Services also worked closely with Funds in Court (FIC) to make amendments to the Court's *Retention and Disposal Authority* to expand coverage to all records created through the administration of FIC.

The Archives team contributes to the Court's community engagement program. During History Week, in October 2013, the Archives team conducted a guided tour of the Supreme Court building for more than 50 members of the public. Redmond Barry Bicentennial panels were loaned to the Castlemaine Historical Society for display at the Castlemaine Library where they were viewed by many visitors. In addition, the Archives and Records Manager made regular appearances on community radio to talk about the court's history and was the guest speaker at the Public Record Office volunteer Christmas function.

The Archives team are also the project managers of the Court's commemoration of the Centenary of World War One. A 2013 grant of \$5,000 from the Victoria Law Foundation has enabled the development of a website that will tell stories about the 159 men of the legal profession whose names are inscribed on the World War One memorial board inside the William Street entrance to the Court. This work featured in the cover story of the *Law Institute Journal* in April 2014.

A further \$3,500 grant was received in June 2014 from the ANZAC Centenary Community Grants Program. This will be used to produce display panels that contain stories of some of the 159 men.

Business Intelligence Services

The Business Intelligence Services (BIS) team provides timely, accurate and meaningful information for business analysis purposes to assist the Court in making well-informed business decisions that meet current and future Court needs. The Court continues to benefit from the creation of the in-house data warehouse which provides activity and performance reports and advice for decision-making.

The BIS team has continued to work with the Principal and Court of Appeal Registries as well as the Juries Commissioner's Office (JCO) on information auditing to maintain data accuracy and timeliness.

The primary focus of the BIS team during 2013-2014 was:

- the continued development of the BIS intranet site for the Court and the JCO which enables the accurate reporting and monitoring of activities and assists in ongoing resource analysis
- implementation and ongoing support of the application database for the Trial Division, which assisted with the recruitment of associates and researchers
- development and testing of a suite of reports to assist the new Commercial Court in analysing performance and future trends
- ongoing development and testing of the BIS database to reflect the divisional changes in the Court
- ongoing assistance and analysis of a suite of reports for performance indicators for all areas of the Court
- working with the finance team in automating monthly management accounts and transaction reports.

Financial Management Services

The Financial Management Services team is an integral element of the Court's Support Delivery that demonstrates the Court's ability to manage public funds with accountability and responsibility.

The team delivers a wide range of specialist financial and accounting services that comply with the *Financial Management Act 1994*, Financial Reporting Directions issued by the Minister for Finance, and Australian Accounting Standards. These include budget strategy and development, general ledger management and high-quality and accurate monthly financial reporting. Rigorous monitoring of expenditure to ensure responsible management of the Court's allocated budget, strategic financial analysis, financial policy guidance and development, and financial administration also takes place.

The team is the primary coordination and control point in addressing financial and budgetary matters between the Supreme Court and the Department of Justice. The work performed by the team contributed directly to the Court's success during 2013-14 in all aspects of financial planning and management. This is demonstrated in the Court's achievement of a modest surplus for the financial year.

In addition, the team continued to strengthen and support the financial capability of key decision-makers within the Court, including operational managers, Court staff and the Finance Committee, chaired by the Chief Justice.

Key achievements for the 2013-14 financial year include:

- the successful planning, management and delivery of finance activities in readiness for the transition from the Department of Justice to Court Services Victoria on 1 July 2014
- the comprehensive review of all procurement contracts to ensure currency, timeliness and adequacy for the transition to Court Services Victoria;
- the update of all forms, policies and procedures without disruption to service delivery
- an enhanced and comprehensive budget planning, development and reporting process.

Supreme Court Library

The Supreme Court Library has well over 90,000 volumes and is one of the largest law collections in Australia. There are extensive series of law reports from all Australian jurisdictions, as well as from various other countries. There is also a large collection of statutory material, textbooks and periodicals.

The Library provides access to many online legal resources to assist with legal research. These include unreported judgments, legislation, reference and digest materials.

Library staff assist users by providing:

- search strategies for online resources
- one-on-one training on electronic research
- for items to be emailed, faxed or posted to practitioners outside of Melbourne's central business district.

The Library manages the process of publishing unreported judgments for the Supreme Court. This activity is a high priority for the Library, epitomising 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.

During this financial year, the Library published just under 1,000 judgments through five online publishers, creating 5,000 points of access for the legal profession and broader community to the decisions of the Supreme Court.

The Supreme Court Library has focussed efforts this year on the establishment of the Law Library of Victoria. As the major funder of the Law Library of Victoria, the Supreme Court Library has also provided professional skills, staff resources and administrative expertise, which has been critical to the successful commencement of the Law Library.

Law Library of Victoria

The quality of the administration of justice in Victoria depends on judges and practitioners ease of access to current, accurate legal information.

The Law Library of Victoria has been charged with realising the vision that emerged from a review of the needs of judges from all courts, the Victorian Civil and Administrative Tribunal, and the profession in Victoria. Since signing a Memorandum of Understanding in 2012, which formalised a number of organisations' commitment to establishing the Law Library of Victoria, much has been done to achieve the goal.

This year – 2014 – is the year of establishment for the Law Library! A review of the Library's foundational structure identified some unique opportunities and strengths. The library now has a clear purpose and mandate with regard to its user base and is improving governance structures, policies and processes.

Among the critical milestones achieved during this busy and productive period, the Law Library created an organisational structure to provide consistency in reporting lines and salary grades, and a leadership team to continue to progress the establishment of the Library. The implementation of the Law Library organisation structure commenced on 26 May 2014, following the completion of public service industrial processes.

After a year of collaborative effort toward combined purchasing, the four jurisdictions authorised the Law Library to negotiate and manage annual subscriptions on behalf of the courts. This is a landmark achievement, and the first realisation of what is envisaged in the creation of the Law Library. It has been achieved through the combined efforts of the courts' administration, and the judiciary, and continues to be a focus for the director, with further benefits anticipated, in the year ahead.

The Law Library is also a project partner in the AustLII linkage project designed to provide public access to decisions and judgments, which will provide a tangible beneficial outcome to all legal practitioners in Victoria. Justice Macaulay, the Chair of the Law Library of Victoria Committee, also Chairs the Council of Law Reporting in Victoria, which further serves to strengthen the strategic management of the publication life cycle for judgments and decisions.

During the year, more than 2,000 people attended functions at, or enjoyed tours of, the Supreme Court Library. Approximately 10 per cent of these were educational visits. Staff also delivered library education and training to more than 100 people offsite.

The year ahead promises to be exciting. The Law Library will further enhance access to accurate legal information by combining the print resources of the Supreme Court Library with a broad and deep range of electronic material. Increasing community awareness and enhancing the capability of the legal profession through targeted research guides and a range of interactive and in-person information skills sessions, are also high on the agenda.

Highlights

Implementation of the Law Library's organisation structure for its ongoing operations.

A review of the library's governance, finance and records.

The establishment of a centralised authority to negotiate and manage annual subscriptions across the courts.

Project partner in the AustLII linkage project, designed to provide public access to authorised versions of decisions and judgments.



SUPREME COURT OF VICTORIA

Financial report

The Court continued to demonstrate sound financial planning and management practices through the effective use of revenue appropriations, and the management of expenditure within its allocated funds.



The Court achieved an accounting surplus for the financial year.

Revenue appropriation and expenditure

The Court's success in financial management is depicted in the tables and graphs below, which show that expenditure has been effectively managed against appropriated revenue year on year.

The table below shows the revenue appropriated to the Court by the Department of Justice, the expenditure incurred against each appropriation, and the net operating result for the past three financial years.

Revenue appropriation, expenditure and operating result

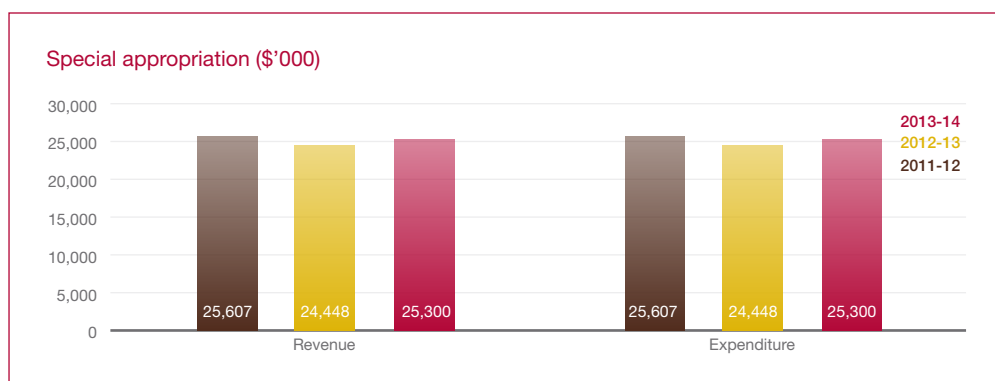
Revenue appropriation, expenditure and operating result	2011-12			2012-13			2013-14		
	Rev \$'000	Exp \$'000	Result \$'000	Rev \$'000	Exp \$'000	Result \$'000	Rev \$'000	Exp \$'000	Result \$'000
Special appropriation	25,607	25,607	0	24,448	24,448	0	25,300	25,300	0
Output appropriation (Supreme Court)	25,907	25,907	0	28,148	27,700	448	29,548	28,859	689
Output appropriation (JCO)*	6,122	6,060	62	6,947	6,602	345	6,486	6,473	13
Capital appropriation	229	229	0	267	294	(27)	83	136	(53)
Total	57,865	57,803	62	59,810	59,044	766	61,417	60,768	649

* *Juries Commissioner's Office.*

The Court has managed its revenue appropriation effectively, achieving an accounting surplus against the output appropriation funding stream. The capital appropriated to the Court, representing only 0.13 per cent of total revenue appropriated, is the only funding allocated for capital works and fit outs of Court buildings.

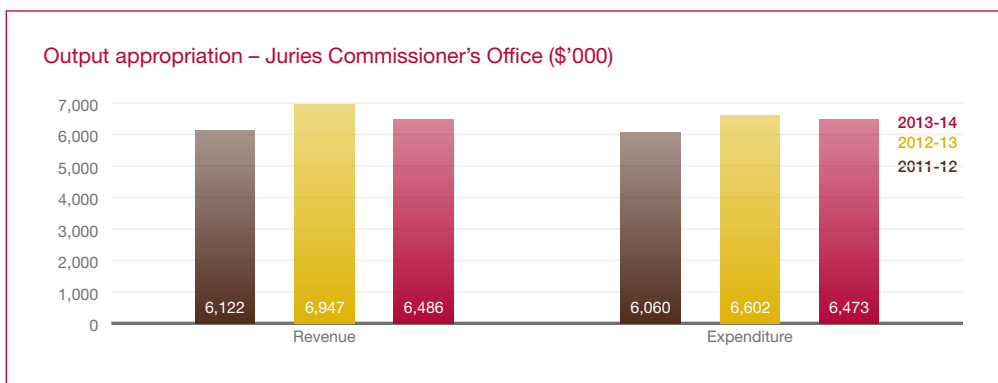
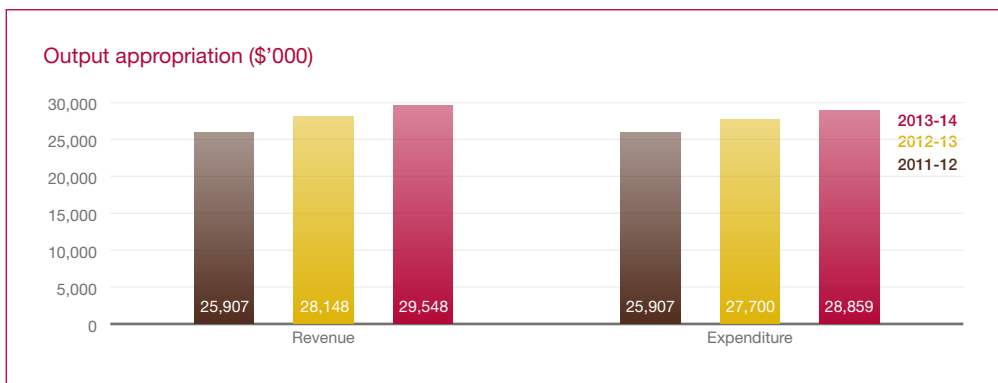
Special appropriation

Special appropriation is funding appropriated to the Court for the remuneration and entitlement expenditure of judges, associate judges and judicial registrars.



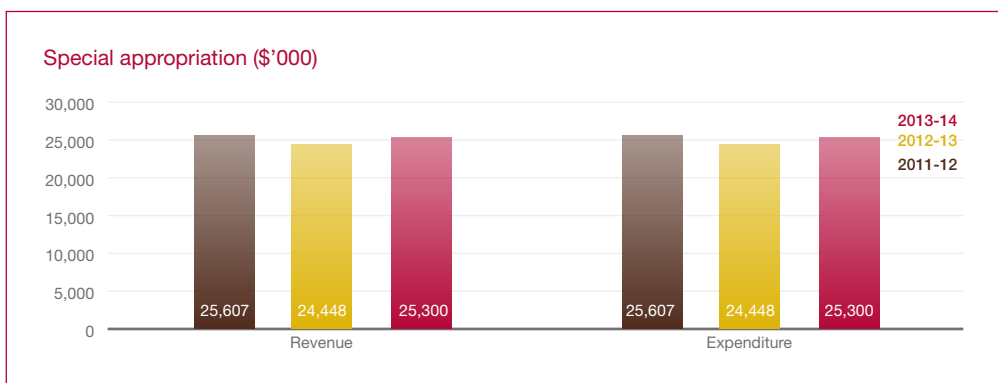
Output appropriation

Output appropriation is funding appropriated to the Court for discretionary and non-discretionary expenditure. Discretionary expenditure is controlled by the Court, and includes employee-related expenses and operating expenses. Non-discretionary expenditure was managed centrally by the Department of Justice, and includes rent, depreciation and amortisation.



Capital appropriation

Capital appropriation represents funding that is appropriated to the Court for capital works and fit outs of Supreme Court buildings. As previously noted, the capital appropriated to the Court is minor in comparison to total revenue appropriated.

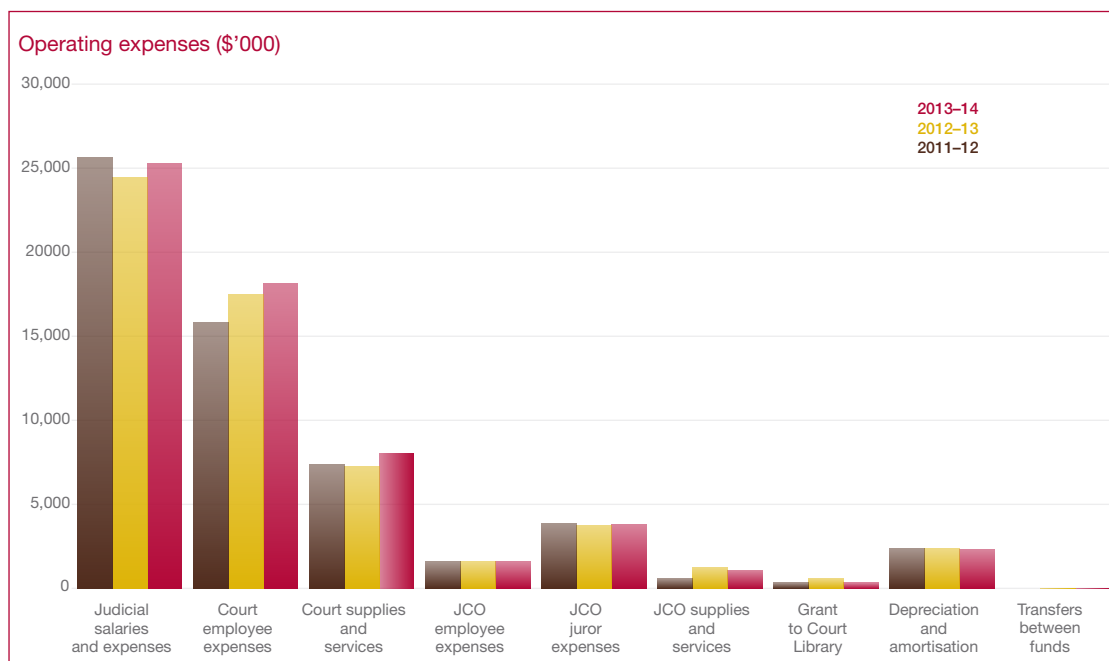


Analysis of expenditure

The table and graph below show how the Court has utilised its appropriated revenue in the past three years. Appropriated revenue, operating expenses and the net operating result attained by the Court and Juries Commissioner's Office is shown.

Operating expenses (\$'000)

Operating result	2011-12	2012-13	2013-14
	\$'000	\$'000	\$'000
Judiciary			
Special appropriation revenue	26,304	24,448	25,300
Judicial salaries and expenses	(25,607)	(24,448)	(25,300)
<i>Net result from Judiciary activities</i>	697	-	-
Court Administration			
Output appropriation revenue	25,907	28,148	29,548
Employee salaries and on-costs	(15,824)	(17,501)	(18,157)
Supplies and services	(7,358)	(7,242)	(8,031)
Grant to Court Library	(350)	(600)	(350)
Transfers between funds	-	(9)	(19)
Depreciation and amortisation	(2,375)	(2,348)	(2,302)
<i>Net result from Court Administration</i>	-	448	689
Juries Commissioner's Office			
Output appropriation revenue	6,122	6,947	6,486
Employee salaries and on-costs	(1,572)	(1,585)	(1,578)
Juror expenses	(3,888)	(3,761)	(3,800)
Supplies and services	(598)	(1,254)	(1,093)
Depreciation and amortisation	(2)	(2)	(2)
<i>Net result from Juries Commissioner's Office</i>	62	345	13
Net operating result from all Court activities	760	793	702



Court fees

As in previous years, resources were used to collect Court fees and probate online application fees on behalf of the State. The collection of these fees is part of the Court’s routine service delivery. Approximately 5.5 per cent of all court fees collected were returned back to the Court via a Section 29 Revenue Retention transfer. Hence, 94.5 per cent of total fees were remitted into the Government’s Consolidated Fund.

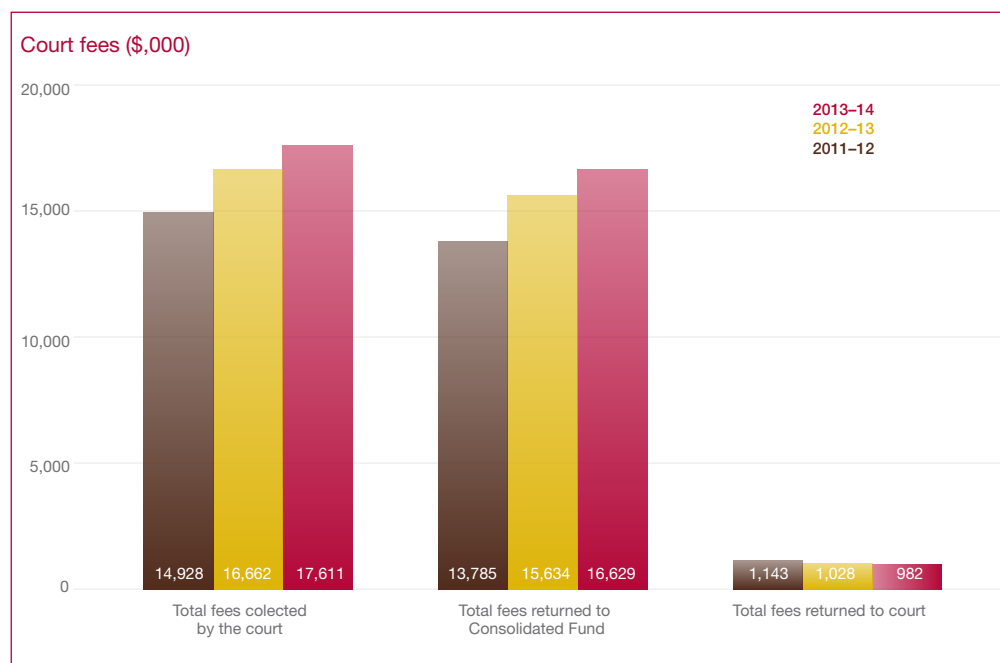
The table below shows the administered court fees and probate online application fees collected by the Court in the last three years.

Collection of administered fees*

	2011-12	2012-13	2013-14
	\$'000	\$'000	\$'000
Court fees	14,130	15,806	16,712
Probate online application fees	797	856	899
Total fees collected by the Court on behalf of the State	14,928	16,662	17,611
Less: Fees returned to the Court under Section 29 of the <i>Financial Management Act 2004</i>	(1,143)	(1,028)	(982)
Total fees returned to Government’s Consolidated Fund	13,785	15,634	16,629

* Only includes administered Court fees and probate online application fees.

The graph below depicts the total Court fees and probate online application fees collected by the Court on behalf of the State, the total court fees returned to the Government’s Consolidated Fund, and the total fees returned to the Court.



SUPREME COURT OF VICTORIA Appendices



Appendix 1: Judicial Activity

The Chief Justice

26 July 2013: Spoke at Victoria's Rare Book Week at the Supreme Court Library.

26 July 2013: Attended the Judges' and Academy Seminar Series on *Statutory Interpretation*.

31 July 2013: Spoke at the 40th Anniversary of National Legal Aid.

6 August 2013: Met with Chief Justice Michael Hwang SC of the Dubai International Financial Centre Costs Court.

15 August 2013: Met with Geraldine Andrews QC, Justice-Elect of the High Court of the United Kingdom Queens Bench Division.

15 August 2013: Led a tour of the Supreme Court for Melbourne University, Faculty of Design and Architecture students as part of their thesis topic for final year students.

20 August 2013: Attended the Monash Leadership Program Seminar.

22 August 2013: Hosted Chief Judge Makinudin of the Malaya High Court.

28 August 2013: Spoke at the launch of the JCV Training Facility.

30 August 2013: Attended Melbourne University, Faculty of Design and Architecture students' presentation on court architecture.

5 September 2013: Delivered the welcome address at the launch of Sir Ninian Stephen's book *Fortunate Voyager*.

9 September 2013: Delivered the welcome address at the Commercial Law Conference co-hosted by the Court with the University of Melbourne.

9 September 2013: Hosted a luncheon event for The Hon. John Doyle AC QC, former Chief Justice of SA.

9 September 2013: Launched the Law Institute of Victoria's *Wellbeing and the Law* Foundation.

25 September 2013: Attended the funeral service for The Hon Norman O'Bryan, retired Supreme Court Justice.

30 September 2013: Launched the Supreme Court Commercial Court Registry.

2 October 2013: Launched Dr Paula Gerber and Mr Brennan Ong's book *Best Practice in Construction Disputes*.

3 October 2013: Attended the Victorian Law Foundation Oration at Melbourne University.

21 October 2013: Delivered the Redmond Barry Lecture, *Social Media and Justice*, at the Victorian State Library.

22-23 October 2013: Attended a meeting of the Council of Chief Justices of Australia and New Zealand.

24 October 2013: Delivered the welcoming remarks at the 19th Lucinda Lecture at the Monash University Law School.

24 October 2013: Attended the Criminal Bar Association's dinner.

11 November 2013: Presided as a judge of Melbourne University, Faculty of Design and Architecture students' *Representing Justice Architecture* presentations.

12 November 2013: Launched the Equality at the Victorian Bar Program.

19 November 2013: Spoke at the Herbert Smith Freehills and Women Barristers' Association Networking Event.

21 November 2013: Delivered welcome remarks at the Australian Academy of Law Symposium *Legal Education, Regulation and Funding - Shaping the Legal Profession of the Future*.

27 November 2013: Attended the Law Institute of Victoria Specialist Conferral Ceremony.

2 December 2013: Delivered the opening remarks at the HKIAC Seminar *The Pursuit of Enforcement: Strategies for Dealing & Disputing with Chinese Parties*.

13 January 2014: Delivered remarks at the opening of the Legal Year at Geelong Law Courts.

7 February 2014: Delivered a presentation at Kilbreda College's 110th Anniversary Assembly.

1 March 2014: Attended a reception for Her Excellency, The Hon Dame Quentin Bryce AC, the Governor General.

4 March 2014: Attended a JCV Luncheon for the Hon Lord Justice Moses of England and Wales who delivered a presentation *Juries, Appeals and Current Development in English Law*.

4 March 2014: Attended a JCV Seminar *Adequate, Sufficient & Excessive Reasons*.

5 March 2014: Launched Dr Ronli Sifris's book *Reproductive Freedom, Torture and International Human Rights - Challenging the Masculinisation of Torture*.

9-12 March 2014: Delivered a presentation *Access to Justice: Unrepresented Litigants* at the 21st Pacific Judicial Conference.

14 March 2014: Chaired the session *Judicial Discretion and the Rule of Law: Is there a clash?* at the JCV Seminar *Judicial Discretion in Private Law*.

17 March 2014: Launched the Melbourne Commercial Arbitration and Mediation Centre.

19 March 2014: Delivered a presentation *The Supreme Court and the Future of Civil Litigation* at the Corrs Chambers Westgarth Litigation function.

24 March 2014: Spoke at the OPP's Director's Series: Insights from Inspiring Leaders.

25 March 2014: Delivered the Eleventh Fiat Justitia Lecture *The Access to Justice Imperative: Rights, Rationalism or Resolution*.

26 March 2014: Delivered a welcome address at the APRAG 2014 10th Anniversary Conference Welcome Reception.

27 March 2014: Delivered opening remarks at the Asia Pacific Commercial Arbitration Group Conference.

1 April 2014: Presented awards at the 2014 Legal Reporting Awards.

11 April 2014: Attended the launch of the Hellenic Australian Lawyers Association.

30 April 2014: Launched the Hon Rosemary Balmford's *Memoirs A Funny Course for a Woman*.

15 May 2014: Attended a farewell for Ms Lynn Slade, retiring CEO of JCV.

23 May 2014: Chaired the JCV Seminar *Civil Procedure Refresher*.

21 May 2014: Attended the 2014 Victorian Law Foundation Law Oration.

30 May 2014: Attended the Victorian Bar Dinner.

30 May 2014: Attended a JCV Lunchtime seminar by Florrie Darwin at Harvard Law School who spoke on *International Dispute Resolution Practices*.

The President

20 July 2013: Participated in the Appellate Advocacy workshop.

26 July 2013: Led the Judges' and Academy Seminar Series on *Statutory Interpretation*.

26 July 2013: Attended the annual fundraising dinner for the International Commission of Jurists.

30 July 2013: Attended a JCV Seminar on Indigenous Identity.

15 August 2013: Launched Professor Jeff Giddings' book *Promoting Justice Through Clinical Legal Education*.

27 August 2013: Attended the JCV Sentencing Twilight Seminar: Current Issues in Sentencing.

13-14 September 2013: Attended the *Legal and Political Philosophy Conference* at Cambridge University.

23-24 September 2013: Participated in a panel discussion on *Suppression Orders* at the *Media Law Resource Centre London Conference*.

23-24 September 2013: Visited the Royal Courts of Justice in the United Kingdom.

27 September 2013: Attended and delivered a presentation on *Victoria's experience implementing human rights legislation* at the School of Law, Dublin.

27 September 2013: Met with the Honourable Susan Denham, Chief Justice of Ireland at the Supreme Court of Ireland.

22 October 2013: Delivered a presentation *Justice Reinvestment* at the Mark Master Masons of Victoria.

25 October 2013: Attended the second seminar in the Judges and the Academy series.

8 November 2013: Chaired the Australian Association of Constitutional Law seminar *The Centralisation of Judicial Power within the Australian Federal System*.

13 November 2013: Spoke at the Rotary Club Breakfast on *Victoria's Charter - Has it made a Difference*.

5 March 2014: Lectured for Melbourne University's Juris Doctorate Course, *Philosophical Foundations of Law*.

17 April 2014: Participated in a Law Week judicial discussion panel on *One Punch - A Life Time of Consequences*.

2 May 2014: Delivered the keynote address and a presentation *Verdins and Sentencing* at the Magistrates' Conference.

26 June 2014: Spoke at an event hosted by the International Commission of Jurists Victoria.

Justice Nettle

16 October 2013: Presented a paper at the Commercial CPD seminar.

29 April 2014: Represented the Chief Justice at the Magna Carta Lecture.

3 May 2014: Participated in an appellate advocacy seminar for the Australian Advocacy Institute and Victorian Bar.

Justice Neave

2-5 July 2013: Attended the Australia Bar Association Conference in Rome.

21 August 2013: Spoke with visiting Victorian University Law Students.

4 September 2013: Took part in an AAL Membership Committee Meeting.

9 September 2013: Attended a luncheon event for The Hon. John Doyle AC QC, former Chief Justice of SA.

9 September 2013: Spoke at the Commercial Law Conference hosted by the Court.

16 September 2013: Participated in a meeting relating to the review of Flinders Law School.

16 September 2013: Attended a meeting with Batbold Amarsanaa, Vice-Director of The National Legal Institute of Mongolia.

18 September 2013: Attended a presentation by Professor Charles Zika.

28 November 2013: Addressed the AIJA Seminar *Restorative Justice Alternatives*.

28 November 2013: Participated in a round table discussion of Child Witness Services on *Intermediaries in the Criminal Justice System*.

6 December 2013: Attended the RMIT *Rethinking Rape Law* Colloquium.

9 December 2013: Participated in a teleconference of the Australian Law School Standard Committee.

12 February 2014: Attended the Fellows Dinner at Queens College.

23 February -1 March 2014: Delivered a presentation at a conference on sexual offences in Beijing, China.

13 March 2014: Attended the Family Violence and Homicide Advisory Group meeting.

14 March 2014: Chaired the session *The Gravitational Force Statutes on Private Law Reasoning* at the JCV Seminar *Judicial Discretion in Private Law*.

19 March 2014: Attended the CairnMiller Graduation Ceremony.

21 March 2014: Attended the Dame Roma Mitchell Memorial Oration.

25 March 2014: Attended the Eleventh Fiat Justitia Lecture *The Access to Justice Imperative: Rights, Rationalism or Resolution*.

25 March 2014: Attended a meeting of the Australian Academy of Law.

3 May 2014: Participated in an appellate advocacy seminar for the Australian Advocacy Institute and Victorian Bar.

17 May 2014: Presented at the *Meet the Judges* session at the Supreme Court Open Day.

19 May 2014: Attended an Intermediaries Round Table Discussion of Victims Support Agencies.

20 May 2014: Attended a Law Reform Commission meeting on forfeiture law.

21 May 2014: Attended the Fellows Dinner at Queens College.

23 May 2014: Attended a meeting of the Australian Academy of Law.

23 May 2014: Attended the Medico-Legal Society of Victoria Dinner.

Justice Redlich

30 July 2013: Attended a meeting of the Bar Council to assist in developing a strategic plan for the Bar.

28-30 August 2013: Attended *Dialogues on Being a Judge Program 2013* hosted by the National Judicial College of Australia.

22 May 2014: Presented the Supreme Court Prize and the Victorian law Foundation's Chief Justice's Medal on behalf of the Court and Chief Justice at University of Melbourne Law School Prizes Ceremony.

Justice Weinberg

2-5 July 2013: Attended the Australia Bar Association Conference in Rome.

2-4 August 2013: Attended the Corporations Workshop held by the Law Council of Australia in Canberra.

5-6 August 2013: Presided as an acting Judge of Appeal in the Court of Appeal of the Supreme Court of Western Australia.

16 October 2013: Presented a paper *Some Recent developments in Corporate Regulation - ASIC from a Judicial Perspective* at the Commercial CPD seminar.

2 November 2013: Adjudicated on the topics of *The offence of money laundering needs to be reformed* and *Legal professional privilege is untouchable* at the Criminal Justice Reform Conference, Hong Kong.

2 November 2013: Spoke to members of the Department of Justice, Hong Kong on *Arguing Points of Law*.

7 November 2013: participated in a Hypothetical with Geoffrey Robertson *Shades of Grey* as part of the Leadership in Government Awards.

4 March 2014: Delivered a JCV Seminar *Adequate, Sufficient & Excessive Reasons*.

17 March 2014: Lectured for Melbourne University's Juris Doctorate Course, *Philosophical Foundations of Law*.

19 March 2014: Attended the Corrs Chambers Westgarth Litigation function.

28 April 2014: Presented a paper *The Ethical Prosecutor* at The Modern Prosecutor - Conference for External Council.

1 May 2014: Attended the Victorian Bar Readers' Course Dinner.

3 May 2014: Participated in an appellate advocacy seminar for the Australian Advocacy Institute and Victorian Bar.

Justice Tate

26 July 2013: Delivered a presentation at the Judges' and Academy Seminar Series on *Statutory Interpretation*.

31 July 2013: Member of the judging panel for the final of the Governor-General's Undergraduate Essay Competition.

16 August 2013: Presided over the 2013 Castan Centre Human Rights Moot.

12 September 2013: Attended the 9th Annual Tax Lecture hosted by University of Melbourne.

25 September 2013: Presided as a member of the judging panel for Melbourne Law School Mooting Grand Final.

3 February 2014: Represented the Chief Justice at the ABA dinner for newly appointed Senior Counsel.

12 February 2014: Attended the Women Barristers' Association *Leaps and Bounds* event.

Justice Osborn

20 July 2013: Participated in the *Appellate Advocacy* workshop.

24 July 2013: Presided over the grand final of the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

15 August 2013: Led a tour of the Supreme Court for Melbourne University, Faculty of Design and Architecture students as part of their thesis topic for final year students.

30 August 2013: Attended Melbourne University, Faculty of Design and Architecture students' presentation on court architecture.

3 September 2013: Attended a Jury Directions Advisory Group meeting.

20 September 2013: Visited Thomas Embling Hospital as part of a JCV program.

21 October 2013: Attended a meeting of the Jury Directions Advisory Group.

25 October 2013: Attended the second seminar in the *Judges and the Academy* series.

29 October 2013: Attended a meeting of the Jury Directions Advisory Group.

11 November 2013: Presided as a judge of Melbourne University, Faculty of Design and Architecture students' *Representing Justice Architecture* presentations.

12 November 2013: Attended the Women Barristers' Association *Hagar Luncheon*.

13 November 2013: Attended a Jury Directions Advisory Group meeting.

20 November 2013: Represented the Court at the Courts and Architecture - *Research Snapshots* event.

24 March 2014: Attended the JCV Seminar *The Effects of Stress on Judicial Decision Making*.

20 May 2014: Attended a Jury Directions Advisory Group meeting.

23 May 2014: Presented at the JCV Seminar Civil Procedure Refresher.

30 May 2014: Attended the Victorian Bar Dinner.

4 June 2014: Attended a Jury Directions Advisory Group meeting.

12 June 2014: Attended a meeting of the CBD Major Assets Strategic Planning Committee (CSV).

18 June 2014: Attended an Assets and Accommodation Portfolio Committee Meeting.

Justice Whelan

2-5 July 2013: Attended the Australia Bar Association Conference in Rome.

9 September 2013: Attended a luncheon event for The Hon. John Doyle AC QC, former Chief Justice of SA.

9 September 2013: Chaired a session at the Commercial Law Conference hosted by the Court.

1 April 2014: Attended the 2014 Legal Reporting Awards.

17 June 2014: Presented at the JCV Seminar *Setting Non-Parole Periods*.

19 June 2014: Presented *Contempt in the Face of the Court* at the National Judicial Orientation Programme.

Justice Priest

25 September 2013: Delivered a presentation *Until Death Do Us Part - Family Violence as a defence to homicide (Defensive Homicide Under s9AD of the Crimes Act 1958)* at Victoria University.

Justice Coghlan

18 October 2013: Spoke at the 70th Anniversary of the *Establishment of the Homicide Squad* hosted by Victoria Police.

11 November 2013: Presided as a judge of Melbourne University, Faculty of Design and Architecture students' *Representing Justice Architecture* presentations.

Justice Santamaria

18-20 October 2013: Attended *Back to the Country Weekend on Yorta Yorta Land*.

15-20 June 2014: Attended the National Judicial Orientation Program.

Justice Beach

25 March 2014: Attended the address by Professor Datuk Sundra Rajoo, Director of Kuala Lumpur Centre for Regional Arbitration.

24 April 2014: Participated as a panel member in a discussion on *Serious Injury Applications: where to from here?* at the County Court Judges' Conference.

1 May 2014: Attended the Victorian Bar Readers' Course Dinner.

19-21 May 2014: Spoke at the Administrative Appeals Tribunal National Conference on *Oral Decision Making*.

23 May 2014: Presented at the JCV Seminar *Civil Procedure Refresher*.

Justice Williams

2-4 August 2013: Attended the *Corporations Workshop* held by the Law Council of Australia in Canberra.

Justice Kaye

19 September 2013: Chaired a Talking Heads Session.

19 September 2013: Attended a debate on *Constitutional Recognition of Australia's First Peoples* conducted by Tarwirri-Indigenous Law Students and Lawyers Association.

4 October 2013: Participated in a panel discussion *Bad Day in Court* as part of the Bar Readers' Course.

11 October 2013: Delivered the keynote address *The Complexity of Sentencing Koori* at the Annual Magistrates' Conference.

17 October 2013: Attended the Victorian Bar seminar *Issues Relevant to Constitutional Recognition of Aboriginal Peoples*.

18-20 October 2013: Attended *Back to the Country Weekend on Yorta Yorta Land*.

20 October 2013: Attended a meeting with representatives of the Victorian Law Reform Commission in relation to possible jury empanelment reforms.

12 November 2013: Attended the launch of the *Equality at the Victorian Bar Program*.

19 November 2013: Participated in an AIJA Indigenous Justice Committee teleconference.

20 November 2013: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

11 December 2013: Attended the Presentation Day at Worawa Aboriginal College.

18 November 2013: Attended a reception to celebrate Arnold Bloch Liebler's 60th Anniversary.

29 January 2014: Participated in an AIJA Indigenous Justice Committee teleconference.

13 February 2014: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

18 February 2014: Hosted a function for participants in the 2014 Indigenous Law Students Internship Program.

8 May 2014: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

20 May 2014: Chaired the JCV Seminar *Koori Twilight - Returning Ancestral Remains to Country*.

28 May 2014: Attended the Launch of the James Merralls Visiting Fellowship.

6 June 2014: Attended the Koori Twilight Seminar *The Impact of the Koori Courts*.

10 June 2014: Participated in an AIJA Indigenous Justice Committee teleconference.

10 June 2014: Attended a *Community Welcome Reception* in honour of the 66th Anniversary of Israel's Independence Day.

30 June 2014: Attended the Welcome for Justice Jonathon Beach at the Federal Court.

Justice Hollingworth

25 July 2013: Attended a meeting of judgment writing planning committee of the National Judicial College of Australia.

26 July 2013: Attended the annual fundraising dinner for the International Commission of Jurists.

5 August 2013: Attended a meeting of the University of Melbourne Law School External Advisory Committee.

9 August 2013: Conducted a workshop on *Credibility and Reliability Evidence* in the Advanced Evidence seminar conducted by the JCV.

18 August 2013: Attended the Board of Australian Women Lawyers luncheon.

19 August 2013: Attended a meeting with members of the Bar Readers' Course Committee.

27 August 2013: Attended the JCV Sentencing Twilight Seminar: *Current Issues in Sentencing*.

18 September 2013: Presented to the Bar Readers on *A judicial view of essential writing skills*.

2 October 2013: Spoke to students from Braybrook and Roxburgh Secondary Colleges about the work of the Supreme Court.

20 October 2013: Attended a meeting with representatives of the Victorian Law Reform Commission in relation to possible jury empanelment reforms.

15 November 2013: Spoke at the Medico-Legal Society of Victoria dinner on *The CSI Effect - How Modern Media affect Juries and their Perception of Forensic Science*.

21 November 2013: Attended the Australian Academy of Law Symposium *Legal Education, Regulation and Funding - Shaping the Legal Profession of the Future*.

22 November 2013: Participated in a panel discussion about career planning for the Women Barristers' Association.

10 December 2013: Attended a planning meeting of the International Commission of Jurists.

8-9 February 2014: Delivered a presentation *Deterrence and Sentencing* at the Sentencing Conference organised by the ANU and NJCA.

20 February 2014: Attended a Meeting of the NJCA Judgment writing Planning Committee.

5 March 2014: Attended an Indigenous Lawyers Committee Event for the 2014 Indigenous Clerks.

19-21 March 2014: Taught in the judgment writing course conducted by the NJCA.

24 March 2014: Attended the JCV Seminar *The Effects of Stress on Judicial Decision Making*.

27 March 2014: Attended a reception held by the Australia Academy of Law for Professor Ricky Revez, the incoming Director of the American Law Institute.

28 March 2014: Delivered a presentation *A Judicial View of Essential Writing Skills to the Victorian Bar Readers*.

8 April 2014: Chaired a meeting of the Melbourne Law School Advisory Council.

28 April 2014: Attended a meeting of the NJCA Judgment Writing Programme Planning Committee.

1 May 2014: Attended the Victorian Bar Readers' Course Dinner.

23 May 2014: Attended the Judges and the Academy Seminar *The Limits of Judicial Fidelity*.

30 May 2014: Attended a JCV lunchtime seminar by Florrie Darwin from Harvard Law School who spoke on *International Dispute Resolution Practices*.

5-6 & 10 June 2014: Taught the subject *Advanced Civil Litigation* in the Melbourne Law Masters programme.

12 June 2014: Attended a meeting of the National Judicial College of Australia judgment writing course planning committee.

12 June 2014: Attended the JCV Seminar *Expert Evidence in Criminal Trials*.

20 June 2014: Attended the reception to mark the 20th anniversary of Judge McInerney's appointment to the County Court of Victoria.

Justice Bell

28-30 August 2013: Attended Dialogues on *Being a Judge Program 2013* hosted by the National Judicial College of Australia.

5 March 2014: Chaired an Australian Intercultural Society seminar *Human Rights in Australia*.

17 March 2014: Delivered a presentation at the Monash Law Alumni's High Achievers dinner.

Justice Hargrave

2-5 July 2013: Attended the Australia Bar Association Conference in Rome.

21-23 August 2013: Chaired the JCV Judgment Writing workshop.

13 November 2013: Chaired a meeting of the Civil Procedure Advisory Group.

17 March 2014: Attended the launch of the Melbourne Commercial Arbitration and Mediation Centre.

2 April 2014: Delivered a presentation at the CPD Seminar *Process and Procedure - Court Books and Preparation for Trial*.

30 May 2014: Attended the Victorian Bar Dinner.

2 June 2014: Attended a farewell function for Ms Lyn Slade, retiring CEO of JCV.

Justice King

20 October 2013: Attended a meeting with representatives of the Victorian Law Reform Commission in relation to possible jury empanelment reforms.

8-9 February 2014: Participated in a panel discussion on *Sentencing and the Media* at the Sentencing Conference organised by the ANU and NJCA.

Justice Cavanough

- 2-5 July 2013:** Attended the Australia Bar Association Conference in Rome.
- 12 September 2013:** Attended the Commercial Bar Association dinner honouring retired Justice, The Hon David Habersberger QC.
- 11-13 October 2013:** Attended the JCA Colloquium 2013 Conference.
- 16 April 2014:** Attended Foley's List Annual Celebration of Women in the Law.
- 23 May 2014:** Attended the Judges and the Academy Seminar *The Limits of Judicial Fidelity*.

Justice Curtain

- 24-25 October 2013:** Attended a facilitation skills program hosted by the National Judicial College of Australia.
- 8-9 February 2014:** Attended the Sentencing Conference organised by the ANU and NJCA.
- 11 February 2014:** Participated in a Jury Management teleconference.

Justice Robson

- 15 August 2013:** Met with Geraldine Andrews QC, Justice-Elect of the High Court of the United Kingdom Queens Bench Division.
- 19 March 2014:** Attended the Corrs Chambers Westgarth Litigation function.

Justice J Forrest

- 20 October 2013:** Attended a meeting with representatives of the Victorian Law Reform Commission in relation to possible jury empanelment reforms.
- 1 April 2014:** Delivered the keynote address *Legal Reporting and Open Justice* the 2014 Legal Reporting Awards.
- 3 April 2014:** Delivered a presentation at the Minter Ellison *Insurance Contracts Handbook* Launch.
- 29 April 2014:** Delivered a joint presentation *Delivery and Presentation in Court: From a Barrister and an Actor* with Chris Keogh.
- 27 May 2014:** Attended the Supreme Court Class Action Users Group Meeting.

Justice Lasry

- 26 July 2013:** Hosted the annual fundraising dinner for the International Commission of Jurists.
- 8 November 2013:** Delivered an address at *World End the Death Penalty Day* dinner hosted by the Australian Lawyers for Human Rights and Australians Against Capital Punishment.
- 10 December 2013:** Attended a planning meeting of the International Commission of Jurists.
- 21 April 2014:** Participated in a DPP Forum concerning *The Role Of Victims in Trial Process*.
- 28 April 2014:** Participated in a panel discussion on *The Role of the Victim* at The Modern Prosecutor - Conference for External Council.
- 1 May 2014:** Participated in the launch of Australians Detained Abroad.

Justice Judd

- 18 November 2013:** Attended a reception to celebrate Arnold Bloch Liebler's 60th Anniversary.
- 17 March 2014:** Attended the launch of the Melbourne Commercial Arbitration and Mediation Centre.
- 23 May 2014:** Presented at the JCV Seminar *Civil Procedure Refresher*.
- 10 June 2014:** Was a member of a panel discussion on *Unconscious Bias and its impact in creating or maintaining the so called bamboo ceiling* at an event by Association for Asian Australian Lawyers.

Justice Vickery

- 9 August 2013:** Delivered a presentation at the JCV Seminar: *Advanced Practical Evidence: Computer Stored Information*.
- 2 October 2013:** Spoke at the launch of Dr Paula Gerber and Mr Brennan Ong's book *Best Practice in Construction Disputes*.
- 17 October 2013:** Delivered a presentation *Arbitration and Security of Payments - Recent Caselaw Developments* at the Master Builder's Association.
- 19 March 2014:** Attended the Corrs Chambers Westgarth Litigation function.
- 14-21 May 2014:** Conducted a session with first year Juris Doctorate Students from Melbourne University about *The Role of the Court in Resolving Civil Disputes*.
- 16-17 May 2014:** Participated in a panel discussion at the Australian Centre for Justice Innovation Seminar *Timeliness in the Justice System: Ideas and Innovations*.
- 25 June 2014:** Presented RedCrest to a delegation from the Supreme Court of the Northern Territory.
- 26 June 2014:** Presented RedCrest to key Commercial Court Registry staff.

Justice Kyrou

- 8 August 2013:** Delivered a paper entitled *Advocacy in the Judicial Review and Appeals List of the Supreme Court of Victoria* at a CPD Seminar of the Commercial Bar Association of Victoria.
- 18 September 2013:** Presented a paper entitled *Personal and Career Reflections of a Hellenic Australian Judge* to the Melbourne University Greek Association.
- 26 September 2013:** Presented a session on cultural barriers in court and the use of interpreters in court at the National Judicial Orientation Program.
- 21 November 2013:** Delivered welcome remarks at the Australian Academy of Law Symposium *Legal Education, Regulation and Funding - Shaping the Legal Profession of the Future*.
- 12 December 2013:** Attended the Law Institute of Victoria's President's Dinner.
- 14 March 2014:** Chaired the session *Discretionary Remedialism in Private Law* at the JCV Seminar *Judicial Discretion in Private Law*.
- 11 April 2014:** Attended the launch of the Hellenic Australian Lawyers Association.
- 15 May 2014:** Attended a meeting of the National Judicial Council on *Cultural Diversity*.

Justice Emerton

- 18-20 October 2013:** Attended *Back to the Country Weekend* on Yorta Yorta Land.
- 15-17 April 2014:** Attended the AIJA Conference on Self-Represented Litigants.

Justice Croft

23-27 July 2013: Attended the Arbitrators' and Mediators' Institute of New Zealand Conference, presenting a paper entitled *How the Judiciary can support domestic and international Arbitration*.

6 August 2013: Met with Chief Justice Michael Hwang SC of the Dubai International Financial Centre Costs Court.

22-24 August 2013: Presented a paper entitled *The judicial approaches towards challenges and enforcement of international arbitral awards - an Australasian perspective*.

16 October 2013: Chaired the Commercial CPD seminar.

10 November 2013: Attended a reception for the opening of the Seoul International Dispute Resolution Centre.

11-12 November 2014: Presented a paper *Judicial Intervention in the Asia Pacific Region* and chaired a session *Harmonizing Asian Culture and Context* at the 2nd Annual Conference hosted by UNCITRAL, the Ministry of Justice of Korea and the Korean Commercial Arbitration Board on *Arbitration Reform in the Asia Pacific Region: Opportunities and Challenges*.

18 November 2013: Attended and opened the Asian Pacific Law Forum on *The Growth of Business and Legal Services in the Asian Century*.

13 January 2013: Delivered remarks at the opening of the Legal Year at Geelong Law Courts.

14 February 2014: Presented a paper *Changing the Culture of Civil Litigation* at the LIV Costs Conference.

19 February 2014: Chaired the Commercial Court, Monash University and Victorian Bar CPD Seminar *Remedies: The Assessment of Damages*.

17 March 2014: Attended the launch of the Melbourne Commercial Arbitration and Mediation Centre.

19 March 2014: Attended the Corrs Chambers Westgarth Litigation function.

26 March 2014: Attended the APRAG 2014 10th Anniversary Conference Welcome Reception.

27 March 2014: Delivered a paper at the Asia Pacific Commercial Arbitration Group Conference.

2 April 2014: Chaired the CPD Seminar *Process and Procedure - Court Books and Preparation for Trial*.

23 May 2014: Presented at the JCV Seminar *Civil Procedure Refresher*.

Justice Ferguson

27 November 2013: Participated as a panellist in the Commercial Bar Association seminar *Securities Class Actions: Settlements and other issues*.

1 April 2014: Attended the 2014 Legal Reporting Awards.

13 May 2014: Spoke at the Supreme Court National Volunteer Week Luncheon.

19 June 2014: Spoke at the Commercial Bar Insolvency Seminar.

Justice Sifris

24 July 2013: Presided over the grand final of the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.

26 August 2013: Delivered a presentation on *Corporate Insolvency* to Monash University Juris Doctorate and Masters of Law students.

9 October 2013: Delivered a lecture *Transitional Justice in South Africa* at Monash University.

31 October 2013: Delivered the keynote address *Policy Issues in Insolvency Law - Getting the Balance Right* at the Insolvency Practitioners Association of Australia Conference.

18 November 2013: Delivered the opening remarks at the Asian Pacific Law Forum.

20 January 2014: Was an Adjudicator in the Jessup Moot competition.

17 March 2014: Attended the launch of the Melbourne Commercial Arbitration and Mediation Centre.

1 May 2014: Delivered a lecture *Winding up Managed Investment Schemes* to the Victorian Commercial Bar Association.

8 May 2014: Delivered a presentation to Monash undergraduates as part of a transitional justice program.

18-20 May 2014: Attended the 20th Annual Global Insolvency and Restructuring Conference in Barcelona.

Justice Almond

27 August 2013: Attended the JCV Sentencing Twilight Seminar: *Current Issues in Sentencing*.

12 September 2013: Attended the Commercial Bar Association dinner honouring retired Justice, The Hon David Habersberger QC.

18-20 October 2013: Attended *Back to the Country Weekend on Yorta Yorta Land*.

Justice Dixon

30 August 2013: Attended Melbourne University, Faculty of Design and Architecture students' presentation on court architecture.

24 September 2013: Hosted Judge Peter Rollo, New Zealand District Court and member of the New Zealand Judicial Court Design Committee.

30 September 2013: Delivered a presentation to the Bar Readers' Course on practical aspects of expert evidence and standards of conduct for expert witnesses.

3-4 October 2013: Chaired the session *Improving justice processes with research* at the Justice Environments Conference.

29 October 2013: Attended the JCV Seminar on current issues in civil law.

11 November 2013: Presided as a judge of Melbourne University, Faculty of Design and Architecture students' *Representing Justice Architecture* presentations.

16-17 May 2014: Participated in a panel discussion at the Australian Centre for Justice Innovation Seminar *Timeliness in the Justice System: Ideas and Innovations*.

23 May 2014: Presented at the JCV Seminar *Civil Procedure Refresher*.

Justice Macaulay

14-21 May 2014: Conducted a session with first year Juris Doctorate Students from Melbourne University about the role of the Court in resolving civil Disputes.

17 May 2014: Presented at the *Meet the Judges* session at the Supreme Court Open Day.

Justice McMillan

- 30 August 2013:** Delivered the keynote address at the Law Institute of Victoria Succession Law Conference 2013.
- 6 September 2013:** Spoke at the Committee of the Society of Trust and Estate Practitioners (QLD Branch) *Trust and Succession Law Conference 2013*.
- 24 October 2013:** Attended the Victorian Bar Readers' Dinner.
- 6 November 2013:** Attended the Annual Board of Examiners dinner.
- 7 May 2014:** Delivered the Equity Trustees Sir Ninian Stephen lecture *Perennial Probate Peculiarities*.
- 14-21 May 2014:** Conducted a session with first year Juris Doctorate Students from Melbourne University about the role of the Court in resolving civil Disputes.

Justice Garde

- 11 November 2013:** Represented the Court at the Remembrance Day ceremony at the Shrine of Remembrance.
- 26 February 2014:** Presented a paper *Alternative Dispute Resolution - Can It Work for Administrative Law?* at a Seminar hosted by the Australian Institute of Administrative Law.
- 15 May 2014:** Attended a farewell for Ms Lyn Slade, retiring CEO of JCV.

Justice Digby

- 24 July 2013:** Presided over the grand final of the Law Institute of Victoria and Hanover Welfare Services Mooting Competition.
- 30 July 2013:** Attended a meeting of the Bar Council to assist in developing a strategic plan for the Bar.
- 9 September 2013:** Attended a luncheon event for The Hon. John Doyle AC QC, former Chief Justice of SA.
- 9 September 2013:** Chaired a session at the Commercial Law Conference hosted by the Court.
- 12 September 2013:** Attended the Commercial Bar Association dinner honouring retired Justice, The Hon David Habersberger QC.
- 22-27 September 2013:** Attended the National Judicial Orientation Program.
- 17 October 2013:** Attended the Victorian Bar seminar *Issues Relevant to Constitutional Recognition of Aboriginal Peoples*.
- 21 November 2013:** Delivered welcome remarks at the Australian Academy of Law Symposium *Legal Education, Regulation and Funding - Shaping the Legal Profession of the Future*.
- 5 March 2014:** Attended the Monash University Dean's Boardroom Briefing.
- 18 March 2014:** Delivered a presentation about the Supreme Court to students from Monbulk College.
- 18 March 2014:** Attended the National Commercial Law Seminar *Personal Property Securities Act 2009 (Cth): Beyond the Transitional Period* conducted by the Commercial Bar Association.
- 25 March 2014:** Attended the address by Professor Datuk Sundra Rajoo, Director of Kuala Lumpur Centre for Regional Arbitration.
- 27 March 2014:** Attended a sub-committee meeting of the Supreme Court, Melbourne University 2014 Commercial Law Conference.

27 March 2014: Attended a reception held by the Australia Academy of Law for Professor Ricky Revez, the incoming Director of the American Law Institute.

16 April 2014: Attended Foley's List Annual Celebration of Women in the Law.

13 May 2014: Attended the Supreme Court National Volunteer Week Luncheon.

17 May 2014: Presented at the *Meet the Judges* session at the Supreme Court Open Day.

20 May 2014: Chaired the JCV Seminar *Koori Twilight - Returning Ancestral Remains to Country*.

Justice Elliott

- 14 August 2013:** Delivered a presentation entitled *Practical hints in conducting large and complex litigation* at the Monash Law School and Supreme Court Commercial Court CPD Seminar.
- 22-27 September 2013:** Attended the National Judicial Orientation Program.
- 13 May 2014:** Attended the Supreme Court National Volunteer Week Luncheon.
- 14-21 May 2014:** Conducted a session with first year Juris Doctorate Students from Melbourne University about the role of the Court in resolving civil Disputes.

Justice Ginnane

- 5-6 September 2013:** Attended the JCV Seminar *Philosophy, Law and Literature*.
- 9 September 2013:** Attended a luncheon event for The Hon. John Doyle AC QC, former Chief Justice of SA.
- 9 September 2013:** Spoke at the Commercial Law Conference hosted by the Court.
- 11 October 2013:** Spoke at the annual dinner of St Patrick's East Melbourne Old Collegians.
- 25 February 2014:** Attended the JCV workshop *Suppression Order Reforms*.
- 13 May 2014:** Attended the Supreme Court National Volunteer Week Luncheon.
- 14-21 May 2014:** Conducted a session with first year Juris Doctorate Students from Melbourne University about *The Role of the Court in Resolving Civil Disputes*.
- 20 May 2014:** Attended a Law Reform Commission meeting on forfeiture law.
- 26 June 2014:** Presented the Talking Heads Seminar *All in a day's work*.

Justice Sloss

- 30 July 2013:** Attended a meeting of the Bar Council to assist in developing a strategic plan for the Bar.
- 20-24 January 2014:** Attended the ABA Advanced Trial Advocacy Court conference.
- 2 April 2014:** Attended the CPD Seminar *Process and Procedure - Court Books and Preparation for Trial*.

4 April 2014: Attended the JCV Seminar *Resilience, Trauma and Judicial Role*.

16 April 2014: Attended Foley's List Annual Celebration of Women in the Law.

6 May 2014: Attended the Victorian Bar Farewell Dinner for William M Pinner.

14 May 2014: Attended a Workplace Relations Education Series Lecture *Enduring Values or Radical Change - The Shaping of Labour Law Legislation* organised by the FairWork Commission and Melbourne University Law School.

28 May 2014: Attended the James Merralls Visiting Fellowship Launch.

30 May 2014: Attended the Victorian Bar Dinner.

5 June 2014: Attended a seminar by Professor Elise Bant *Unconscionability, Unjust Enrichment & Estoppel in the High Court of Australia*.

6 June 2014: Attended the University Blues Business Breakfast.

15-20 June 2014: Attended the National Judicial Orientation Program.

26 June 2014: Attended the Talking Heads seminar *All in a Day's Work*.

Justice Croucher

16 August 2013: Presided over the 2013 Castan Centre Human Rights Moot.

Justice Rush

13 May 2014: Attended the Supreme Court National Volunteer Week Luncheon.

14-21 May 2014: Conducted a session with first year Juris Doctorate Students from Melbourne University about *The Role of the Court in Resolving Civil Disputes*.

Associate Justice Efthim

11 April 2014: Attended the launch of the Hellenic Australian Lawyers Association.

Associate Justice Wood

23 May 2014: Presented the *Costs and Orders Session* at the JCV Seminar *Civil Procedure Refresher*.

Associate Justice Daly

26 February 2014: Attended the Australian Insurance Lawyers Association Annual Dinner.

Associate Justice Gardiner

28-30 August 2013: Attended *Dialogues on Being a Judge Program 2013* hosted by the National Judicial College of Australia.

Associate Justice Mukhtar

24 October 2013: Attended the Victorian Bar Readers' Dinner.

12 March 2014: Addressed the Victorian Bar Readers' Course on *Critical Aspects of Advocacy*.

15 March 2014: Represented the Chief Justice at the Premier's Gala Dinner hosted by the Victorian Multicultural Commission.

Associate Justice Zammit

6 March 2014: Delivered a presentation at Pascoe Vale Girls College for International Women's Day.

15-17 April 2014: Attended the AIJA Conference on self-represented litigants.

17 May 2014: Presented at the *Meet the Judges* session at the Supreme Court Open Day.

Associate Justice Randall

22 February 2014: Attended the Australian Intercultural Society host family program.

25 February 2014: Attended the JCV workshop *Suppression Order Reforms*.

24 March 2014: Attended the JCV Seminar *The Effects of Stress on Judicial Decision Making*.

8 April 2014: Attended the JCV Seminar *Privacy and Security for Judicial Officers in the Digital Age*.

16 April 2014: Attended Foley's List Annual Celebration of Women in the Law.

13 May 2014: Attended the Supreme Court National Volunteer Week Luncheon.

30 May 2014: Attended the Victorian Bar Dinner.

6 June 2014: Attended the JCV Seminar *New and Emerging Communities and the Courtroom*.

Associate Justice Derham

2-5 July 2013: Attended the Australia Bar Association Conference in Rome.

19 September 2013: Spoke at a Talking Heads session on the role of an Associate Justice.

22-27 September 2013: Attended the National Judicial Orientation Program.

25 March 2014: Attended the address by Professor Datuk Sunda Rajoo, Director of Kuala Lumpur Centre for Regional Arbitration.

Judicial Registrar Gourlay

28 August 2013: Delivered a presentation *Changes to Order 63 and Appendix A of the Supreme Court Rules* at the Legalwise Seminar Costs Orders Workshop.

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

Principal Registry

Level 2, 436 Lonsdale Street
Melbourne VIC 3000
Tel: (03) 9603 9300
Fax: (03) 9603 9400

Commercial Courty Registry

Ground Floor, 450 Little Bourke Street
Melbourne VIC 3000
Tel: (03) 9603 6042
commercialcourt@supremecourt.vic.gov.au

Court Administration

Level 4, 436 Lonsdale Street
Melbourne VIC 3000
Tel: (03) 9603 9395
Fax: (03) 9603 9400
info@supremecourt.vic.gov.au

Library

210 William Street
Melbourne VIC 3000
Tel: (03) 9603 6282
Fax: (03) 9642 0159
sclib@supremecourt.vic.gov.au

Juries Commissioner's Office

Ground Floor, County Court
250 William Street
Melbourne VIC 3000
Tel: (03) 8636 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

La Trobe Valley

134 Commercial Road
(PO Box 687)
Morwell 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

Warrnambool

218 Koroit St
(PO Box 244)
Warrnambool 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

PHOTOGRAPHY
Michelle Dall
Peter Glenane
David Johns Photography
Les O'Rourke
Dianna Snape
Anne Stanford



SUPREME COURT OF VICTORIA

210 William Street
Melbourne VIC 3000

www.supremecourt.vic.gov.au

