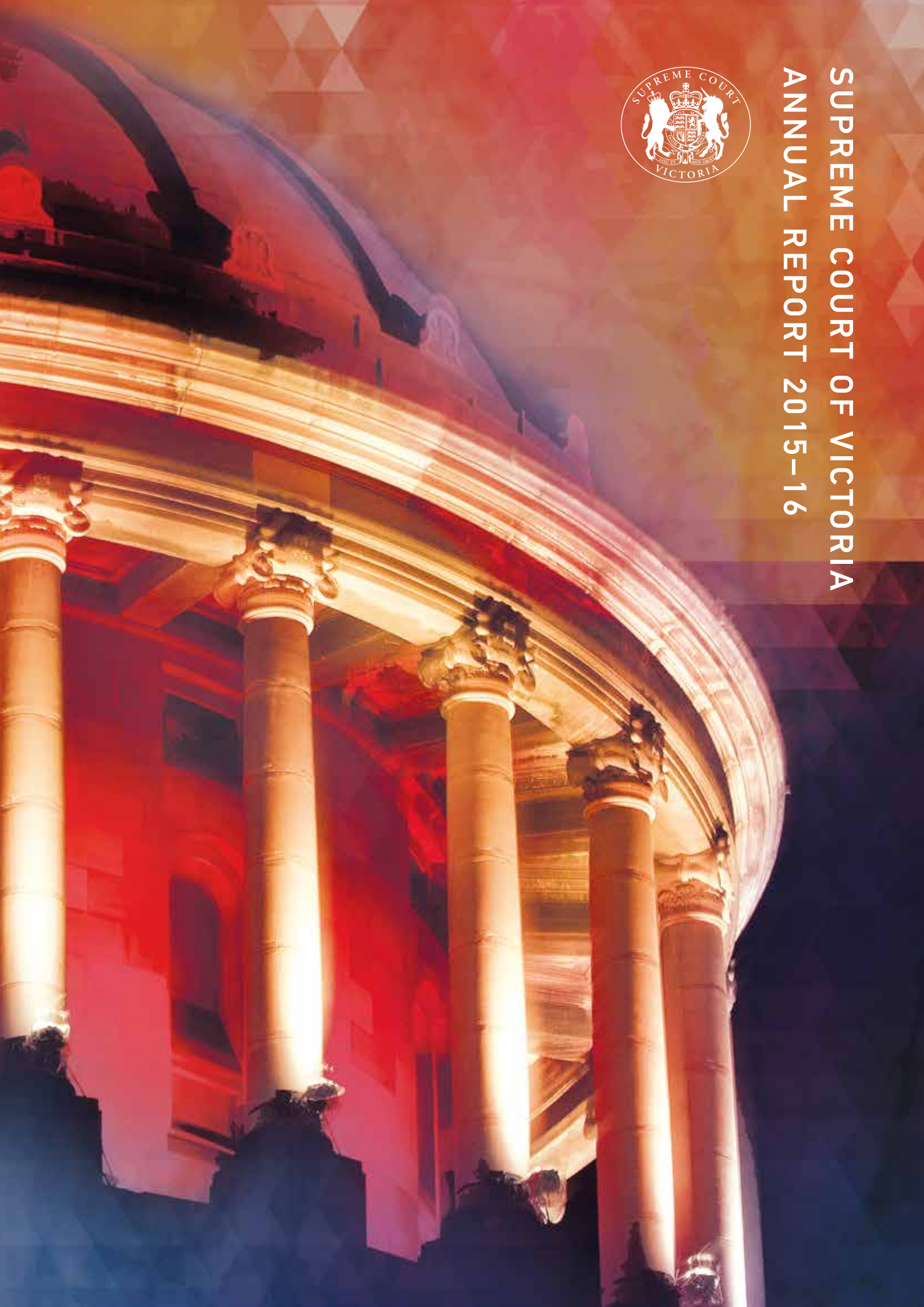




SUPREME COURT OF VICTORIA ANNUAL REPORT 2015-16



LETTER TO THE GOVERNOR

August 2017

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

Dear Governor,

We, the judges of the Supreme Court of Victoria, have the honour of presenting
our Annual Report pursuant to the provisions of the *Supreme Court Act 1986*
with respect to the financial year 1 July 2015 to 30 June 2016.

Yours sincerely,



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

ABOUT THE COVER

As part of the 175th anniversary celebrations, the Court was lit up in shades of red,
gold and white from 12 April to 22 May 2016.

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TABLE OF CONTENTS

2 CHIEF JUSTICE'S MESSAGE

4 CHIEF EXECUTIVE OFFICER'S REPORT

5 AT A GLANCE

- 6 About the Supreme Court of Victoria
- 7 The Work of the Court
- 8 Court of Appeal
- 9 Trial Division
- 10 Court Fees

11 THE YEAR IN REVIEW

- 12 Anniversaries and recognition
- 12 The Court celebrates 175 years
- 13 New judicial robes
- 13 20th anniversary of the Court of Appeal
- 13 The inaugural Inspire Awards
- 14 Embracing technology
- 14 A digital strategy to underpin access to justice
- 14 A new jury management system
- 15 Improving service delivery
- 15 The Common Law Improvement Program
- 15 Support for jurors
- 16 Reforming urgent business before the Court
- 17 Engaging with the community
- 17 Commitment to Koori inclusion
- 18 Events for the community
- 19 Work experience and industry placements

20 WORK OF THE SUPREME COURT

- 21 Court of Appeal
- 24 Trial Division – Commercial Court
- 31 Trial Division – Common Law
- 41 Trial Division – Criminal
- 45 Further judicial work

49 SERVICE DELIVERY STRUCTURE

- 50 Court of Appeal Registry
- 51 Commercial Court Registry
- 53 Principal Registry
- 56 Court Administration
- 59 Discrete administrative functions
- 59 Juries Commissioner's Office
- 60 Law Library of Victoria
- 61 Funds in Court

64 APPENDICES

- 65 Appendix 1: Financial report
- 66 Appendix 2: Judges of the Supreme Court 2015-16
- 68 Appendix 3: Judicial activity
- 80 Appendix 4: Contacts and locations

CHIEF JUSTICE'S MESSAGE

The 2015-16 year has been another successful year for the Supreme Court of Victoria.



Of particular note has been the continued reduction in delays and the expedition of the hearing of matters both trial and appellate, civil and criminal.

In addition, the Court acknowledges the valuable assistance received from a number of judicial registrars who have been appointed to the Court with particular speciality and expertise to assist the judges.

I also note that the Court continues to increase its service to litigants, provided through alternative dispute resolution, in particular court-annexed mediation provided by judicial officers. The Court now provides a very significant service to litigants which enables them to resolve their disputes without proceeding to the completion of the trial or appeal, thereby saving significant costs and stress to themselves and, also, saving considerable judicial time for the Court.

One matter that concerns the Court is the ongoing delays seen between the time of the charging of an accused person and the filing of the indictment in the Supreme Court. Unless, or until, a magistrate determines that an individual should be committed for trial or an indictment is filed, the Supreme Court has no power or authority over the matter. To demonstrate the point, there are occasions where the Court believes if the Supreme Court, as the ultimate trial court, had assumed responsibility and case management for the particular matter, much time would have been saved and delays avoided. It is not contemplated by the Supreme Court that committal hearings should be abolished or abandoned. Rather, the Court sees the opportunity for case management which would expedite hearings.

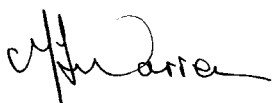
The Supreme Court is not critical of the Magistrates' Court, which has an enormous and growing workload. However, because of that workload, it would seem the Magistrates' Court has limited resources to allocate to ensure that proceedings are expedited. The Supreme Court sees delays of up to 12 months from charges being laid before matters are filed in the Supreme Court. Once that occurs, the Court will have the matter fixed for trial, usually within six months. The Supreme Court has urged the Government to consider amendments to the *Criminal Procedure Act 2009* (Vic) which would enable the Supreme Court to manage cases in the Court from an early stage. These matters remain under consideration.

Most recently, the problems posed by the current legislation were borne out by voluntary mention hearings before the Principal Judge of the Criminal Division in relation to the Bourke Street proceedings.

The Supreme Court remains ready and able to provide assistance to the expedition of the administration of criminal justice, particularly through the reforms proposed.

Otherwise, the remaining observation is that the Supreme Court continues to face the difficulty of operating across six sites in Melbourne's CBD legal precinct and mostly within buildings that are not fit for the purpose of delivering modern justice. The Court has commenced a process collaboratively with Court Services Victoria to develop a masterplan, which it is anticipated will assist Government when the time comes for the commitment to constructing a new Supreme Court building.

Finally, I acknowledge on behalf of the judges, the unfailing commitment, loyalty, devotion and hard work of Ms Louise Anderson, Chief Executive Officer, and all the staff of the Supreme Court of Victoria. The judges and I feel extremely privileged to be supported and assisted by such extraordinary people.



The Honourable Marilyn Warren AC
Chief Justice of Victoria

CHIEF EXECUTIVE OFFICER'S REPORT

The achievements and challenges outlined in this Annual Report highlight the Court's commitment to continuous improvement, innovation in service delivery and the delivery of accessible justice.



In the reporting period, the Court initiated the first phase of its digital strategy and created a mobile and independent technology network enabling judges and staff to work remotely, accessing court documents securely and at any time.

This initiative, coupled with the extension of electronic filing and the development of an electronic court file was achieved on time and within budget.

It is remarkable that, in this year and during a period of digital transformation, the Court's staff have:

- improved the practices of the Common Law Division, making case management more efficient
- developed new, more targeted systems for dealing with urgent business both within the Commercial Court's new Duty Judge system and the modified Practice Court
- provided even better assistance to jurors after they complete jury service with the state-wide Juror Support Program introduced by the Juries Commissioner's Office.

This has been achieved thanks to the dedication and skill of all staff. Similar work has been done to keep the delicate heritage buildings that make up some of the Court's six sites functioning and safe.

This report shows not only what has been achieved during the past year, but also demonstrates a Court that is agile enough to respond to what we cannot yet imagine. I, along with all Court staff, look forward to providing exemplary support for the judiciary and the people who access the Court's services in the year ahead.

Louise Anderson
Chief Executive Officer

THE WORK OF THE COURT: AT A GLANCE



◆SCV175

ABOUT THE SUPREME COURT OF VICTORIA

The Trial Division hears among the most serious criminal and civil cases in Victoria. Proceedings are heard in the Commercial Court, Common Law Division and the Criminal Division. The Court of Appeal hears appeals to determine whether a trial was conducted fairly and if the law was applied correctly.

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.

VALUES

The Court aims to achieve its goal and purpose through the following attributes:

Excellence

- Striving for excellence in decision-making and the performance of all of the Court's work.
- Aiming to provide leadership to the Victorian legal system, and to be the dispute resolution forum of choice.

Equality (before the law)

- Guaranteeing due process and equal protection of the law to all those before the Court, including in criminal cases through the application of the principle of 'innocent until proven guilty'.

Accessibility

- Making it as straightforward as possible to gain entry to the legal process, ensuring cases are heard quickly and that the Court's processes and services are not only technically correct, but also delivered in an accurate, user-friendly and inclusive manner.

Fairness and impartiality

- Setting and maintaining the standards by which the Court conducts itself, as well as consistency in decision-making and the application or interpretation of legislation.
- The Court aims to be and to appear to be impartial and fair in the performance of its functions.

Independence of decision-making and competence

- The ability of every judicial officer in the Court to make decisions based solely on a thorough understanding of the applicable law and the facts of the case.

Integrity and transparency

- Maintaining a focus on the propriety of the process, the decision and the decision maker, as well as being accountable for the Court's actions, being honest in its dealings and maintaining good systems, procedures and records that are available for audit.
- The Court conducts its hearings in public and is open to anyone who wishes to observe its proceedings.

Timeliness and efficiency

- Efficiently using the time required to properly obtain, present and weigh the evidence, law, and arguments; avoiding unreasonable delay and managing expectations with appropriate resources and skills.
- Striving to perform all of the Court's functions efficiently and to dispose of cases in a timely manner.
- As justice delayed is justice denied, aiming to deliver judgments within a reasonable time.

Certainty and clarity

- Providing clearly defined decision-making processes, applying the law consistently and communicating reasons for decisions clearly.
- The language used in Court and in judgments is intended to be clear and easy to understand, not only by legal practitioners but also parties.

Innovation and change

- Being a leader in innovation in court processes, and adapting to changes in technology, business processes and community expectations in relation to service delivery, while at the same time respecting traditions that continue to serve the Court and the community well.

Courtesy and respect

- Treating with courtesy and respect all persons coming before the Court, whether as parties, witnesses, victims of crime, interpreters, counsel, solicitors, jurors or members of the public.
- Aiming to conduct proceedings with tolerance, patience and courtesy, and to be sensitive towards persons dealing with the Court, including victims of crime and unsuccessful parties in civil proceedings.

Most Supreme Court cases are heard in Melbourne, however the Court regularly travels on circuit to hear cases regionally across Victoria, including Ballarat, Bendigo, Geelong, Hamilton, Horsham, Latrobe Valley (Morwell), Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

Administration and registry functions support the work of the Court and judges, associate judges and judicial registrars.

THE WORK OF THE COURT: AT A GLANCE

In 2015-16, the Court achieved a 113 per cent outcome for case clearances in both the trial and appellate divisions of the Court. This is a substantial increase on the previous year, and is well above the Court's benchmark of 100 per cent.

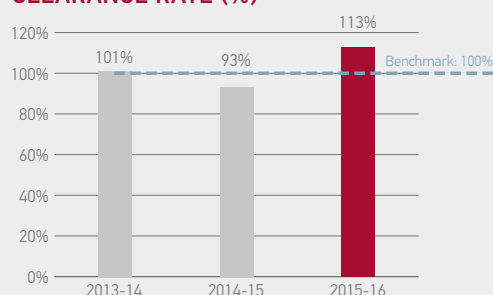
It should be noted that the 2014-15 outcome (93 per cent) was attributable to the highest ever number of case initiations recorded by the Court - masking the Court's true performance (5 per cent increase in the number of cases finalised throughout that year).

The effect of the sizable increase in initiations in 2014-15 continued to be felt in 2015-16 as the Court showed a spike in cases pending longer than 12 months (37 per cent). The Court's finalisation of many of these cases during 2015-16 informed the high clearance rate.

In 2015-16, the Court continued to perform above the 12 and 24 month benchmarks for its on-time processing of cases.

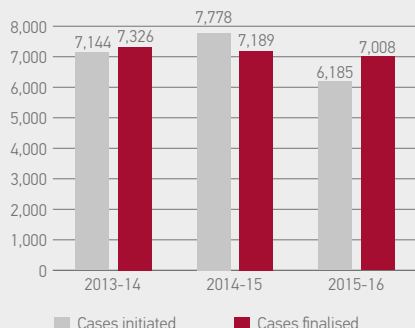
PERFORMANCE OUTCOME MEASURES

CLEARANCE RATE (%)

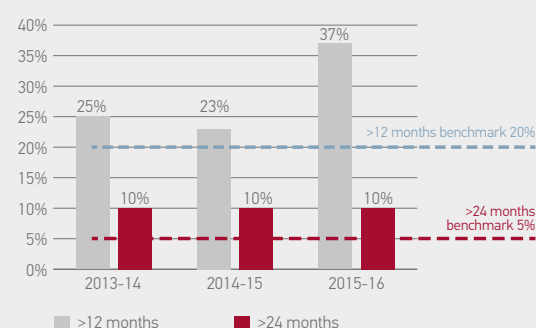


INPUT AND OUTPUT MEASURES

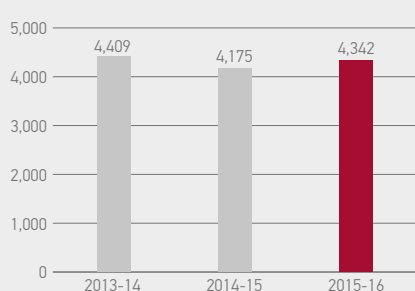
CASES INITIATED AND FINALISED



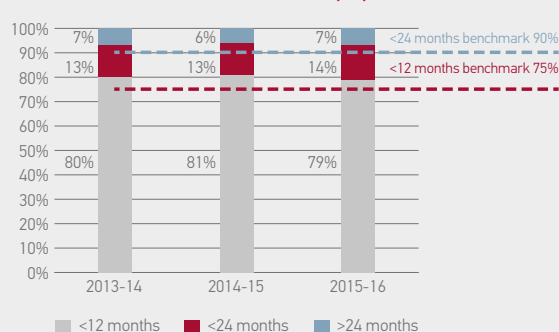
CASE BACKLOG (%)



CASES PENDING



ON-TIME CASE PROCESSING (%)

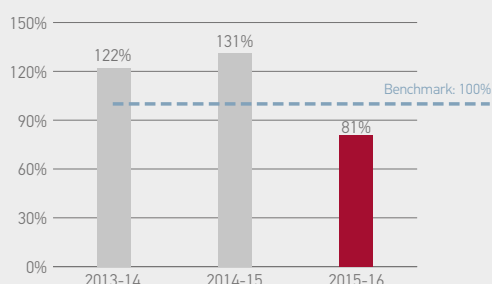


Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

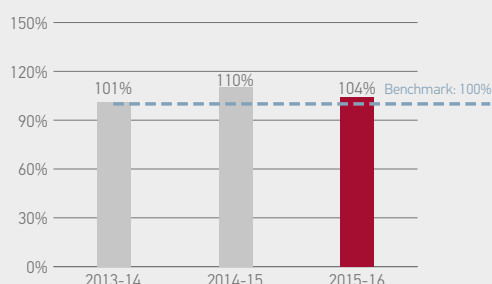
COURT OF APPEAL

An overview of the workload in the Court of Appeal in relation to clearance rate (the number of cases finalised in a given period, expressed as a percentage of the number of cases initiated), case backlog (the length of time that cases to be finalised have been pending), and on-time case processing (the percentage of cases finalised within 12 and 24 months).

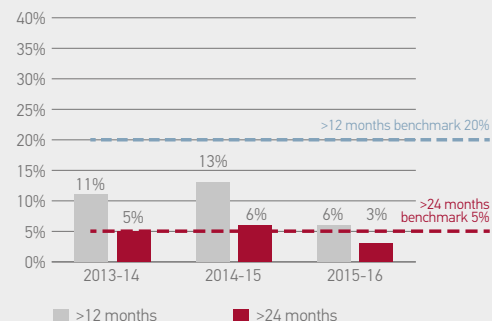
CIVIL: CLEARANCE RATE (%)



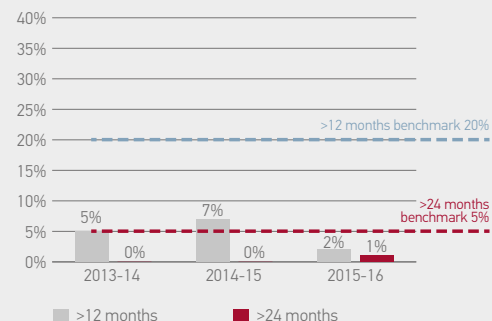
CRIME: CLEARANCE RATE (%)



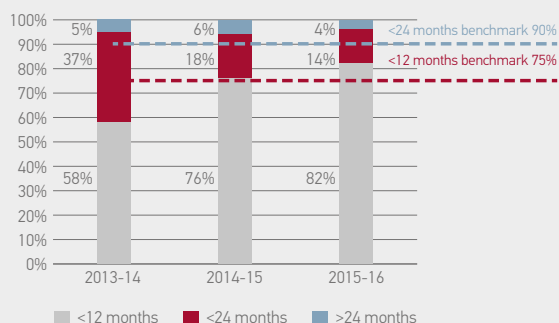
CIVIL: CASE BACKLOG (%)



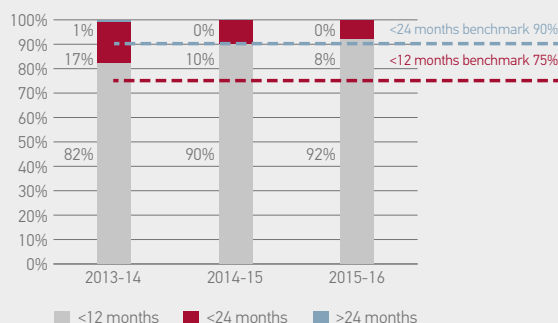
CRIME: CASE BACKLOG (%)



CIVIL: ON-TIME CASE PROCESSING (%)



CRIME: ON-TIME CASE PROCESSING (%)

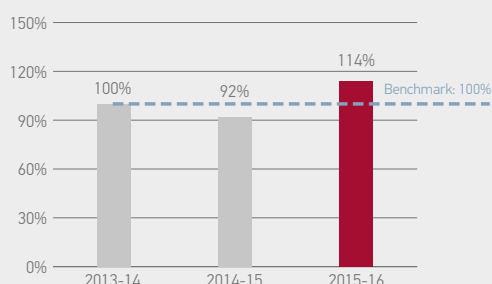


For further information about the Court of Appeal see page 21.

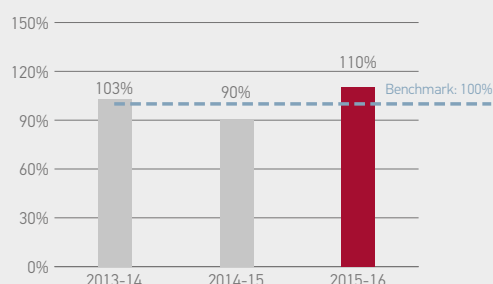
TRIAL DIVISION

An overview of civil and crime cases in the Trial Division in relation to clearance rate (the number of cases finalised in a given period, expressed as a percentage of the number of cases initiated), case backlog (the length of time that cases to be finalised have been pending), and on-time case processing (the percentage of cases finalised within 12 and 24 months).

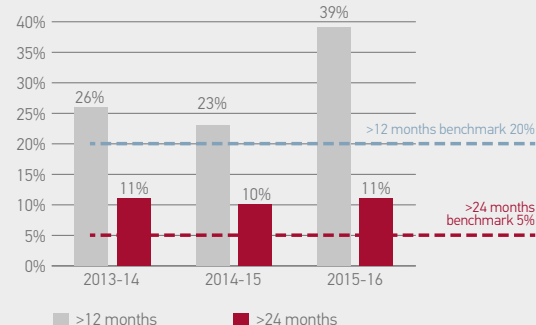
CIVIL: CLEARANCE RATE (%)



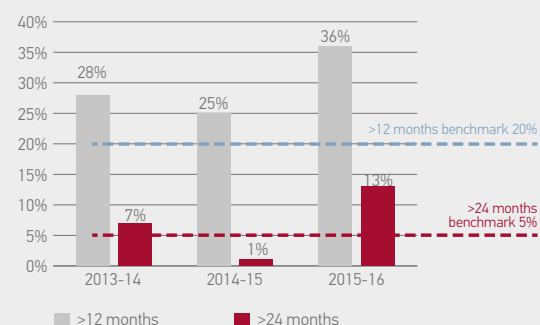
CRIME: CLEARANCE RATE (%)



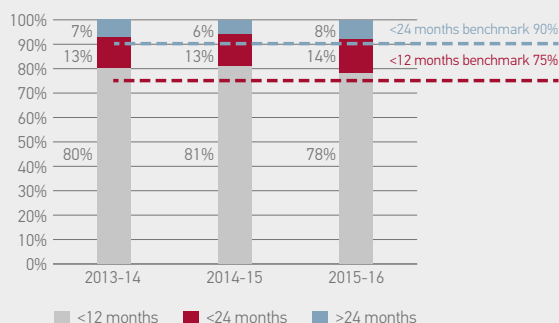
CIVIL: CASE BACKLOG (%)



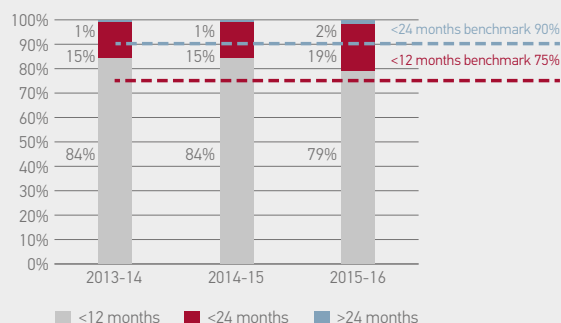
CRIME: CASE BACKLOG (%)



CIVIL: ON-TIME CASE PROCESSING (%)



CRIME: ON-TIME CASE PROCESSING (%)



For further information about the work of the Commercial Court see page 24, the Common Law Division see page 31, and the Criminal Division see page 41.

COURT FEES

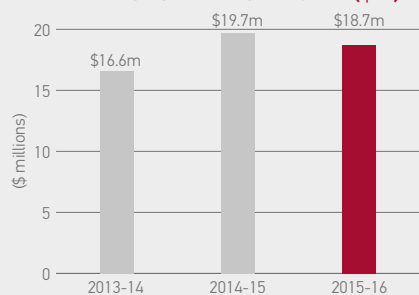
Fees levied by the Supreme, County and Magistrates' Courts are centrally managed as consolidated revenue by Court Services Victoria.

Supreme Court fees collected in 2015-16 declined slightly compared with the previous year, where large filings occurred in cases such as Timbercorp.

A portion of the consolidated revenue is allocated to the Court Innovation and Transformation Fund (previously, the 'Court Fee Pool'). The Supreme Court, along with all jurisdictions, can apply to Court Services Victoria to access a portion of this fund for projects that seek to improve service delivery and access to justice.

The Court continued to provide a significant contribution to the Court Innovation and Transformation Fund to the benefit of all jurisdictions, with approximately 30 per cent of revenue in the fund derived from Supreme Court fees.

CONTRIBUTION TO COURT INNOVATION AND TRANSFORMATION FUND (\$M)



THE YEAR IN REVIEW



ANNIVERSARIES AND RECOGNITION

The Court celebrated significant milestones this year; the 20th anniversary of the Court of Appeal in 2015 and 175 years of the Supreme Court in Victoria in early 2016.

THE COURT CELEBRATES 175 YEARS

April 2016 was a special month in the Court's history, marking the 175th anniversary of the arrival of Judge John Walpole Willis as its first resident Supreme Court judge in 1841.

Judge Willis took his place on the Bench in a cottage located in King Street on 12 April 1841. He quickly got to work hearing commercial cases, equity matters and serious criminal matters.

Among the first cases Judge Willis heard in Victoria was the resolution of John Batman's will. Following disputes about his authority in 1843, Judge Willis left the colony where he was followed in quick succession by Judges Thierry and Jeffcott, until William a'Beckett, a barrister of the Sydney Bar, came south in 1845.

JUDGING FOR THE PEOPLE

A special landmark publication celebrating the 175th anniversary of the Court, *'Judging for the People: A social history of the Supreme Court in Victoria 1841-2016'*, was launched at a celebratory event on 12 April 2016.

Commissioned by the Chief Justice, accomplished scholars, historians, members of the Victorian Bar, judges and Court staff are among the contributing authors who tell the Court's tales in this joint collaboration between the Supreme Court and the Royal Historical Society of Victoria.



The Chief Justice flicks on the lights with former Supreme Court judges Sir James Gobbo AC CVO KStJ QC (left), and the Honourable Barry Beach AM QC (right).

THE COURT COMES TO LIFE AFTER DARK

At the conclusion of the book launch, the Chief Justice was joined by former Supreme Court judges Sir James Gobbo AC CVO KStJ QC, and the Honourable Barry Beach AM QC, to officially 'flick the switch' and illuminate the magnificent Supreme Court building in a swathe of lights.

The Supreme Court was lit up every night from 12 April until the end of Law Week (22 May 2016), resplendent in shades of red, gold and white.

Images of justice projected on the building behind the library were also seen from the street – a fitting tribute to the Court's 175-year contribution to the rule of law and the state of Victoria.

175 EXHIBITION

An exhibition of historical items of significance was on display in the Supreme Court Library from April to July 2016. Distinguished author and historian Dr Andrew Lemon spoke about this milestone in the state's history at the launch of the exhibition on 31 March 2016.

The 'pink book' containing Justice Menhennitt's 1969 ruling on the legality of abortions in the trial of *R v Davidson*, the black execution cap worn by judges when sentencing a prisoner to death and the Court book that records the fate of Ned Kelly were among the items on display.

NEW JUDICIAL ROBES

In 2017, the Supreme Court will introduce new judicial robes to be worn by judges in substitution for the historic red and black judicial robes.

The new robes retain red features as a tribute to the Supreme Court colour. They are also styled to draw, in part, on the judicial robes of the Supreme Court of Ireland, a tribute to the Irish heritage of the Supreme Court of Victoria.



Justice Ferguson (left) and Justice Croft (right) in the new judicial robes.

20TH ANNIVERSARY OF THE COURT OF APPEAL

The Court of Appeal celebrated its 20th anniversary in August 2015, hosting a seminar in Banco that was attended by about 130 people, including judicial officers and members of the profession.

The event was run in conjunction with the Judicial College of Victoria and papers were presented by Justice Margaret McMurdo AC,

President, Queensland Court of Appeal, Justice Carmel McLure AC, President, Western Australia Court of Appeal, Justice Margaret Beazley AO, President, New South Wales Court of Appeal, and Justice Robert Redlich, Victorian Court of Appeal. The President of the Court of Appeal, Justice Chris Maxwell, chaired the occasion.

THE INAUGURAL INSPIRE AWARDS

The inaugural Funds in Court Inspire Awards were this year held at PricewaterhouseCoopers in Southbank on 21 April 2016.

At the awards, the Chief Justice presented the Best Achievement in Law and Honours Law and was joined by the President of the Human Rights Commission, Professor Gillian Triggs, who presented the Best Achievement in Human Rights.

Twelve awards were presented across the fields of medicine, research, arts, architecture, policing and community engagement, journalism, disability advocacy, innovation and community volunteering. The awards are peer based and recognise a person who identifies with a disability, is 18 years of age or older, and is well respected in their field of work or interest in the community.

Nominees were acknowledged not only for their professional contribution to their work but also for their outstanding leadership, role modelling and mentoring qualities. The awards were very well received and one of the afternoon's highlights was the Senior Master presenting five beneficiaries the Funds in Court Individual Excellence and Achievement Awards.



The Chief Justice (right) with Inspire Award winners Peter Ward (left) and Dr Sherene Devanesen (middle), who accepted on behalf of Fiona Smith.

EMBRACING TECHNOLOGY

Enhanced technology is central to the Court's endeavour to improve access to justice.

A DIGITAL STRATEGY TO UNDERPIN ACCESS TO JUSTICE

In late 2015 the Court endorsed a digital strategy, built on the well-founded assumption that targeted investment in a number of key electronic services will support financial sustainability, increase effectiveness and efficiency, and improve access to justice.

Key components of the digital strategy include:

- the development and implementation of an electronic lodgement facility and a document management solution for civil matters court wide (extending beyond the current initiative in the Commercial Court)
- the implementation of an electronic lodgement facility and document management solution for criminal matters
- the integration of these systems with the Court's case management system (in the short term CourtView, and to be reviewed for the longer term)
- an integrated, intuitive 'front end' web portal for all users, tailored to specific needs
- an independent network
- electronic trial technologies (audio, video, transcript and evidence presentation systems)
- technologies to assist self-represented litigants, including online searching and access to documents.

The benefits that this strategy will deliver include:

- the capacity for documents to be uploaded and many services accessed 24 hours a day, seven days a week
- the enabling of documents to be filed and court fees to be paid electronically
- the real time receipt and delivery of documentation and information between users and the Court
- where appropriate, the use of virtual hearings to replace physical court attendances
- the significant automation of case management processes
- the elimination of duplication of data entry by avoiding the need for court staff to undertake manual data entry
- improvements to data integrity and reporting, enabling the assessment of the impact of case management and procedural reforms on court resources, settlement rates, timing of settlements and trial length.

During the reporting period the Court made considerable progress with the implementation of its strategy and did so within budget. The inaugural position of Digital Strategy Manager was created and working with the Court's Digital Strategy Steering Committee, the Manager and her team established and migrated all judicial officers and support staff to an independent and secure IT network. The productivity benefits of this have been considerable as judges are now able to access court files, including related documents, from any location and at any time via a secure cloud environment, including when on circuit at any of the 12 regional courts where the Court regularly sits. This initiative delivered a robust and reliable technology environment.

A NEW JURY MANAGEMENT SYSTEM

In January 2016, the Juries Commissioner's Office (JCO) launched its new Jury Management System (JMS). Consultations with JCO staff and jurors informed the look, feel and functionality of the JMS design.

This user experience approach to design delivered a sophisticated, yet intuitive, staff interface fully integrated with an online juror portal – providing digital services that meet 21st Century expectations.

Jurors can now go online to complete eligibility forms, apply for deferrals or to be excused, update their details (including bank details for EFT payment instead of cheques) and sign up for SMS notifications.

Email and SMS notification are now also used to inform citizens of the outcome of their applications, and to remind those who have received summons of when they are required to attend.

IMPROVING SERVICE DELIVERY

New initiatives launched throughout 2015-16 improved service delivery and delivered efficiencies for the profession, the community and the Court.

THE COMMON LAW IMPROVEMENT PROGRAM

The Supreme Court of Victoria is committed to continuously improving its practices and delivering efficiencies in the case management of its lists. For some time now the Court has been aligning its caseload against specialised lists or practice areas. During the financial year, a team of judges, lawyers and court administrators focused on the Common Law Division and worked to implement the Common Law Improvement Program (CLIP).

The primary task of the CLIP team has been the design of a new case management model for the large Personal Injuries and Dust Diseases Lists. The model focuses on the appropriate allocation of judicial functions amongst judges, associate judges and judicial

registrars with experienced legal practitioners acting as case managers to assist and streamline processes.

Its aim is to achieve less delay, earlier resolution of matters, fewer trial adjournments, better prepared cases reaching trial and an overall reduction in costs to the parties and the Court.

In other reform measures, cases in lists which do not have a dedicated associate judge are now docketed to the associate judge before whom they were first listed for an interlocutory application or initial directions. This is expected to ensure greater familiarity with the case and a consequent saving in both preparation and hearing time.

Reforms already implemented as part of CLIP have lightened the pre-trial case management load on judicial officers, leaving them more time for the core tasks of hearing and determining matters. Issues in dispute are also being better defined and, in some cases, reduced, with a consequent reduction in hearing time and cost to parties and the Court.

SUPPORT FOR JURORS

After completing jury service, most people leave with a sense of achievement, feeling they have performed a worthwhile community service. However, some people don't feel this way and find it difficult to put their experience behind them in a positive manner.

For those people, the Juries Commissioner's Office (JCO) introduced a state-wide Juror Support Program that offers people who have served on a jury the opportunity to speak with professional counsellors at no cost to them, in person, by telephone or via video connection (for example, via Skype).

Coupled with this initiative, the JCO sponsored a pilot program – Vicarious Trauma and Wellbeing Training – for its staff in the Supreme and County Courts. The pilot session was overwhelmingly successful and will form part of the mandatory training for JCO staff, with annual refreshers.



The number of common law matters heard in the Practice Court declined dramatically after the implementation of the reforms.

REFORMING URGENT BUSINESS BEFORE THE COURT

In 2015-16, the Court made significant changes to how urgent matters are heard. There are now centralised and streamlined procedures for the management of urgent applications in both common law and commercial matters.

During the year the Practice Court was reformed and began only hearing genuinely urgent and certain other applications in proceedings brought in the Common Law Division.

Arrangements for urgent commercial applications were addressed directly by the Commercial Court Registry and the implementation of a Commercial Court duty judge system.

Figures on Common Law Division matters heard in the Practice Court reduced dramatically as a result. In the calendar year leading up to the reforms, an average of 62 Common Law Division matters were heard in the Practice Court each quarter. Since the commencement of the reforms this declined to 40 matters per quarter – a 35 per cent reduction. The drop in numbers accords with anecdotal evidence provided by judges who report spending significantly less sitting time in the Practice Court.

The duty judge system has also been well received by the profession as evidenced by the uptake. In the four month period from the commencement

of the new duty judge system to the end of June 2016, the Commercial Court Registry triaged 84 urgent applications, listing on average four matters per week. In comparison, in the eight months prior to the reforms Commercial Court judges sitting in the Practice Court had heard 80 urgent commercial applications. These figures suggest that the duty judge system has resulted in approximately double the number of commercial matters being heard in the same time frame.

ENGAGING WITH THE COMMUNITY

A range of events and programs that ran throughout the year strengthened community ties.



William Barak's portrait unveiling; (L to R) Jesse Gardiner, retired Court of Appeal judge, the Honourable Geoffrey Eames, Aunty Pat Ockwell, Aunty Alice Kolasa and Justice Kaye.

COMMITMENT TO KOORI INCLUSION

The Court Services Victoria Koori Inclusion Action Plan (KIAP) is an important milestone for all jurisdictions, outlining the Court's commitment to meaningful Koori inclusion into everyday work practices.

Over the course of the year, the Supreme Court developed and implemented a range of activities within the KIAP, including specific programs, actions and commitments to celebrating culturally significant events.

In December 2015, the Court's theatre was officially renamed the William Barak room and a portrait of William Barak was

unveiled in the Supreme Court Library. William Barak was a Wurundjeri Chief and renowned Aboriginal artist. A Cleansing Ceremony was performed at an intimate gathering attended by the Chief Justice, Justice Kaye and direct descendants of William Barak – Aunty Pat Ockwell, Aunty Alice Kolasa and Jesse Gardiner. The portrait holds pride of place among the Court's past and present Chief Justices in the library, informing visitors about this remarkable Australian.

Under Justice Kaye's leadership as Chair of the Judicial Officers' Aboriginal

Cultural Awareness Committee (JOACAC), a number of cultural awareness training sessions for judicial officers were developed and held over the course of the year.

Education sessions on understanding kinship, reconciliation and recognition, the economic and cultural relationships between claims under the Native Title Act and agreements under the Traditional Owners Settlement Act, and a Back to Country weekend visit to the Gurnai Kurnai Land (Gippsland region) were all highlights.

Cultural awareness training was also provided to staff by the Court.

EVENTS FOR THE COMMUNITY

COMMUNITY OPEN DAYS

As part of Law Week, courts and tribunals in Melbourne opened their doors and welcomed the public with a series of free events, tours, exhibitions and mock trials on Courts Open Day, Saturday, 21 May 2016.

The Supreme Court was well-attended with approximately 700 Victorians participating in law-related events and behind the scenes tours at the Court.

Justice Jane Dixon and Court staff staged a mock trial in the Banco courtroom, while Justice Elliott, Justice Riordan, and a panel of speakers from the Victorian Bar addressed a full house in a special 'Up Close and Personal' event for VCE students. The Acting Juries Commissioner also hosted a popular myth-busting information session about jury service.

Almost 1,900 people visited the Supreme Court during Open House Melbourne on Sunday, 26 July 2015, making it one of the more popular buildings in the Open House program.

The Court ran free tours throughout the day, and opened the Banco Court, courtroom 4 and the library for the public to view.

HISTORY AND HERITAGE TOURS

The Court's History and Heritage tours, originally launched in 2014, take place on the last Friday of every month (excluding December), and allow visitors a chance to explore the Court's magnificent heritage-listed building and learn about the Court and its history.

Throughout 2015-16 the Court ran 13 tours, which were attended by more than 160 people.

INTERNATIONAL DELEGATIONS

A number of international delegations visited the Court throughout the year, including:

- Japanese postgraduate exchange students
- Judicial delegations from China
- Japanese law students from Chuo Law School, accompanied by Juris Doctor students from The University of Melbourne Law School
- international exchange students from the City University of Hong Kong
- Sudanese refugee senior secondary students
- Japanese judicial officers from the Takamatsu District Court.



Justices Elliott and Riordan (left) and a panel of speakers address VCE students at a special 'Up Close and Personal' session at Courts Open Day.



Justice Jane Dixon presides over a mock trial in 'All Stand! A judge's guide to a Supreme Court trial' at Courts Open Day.

PUBLIC EXHIBITIONS

The Court runs many ongoing exhibition programs in the Supreme Court Library and various other public spaces in the Supreme Court precinct.

A highlight during the 2015-16 period was an exhibition about Sir William Stawell's bicentennial, which was well attended by members of the profession and the public.

Memorial Board panels, funded via a small grant received from the State Government's ANZAC centenary committee, were also developed and displayed at the Court as part of the ANZAC centenary. Following ANZAC Day, the panels were put on display in the Sale and Morwell courthouses in November 2015 and April 2016 respectively.

EVENTS HOSTED AT THE COURT

Throughout the reporting period the Court hosted a number of events, benefitting the legal profession and the community, including:

- monthly admission ceremonies
- Bar Readers' events
- book launches
- musical recitals and performances
- mooted competitions
- anniversary celebrations
- legal conferences, workshops and seminars
- Law Week events.

EDUCATION PROGRAM

Throughout 2015-16, VCE Legal Studies students from 274 schools around Victoria visited the Court to participate in the Court's Education Program.

As part of the program, students learn about the inner workings of the Court, which includes observing criminal and civil trials, participating in role plays and finding out all about the Juries Commissioner's Office.

WORK EXPERIENCE AND INDUSTRY PLACEMENTS

The Supreme Court coordinated a number of work experience and industry placement programs throughout the year, aimed at providing an interactive, hands-on experience for both secondary and university students interested in pursuing a career within the courts.

The Monash Externship Program placed four Monash law students in chambers one day a week, for 12 weeks. Students assisted judges and staff with legal research, prepared case summaries and observed legal and administrative duties.

The RMIT University program saw seven students studying Criminal Justice Administration placed in the Principal Registry. The students performed a range of administrative duties that provided them with a practical and detailed understanding of the Court's administrative processes.

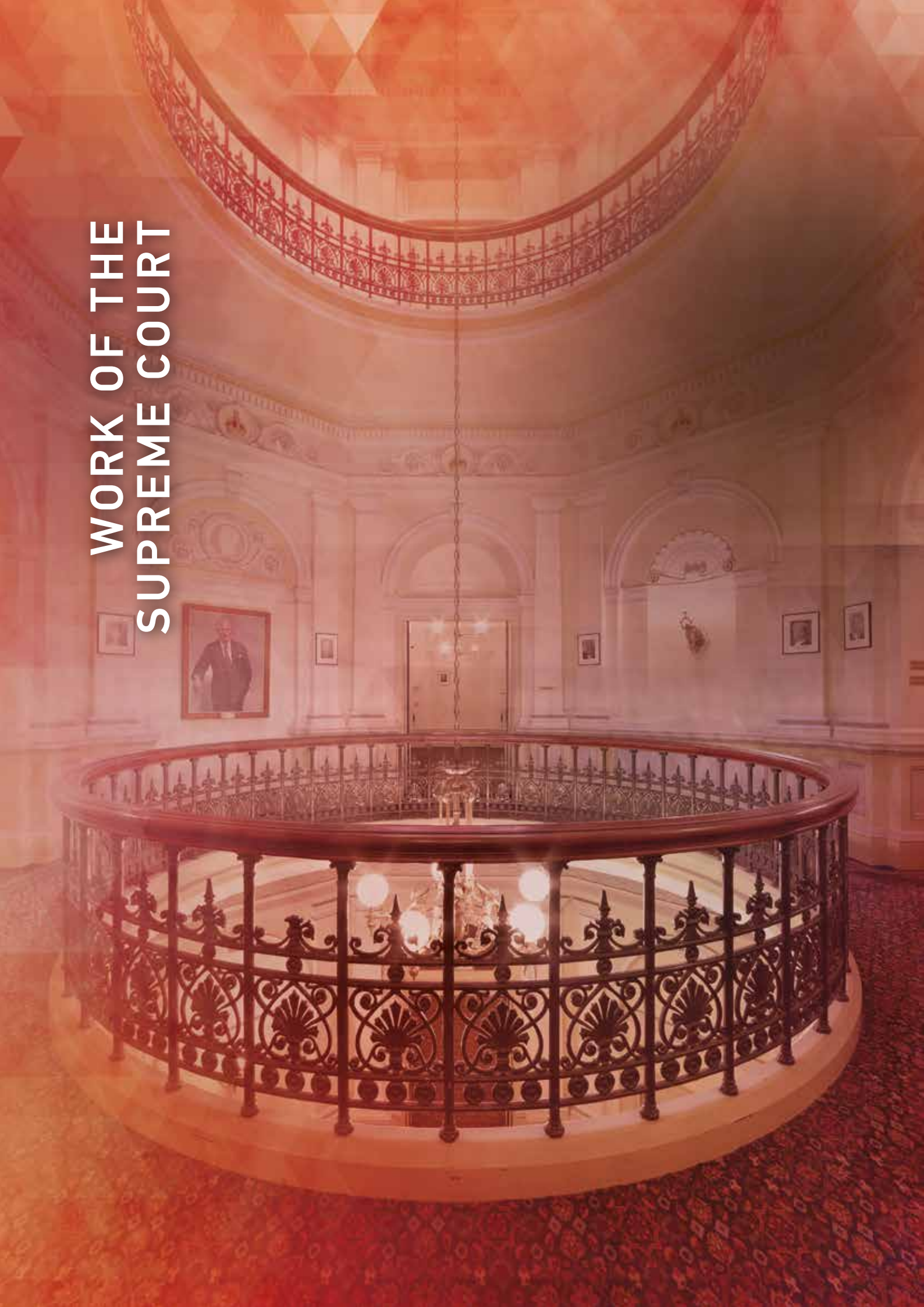
On two occasions, the Court of Appeal hosted large groups of students from Victoria University and RMIT University on a four-day observation internship. The students observed a range of matters in the Court of Appeal, which included the opportunity to meet with presiding judges before and after matters were heard. They also attended a question and answer session with Court staff, and participated in tours of the Court including prisoners' cells, registry offices and the Law Library of Victoria.

While sitting on circuit in Geelong in June 2016, 30 students from Deakin University were invited to observe Court of Appeal matters, with the opportunity to speak with judicial officers.

The Indigenous Clerks program, coordinated by the Court and the Victorian Bar, resulted in three Indigenous law students spending a week at the Supreme Court in February 2016. This is the ninth year the Court has participated in the program. Students sat in on hearings and were provided with access to relevant court materials to provide meaningful context to the cases being viewed. Students were also given opportunities to talk one-on-one with judges, with discussions centering on the role of a judge and what a career in the law could offer.

Twelve Year 10 students were given the opportunity to broaden their experience and understanding of career paths by participating in the Court's secondary school work experience program. The program introduced the students to current workplace practices and provided them with a broad appreciation of the functions of the Supreme Court over a five day period.

WORK OF THE SUPREME COURT



WORK OF THE SUPREME COURT

COURT OF APPEAL

The Court of Appeal hears appeals against criminal and civil decisions made in the Trial Division of the Supreme Court and County Court jurisdictions, as well as some matters originally heard by the Victorian Civil and Administrative Tribunal (VCAT). The Court of Appeal received 424 appeals or applications for leave to appeal in 2015-16. The total number of pending appeals increased by 10 per cent to 246 cases.

Chief Justice:

Chief Justice Warren

The President:

Justice Maxwell

Judges:

Justice Redlich (until 3 March 2016)

Justice Weinberg

Justice Tate

Justice Osborn

Justice Whelan

Justice Priest

Justice Santamaria

Justice Beach

Justice Kyrrou

Justice Ferguson

Justice Kaye

Justice McLeish

Reserve judges:

Justice Ashley

Justice Hansen

Justice Bongiorno

Justice Coghlan

Justice Redlich

The reserve judges sat a total of 63 days and were involved in the delivery of 83 judgments (including applications). In total, reserve judges sat for 31 per cent of the Court of Appeal's total sitting days and were involved in 13 per cent of the judgments handed down.

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

	2014-15	2015-16	Difference	Variance
Initiations	427	424	-3	-1%
Finalisations	501	402	-99	-20%
Pending	224	246	22	10%

CRIMINAL APPEALS

The Court has continued the success of the Ashley-Venne Reforms by maintaining a low number of pending criminal appeals. A slight decrease (-10 per cent) in the number of new appeals initiated in 2015-16 has impacted the number of matters finalised when compared to 2014-15 (-15 per cent). While the median time to finalise appeals against sentence has risen from 5.0 months in 2014-15 to 5.6 months in 2015-16, this is predominantly due to an increased focus on listing civil appeals following the implementation of civil reforms and greater emphasis given to conviction appeals.

As a consequence of this adjustment in focus, the median time to finalise appeals against conviction has reduced from 9.1 months in 2014-15 to 8.4 months in 2015-16.

Criminal applications for leave to appeal and appeals

	2014-15	2015-16	Difference	Variance
Initiations	282	253	-29	-10%
Finalisations	311	263	-48	-15%
In list 30 June	147	137	-10	-7%

Median time to finalisation in months

	2014-15	2015-16
Appeals against conviction	9.1	8.4
Appeals against sentence	5.0	5.6
Time to finalisation (all criminal)	6.0	5.6

CIVIL APPEALS

The Civil Appeals reforms continue to have a positive impact upon the time taken to finalise civil appeals, with matters resolved in a median timeframe of 5.9 months in 2015-16, down from 7.9 months in 2014-15. This decrease in the median time to finalisation must also be understood within the context of an 18 per cent increase in initiations.

Civil applications for leave to appeal and appeals

	2014-15	2015-16	Difference	Variance
Initiations	145	171	26	18%
Finalisations	190	139	-51	-27%
In list 30 June	77	109	32	42%

Median time to finalisation in months

	2014-15	2015-16
Civil appeals	7.9	5.9

Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

CIRCUIT SITTINGS

The Court of Appeal undertook two circuits in 2015–16 sitting in Ballarat (4–5 April 2016) and Geelong (20–21 June 2016). Criminal applications and appeals were heard during these circuits, mainly arising from the regions in which the Court was sitting.

While in Geelong, the Court of Appeal invited Deakin University Students to meet with the judges to discuss the work of the Court and view the second day of sitting. The Court of Appeal also met with local members of the profession and the Geelong Law Society.

SIGNIFICANT CASES

DPP v O'Neill [2015] VSCA 325

The Court considered the scope of the principles stated in *R v Verdins*; *R v Buckley*; *R v Vo* (2007) 16 VR 269 (*Verdins*) and concluded that they cannot be applied to personality disorders. The Court said that, although the respondent's personality disorder and complex personality matrix was relevant to the sentencing synthesis and that it informed assessment of the respondent's moral culpability, it is well settled that the *Verdins* principles are confined to cases of impaired mental functioning.

The Court found that the disorder did not play any relevant role in diminishing the respondent's capacity to understand the nature and gravity of his offending. Consequently, the respondent's disorder did not require some moderation of general deterrence on the grounds that the condition at the time of the offence or sentence rendered him unsuitable to be a vehicle for general deterrence.

Harrison & Rigogiannis v The Queen [2015] VSCA 349

The Court examined past sentencing practice which said that higher sentences were required in cases where grossly negligent driving causes serious injury. The Court found that sentences for serious instances of this offence had not reflected parliament's increase in the maximum penalty to 10 years' imprisonment in 2008. The Court said that the increase in the maximum penalty was intended to lead to a corresponding increase in the sentences actually imposed.

In the Court's view, past sentencing practice did not reflect the seriousness with which such offences had been viewed and that those sentences were not commensurate with the objective gravity of the offences, the degree of negligence involved and the consequences for victims. The Court also said that, as per *Ashdown v The Queen* [2011] VSCA 408, it will be necessary for the Court to provide guidance to sentencing courts where inadequate sentencing practice has become so established that sentencing courts are reluctant to depart from that practice.

DPP v Perry; Perry v The Queen [2016] VSCA 152

Sentencing practice was also the focus of *DPP v Perry; Perry v The Queen* [2016] VSCA 152. The Court said that sentencing practice for the offence of 'statutory murder' needed to change to reflect the fact that it is not inherently less serious than the common law form of murder. Statutory murder (s 3A of the *Crimes Act 1958*) is committed when a person causes the death of another by a violent act done in the course of committing a crime of violence. Unlike common law murder, an offender may be guilty of statutory murder whether or not there was an intention to kill or cause serious injury. The two offences carry the same maximum penalty of life imprisonment.

The Court said that the accepted (but erroneous) view had been that statutory murder must be treated as unintentional and that, as a result, markedly lower sentences should be imposed than for common law murder. The Court said that although the prosecution is relieved of the obligation to prove intent for conviction, evidence of intent is admissible because the offender's intent is relevant to sentencing.

The Court said that statutory murder covers a range of conduct from the case where the death is an accidental result of the act of violence to the case where the death is the intended result of the act. Therefore, the range of sentences for statutory murder – from the least serious to the most serious instances of the offence – should be encompassed within the range of sentences for common law murder.

Hazelwood Power Partnership v Latrobe City Council [2016] VSCA 129

This case involved a dispute surrounding the Morwell Main Drain. Originally constructed in 1949 by the State Electricity Commission of Victoria as part of the Hazelwood open cut mine, the Morwell Main Drain was transferred to the Hazelwood Power Partnership in 1994 when the Hazelwood mine was privatised.

Under section 198 of the *Local Government Act 1989*, public drains are vested in and are under the management of the local municipal council. Hazelwood Power Partnership argued that the Morwell Main Drain was a public drain because a large proportion of the water that passed through the Morwell Main Drain flowed from municipal drains. The Court of Appeal held that the Morwell Main Drain was not a public drain and should continue to be managed by the Hazelwood Power Partnership. The Court said that the legislation used the phrase 'public drain' in its ordinary sense and that, in determining whether a particular drain was a public drain, all the relevant facts and circumstances must be taken into account.

The Hazelwood Power Partnership put forward an alternative argument that the flow of water onto its land was unreasonable. The Court held that, taking into account all the relevant factors referred to the *Water Act 1989*, the flow of water was reasonable, and that the Hazelwood Power Partnership would not be entitled to prevent Latrobe City Council from discharging into the Morwell Main Drain.

***Metricon Homes v Softley* [2016] VSCA 60**

The Court examined the applicable test for leave to appeal to the Court of Appeal from the Victorian Civil and Administrative Tribunal (VCAT) in this case. The insertion of ss 14A – 14D into the *Supreme Court Act 1986* introduced a new regime governing civil appeals to the Court of Appeal.

Prior to the introduction of the new regime, the test for leave to appeal to the Court of Appeal under s 148 of the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) was the test set out in *Secretary to the Department of Premier and Cabinet v Halls* [1999] 3 VR 331 (*Halls*).

For appeals from VCAT to the Court of Appeal, s 148(1) of the VCAT Act is the provision that provides a (limited) right to a civil appeal to the Court of Appeal. Section 148(1) restricts that right to appeal to questions of law and imposes a requirement to obtain leave to appeal. Section 14A of the *Supreme Court Act* confirms the requirement stated in s 148(1) that the leave of the Court of Appeal must be obtained. Section 14B(1) provides for the time period in which the application for leave to appeal must be made. It displaces ss 148(2) and (5) for the purposes of appeals from VCAT to the Court of Appeal. Section 14C provides that the test for leave to appeal is the ‘real prospect of success’ test. This statutory test obviates the need to resort to the *Halls* test. Section 14D then sets out how the application or leave to appeal may be determined.

The Court acknowledged that this creates a situation where appeals from VCAT to the Trial Division will be subject to a different test for leave to appeal compared to appeals from VCAT to the Court of Appeal. The former will be governed by the *Halls* test and the latter the ‘real prospect of success test’. The Court suggested that this anomaly will need to be rectified by legislative amendment.

***Hoskin v Greater Bendigo City Council* [2015] VSCA 350**

The Court of Appeal refused an application for leave to appeal against a decision of the Victorian Civil and Administrative Tribunal to grant a permit for the development and use of a mosque and associated facilities at 9 Rowena Street, East Bendigo.

The Australian Islamic Mission applied to the Greater Bendigo City Council for the planning permit in November 2013. The Council received 254 objections, including from the applicants in this proceeding. In June 2014, the Council decided to grant the permit on conditions. In July 2014, a subset of the objectors applied to the Tribunal for a merits review of the Council’s decision. The Tribunal determined to grant the permit, on agreed conditions, because it considered there would be a net community benefit in doing so.

Two of the group objectors in the Tribunal applied for leave to appeal to the Court of Appeal. They argued that the Tribunal misconstrued the *Planning and Environment Act 1987* and that the Tribunal wrongly found that the onus was on the objectors to produce evidence supporting their assertions that a mosque in Bendigo would have negative social effects.

The Court of Appeal held that the Act requires a responsible authority (the Council or the Tribunal) to consider any significant social effects that the responsible authority considers the use or development may have. The Court of Appeal held that the *Charter of Human Rights and Responsibilities Act 2006* protects freedom of religion such that the mere practice of religious worship cannot itself be considered an adverse ‘social effect’: at [28]. It is only if religious practices result in significant social effects that such practices might be relevant to town planning decisions: at [28]. The *Charter* also required the Tribunal to consider human rights when making a decision as to whether to grant the permit. The Court of Appeal held that the human rights of the proposed users of the mosque were relevant to the making of the decision: at [39].

The applicants argued that the Tribunal’s decision was vitiated because a Council officer misquoted a part of the Act in a report to the Council. It was also submitted that the Tribunal was required to ensure an independent social impact assessment was obtained. The Court of Appeal found that the Tribunal was correct to say that the Act does not require the relevant decision-maker to obtain an independent social impact assessment in all cases: at [77]. The Court also held that, when read as a whole, the reasons of the Tribunal demonstrated that it had not misconstrued the Act, even if the Council had done so: at [101].

The applicants argued that the Tribunal wrongly held that it was not obliged to consider possible significant adverse social effects of the proposed mosque in the absence of evidence of such effects. The Court of Appeal found that the Tribunal did not make such a finding: at [124] and [143]. Rather, the Tribunal considered the objectors’ fears and concerns but was not persuaded that they were of substance in the absence of evidence.

The applicants further argued that, in the absence of satisfactory evidence, the issue should be sent back to the Council to obtain further evidence and for further consideration of the merits of the objectors’ allegations. The Court of Appeal rejected this, finding that it was open to the Tribunal, based on the material before it, to consider that the objectors’ concerns were overstated and unfounded: at [133]–[135]. In the absence of any objective, concrete evidence substantiating the adverse social effects the objectors submitted the mosque could have, the Tribunal acted according to law in giving the objectors’ concerns little weight: at [139].

The Court of Appeal refused to grant leave to the objectors to appeal. Therefore, the decision of the Tribunal to grant the planning permit stands.

TRIAL DIVISION – COMMERCIAL COURT

The objective of the Commercial Court is to determine commercial disputes in a just, efficient and timely manner. The Commercial Court comprises a number of general commercial and specialists lists. Cases are allocated to judges with specialist expertise in commercial disputes.

Principal judge:

Justice Hargrave

Deputy principal judge:

Justice Judd

Judges:

Justice Robson
Justice Vickery
Justice Croft
Justice Sifris
Justice Almond
Justice Digby
Justice Elliott
Justice Sloss
Justice Cameron

Reserve judge:

Justice Dodds-Streeton

Associate judges:

Associate Justice Eftim
Associate Justice Daly
Associate Justice Gardiner
Associate Justice Mukhtar
Associate Justice Randall
Associate Justice Derham

Judicial registrar:

Judicial Registrar Hetey

The specialist lists comprise of:

- the Corporations List
- the Arbitration List
- the Taxation List
- the Admiralty List;
- the Intellectual Property List
- the Technology, Engineering and Construction List.

The Commercial Court is also supported by a judicial registrar, who oversees the operations of the Commercial Court Registry and provides operational, listings and judicial support to the Commercial Court judges.

CASELOAD

During 2015-16, the total number of initiations in the Commercial Court decreased in comparison to 2014-15. There were 3,220 cases initiated as compared to 4,527 for the previous year (a decrease of approximately 29 per cent). This decrease can largely be explained by reason the unprecedented spike in filings which occurred between September and November 2014 in respect of Timbercorp debt recovery matters. Current initiations now reflect more historical trends.

While finalisations across the entire Commercial Court have remained relatively static (decreasing by 1 per cent), finalisations in the Commercial Court general and specialist lists have increased by 9 per cent.

Commercial Court – all cases

	2014-15	2015-16	Difference	Variance
Initiations	4,527	3,220	-1307	-29%
Finalised	3,857	3,801	-56	-1%
In list 30 June	2,625	2,044	-581	-22%

Commercial Court general commercial and specialist lists – all cases

	2014-15	2015-16	Difference	Variance
Initiations	2,438	1,736	-702	-29%
Finalised	1,936	2,101	165	9%
In list 30 June	1,365	1,000	-365	-27%

Commercial Court judge-managed cases

There has been a decrease in the number of matters under active judge-management – from approximately 460 as at 30 June 2015 to approximately 381 by the end of June 2016. However, a consequential benefit has been an increase in finalisations of judge-managed matters of 48 per cent to end June 2016. In turn, this has increased clearance rates across the entire Commercial Court to 118 per cent.

Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

CORPORATIONS LIST

Judge in charge: Justice Robson

Associate judges: Associate Justice Derham
Associate Justice Eftim
Associate Justice Gardiner
Associate Justice Randall

Judicial registrar: Judicial Registrar Hetey

The Corporations List is a specialist judge-managed list within the Commercial Court. Matters brought under the *Corporations Act 2001* (Cth) or the *Australian Securities and Investments Commission Act 2001* (Cth) are allocated to this list.

The Corporations List is managed by Justices Robson, Judd and Sifris, who are assisted by Associate Justices Derham, Eftim, Gardiner and Randall, and Judicial Registrar Hetey. The associate judges hear a significant number of applications each year in connection with the winding up of corporations.

During the 2015-16 financial year, judges of the Corporations List continued to hear and determine matters arising from failed managed investment schemes (such as Timbercorp and Great Southern and group proceedings concerning Banksia Securities Ltd and Camping Warehouse) in addition to schemes of arrangement (including the National Australia Bank demerger) and matters under the *Personal Property Securities Act 2009* (Cth).

The reinstated Oppression Proceeding Pilot continued to prove successful during this financial year. The process established by *Practice Notes 5 of 2014* and *13 of 2015* has resulted in more efficient and streamlined case management practices for oppression cases which have ultimately resulted in resource savings for parties, practitioners and the Court. The operation of the pilot has been extended to the 2016-17 financial year.

During the reporting period, 1,473 matters were initiated in the list with 1,784 matters being finalised in the same period. There were 1,473 new matters in 2015-16 compared to 2,168 in 2014-15 (a decrease of 32 per cent). Following an abnormal spike in filings between September and October 2014, initiations now reflect more historical trends.

Corporations List

	2014-15	2015-16	Difference	Variance
Initiations	2,168	1,473	-695	-32%
Finalised	1,703	1,784	81	5%
In list 30 June	908	597	-311	-34%

Significant changes that occurred since the previous reporting period impacted on the business of the Corporations List within the associate judges' jurisdiction.

The transition of winding-up applications by the Deputy Commissioner of Taxation back to the Federal Court saw a steady drop in numbers in the Corporations List and resulted in a reduction in listing days. The 'Tuesday' list was abolished to allow judges to dedicate more time to other activities such as trials, special fixtures and mediations.

Another change in the corporations listings affected the 'Friday' list, resulting in approximately 80 per cent of the list comprising referrals from Corporations List judges rather than work in the associate judges' jurisdiction.

These matters include:

- company winding-up applications (s 459P) and applications to set aside statutory demands (s 459 G)
- other applications involving corporations
- Oppression Hearing List
- conduct liquidators' examinations on an ongoing basis.

The *Supreme Court (Judicial Registrars Amendment)* expanded the powers of judicial registrars to undertake work in corporations matters. As an example, Judicial Registrar Hetey has conducted public examinations, enabling a better use of associate judges' time.

As reported previously, a pilot program in the form of initial conferences was run for proceedings involving alleged oppression of shareholders. Under this program, a proceeding was brought before the Court just after its commencement for close management and early referral to mediation. The program was very successful in achieving cost effective and expedited resolution of proceedings.

Since the pilot's completion, a more efficient method of hearing oppression proceedings was developed, giving a more robust structure to proceedings and better use of resources. The success of moving the hearings into a dedicated courtroom before Associate Justices Gardiner and Randall, in tandem, has proven beneficial to all concerned and is reflected in the statistics. Since the Oppression List's formal establishment, a total of 53 oppression matters were heard during the reporting period. The frequency of listing is likely to increase with the growing popularity of this format.

Hearings listed

2014-15	(associate judge) 3,983
2015-16	(associate judge) 3,109

TAXATION LIST

Judge in charge: Justice Croft

Deputy judge in charge: Justice Ginnane

The Taxation List hears matters concerning taxation appeals from decisions of the Victorian Civil and Administrative Tribunal and objections to decisions of the Commissioner of State Revenue, as well as proceedings that raise a substantial issue regarding taxation, including taxation recovery or disputes with respect to the Goods and Services Tax.

During the reporting period, it was decided that proceedings involving claims of professional liability made against taxation professionals would no longer be heard in the Taxation List. In the interest of efficient case management, these proceedings are now to be heard and determined in the Common Law Division's Professional Liability List.

The Taxation List experienced the biggest increase in filings across all of the Commercial Court lists.

Over the 2015-16 reporting period, 42 new matters were initiated in the list and 28 matters were finalised, whereas during the 2014-15 reporting period, 32 new matters were initiated in the list. This represents a 31 per cent increase of new matters initiated in the Taxation List between the two reporting periods.

Taxation List

	2014-15	2015-16	Difference	Variance
Initiations	32	42	10	31%
Finalised	26	28	2	8%
In list 30 June	29	43	14	48%

ARBITRATION LIST

Judge in charge: Justice Croft

Deputy judge in charge: Justice Riordan

Through the Arbitration List, the Court provides judicial assistance and support to disputants in relation to all arbitration proceedings, whether international or domestic. Due to the often urgent and international dimensions of arbitration matters, applications may be made in the list at all hours, seven days a week.

During the reporting period, six matters were initiated and nine matters were finalised in the Arbitration List.

Arbitration List

	2014-15	2015-16	Difference	Variance
Initiations	9	6	-3	-33%
Finalised	10	9	-1	-10%
In list 30 June	4	1	-3	-75%

ADMIRALTY LIST

Judge in charge: Justice Digby

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

On 23 March 2016, Justice Digby convened an Admiralty List User Group meeting of specialist practitioners to seek their input in relation to accessibility to the list and related issues.

During 2015-16, one new proceeding was initiated in the Admiralty List, two proceedings were finalised and three related proceedings, which have been resolved, were transferred to the Major Torts List.

Admiralty List

	2014-15	2015-16	Difference	Variance
Initiations	3	1	-2	-67%
Finalised	2	2	0	100%
In list 30 June	2	1	-1	-50%

TECHNOLOGY, ENGINEERING AND CONSTRUCTION LIST

Judge in charge: Justice Vickery

The Technology, Engineering and Construction (TEC) List hears and determines disputes in the related areas of technology, engineering, design, building and construction. The objective of the TEC List is to efficiently determine matters by the early identification of the substantive issues in dispute and by adopting flexible and timely procedures for the conduct of the proceeding.

During the 2015-16 reporting period, 26 new matters were initiated in the TEC List and 41 matters were finalised.

Technology, Engineering and Construction List

	2014-15	2015-16	Difference	Variance
Initiations	32	26	-6	-19%
Finalised	17	41	24	141%
In list 30 June	53	38	-15	-28%

INTELLECTUAL PROPERTY LIST

Judge in charge: Justice Vickery

The Intellectual Property List is suitable for disputes concerning allegations of infringement of intellectual property and in relation to the exploitation or protection of confidential information.

One new proceeding was initiated in the Intellectual Property List during the 2015-16 reporting period and two matters were finalised.

Intellectual Property List

	2014-15	2015-16	Difference	Variance
Initiations	2	1	-1	-50%
Finalised	4	2	-2	100%
In list 30 June	4	3	-1	-25%

SIGNIFICANT CASES

Oswal proceedings

The Oswald proceedings are among the largest civil litigation in the history of the Supreme Court of Victoria.

Following five years of protracted case management and numerous applications involving multiple parties, the trial before Justice Dodds-Streeton commenced in May 2016 in the state's largest court facility, involving an unprecedented number of barristers, legal representatives, and e-trial and live streaming facilities.

The proceedings relate to an ammonia plant on the Burrup Peninsula in Western Australia, constructed, owned and operated by Yara Pilbara Fertilisers Pty Ltd ('Fertilisers'). Fertilisers was the wholly owned subsidiary of Yara Pilbara Holdings Pty Ltd ('Holdings') – formerly Burrup Holdings Ltd.

At all relevant times, the shareholders of Holdings were Mr Pankaj Oswal (30 per cent), Mrs Radhika Oswal (35 per cent) and Yara Australia Pty Ltd (35 per cent). The ANZ provided loans to Fertilisers and loans to the Burrup Trust (of which the Oswals were beneficiaries) which, together by 2009, totalled over \$925 million.

In 2001, Fertilisers entered into a gas sale agreement ('GSA') with participants in the Harriet Joint Venture – including Apache Northwest and others. This agreement later became the subject of a dispute and complex litigation ensued over issues concerning the extent to which the Harriet Joint Venture parties were obliged to supply gas to Fertilisers at particular, advantageous prices over the long term. The supply and price of gas were very important to the profitability and value of Fertilisers.

In 2009, ANZ sought additional security for its loan facilities to Fertilisers and the Burrup Trust. Representatives of the bank met with both Mr and Mrs Oswal and new security agreements were entered into. In particular, Mrs Oswal, who had not previously provided any security, executed a number of documents giving ANZ security over her shares in Holdings for the existing loans.

During 2010, the Oswals attempted to sell their shares in Holdings without success. In December 2010, ANZ asserted default under the loan facilities and appointed PPB Advisory as the receivers and managers of the Oswals' shares and the assets and undertakings of Fertilisers. The receivers and ANZ undertook a process to sell the shares, which were ultimately sold to Apache Fertilisers (now Chemical Holdings), a related entity of Apache Northwest and one of the Harriet Joint Venture parties.

At the same time, a new GSA with Apache was negotiated. Subsequently, a company associated with the other shareholder in Holdings (Yara), which had pre-emptive rights, purchased the shares.

The Oswals commenced proceedings alleging that the receivers and ANZ conducted a flawed sales process in breach of duty and that their shares were sold at a significant undervalue. Mrs Oswal also pleaded that ANZ used duress and illegitimate pressure to obtain the new securities from her.

The Oswals claimed relief of up to \$2.5 billion, subject to various contingencies. The receivers and ANZ denied the Oswals' claims and counterclaim. ANZ also denied that it acted improperly during negotiations with Mrs Oswal.

The Oswals sought relief on the basis of knowing receipt and participation in breach of duty from parties that purchased their shares, including Apache parties and Yara parties, who in turn counterclaimed.

Concurrently with the above proceedings, Fertilisers alleged that Mr Oswal misappropriated in breach of duty significant company funds in the period preceding the receivership. Fertilisers claimed relief in the order of \$180 million. Mr Oswal, by a defence and counterclaim, alleged that Fertilisers was liable to him on the basis of restitutionary free acceptance for a total sum of approximately \$155 million for his payment of the company's construction cost overruns.

Numerous interlocutory applications have been heard in the proceedings, both in the lead up to and during the conduct of the trial. Specifically, Justice Sifris and Associate Justice Daly have made rulings, including as to case management, costs and evidentiary objections.

The proceedings were ongoing at the end of the financial year, but were ultimately resolved through court annexed mediation, conducted by Associate Justice Efthim, in the next reporting year.

Banksia proceedings

Through an investment scheme, Banksia Securities Limited ('Banksia') issued debentures to individual investors and raised over \$600 million. Banksia then loaned the funds to third-party borrowers and offered investors dividends and interest on their debentures. In October 2012, the scheme collapsed and receivers and liquidators were appointed.

A number of proceedings involving Banksia Securities have been brought in the Commercial Court. In July 2015, orders were made for all Banksia matters to be heard and managed together:

- ***Laurence John Bolitho v Banksia Securities Ltd (Receivers and Managers Appointed, in Liquidation) and Ors***
'The Banksia Group Proceeding', commenced on behalf of more than 16,000 debenture holders, alleges losses of approximately \$100 million. It involved claims against 14 different parties affiliated with the management of the investment scheme.
- ***Banksia Securities Ltd (Receivers and Managers Appointed) (in Liquidation) v The Trust Company (Nominees) Ltd and Ors***
In this proceeding, Banksia's liquidators made claims against Banksia's Trustee for breaches of duty and the *Corporations Act 2001* (Cth).
- ***Banksia Securities Limited (ACN 004 736 458) (Receivers and Managers Appointed) (In Liquidation) v Godfrey, Patrick John & Ors***
This matter involved claims by Banksia's liquidators against Banksia's directors for negligence, breach of statutory duties, and misleading or deceptive conduct.
- ***The Trust Company Nominees Limited (ACN 000 154 441) vs Mulqueen Griffin Rogers Pty Ltd***
In this proceeding, Banksia's Trustee made claims in negligence against Banksia's auditors.

The case management of this multi-party litigation has presented significant challenges due to the number and complexity of the various claims across the set of proceedings – each brought by different plaintiffs representing different interests.

Timbercorp proceedings

Timbercorp Finance Pty Ltd (in liquidation) ('Timbercorp Finance'), was a member of the Timbercorp Group of companies. The other main member of the group was Timbercorp Securities Limited (in liquidation) ('Timbercorp Securities'), which was the responsible entity for relevant Timbercorp managed investment schemes.

Between 1992 and its collapse in 2009, the Timbercorp Group invested more than \$2 billion in agribusiness projects on behalf of some 18,500 investors. Many investors, including the respondents in the present proceedings, Douglas James Collins, Janet Ann Collins, and John Charles Tomes, borrowed moneys from Timbercorp Finance to finance their investments in the schemes.

On 23 April 2009, administrators were appointed to the Timbercorp Group companies. On 29 June 2009, the Group's creditors resolved to wind up the companies, and the administrators became liquidators. At the time the Timbercorp Group collapsed, Timbercorp Finance's loan book had over 14,500 outstanding loans to over 7,500 borrowers totalling \$477.8 million, including loans to Mr and Mrs Collins and Mr Tomes.

After the administrators were appointed, a large number of borrowers failed to meet their loan repayments (totalling approximately \$243 million); Timbercorp Finance notified borrowers that they were in default, and issued final demand notices in respect of approximately 1,480 of those loans. In June 2009, Timbercorp Finance commenced proceedings against 20 defaulting borrowers.

On 27 October 2009, a group proceeding was commenced by Allen Rodney Woodcroft-Brown. The definition of 'group members' was complex but extended to those who had an interest in a managed investment scheme in which Timbercorp Securities was the responsible entity. The defendants to the group proceeding were Timbercorp Securities, Timbercorp Finance and various directors of those companies. The allegations related to deficiencies in product disclosure statements issued in respect of the schemes. On 27 October 2011, Justice Judd dismissed the group proceeding.

The Court of Appeal dismissed an appeal from the judgment and orders made by Justice Judd. An application for special leave to appeal to the High Court was refused.

Subsequently, Timbercorp Finance commenced separate proceedings against Mr and Mrs Collins and Mr Tomes seeking recovery of outstanding loan amounts and interest. Neither Mr and Mrs Collins nor Mr Tomes had opted out of the group proceeding. However, each sought to defend their respective recovery proceeding on bases not raised in the group proceeding.

Timbercorp Finance argued that each respondent was precluded from raising their defences because they were a group member in the group proceeding. Timbercorp Finance contended that the respondents were subject to the estoppel described in *Port of Melbourne Authority v Anshun Pty Ltd*¹ ('Anshun estoppel'). In addition, it contended that their defences should be stayed as an abuse of process. On 2 September 2015, Justice Robson held that the respondents were not precluded either by *Anshun* estoppel or by the principles of abuse of process from raising any of the defences pleaded by them in the recovery proceedings.

Timbercorp Finance applied for leave to appeal against the order of Justice Robson. The Court of Appeal granted leave to appeal to Timbercorp Finance, but dismissed the appeal.

The Court held that a group member may be 'Anshun estopped' only if it was unreasonable for him or her *not* to have raised, during the group proceeding, some claim other than the common questions of law or fact in that proceeding. The failure by a group member to opt out and/or to use s 33Q of the *Supreme Court Act 1986* to draw the Court's attention to any claim that is peculiar to that group member does not mean that the group member will be automatically precluded from raising that claim in later proceedings.

While the Act provides for a statutory estoppel in respect of any determination of the common questions of law and fact, it does not provide for any estoppel in respect of claims peculiar to a group member that were not advanced in the group proceeding. Whether there will be an *Anshun* estoppel depends upon a 'merits-based' assessment taking into account all the circumstances of the case. In the circumstances, it was not unreasonable for these particular respondents not to have raised their individual claims in the group proceeding. Nor were they precluded from relying on their defences as a result of the plaintiff in the group proceeding not having raised such claims on their behalf. The abuse of process claim was rejected on similar grounds.

***Strategic Management Australia AFL Pty Ltd & Anor v Precision Sports & Entertainment Group Pty Ltd & Ors* [2016] VSC 303**

These proceedings related to the conduct of an AFL player management business undertaken by Strategic Management Australia AFL Pty Ltd (Strategic) and the breakdown in relationship between Strategic's directors and shareholders.

In the main proceeding it was alleged that Liam Pickering, as a director of Strategic, and James Pitcher, as an employee of Strategic, breached their fiduciary duties when they left Strategic to set up competing player management company, Precision Sports and Entertainment Group Pty Ltd (Precision) and diverted existing and potential business from Strategic to Precision.

Strategic sought damages, exemplary damages, equitable compensation, account of profits and restitution against Precision, Pickering and Pitcher.

In the related oppression proceeding, Chillimia Pty Ltd (Chillimia) (a member of Strategic) and Pickering alleged oppressive conduct in relation to the affairs of Strategic, including the transfer of Strategic funds for the personal benefit of one of its members. The plaintiffs sought injunctive relief in respect of a share issue, and sought to have the shares in Strategic transferred or sold or to have the company wound up.

Justice Sifris found in the main proceeding that Strategic was entitled to damages or compensation for lost commission and earnings. In the oppression proceeding, Chillimia was entitled to be paid for the value of its shareholding in Strategic before capital raising and taking into account the amount for which Pickering and Pitcher were liable.

¹ (1981) 147 CLR 589.

The Presbyterian Church of Victoria Trusts Corporation v Anstee, Nuske, Evans, Holman, Kerss & Ors (No 1) [2016] VSC 297

In this proceeding, the critical issues were:

- (a) whether the Trustees of the Scots' Church Property Trust (the Trust) had authority to acquire, on behalf of the Trust, an assembly hall located on Collins Street, Melbourne; and
- (b) having acquired the assembly hall, whether the Trustees were authorised to incur substantial expenditure in excess of \$6 million – in the form of borrowings on security of assets of the Trust – in the upgrading and refurbishment of the assembly hall.

Justice Sifris was asked to consider other issues associated with the operation of the Trust, which was created by a trust deed dating back to 1891 pursuant to the *Scots' Church Properties Act 1891* (Vic). Various other buildings located on Collins and Russell Streets were relevant to this proceeding.

His Honour found that there had been breaches of trust by the unauthorised expenditure of the sum of over \$11 million plus interest. There remain further issues for determination including what relief (including proprietary relief) is available to the parties and questions associated with the personal liability of the Trustees.

North East Solution Pty Ltd v Masters Home Improvement Australia Pty Ltd [2016] VSC 1

This proceeding concerned a contract dispute between parties in relation to a new Masters Home Improvement store in Bendigo. The agreement provided that the plaintiff would develop a Masters Home Improvement store for Woolworths and, once it had been developed, Masters would lease that store for a period of 12 years with options for a further five terms of six years each.

The agreement contained a provision that allowed either party to terminate the arrangement if the parties, acting reasonably and in good faith, were unable to resolve any disagreement that arose in relation to certain defined construction costs. The defendants purported to terminate the agreement on the basis that the parties could not agree in relation to those construction costs.

Justice Croft held that an express obligation to act reasonably and in good faith to attempt to resolve differences in relation to the amount of Woolworths' contribution of the cost of development of a Masters store was sufficiently certain so as to be enforceable. His Honour ordered that the defendants pay the plaintiff the sum of \$10,875,000 in damages plus interest of \$4,297,636 and costs on an incidental basis with fees of Senior Counsel.

Hird v Chubb Insurance Company of Australia Ltd [2016] VSC 174

This proceeding concerned whether an insurer had an obligation to pay legal costs incurred by James Hird in initiating and appealing proceedings heard in the Federal Court concerning the alleged use of prohibited substances by the players of the Essendon Football Club. On a close reading of the terms of the insurance policy, Justice Hargrave found in favour of the insurer and declined the claim of indemnity of legal costs made by Mr Hird.

TRIAL DIVISION – COMMON LAW

The Common Law Division manages four diverse categories of cases:

- claims in property, tort or contract law
- claims relating to wills and estates
- proceedings relating to the Court's supervisory jurisdiction over other Victorian courts, tribunals and public officials
- claims arising out of breaches of trust or equitable obligations.

Principal judge:

Justice J Forrest

Deputy principal judge:

Justice Emerton

Judges:

Justice Bell

Justice Cavanough

Justice T Forrest

Justice John Dixon

Justice Macaulay

Justice McMillan

Justice Garde (President at VCAT)

Justice Elliott
(from 13 July to 25 September 2015)

Justice Ginnane

Justice Rush (until 1 February 2016)

Justice McDonald

Justice Zammit

Justice Riordan

Justice Keogh (from 4 April 2016)

Reserve judges:

Justice Bongiorno

Justice Coghlan

Associate judges:

Associate Justice Lansdowne

Associate Justice Daly

Associate Justice Derham

Associate Justice Ierodiaconou

Judicial registrar:

Judicial Registrar Ware

Matters in the Common Law Division may be allocated to one of 12 specialist lists for management by judicial officers with expertise in the area:

- Civil Circuit List
- Confiscation and Proceeds of Crime List (established 1 April 2016)
- Dust Diseases List
- Employment and Industrial List (established 1 January 2016)
- Judicial Review and Appeals List
- Major Torts List
- Personal Injuries List
- Professional Liability List
- Property List (established 1 April 2016)
- Testators Family Maintenance List
- Trusts, Equity and Probate List (formerly Probate List until 1 April 2016)
- Valuation, Compensation and Planning List.

THE COMMON LAW IMPROVEMENT PROGRAM

The Common Law Improvement Program (CLIP) was established in mid-2015 in response to the recommendations of the 2014 Trial Division review conducted by the Boston Consulting Group.

The review made a suite of recommendations aimed at sustainable and efficient use of the Court's resources – enabling the Court to meet its obligation to promote the just, efficient, timely and cost-effective resolution of disputes.

The CLIP aims to implement key reforms recommended by the review:

Specialisation: Streaming of all matters from initiation into specialist lists (with consequent abolition of 'generic' lists), allowing for early intervention, appropriate judicial specialisation and minimisation of the number of judicial officers involved in a proceeding across its lifetime.

Delegation: More effective allocation of judicial functions to the appropriate level of judicial officer, including increased use of judicial registrars to relieve associate judges of routine directions and applications.

Case management: Recruitment of experienced legal practitioners to provide specialist case management support to judicial officers.

Teaming: Creation of two teams of legal and administrative staff under a judicial registrar, each dedicated to a group of Common Law Division lists.

Key CLIP initiatives in 2015-16 included the appointment of Judicial Registrar David Ware as the dedicated judicial registrar for the Common Law Division. Since early 2016 Judicial Registrar Ware has conducted weekly directions hearings in Personal Injuries List matters and played a key role in the triage of Judicial Review and Appeals List matters, relieving associate judges of these tasks.

Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

The establishment of the Employment and Industrial List (from 1 January 2016), Property List (from 1 April 2016) and Confiscation and Proceeds of Crime List (from 1 April 2016), means that all but a few Common Law Division matters are now managed within one of the Division's 12 specialist lists. The movement from a generalist to a specialist model of case management not only reflects the realities of an increasingly complex legal world but is also essential for the Court to meet its obligations under the *Civil Procedure Act 2010* (Vic) (including minimising delay and costs) and to make the most efficient use of the public resources entrusted to it. The Court is now required to be an active, though impartial, participant in the management of litigation. The use of case management lists allows for targeted use of Court resources while giving litigants greater consistency and certainty about the management of their cases.

Creation of a team to manage lists involving primarily tortious claims including the Personal Injuries List and Dust Diseases List. This included the recruitment of two lawyers with extensive practice experience in these areas. The registry lawyers work closely with the judicial officers in charge of the lists to ensure that judicial time is optimised and that litigants are relieved of the need for unnecessary court appearances.

The establishment of a second team with responsibility for management of the remaining Common Law Division lists is underway. Some existing legal resources in the Principal Registry were diverted to activity which will ultimately belong to this team, particularly in improving the initial triage of Judicial Review and Appeals List matters.

PRACTICE COURT REFORM

The Practice Court has traditionally been the forum for a wide variety of urgent and shorter applications not within the jurisdiction of an associate judge. Judges from across the Trial Division (and occasionally from the Court of Appeal) sit in the Practice Court.

In line with the trend towards more specialised management of proceedings within the Commercial Court, Common Law Division and Criminal Division, the Practice Court formed part of the Common Law Division from 1 March 2016 and now hears only urgent non-commercial applications.

Urgent commercial and criminal applications are now managed by judges sitting in the relevant divisions. Applications not requiring a hearing within 48-72 hours are usually directed into the appropriate specialist list for management. Read more on page 16.

ENGAGEMENT WITH USER GROUPS

User groups provide a forum for judicial officers to consult with practitioners about proposed reforms in the Division, and enable practitioners to provide feedback about the way in which Court procedures impact litigation.

Two user groups met for the first time in 2015-16 in connection with the establishment of the Employment and Industrial List and the Confiscation and Proceeds of Crime List. In both cases, practitioners provided valuable assistance in formulating practice notes establishing the new lists. The user groups for the Personal Injuries List and Dust Diseases List also met during the year to consider various case management reforms arising out of the Common Law Improvement Program.

LUNCHTIME SEMINARS

In August 2015 and April 2016 the Division, in collaboration with the County Court, organised lunchtime seminars for junior practitioners looking at the management of litigation in the Personal Injuries and Dust Diseases Lists. These seminars each attracted more than 100 participants and were webcast to allow regional practitioners to participate.

An inaugural Employment and Industrial List seminar under the management of Justice McDonald was held in May 2016 and offered participants insights into the rationale for the new list and guidance on its operation.

SYMPOSIUM

In April 2016, the Division convened a symposium in conjunction with Melbourne Law School for judicial officers, practitioners and academics entitled '*Innovation in Litigation: Lessons from the Kilmore East-Kinglake Litigation*'. Led by Justice Jack Forrest and Justice Zammit, the trial of the class action arising out of the Black Saturday bushfire at Kilmore East-Kinglake involved 40 experts in mechanical engineering and other fields being called to give evidence in relation to the cause of the fire.

Following settlement of the proceeding, the Court commissioned independent research into the way these issues were addressed in the Kilmore East-Kinglake trial. The half-day symposium presented the results of this research and provided a forum for judicial officers, lawyers, experts and academics to explore ways in which the lessons learnt can be applied to other litigation.

CASELOAD

In the 2015-16 financial year, 2,359 cases were initiated in the Common Law Division. This was a decrease of 10 per cent from the previous financial year. The Division achieved a clearance rate of 110 per cent, leading to an overall reduction of pending cases by 10 per cent over the course of the year.

Older cases are monitored and actively managed. During the 2015-16 year, the Division reviewed all cases initiated prior to 2013 in order to ensure the timeliest possible resolution. As at 30 June 2016, there were 54 such cases. Proceedings initiated prior to 2013 comprise 2.6 per cent of all pending cases in the Division.

Common Law Division – all cases

	2014-15	2015-16	Difference	Variance
Initiations	2,613	2,359	-254	-10%
Finalised	2,635	2,587	-48	-2%
In list 30 June	2,321	2,093	-228	-10%

CIVIL CIRCUIT LIST

Judge in charge: Justice J Forrest

Associate judge in charge: Associate Justice Daly

The Supreme Court schedules civil sittings in 12 gazetted regional courts at least once a year: Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Latrobe Valley (Morwell), Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

The majority of Civil Circuit List proceedings involve claims for personal injuries arising from motor vehicle accidents, medical negligence and industrial accidents, but can also include cases concerning commercial disputes, wills and partnerships. All have a regional connection.

Initiations remained steady in this list, with 164 new matters. Overall, there was little variance in the number of pending matters at end of the financial year compared with the previous year. This list is to receive more active case management from 2017 with the involvement of lawyers recruited as part of the CLIP reforms.

Civil Circuit List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	165	164	-1	-1%
Finalisations	177	163	-14	-8%
In list 30 June	184	185	1	1%

Civil Circuit List – cases by region

	2014-15	2015-16	Difference	Variance
Ballarat	23	13	-10	-43%
Bendigo	22	27	5	23%
Geelong	8	10	2	25%
Horsham	1	2	1	100%
Hamilton	0	0	0	0%
Mildura	17	23	6	35%
Morwell	34	30	-4	-12%
Sale	2	2	0	0%
Shepparton	6	3	-3	-50%
Wangaratta	14	27	13	93%
Warrnambool	16	7	-9	-56%
Wodonga	22	20	-2	-9%
	165	164	-1	-1%

CONFISCATION AND PROCEEDS OF CRIME LIST

Judge in charge: Justice J Forrest

The Confiscation and Proceeds of Crime List was established on 1 April 2016 to provide for the efficient management of civil proceedings brought under Victorian and Commonwealth legislation providing for the restraint or forfeiture of property connected with criminal activity (the *Confiscation Act 1997* (Vic) and the *Proceeds of Crime Act 2002* (Cth)).

Given the relatively small number of these cases, and their urgency, they have previously been managed by the judge sitting in the Practice Court. However, it has become clear that the technical nature of such proceedings, together with various other factors, makes them more suited to specialist judge-management.

Confiscation of Proceeds of Crime List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	8	14	6	75%
Finalised	20	10	-10	-50%
In list 30 June	15	19	4	27%

DUST DISEASES LIST

Judges in charge: Justice Zammit

Justice Keogh (from 4 April 2016)

Associate judge in charge: Associate Justice Ierodionou

Judicial registrar: Judicial Registrar Ware

The Dust Diseases List manages all proceedings in which a plaintiff alleges that he or she is suffering from a pathological condition attributable to the inhalation of dust. The vast majority of cases in the list involve claims of injury relating to asbestos exposure in a variety of industrial and domestic settings.

Established on 1 January 2015, 2015-16 was the first full year of operation of the Dust Diseases List.

Dust Diseases List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	192	256	64	33%
Finalised	28	246	218	779%
In list 30 June	186	196	10	5%

The judge in charge and Judicial Registrar Ware heard pre-trial directions for this list. Associate Justice Ierodionou heard applications.

The hearings listed data below reflects the transition phase of the newly formed case management team, and the redistribution of directions hearings and applications between three judicial officers.

Hearings listed

2014-15	80
2015-16	(associate judge) 166 (judicial registrar) 24

SIGNIFICANT CASE

Amaca Pty Ltd v CSR Ltd [2015] VSC 582

Amaca, formerly James Hardie & Co Pty Ltd (JHC), sought contribution from CSR and Bradford Insulation toward payments JHC made to settle over 200 individual asbestos-disease claims arising from a number of State Electricity Commission of Victoria facilities in the 1960s and 1970s. The underlying claims were made by persons or their dependents who suffered loss and damage by reason of asbestos exposure.

In May 2003, JHC issued its claim for contribution against CSR and Bradford – initially in relation to only 40 settlements. As more settlements occurred, JHC added more payments to its contribution proceeding. At trial in August 2014, the final number of claims pursued totaled 204.

Eight contribution claims were chosen to be tried in the first instance. The trial was heard over four weeks in August 2014 by Justice Macaulay.

JHC alleged that both CSR and Bradford were liable to contribute under the provisions of the *Wrongs Act 1958* (Vic). They also alleged that CSR was liable to contribute as JHC had discharged a shared coordinate liability arising from the *Partnership Act 1892* (NSW).

CSR and Bradford did not admit that the relevant claimant's illness had been caused by exposure to Hardie-BI asbestos rather than asbestos fibre emanating from the product of other manufacturers (including product made by JHC in its own right before the partnership commenced). Additionally, they alleged that JHC's claims were out of time under statutory time-limits or, in the case of the coordinate liability claim, by the operation of the equitable doctrine of laches.

Justice Macaulay held that seven of the eight workers' illnesses were caused by exposure to Hardie-BI asbestos. However, after the time limitation and laches defences were applied, only two claims succeeded against CSR and Bradford under the *Wrongs Act* and three claims succeeded against CSR for equitable contribution, totaling \$361,291.88. The remaining contribution claims were stayed pending an appeal by CSR.

EMPLOYMENT AND INDUSTRIAL LIST

Judge in charge: Justice McDonald

Associate judge in charge: Associate Justice Ierodionou

Established on 1 January 2016, the Employment and Industrial List manages a variety of proceedings arising out of an employment or industrial context, including:

- claims for relief based on an alleged breach of an employment contract
- claims alleging breaches of equitable and/or fiduciary obligations arising from an employment relationship, including breach of confidence claims
- claims alleging misleading and deceptive conduct in relation to employment
- claims in connection with an employment relationship alleging interference with contractual relations, inducing breach of contract and/or conspiracy to injure
- industrial tort, secondary boycott and related contempt proceedings
- appeals and applications in the nature of judicial review from:
 - the Industrial Division of the Magistrates' Court
 - the Human Rights List of VCAT involving allegations by an employee of discrimination or harassment in the workplace
 - decisions of tribunals in relation to employment.

Applications for injunctions and contempt of court are usually listed before Justice McDonald. Other applications are generally listed before Associate Justice Ierodionou.

Employment and Industrial List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	0	24	24	100%
Finalised	0	8	8	100%
In list 30 June	0	14	14	100%

Commencing 12 February 2016, directions and interlocutory applications in the list are generally heard every month. This will increase to every fortnight in 2017.

Hearings listed

2015-16	(associate judge) 27*
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* from 12 February 2016

SIGNIFICANT CASE

Volunteer Fire Brigades Victoria Inc v Country Fire Authority

This case concerned a proposed new enterprise agreement for CFA employees and received significant media coverage during the year. In June 2016, Justice McDonald granted an urgent injunction restraining the Country Fire Authority from asking its employees to vote on the proposed agreement pending a further hearing.

JUDICIAL REVIEW AND APPEALS LIST

Judges in charge: Justice Cavanough
Justice Ginnane

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

- judicial review applications made pursuant to the *Administrative Law Act 1978* (Vic) or Order 56 of the *Supreme Court (General Civil Procedure) Rules 2015*
- appeals on a question of law from a final order of the Magistrates' Court
- appeals on a question of law from the Victorian Civil and Administrative Tribunal
- appeals on a question of law from the Children's Court
- referrals for determination of a question of law under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Judicial Review and Appeals List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	227	185	-42	-19%
Finalised	225	204	-21	-9%
In list 30 June	159	140	-19	-12%

Cases in the Judicial Review and Appeals List cover a wide variety of subject matters and are initially managed by associate judges who determine applications for leave to appeal and settle questions of law and the grounds of appeal. As part of the Common Law Improvement Program, the Division worked throughout the year on more efficient triage of proceedings upon initiation in order to bring matters on for hearing as expeditiously as possible.

SIGNIFICANT CASES

Fertility Control Clinic v Melbourne City Council [2015] VSC 424

Fertility Control Clinic (the Clinic) operated a medical clinic within the municipal district of the Melbourne City Council (the Council) and provided a range of family planning services, including pregnancy termination. For over 20 years, individuals associated with a group known as the Helpers of God's Precious Infants protested in the vicinity of the Clinic's premises.

Although no relief was sought against any of the protesters, the Clinic contended that the activities of the protesters constituted a nuisance within the meaning of the *Public Health and Wellbeing Act 2008* (Vic) which the Council was required to remedy. The Clinic argued that the Council had constructively failed to perform its statutory duties and thus sought relief in the nature of mandamus and declarations.

Justice McDonald held that mandamus was unavailable on the facts, but made a declaration that a referral to Victoria Police did not constitute settling the matter privately within the meaning of s 63(3)(b) of the Act.

De Bruyn v Victorian Institute of Forensic Mental Health [2016] VSC 111

Mr de Bruyn, an involuntary patient at Thomas Embling Hospital, sought declaratory and injunctive relief against the hospital, to prevent the implementation of a smoke free policy. Mr de Bruyn argued that the smoke free policy was beyond the powers afforded to the hospital by the *Mental Health Act 2014* (Vic); inconsistent with the *Tobacco Act 1987* (Vic); and breached various obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter).

Justice Riordan found that the smoke free policy was within the powers of the hospital as it directly related to the performance of its function of providing health services. Justice Riordan also found that it was not inconsistent with the *Tobacco Act 1987* as that Act had not created a statutory right to smoke.

With respect to Mr de Bruyn's Charter arguments, Justice Riordan found that a "comprehensive, properly considered smoking ban adopted after extensive consultation with patients does not impact on the dignity of the hospital patients." Justice Riordan also found that the policy did not infringe Mr de Bruyn's rights to be treated humanely whilst deprived of liberty so as to engage s 22 of the Charter as he was not a person to whom s 22(3) of the Charter applied and, in any event, he had been treated in a way that was appropriate for a person who had not been convicted of a crime. Furthermore, the Smoke Free Policy did not constitute medical treatment within the meaning of s 10(c).

MAJOR TORTS LIST

Judge in charge: Justice John Dixon

The Major Torts List is designed for the management of large, complex, or otherwise significant tortious claims, including:

- defamation proceedings
- class actions where the predominant cause of action is based in tort
- complex tortious claims for economic loss or property damage.

Major Torts List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	60	54	-6	-10%
Finalised	90	72	-18	-20%
In list 30 June	91	73	-18	-20%

SIGNIFICANT CASES

Madafferi v The Age [2015] VSC 687

In this defamation proceeding Justice John Dixon gave a significant ruling about journalists' privilege under the *Evidence Act 2008* (Vic) together with a non-publication order in respect of a possible source of information to *The Age*. A further ruling lifted that non-publication order: [2016] VSC 103. The matter settled at mediation prior to trial.

Trkulja v Google Inc [2015] VSC 635

The plaintiff brought an action for defamation against Google. Google sought an order setting aside the service of the writ and the amended statement of claim on the basis that the proceeding had no real prospect of success. In a hearing before Justice McDonald, Google's primary contention was that a search engine proprietor cannot be a publisher (either before or after receiving notice of any alleged defamatory publication). His Honour considered an array of Australian and international decisions in reaching the conclusion that a search engine proprietor can be a publisher for the purposes of Australia's defamation law.

Erlich v Leifer & Anor [2015] VSC 499

This proceeding involved a claim by a former student of an ultra-orthodox Jewish school administered by the second defendant. The claim was for psychiatric injury sustained as a result of sexual abuse by the former principal of the school, the first defendant. Significantly, Justice Rush found that the school was not only vicariously liable for the principal's acts of abuse, but also in its own right since the unrestrained and unrestricted power, control and authority bestowed by the school on the principal meant that her misconduct was the school's misconduct as well. The plaintiff was awarded damages of approximately \$1.3m which included exemplary damages of \$150,000 and \$100,000 against the school and principal respectively, and costs on an indemnity basis against both defendants.

Class Actions

The Common Law Division managed a number of Class Actions (brought under Part 4A of the *Supreme Court Act 1986* (Vic)) in 2015-16 in the Major Torts List. These included:

- the supervision of the administration of settlement distribution schemes in the Black Saturday Bushfire class actions
- class actions arising out of allegedly contaminated Bonsoy
- losses alleged to have been sustained by businesses as a result of the cancellation by the Commonwealth of the Homeowners Insulation Program.

The Beechworth bushfire settlement distribution process is now complete.

The table below details the claims under management and finalised claims as at 30 June 2016. These cases were managed by the judge appointed to hear the trial.

Class action claims: pre-trial management

Case	Claims under management as at 30 June 2016	Managed by
AS (a pseudonym) by her Litigation Guardian	Christmas Island detention centre claim	Justice J Forrest
Kamasae	Manus Island detention centre claim	Justice McDonald
Jackson	Snake Valley bushfire claim	Justice J Forrest
Williams	Mickleham-Kilmore bushfire claim	Justice T Forrest
Ramsay	Jack River bushfire claim	Justice Rush and Justice Zammit Settled subject to Court approval (Justice Emerton)
Roo-Roofing	Pink Batts class action	Justice T Forrest and Justice John Dixon

With the exception of Roo-Roofing, each of these cases is expected to go to trial in 2017 unless settled beforehand.

Class action claims: settlement supervision

Case	Finalised claims as at 30 June 2016
Matthews	Kilmore East – Kinglake bushfire claim 1901 personal injury and dependency claims and over 9000 economic loss and property damage claims Distribution of settlement monies expected to occur in the final quarter of 2016 or first quarter of 2017
Rowe	Murrindindi bushfire claim 425 personal injury and dependency claims and over 2,200 economic loss and property damage claims Distribution of settlement monies expected to occur in the final quarter of 2016 or first quarter of 2017
Place	Pomborneit bushfire claim 21 claims 20 finalised
Perry	Coleraine bushfire claim 28 claims 22 finalised
Thomas	Horsham bushfire claim 214 claims 203 finalised
Downie	Bonsoy class action 569 registrants, with 533 claims assessed and distribution of settlement monies expected to occur in the final quarter of 2016

PERSONAL INJURIES LIST**Judge in charge:** Justice Zammit**Associate judge in charge:** Associate Justice Ierodionou**Judicial registrar:** Judicial Registrar Ware

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

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

Proceedings brought by the Transport Accident Commission under section 104 of the *Transport Accident Act 1986* or by the Victorian WorkCover Authority under section 138 of the *Accident Compensation Act 1985* are also managed in the list.

Personal Injuries List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	597	521	-76	-13%
Finalised	509	479	-30	-6%
In list 30 June	672	714	42	6%

The judge in charge and Judicial Registrar Ware heard pre-trial directions in this list. Associate Justice Ierodionou heard applications.

The hearings listed data below reflects the transition phase of the newly formed case management team, and the redistribution of directions hearings and applications between three judicial officers.

Hearings listed	
2014-15	1,149
2015-16	(associate judge) 568 (judicial registrar) 386

SIGNIFICANT CASES***Homs v Homs* [2016] VSC 354**

Justice J Forrest ruled that a driver whose death was caused by his own negligent conduct did not owe his mother a duty to avoid causing her psychiatric injury.

***Perakis v Secretary to the Department of Transport* [2016] VSC 320**

Justice Zammit considered the operation of s.135BB of the *Accident Compensation Act 1985* (Vic) – a provision which facilitates the bringing of claims for damages by workers suffering from an asbestos related condition.

***Mathews v Winslow Constructors (Vic) Pty Ltd* [2015] VSC 728**

In this workplace bullying claim, Justice T Forrest made an award of damages of \$1.36 million.

PROFESSIONAL LIABILITY LIST

Judge in charge: Justice Macaulay

Associate judge in charge: Associate Justice Daly

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

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

From 1 April 2016, claims against taxation professionals formerly managed in the Commercial Court were also managed in the Professional Liability List.

Professional Liability List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	40	44	4	10%
Finalised	43	44	1	2%
In list 30 June	69	69	0	0%

SIGNIFICANT CASES

Bill Express Limited (In Liquidation) v Pitcher Partners (A Firm)

This matter concerned allegations of negligence by former auditors, with one estimate of the damages sought by the plaintive being in excess of \$200 million. The matter was set down for trial on 16 February 2016 on an estimate of eight weeks. The case required special management by Justice Macaulay, Associate Justice Daly and Associate Justice Derham. It included 13 directions hearings, two applications, three case management conferences, a two day expert conclave and 38 sets of orders.

Given the degree of special management required, a post settlement anonymous survey was sent to the practitioners to gauge their views on the appropriateness and usefulness of the Court's level of case management. The results generally affirmed the appropriateness of the Court's management of the proceeding. This type of survey may form a basis for a more general exit survey for Professional Liability List matters in the future.

Ambridge Investments Pty Ltd (in liq) v TressCox Lawyers

This matter was one of four related proceedings concerning a dispute between joint venturers in commercial property in East Melbourne. As the matters progressed, claims were made against firms of solicitors and barristers retained at various stages by the parties.

Ambridge Investments Pty Ltd claimed that TressCox, the law firm retained by it in 2005 proceedings, and counsel engaged at the time, acted negligently and in breach of their retainer, causing losses of approximately \$8 million. Ambridge Investments Pty Ltd sought to join other parties to plead concurrent liability, split the trial into liability and, if necessary, quantum. It also sought security for costs. The proceeding was transferred to visiting Justice Blue of the South Australian Supreme Court for management. Justice Blue determined that a split trial was appropriate, however the entire proceeding settled before trial commenced.

Lakic v Prior [2016] VSC 293

These proceedings involved claims of professional negligence against a solicitor made by a self-represented litigant and an application by the plaintiff to remove a caveat placed over her property by the solicitor in order to secure payment of his fees and disbursements. After an eight day trial, Justice Macaulay upheld the plaintiff's negligence claim, assessing damages at approximately \$50,000. These damages were set-off against the existing debt owed by the plaintiff to the solicitor for unpaid legal fees. Whilst the case is not legally significant, it was challenging to manage and is illustrative of a species of professional liability claims accommodated by the list. English was the self-represented plaintiff's second language and the entire trial was conducted through a Serbian translator. It required strict management in court to confine it within the time allotted. Although set down for five days, concluding the case in only eight days was testament to the responsible cooperation between experienced court users, on the one hand, and an untrained, less experienced court user on the other.

PROPERTY LIST

Judge in charge: Justice Riordan

Associate judge in charge: Associate Justice Derham

The Property List was established on 1 April 2016 to manage a variety of disputes in relation to rights over real property. These disputes include proceedings for summary possession or sale under the rules and proceedings arising under the *Property Law Act 1958* (Vic), the *Transfer of Land Act 1958* (Vic) and the *Sale of Land Act 1962* (Vic).

Property List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	0	73	73	100%
Finalised	0	21	21	100%
In list 30 June	0	48	48	100%

SIGNIFICANT CASES

Swan v Uecker [2016] VSC 313

In this proceeding, Justice Croft found that a tenant had breached the terms of the lease by sub-letting the property to a third party via the AirBnB website. Accordingly, his Honour granted an order of possession to the landlord.

Owners Corporation (PS501391P) v Balcombe [2016] VSC 384

In this AirBnB related case, Justice Riordan held that the owners' corporation did not have the power to make a rule banning short term letting.

TRUSTS, EQUITY AND PROBATE LIST

Judge in charge: Justice McMillan

The Trusts, Equity and Probate List (formerly the Probate List until 1 April 2016) provides specialist management of matters involving wills, deceased estates, charitable and other non-commercial trusts.

Examples of the types of cases managed include:

- matters where a caveat has been lodged against the making of a grant of probate
- applications for an informal will to be admitted to probate
- applications for revocation (cancellation) of a grant of representation
- applications for limited grants
- rectification (correction) of wills owing to a clerical error or a failure to give effect to the testator's instructions in preparing the will
- applications by a trustee for the determination of a question arising from the administration of the estate or for the approval of a transaction already made
- applications regarding the construction of wills that are ambiguous
- removal or discharge of an appointed executor or administrator who can no longer carry out their duties in administering the deceased's estate
- applications for the named executor in a will to be passed over because they have not applied for a grant of probate after a lengthy delay.

Trusts, Equity and Probate List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	142	134	-8	-6%
Finalised	170	139	-31	-18%
In list 30 June	76	71	-5	-7%

SIGNIFICANT CASES

W.E. Pickering Nominees Pty Ltd & Ors v Pickering & Ors [2016] VSC 71

This proceeding involved an application by a trustee to vary the terms of a trust deed pursuant to s 63, or, alternatively s 63A of the *Trustee Act 1958* (Vic). The proposed variation was consented to by the beneficiaries of the trust but would affect the interests of any potential unborn beneficiaries. In considering the application of the provisions, Justice McMillan considered the correctness of a decision of a single judge of this Court as well as the principle of comity in respect of decisions interpreting a similar provision in New South Wales. Her Honour held that the variation to the trust deed was not in the interests of the potential unborn beneficiaries and dismissed the application.

Re Mahoney [2015] VSC 600

This proceeding involved an application for a declaration that the executor of the estate of the deceased was estopped from denying representations made by the deceased to the plaintiff regarding the disposition of a farm property upon her death. Alternatively, that the executor engaged in unconscionable conduct in taking advantage of the deceased's special disability, being old age and vulnerability, and receiving the farm property by inter vivos transfer for no consideration; or exerted undue influence over the deceased. The plaintiff was successful in all claims and, on the basis of proprietary estoppel, Justice McMillan declared that the farm property was held on constructive trust as to one of two equal undivided shares as tenants in common for the plaintiff.

Re Gillam [2016] VSC 5

Pursuant to s 21 of the *Wills Act 1997* (Vic), this application involved an application for a statutory will in circumstances where the propositus, by her attorney, entered into a matrimonial property settlement with her husband in Family Court proceedings instigated by him. Whereas the propositus' will had previously bequeathed a third of the residue of the estate to her husband, the statutory will did not make provision for him in light of the settlement in the Family Court.

TESTATORS FAMILY MAINTENANCE LIST

Judge in charge: Justice McMillan

Associate judge in charge: Associate Justice Derham

All applications for further provision out of a deceased estate under Part IV of the *Administration and Probate Act 1958* are managed in this list. The Act allows the Court to order that provision be made out of the estate of a deceased person for the proper maintenance and support of certain limited classes of persons for whom the deceased may have had a moral duty to provide.

Testators Family Maintenance List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	397	382	-15	-4%
Finalised	152	449	297	195%
In list 30 June	388	321	-67	-17%

Directions hearings in the Testator Family Maintenance (TFM) List proceedings are managed by associate judges from the interlocutory stages and through mediation where most cases are settled. Where estates are small (i.e. \$500,000 or less) they are referred to mediation by a judicial registrar or associate judge.

During the reporting period there was an increase in the number of TFM matters successfully resolved through mediation. There were 80 TFM mediations conducted, of which 66 resulted in settlement. A success rate of 83 per cent, this is a significantly positive outcome and demonstrates the value of judicial-led mediation.

The associate judges also approve compromises in TFM applications. Most matters are dealt with administratively in chambers without the need for parties to appear in person.

The number of directions hearings needed for the management of cases in the list has been reduced and the number of matters finalised in the year under review increased by 195 per cent.

The 2015 changes to eligibility criteria for Part IV/TFM claims still have an impact on statistics, as evidenced below by the steady decline.

Hearings listed

2014-15	(associate judge) 1,496
2015-16	(associate judge) 1,009

SIGNIFICANT CASES

Smith v Jones [2015] VSC 398

This proceeding involved an application by an adult daughter and an adult grandchild for further provision from the estate of the deceased. The deceased made promises to the adult daughter to the effect that she would receive an equal share of the estate with her two brothers and reassured her that she would be looked after following both her and her son's sexual abuse at the hands of the deceased's husband. Justice McMillan ordered further provision for both applicants. Her Honour's decision was subsequently upheld on appeal in *Jones (a pseudonym) v Smith (a pseudonym)* [2016] VSCA 178.

SIGNIFICANT CASES

Thompson v Thompson [2015] VSC 706

This proceeding involved an application by the deceased's second wife who was granted a life interest in the deceased's interest in a property where the adult children of the deceased asserted competing needs. Orders were made granting an extended portable life interest in the property to the applicant in line with authority in New South Wales: *Crisp v Burns Philp Trustee Company Ltd* (NSWSC, 18 December 1979, unreported).

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.

Valuation Compensation and Planning List – all cases

	2014-15	2015-16	Difference	Variance
Initiations	24	19	-5	-21%
Finalised	16	30	14	88%
In list 30 June	48	37	-11	-23%

SIGNIFICANT CASES

Port of Melbourne Corp v Melbourne City Council & Valuer General Victoria [2015] VSC 714

Justice Emerton decided that the site value of the Port of Melbourne was to be determined on the basis of the value of the land in its condition at the time of European settlement.

Metropolitan Fire and Emergency Services Board v Yarra City Council & Ors [2015] VSC 773¹

Justice Riordan determined a preliminary issue concerning whether the plaintiff was entitled to claim losses consequent upon remediation of contaminated land on the basis of breaches of various alleged duties of care and provisions of the *Environment Protection Act 1970* (Vic).

¹ Application for leave to appeal heard by the Court of Appeal in July 2016.

TRIAL DIVISION – CRIMINAL

The Criminal Division of the Supreme Court has original jurisdiction over the most serious criminal matters including murder, attempted murder, manslaughter and treason. All criminal cases where the accused pleads not guilty are heard before a judge and a jury in Victoria. The Division also has appellate jurisdiction over certain criminal cases that involve questions of law from the Magistrates' Court and the Children's Court of Victoria.

Principal judge:

Justice Lasry

Deputy principal judge:

Justice Hollingworth

Judges:

Justice King (until 14 August 2015)

Justice Croucher

Justice Beale

Justice Jane Dixon

(from 17 August 2015)

Reserve Judges:

Justice Bongiorno

Justice Coghlan

Judges in the Division preside over jury trials and are responsible for ensuring that all parties comply with the rules of evidence and procedure, instructing the jury and sentencing offenders who are found guilty by a jury or who plead guilty before a judge. On occasion, judges will preside over a hearing without a jury where there is consent mental impairment between the prosecution and the defence.

In addition, judges hear applications and reviews under various criminal legislation, such as the *Bail Act 1977* (Vic), *Surveillance Devices Act 1999* (Vic), *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) (CMIA), *Major Crime (Investigative Powers) Act 2004* (Vic), *Terrorism (Community Protection) Act 2003* (Vic), *Corrections Act 1986* (Vic) and *Witness Protection Act 1991* (Vic).

The Division, through its supervisory jurisdiction, oversees the management of people on supervision orders under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic). The CMIA applies when a person accused of a crime is unfit to stand trial because of a current mental illness or cognitive impairment; or they committed the crime but were suffering from a mental impairment at the time of the offence.

MULTIPLE LISTING PROCEDURES

Since March 2015, the Division has implemented a 'multiple listing' procedure in an endeavour to use the time lost by trials not proceeding, and to ensure that courtrooms and judicial resources are utilised to the greatest possible extent.

The procedure involves the prosecution identifying a number of cases based on their resolution potential and then the criminal listing judge listing these cases alongside similarly categorised cases. From time to time, however, this can result in either a clash of two matters proceeding or cases not being reached.

The Division recognises the importance of courtrooms being efficiently utilised but is actively trying to find ways of ensuring that a far higher proportion of cases are effective, thereby reducing or obviating the need for multiple listing. If there is greater certainty about disclosure, witness availability, the charges to be relied upon, the Division will need fewer double-listed cases.

CASE CONFERENCING

Case conferencing is another case management initiative implemented by the Division this year. The current model is based on the Supreme Court of Western Australia's voluntary criminal case conferencing process (VCCC) which aims to resolve issues in criminal cases speedily and, in some cases, avoiding the need for a trial altogether.

Case conferences in this Court are conducted by a reserve judge (the facilitator). Once a matter is identified as suitable for case conference by the principal judge of the Division, the matter will be referred to the facilitator with the consent of the prosecution and the defence. The facilitator is neutral and does not provide legal advice, nor will he or she disclose any information obtained during the course of the case conference to the trial judge. The facilitator's role is to assist the parties in exploring the issues involved in the case and considering whether any of those issues can be resolved. The process is entirely voluntary and confidential.

Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

To date, three matters have been referred to case conferencing. Although not all cases resolved at case conferencing, it is still a useful process to narrow the issues in criminal cases expeditiously.

One of the ongoing challenges the Division faces is the lack of adequate criminal courts in the Supreme Court building. Only five courts in the Supreme Court are capable of use for criminal trials, but the growth in demand is such that additional permanent criminal courts will be required in the very near future. In the meantime, the Division has been leasing up to three courtrooms in the County Court to hear criminal trials.

CASELOAD

Trials and pleas

For the second consecutive year, the Division's trial workload has remained relatively steady. Over the last 12 months, the Division conducted 41 criminal trials involving 48 defendants, one less than the number of trials conducted last year.

Overall, the Division has finalised 81 cases involving 98 defendants this reporting year, compared to 86 cases involving 114 defendants the previous year.

As at 30 June 2016, the Division has 44 outstanding matters involving 65 defendants. This is a significant improvement from last year which ended with 59 cases outstanding involving 88 persons. The Division believes that the improvement results from improved double listing procedures and the judicial assistance from other divisions and from the reserve judges.

In the year under review, the Division disposed of 40 plea hearings involving 50 defendants, compared to 44 pleas involving 62 defendants in 2014-2015 reporting year. In particular, 14 defendants involved in 11 cases pleaded guilty during the trial.

Late pleas of guilty remain a problem when trials listed do not proceed and it is too late to bring a different matter forward. The Division has implemented double listing of trials to ensure that courtrooms and judicial resources are efficiently utilised.

Trials and pleas

	Trial finalised	Pleas finalised	Total matters finalised
2009-10	38 (43 persons)	43 (63 persons)	81 (106 persons)
2010-11	46 (57 persons)	57 (82 persons)	103 (139 persons)
2011-12	54 (65 persons)	48 (60 persons)	102 (125 persons)
2012-13	38 (44 persons)	56 (62 persons)	94 (106 persons)
2013-14	34 (36 persons)	55 (65 persons)	89 (101 persons)
2014-15	42 (52 persons)	44 (62 persons)	86 (114 persons)
2015-16	41 (48 persons)	40 (50 persons)	81 (98 persons)

The Division continues to visit up to 12 regional centres across Victoria on a regular basis in order to meet the needs of local communities. During the year, judges heard cases in the regional centres of Geelong, Shepparton, Bendigo, Morwell and Wangaratta and sat for a total of 46 sitting days outside the metropolitan area.

Recent years have seen a significant increase in the length of trials, despite the active case management prior to trial, particularly in cases involving two or more defendants. In order to meet this additional demand, it has been necessary for the Court to reallocate judicial resources from the Court of Appeal or the Common Law Division to hear matters where possible.

Bail applications

In addition to its original jurisdiction to conduct criminal trials and pleas, the Court has supervisory jurisdiction over areas such as bail applications, surveillance devices applications, witness protection applications, coercive powers order applications and other confidential applications.

Applications for bail are usually heard within one to two weeks of receipt of an application and supporting affidavit. Applications which involve a child or a mentally ill applicant are generally expedited to a same-day hearing. In early 2016, the Supreme Court Criminal Registry reviewed its bail application process and procedures and identified areas where improvements could be made to the system in the Registry.

On 11 April 2016, *Practice Note No. 8 of 2016* was issued, which is designed to better enable the judges of the Division to conduct bail applications more effectively and efficiently. The new Practice Note replaces *Practice Note No. 5 of 2004* and applies to all applications with respect to bail on or after that date. The new Practice Note also allows for materials to be filed with the Registry electronically. The impact of these practice directions will be monitored closely.

Further, amendments to the *Bail Act 1977* (Vic) and *Bail Regulations 2012* (Vic) commenced on 2 May 2016. The amendments require those charged with certain offences under the *Terrorism (Community Protection) Act 2003* (Vic) to demonstrate exceptional circumstances justifying the grant of bail and increased the maximum penalty for failing to answer bail from 12 months to two years. The new *Bail Act* also places a defendant charged with a 'serious offence' in a show cause position if they have been found guilty of failing to answer bail within the previous five years.

In addition, the amendments made exemptions for children from the offence of contravening a condition of bail and introduced specific considerations to be taken into account in making bail determinations in relation to child offenders.

The table below identifies the number of bail applications heard by the Division since 2009-10 reporting year. During 2015-16, the Division heard a total of 122 applications under the *Bail Act* which included applications for bail, applications for a variation of bail and appeals against a Magistrate's decision on bail. The number of bail applications has increased by 11 per cent since the last reporting year.

Bail applications

	Total number of bail applications heard
2009-10	90
2010-11	70
2011-12	51
2012-13	85
2013-14	102
2014-15	110
2015-16	122

Surveillance devices applications

The *Surveillance Devices Act 1999* (Vic) (SD Act) regulates the use of surveillance devices in the state of Victoria and makes provision for warrants and emergency authorisations permitting the installation, use, maintenance and retrieval of surveillance devices by five state law enforcement agencies. Each agency is required to report to the judge who issued a warrant under the SD Act by a date specified in the warrant.

During this reporting year, the principal users of surveillance devices were Victoria Police and the Independent Broad-based Anti-Corruption Commission (IBAC). The power to issue a surveillance device warrant is vested in judges of this Court or in the Magistrates' Court where the warrant is for a tracking device only.

The SD Act imposes a regime of strict supervision regarding the use of surveillance devices, including a requirement for the Victorian Inspectorate to perform independent inspection of agency records, assess statutory compliance and report compliance results to parliament bi-annually. The regime also requires the involvement of the Public Interest Monitor in the covert application process, with the purpose of providing an additional level of scrutiny and oversight.

In the year under review, the Division finalised 61 applications under the SD Act – 11 less than the previous reporting year.

Other covert applications

During the year, the Division heard 44 other various covert matters, including applications under the *Major Crime (Investigative Powers) Act 2004* (Vic), *Terrorism (Community Protection) Act 2003* (Vic), *Witness Protection Act 1991* (Vic), *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) and *Corrections Act 1986* (Vic). It is important to take into account that some of the covert matters, such as contempt matters under section 49 of the *Major Crime (Investigative Powers) Act 2004* (Vic), often require a significant amount of judicial and other resources to prepare and hear.

Surveillance devices and covert applications**

	Surveillance devices applications	Other covert applications
2009-10	78	66*
2010-11	67	52*
2011-12	99	55
2012-13	62	49
2013-14	70	46
2014-15	72	46
2015-16	61	44

* 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*.

Crimes (Mental Impairment and Unfitness to be Tried) matters

For the first time since 2009, the Division saw a slight decrease in the number of matters heard under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) (CMIA).

During the reporting year, the Division heard a total of 30 matters under the CMIA, compared to 34 in the previous year.

Over time, the total number of people subject to supervision orders under the CMIA continues to grow, with more new supervision order made each year than orders revoked. The majority of the applicants and reviewees are represented by Victoria Legal Aid, who have extensive experience in working with people with mental illness, intellectual disability and cognitive impairment in the criminal and civil justice system.

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

	Reviews including major reviews	Other applications	Total number of matters heard
2009-10	2	12	14
2010-11	2	14	16
2011-12	7	15	22
2012-13	3	24	27
2013-14	4	24	28
2014-15	8	26	34
2015-16	11	19	30

NOTE: Applications heard concurrently with the reviews were counted under reviews. The data above needs to be considered cautiously in that it does not include special hearings under the CMIA which are operated under the Division's criminal jurisdiction.

SIGNIFICANT CASES

DPP v McDermott [2016] VSC 489

The accused, Craig McDermott, was charged with the murder of his ex-partner outside a shopping centre in Sunshine, Victoria on 16 April 2014. The accused and the deceased had attended the Sunshine Magistrates' Court that morning, where the deceased had been granted a final family violence intervention order against the accused. The proceeding was notable for the length of the trial, which was conducted amidst a climate of heightened public awareness on family violence.

The first trial before Justice Jack Forrest in November 2015 was aborted after five sitting days and following six days of pre-trial argument. His Honour discharged the jury after a critical witness became unavailable to give evidence.

In the interim, between the end of the first trial and start of the re-trial, the Royal Commission into Family Violence report was tabled in parliament on 30 March 2016. In April 2016, the Federal Government announced and launched a television ad campaign targeting domestic violence.

The re-trial commenced on 6 April 2016 before Justice Jane Dixon, after two further days of pre-trial argument. In the course of 33 sitting days over eight weeks, the jury heard evidence from 59 witnesses including from the accused, and 60 exhibits were tendered. Twelve rulings were delivered in the course of the proceeding over both trials – six by Justice Jack Forrest and six by Justice Jane Dixon.

During the course of the second trial, counsel for the accused made two applications to discharge the jury arising from media coverage of the trial. In each instance, her Honour ruled that the high degree of necessity required to discharge the jury had not been established and that any risk of unfair prejudice to the accused would be cured by curative warnings given during the course of the trial and during final directions. On 26 May 2016, following two days of deliberations, the jury found the accused guilty of murder.

DPP v Iliopoulos & Bariamis [2016] VSC 447

In the early part of 2016, Justice Kaye presided over a 10 week jury trial concerning a large commercial fraud against several banks involving three co-accused, Steve Iliopoulos, Vasilis (Bill) Bariamis and Peter Iliopoulos.

Steve Iliopoulos established, and was the effective owner of, the Viking Group of Companies (Viking Group), which was a network of transport and logistics companies. Co-accused Peter Iliopoulos (his son) and Bill Bariamis also occupied senior positions within the Viking Group. Bill Bariamis' wife, Loukia Bariamis, was a qualified accountant, assumed the role of Chief Financial Officer and had been involved in a large fraud against the Australian Tax Office.

The Viking Group expanded exponentially within a short period and suffered chronic cash flow problems. At the instigation of Loukia Bariamis, frauds were perpetrated against several banks to remedy the cash flow issue. The primary victim was the Commonwealth Bank of Australia (CBA).

On the basis of falsified financial documentation, expanded lending facilities were approved by CBA in excess of \$30 million.

Similarly there was an unsuccessful attempt to fraudulently refinance and obtain lending facilities from Westpac Bank in excess of \$50 million. There were also several fraudulent hire purchase agreements entered into on the basis of false financial documentation.

In 2013, Steve Iliopoulos was charged with 13 counts of obtaining a financial advantage by deception – both finance and equipment charges. Bill Bariamis was charged with three counts of obtaining a financial advantage by deception, being finance charges only. Steve Iliopoulos and Bill Bariamis were also charged with one count of attempting to obtain a financial advantage in relation to Westpac loan facilities. Peter Iliopoulos was charged with seven counts of obtaining a financial advantage by deception, being equipment charges only.

Later that year, Loukia Bariamis pleaded guilty to three charges of obtaining a financial advantage by deception in relation to the frauds committed on the CBA and was sentenced to six years' imprisonment with a non-parole period of four years.

Steve and Peter Iliopoulos and Bill Bariamis pleaded not guilty to all charges, and the matter proceeded to trial before a jury. The Crown case was put on the basis of joint criminal enterprise and the main Crown witness was Loukia Bariamis. The central issue in the trial was whether each accused had participated in the fraudulent scheme orchestrated by Loukia Bariamis. The jury heard evidence over the course of 10 weeks.

During the course of the trial, Justice Kaye was required to give a number of rulings, including whether to give an unreliability warning under section 165 of the *Evidence Act 2008* (Vic). Justice Kaye ruled that a warning of that kind would be given to the jury in relation to evidence of witnesses that had been encouraged by police to 'brain-storm' together to improve the prosecution case against Bill Bariamis.

The jury deliberated for more than 10 days before returning verdicts in relation to Steve Iliopoulos and Bill Bariamis. The jury found Steve Iliopoulos guilty of 11 counts of obtaining a financial advantage by deception and Bill Bariamis guilty of two counts. The jury also found both accused guilty of one count each of attempting to obtain a financial advantage by deception. Steve Iliopoulos was acquitted of two counts of obtaining a financial advantage by deception and Bill Bariamis was acquitted of one count.

Peter Iliopoulos was discharged following a successful no case submission. Steve Iliopoulos and Bill Bariamis were found guilty of several counts of fraud each and sentenced on 9 August 2016 by Justice Kaye.

Steve Iliopoulos was sentenced to a total effective sentence of 11 years' imprisonment, with a non-parole period of seven years. This sentence was imposed in relation to 11 counts of obtaining a financial advantage by deception and one count of attempting to obtain a financial advantage by deception.

Bill Bariamis was sentenced to a total effective sentence of six years and five months of imprisonment, with a non-parole period of four years. This sentence was imposed in relation to two counts of obtaining a financial advantage by deception and one count of attempting to obtain a financial advantage by deception.

FURTHER JUDICIAL WORK

Associate judges and judicial registrars perform an important role in case management, mediations and management of the registries within the Court.

Principal associate judge:

Associate Justice Derham

Associate judges:

Associate Justice Efthim
(also the Senior Master)

Associate Justice Wood

Associate Justice Lansdowne

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Mukhtar

Associate Justice Randall

Associate Justice Ierodiaconou

Judicial registrars:

Judicial Registrar Gourlay

Judicial Registrar Ware

Judicial Registrar Heteyey

ASSOCIATE JUDGES

Associate judges are integral in the efficient processing of civil matters heard in the Supreme Court. They also hear a large number of interlocutory matters in both the Common Law Division and the Commercial Court. Many matters are finalised in the associate judges' jurisdiction without the need for referral or lengthy litigation.

Associate judges are actively involved in:

- case management of Common Law and Commercial Court proceedings formerly in the Civil Management List (CML)
- management of Personal Injuries and Dust Diseases applications (PIL)
- adjudication of interlocutory disputes and other applications within the associate judges' jurisdiction, including judicial review and appeals matters
- the corporations jurisdiction, including Oppression List matters (CORPS)
- management of Testator Family Maintenance (TFM) proceedings under Part IV of the *Administration and Probate Act 1958*
- case management of matters in the Employment and Industrial List (EIL)
- judge-ordered mediations.

Associate judges (with the exception of the Costs Court judge, Associate Justice Wood) undertake trial work (in both the Commercial Court and Common Law Division). Trial work falls into two main categories:

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

JUDICIAL REGISTRARS

Judicial registrars are judicial officers of the Court whose jurisdiction and role is set out in Part 7, Division 2A of the *Supreme Court Act 1986*.

Each judicial registrar is assigned to a particular division of the Court and plays a crucial part in administering that division. Some judicial registrars conduct mediations or public examinations under the *Corporations Act 2001*.

Most critically, judicial officers can appropriately delegate certain less complex functions, or refer specific powers, to judicial registrars (as to associate judges). This strategy allows judges to devote more of their time to tasks, hearings and matters for which delegation or referral is not appropriate or possible. This in turn increases the efficiency of the Court, reduces the duration of matters in the Court's lists and allows more matters to be heard and resolved.

Disclaimer: Any discrepancies between figures reported in this section of the report, compared to those presented in the previously published annual reports, are due to the further refinement of the Court's statistics after their publication.

CIVIL MANAGEMENT LIST

Associate judges: Associate Justice Lansdowne
Associate Justice Mukhtar

The Civil Management List was formerly the list in which most defended cases commenced by writ were managed until they were ready for trial. In conjunction with a planned move by the Court to greater use of reorganised specialist lists for civil cases, the list was wound down from late 2015 and abolished from 23 February 2016. That reorganisation took effect over the first half of 2016, and was completed by 1 July 2016.

Most civil cases are now commenced in a specialist list and are managed by associate judges and judges assigned to that list. If a case in a specialist list does not settle, it is tried by the judge assigned to that list (where possible). Complex civil cases are assigned to judicial officers in a list that specialises in that area of law for management and eventual trial.

Civil cases in the former Civil Management List continue to be managed by associate judges in their Practice Court until the case is given a trial date. The Court assigns such cases to an associate judge, who then makes directions for its management and hears any interlocutory applications. The winding down and then abolition of this list explains the reduced number of hearings in 2015-16.

Hearings listed

2014-15	1,228
2015-16	339

GENERAL APPLICATIONS

Associate judges: Associate Justice Lansdowne
Associate Justice Mukhtar
Associate Justice Derham
Associate Justice Ierodionou

Judicial registrar: Judicial Registrar Gourlay

The associate judges' Practice Court sits nine days a fortnight in Court 2 to hear applications involving final and interlocutory matters not otherwise allocated to a specialist list. Some interlocutory matters are referred from specialist lists.

A wide range of matters are heard in the Practice Court including:

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

Since the introduction of *Supreme Court (General Civil Procedure) Rules 2015, S.R. No. 103/2015, Order 84.02*, judicial registrars have increased powers to provide assistance in the performance of some areas of practices of the associate judges – particularly in applications for substituted service and extensions of the validity of writs. This has provided some relief of minor matters from the associate judges, allowing them to devote more time to more complex matters, such as special fixtures and the conduct of trial work. However, the increase in substantive applications has given rise to a greater need for judgment writing.

Hearings listed

2014-15	1,589
2015-16	1,393

CIVIL TRIAL LISTINGS

Associate judge: Associate Justice Daly

Associate Justice Daly conducts interlocutory hearings (including pre-trial directions) and case management of civil trials to Common Law Division judges. Her Honour also takes on trials where necessary to ensure set trials are heard in a timely manner, and to ease the caseload burden of other chambers.

MEDIATIONS

Associate judges: Associate Justice Eftim
Associate Justice Wood
Associate Justice Gardiner
Associate Justice Ierodionou

Judicial registrars: Judicial Registrar Gourlay
Judicial Registrar Ware
Judicial Registrar Hettyey

**Appropriate
Dispute Resolution
(ADR) manager:** Nicholas Day

Judicial mediation is now an established area of practice within the Supreme Court and significant progress has been made towards building a robust and efficient mediation structure. In recent years, there has been a gradual increase in the numbers of judicial mediators which has enabled more timely access to judicial mediations to the benefit of the Court and litigants.

Co-mediation by the Appropriate Dispute Resolution (ADR) manager ensures the most efficient and effective use of judicial resources. The co-mediator is included in the process, at the direction of the judicial officer, to assist judicial officers with managing their mediations and other responsibilities.

Success continues to be achieved in resolving matters that had previously failed to settle at private mediation. This is due mainly to the user-friendly, flexible structure and environment for the parties to reach a workable solution to difficult disputes. These matters are generally referred by a trial judge for judicial mediation.

The Court's judicial resources are often overloaded, limiting the ability of the Court's capacity to deal with matters. This occurred in one instance where two matters listed for trial could not be accommodated. Each matter was estimated for 12 days trial. Rather than send the parties away, both matters were referred for judicial mediation where both matters were resolved. The Court mitigated resourcing problems and saved 24 days of trial sittings, as well as judgment writing time.

There has been a large increase in the number of judicial mediations of Commercial Court matters. During 2014-15, 109 commercial mediations were held. In 2015-16 this increased to 152 commercial mediations, comprising 49 per cent of all mediations for the year.

Of the 312 mediations listed, a number were either vacated or adjourned. Though they did not proceed, the management of these cases encouraged communication between the parties, which often led to a resolution or a narrowing of the issues.

An estimated 636 trial days were saved, compared to 985 days in the previous reporting period. The high number in 2014-15 is attributed to the resolution of bushfire class actions where a saving of 300 days was achieved. The estimated judgment writing time saved through these commercial matters is significant.

Mediations

	Listed	Proceeded
2014-15	330	236 (61% settled)
2015-16	312	217 (65% settled)

COSTS COURT

Associate judge: Associate Justice Wood

Judicial registrar: Judicial Registrar Gourlay

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

During the year, the two cost registrars relocated to the Registry and became integrated into its activities. Now that the Prothonotary and registrar roles have been merged they are responsible for this work as well as their Costs Court duties.

The Costs Court continued the move away from an initial call over of all matters, changing the focus to obtaining directions and a hearing date to encourage earlier settlement. Generally only costs reviews issued under the *Legal Profession Act 2004* or the *Legal Profession Uniform Application Act 2014* from 1 July 2015 are referred to call over and listed for hearing or referred for mediation or case conference. Many of these matters settle.

This change accords with the obligations under the *Civil Procedure Act 2010* to narrow issues and seek resolution of matters. A Notice to the Profession detailing changes to listing procedures was implemented from March 2016.

The changes have streamlined listings and resulted in savings to litigants by reducing the time before the matters are considered. All inter-partes bills of costs are now listed directly on filing. Bills for costs of less than \$30,000 are listed directly for assessment on the papers. All other bills are listed for mediation or case conference. This process expands upon the changes commenced during 2013-14 and continues to be effective in settling matters expeditiously.

Case conferences conducted by costs registrars are achieving a settlement rate of close to 70 per cent. In addition, small bills taxations and assessments on the papers were conducted by costs registrars. Such measures have helped to reduce the amount of time for matters to be disposed of, resulting in lower costs for parties. Further, early settlements have led to a reduction of court time spent on the taxation of costs.

The impact of the *Legal Profession Uniform Application Act 2014* from 1 July 2015 has yet to be seen in the Costs Court. Matters issued for a costs review pursuant to the *Legal Profession Act 2004* continue to occupy much of Associate Justice Wood and Judicial Registrar Gourlay's time. The complexity of such matters can result in the need for extended hearings. One hundred and seven *Legal Profession Act 2004* matters were commenced and 131 were resolved. There were no referrals during the financial year to the Legal Services Commissioner for conduct issues.

The *Uniform Act* established a new Legal Costs Committee under sections 92 to 96. Associate Justice Wood was appointed the Chief Justice's nominee to chair the committee. The committee can make changes to the Professional Remuneration Order after consultation with the Legal Services Board. It can advise all the Courts in relation to changes or increases in amounts in the scales.

The Supreme Court and the County Court made a number of orders referring costs applications pursuant to section 134AB(30) of the *Accident Compensation Act* to fix solicitor-client costs to the Costs Court due to increases in number and complexity of the applications. These were dealt with on the papers.

The reduction in overall listings and the use of assessments on the papers, case conferences and mediations has freed up Associate Justice Wood to conduct more than 70 mediations in relation to Commercial Court, Common Law Division and Court of Appeal matters during the financial year. This mediation figure is higher than any previous year.

In addition, Judicial Registrar Gourlay has been able to conduct mediations in the Part IV and Commercial Court. Judicial Registrar Gourlay hears matters referred from Court 2 to assist the associate judges in that area, and has again provided leave cover to the judicial registrar assigned to Funds in Court, and acted as the judicial registrar in the Court of Appeal and Funds in Court after resignations of the incumbents until replacements were appointed.

At the request of the Law Institute of Victoria, a Costs Court Users Group meeting was convened in November 2015. It was agreed that further meetings would be held when issues arose, but to date no further request to meet has been received.

Taxation of costs – initiations

	Party/Party Taxation				Solicitor/ Client Taxation	Total
	SCV	CCV	MCV	VCAT		
Jul-15	16	14	0	5	10	45
Aug-15	20	9	1	1	9	40
Sep-15	17	5	1	1	15	39
Oct-15	12	7	3	2	9	33
Nov-15	26	10	0	2	10	48
Dec-15	15	7	5	2	11	40
Jan-16	13	10	2	1	6	32
Feb-16	19	11	3	14	15	62
Mar-16	17	9	2	2	4	34
Apr-16	17	7	4	2	7	37
May-16	24	11	2	2	7	46
Jun-16	17	5	2	2	4	30
Total	213	105	25	36	107	486

Taxation of costs – finalisations

	Party/Party Taxation				Solicitor/ Client Taxation	Total
	SCV	CCV	MCV	VCAT		
Jul-15	22	11	1	2	8	44
Aug-15	16	12	1	2	12	43
Sep-15	15	11	3	1	14	44
Oct-15	25	8	2	5	8	48
Nov-15	10	11	1	2	15	39
Dec-15	17	6	1	1	10	35
Jan-16	10	2	0	5	4	21
Feb-16	16	5	1	2	15	39
Mar-16	21	14	5	2	7	49
Apr-16	18	7	2	11	16	54
May-16	20	18	5	5	9	57
Jun-16	20	8	3	2	13	46
Total	210	113	25	40	131	519

SIGNIFICANT DECISIONS

Associate Justice Wood granted an application for a gross costs of trial order in the matter of *Wieland v Texxcon Pty Ltd; Nominexx v Wieland* (No 2) [2016] VSC 109.

Judicial Registrar Gourlay heard the gross costs assessments in *Ancor v Hodgson*. Both of these assessments were underway at the end of the reporting period.

Costs Registrar Conidi conducted successful mediations of the costs of bushfire class actions – *Thomas v Powercor Australia Ltd* (Horsham Bushfire on Black Saturday) and *Place v Powercor Australia Ltd* (Weerite Bushfire on Black Saturday). These settlements each saved approximately 50 days per matter of taxation.

SERVICE DELIVERY STRUCTURE



SERVICE DELIVERY STRUCTURE

COURT OF APPEAL REGISTRY

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

JUDICIAL REGISTRAR APPOINTMENT

Ian Irving was appointed the judicial registrar of the Court of Appeal in March 2016. Judicial Registrar Irving is assisted by an associate and two deputy registrars – one responsible for legal and the other administrative matters.

CIVIL APPEAL REFORMS: ONE YEAR ON

The Civil Appeal Reforms were introduced in November 2014 and incorporated major changes to the Court's rules, practices and procedures for the filing and management of civil applications, including applications for leave to appeal. A major goal of the reforms was to increase the efficiency of filing and management of civil appeals while reducing the median time to finalise matters.

As can be seen in the statistics the median time to finalisation of civil appeals has steadily decreased from 10.35 months in 2013-14.

In 2014-15, the median timeframe was 7.87 months, reduced to 5.85 months in 2015-16. This is a direct result of the reforms and the much closer management of cases.

Median time to finalise civil applications and appeals

	2013-14	2014-15	2015-16
Median time (months)	10.35	7.87	5.85

ASHLEY-VENNE CRIMINAL APPEAL REFORMS: FIVE YEARS ON

The Ashley-Venne Criminal Appeal Reforms commenced in February 2011 and were aimed at reducing court delays through the closer management of criminal appeals. The reforms were modelled on the English criminal appeal process but were adjusted to Victorian practices.

The median time to finalise criminal appeals has decreased by 45 per cent since 2010-11. This is a direct result of the reforms and closer management of cases.

Median time to finalise criminal applications and appeals

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Median time (months)	12.53	10.74	7.33	6.75	6.01	5.62

TECHNOLOGY

The Court of Appeal uses technology where appropriate to increase efficiency in the appeals process. The civil and criminal appeal reforms have contributed to the Court of Appeal's move to a 'paper on demand' environment. Parties now file documents electronically and, where possible, registry communication with parties is via email.

Appeal documents are available for appeal judges in their native electronic format. Further investigation is underway to explore options that will maximise the appropriate use of technology during appeal hearings within courtrooms. The electronic storage of documents has also resulted in a reduction in storage requirements and subsequent costs.

IMPROVED CUSTOMER SERVICE

In line with the commitment to harness technology to enhance service delivery for Court users, the Registry's general telephone line and email has been updated.

Callers are now able to identify the relevant area of their enquiry (criminal or civil) before they are connected to a registry officer, resulting in reduced call waiting times and increased efficiency in resolving direct enquiries.

Telephone calls to request verbal confirmation of email receipt have also decreased following the implementation of an automated email acknowledgement process.

EDUCATION AND TRAINING

The Court of Appeal and Registry hosted a number of university students from Victoria University and the Leo Cussen Institute during the year.

During a fixed term period, students had the opportunity to meet with judicial and registry staff and discuss current cases before the Court as well as court practice and procedure. Read more on page 19.

COMMERCIAL COURT REGISTRY

The Commercial Court Registry assists Commercial Court judges in managing the general commercial lists and specialist lists. The Registry's ethos is built on the provision of outstanding customer service.

Effective case management through early and targeted allocation of proceedings to specialist judges is a priority of the Registry.

Cases are allocated (and re-allocated) to Commercial Court judges, depending upon the subject matter of proceedings and judicial workload considerations. The Division continually monitors and assesses trial dates at these meetings with a view to providing certainty of litigation timeframes to the parties.

COMMERCIAL COURT LIST REMODELLING PROJECT

Throughout the first half of 2016, the Registry reviewed the present Commercial Court judge-managed lists to determine if they could be remodelled to provide a more straightforward, user-friendly model of service delivery for chambers, Registry staff and the legal profession.

A cornerstone of this initiative was the discontinuance of General Commercial Lists A-E, and the creation of individual commercial lists for each judge in the Division (to take effect on 1 July 2016). The specialists lists remain unchanged, other than by the creation of a new Insurance List.

The Insurance List will deal with insurance cases involving the construction of particular insurance or reinsurance policies, the interpretation of relevant legislation or the determination of questions of law that may have application to the insurance sector more broadly, especially where the underlying issue in dispute is of a commercial nature.

URGENT APPLICATIONS

From 29 February 2016, urgent commercial applications were no longer heard in the Practice Court. A Commercial Court duty judge system was introduced, adopting more streamlined procedures.

Under the change, Commercial Court staff usually obtain a comprehensive background to the matter and determine if the matter is truly urgent before referring it to the rostered Commercial Court duty judge for a hearing. This change is designed to take greater advantage of the specialist expertise of the Commercial Court to facilitate the expeditious resolution of cases and to reduce costs. Read more on page 16.

OPPRESSION PILOT

Oppression proceedings (pursuant to section 233 of the *Corporations Act 2001* (Cth)) mainly involve family members and small businesses where the quantum involved in the matter is often eclipsed by the cost of litigation. In response, the Commercial Court implemented a pilot program in October 2014 to streamline its processes. The initial pilot was so successful that it was refined and reinstated with a new completion date of August 2017.

The Registry provides significant support to the pilot program. Upon initiation, the Registry identifies matters suitable for inclusion in the pilot, drafts a case summary and provides a recommendation to a Corporations List judge. If the judge agrees that a matter should be included in the pilot program, the Registry drafts the referral orders for the matter to be managed by an associate judge and it is then mediated by an associate judge or judicial registrar. The Commercial Court Registry lists the matter for the initial conference, liaises with the parties and sends out the requisite notifications.

GROUP PROCEEDINGS

There were nine active group proceedings in the Commercial Court at the conclusion of the reporting period, with the Registry providing enhanced case management for these proceedings via the commercial group proceedings coordinator.

The group proceedings coordinator provides specialised administrative and case management support to judges' chambers and to legal practitioners, including:

- maintenance of a central point of contact for practitioner enquiries and the general public in relation to group proceedings in the Commercial Court
- maintenance of easily accessible, regularly updated and reliable internal data on each proceeding
- close liaison with the managing judges' chambers and the provision of additional case management assistance including in relation to the preparation of directions hearings and interlocutory applications.

In addition, the Registry oversees the receipt, collation and logging of opt out notices and notices of objections to settlement.

HIGH VOLUME DEBT RECOVERY PROCEEDINGS

There were 514 high volume debt recovery proceedings active in the Commercial Court at the end of the financial year. These included Timbercorp, Great Southern, Gunns and Willmott related matters.

In order to efficiently and accurately administer the large number of proceedings requiring concurrent management, the Registry has developed an integrated strategy for enhanced case management, which includes:

- maintenance of easily accessible, regularly updated and reliable internal data on each proceeding and classes of proceedings
- the advance publication of monthly dates dedicated to the hearing of these proceedings
- a central point of communication for practitioners with carriage of such debt recovery actions
- close liaison with the managing judges' chambers, and the provision of extra assistance prior to each hearing date
- the timely processing of high volumes of orders for authentication and resulting of listings after each hearing.

STAKEHOLDER INTERACTION

Over the course of the year, the Registry continued to assist in coordinating the Commercial Court Users' Group. This group consists of a diverse group of senior and junior counsel and solicitors who regularly bring or defend proceedings in the Division. Recent topics discussed at this meeting include the Commercial Court duty judge system, an update on the Oppression Pilot Proceedings and a general discussion on feedback from Commercial Court users.

Registry staff also sat on a variety of committees and working groups including the Supreme Court Learning and Development Committee and the Community of Practice – Courts and Judicial Services Excellence Committee.

PRINCIPAL REGISTRY

The Principal Registry is the service hub for administrative and procedural guidance for the Trial Division of the Supreme Court, and provides quality services to the judiciary, legal profession and the public.

It also provides support and services for probate jurisdictions and coordinates Practice Court matters. The Principal Registry is supported by the statutory roles of Prothonotary and Registrar of Probates and is overseen by the Director, Registry Development (who is also the Prothonotary).

In 2015-16, the Principal Registry began to implement operational and process changes designed to optimise its service delivery model, and contributed to a number of significant projects which will see greater efficiencies and strengthened procedures and protocols in the year ahead. A service excellence focus has underpinned this suite of transformative practices and will continue to guide the Registry's work.

SUPPORT FOR THE COMMON LAW DIVISION AND COSTS COURT

The Registry provided strengthened and more efficient services to the judiciary and Court users through increased specialisation, augmented case management and greater delegation. The measures implemented to date will be extended across all specialist lists within the Common Law Division.

The Registry has also bolstered its support for the Costs Court following the introduction of revised procedures at the beginning of March 2016. Party party proceedings no longer require the summons for taxation to be listed in the monthly callover, unless the Court otherwise directs. Instead they are now listed by the Registry for mediation. This has proved to be a more streamlined and cost-efficient process for court users.

THE PROTHONOTARY

The Prothonotary, pursuant to the *Supreme Court Act 1986* and in accordance with the powers and functions conferred by legislation and subordinate instruments, is responsible for the discharge of a broad range of statutory functions. A number of deputy prothonotaries, both within and external to the Principal Registry, provide support and assistance.

This reporting period has seen an ongoing focus on continuous improvement, support and training for deputy prothonotaries, which is now embedded into business.

The Registry has strengthened its procedures during the past year, and given attention to a number of key policy areas. Information provided to court users in respect of new procedures and compliance with rules has been supported by clear communications and guidance.

eFILING

In addition to the Prothonotary accepting Court documents in hard copy, legal practitioners are able to electronically lodge, process and retrieve court documents relating to civil cases through the Court's electronic lodgement service, Citec.

The Principal Registry is continuing to see a positive trend towards clients eFiling via Citec. Over the last three financial years, the percentage of files accepted via eFiling has grown from 21 per cent to 29 per cent of total filings.

COUNTER

With the increase in eFiling there was an expected corresponding decrease in customers presenting at the counter; 40,087 customers during the reporting period compared with 44,933 in the last financial year (an 11 per cent decline). While this equates to an average of approximately 160 customers a day, compared to 178 in 2014-15, corresponding changes to resource allocation have been made to address the increased eFiling workload.

The average counter wait time remains under three minutes.

DEDICATED SUPPORT TO THE CRIMINAL DIVISION

The Principal Registry absorbed additional work in its support for the Criminal Division during the year and made significant progress in the areas of case management, end-to-end bail management, reporting and the management of video links. Judicial case conferences, and the double listings protocol for appropriate trials are new initiatives being supported to improve the efficiency of the progress of cases through the court.

SELF-REPRESENTED LITIGANTS

Over the past year, the Principal Registry has engaged in a range of forums with key agencies who share a common interest in augmenting the service provided to self-represented litigants.

The proportion of 'new' self-represented litigants contacts was 36 per cent in 2015-16 (of total self-represented litigants contacts), compared with 25 per cent in 2014-15, an indication of the increasing propensity to access the service.

Around 2,656 individual contacts were made between self-represented litigants and the Registry (a decrease of 7 per cent compared to the previous year), with walk-ins and appointments comprising 32 per cent of total contacts (855). The decrease in individual contacts is largely attributed to the Registry moving to a predominantly appointment based model in order for the self-representative litigant workload to be more efficiently managed.

A total of 32 referrals were made to the Duty Barristers Scheme of the Victorian Bar in 2015-16, seeking a barrister to appear in Court.

SUBPOENAS

There was a decrease in the number of subpoenas issued during the reporting period, from 3,222 in 2014-15 to 2,972 in 2015-16. There was, however, an increase in the number of attendances to inspect documents from 904 to 1,126. The total number of documents produced during the reporting period was 2,205.

COURT FILE INTEGRITY

Court file integrity continues to be a focus in the Principal Registry as the Court prepares to report to government as part of the Budget Paper 3 reporting process. Performance in terms of the availability, accuracy and organisation of files is measured, and considerable improvements have been achieved through training, communications and a series of internal audits. Monitoring and feedback continues with spot audits introduced to maintain awareness and capture real time performance.

PROBATE OFFICE

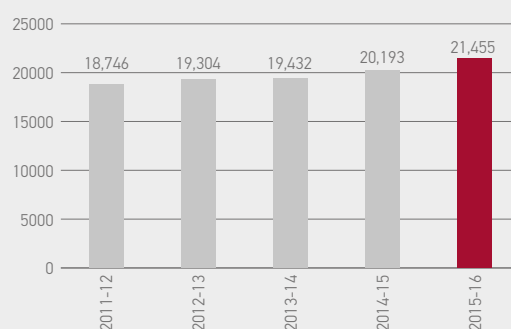
The Supreme Court has exclusive jurisdiction to make orders in relation to the validity of wills, the appointment of executors and administrators and the administration of deceased estates. As its core functions, the Probate Office:

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

Probate is the Court's highest volume jurisdiction with 21,455 applications filed in the reporting period and 1,894 of those being filed by individuals without legal assistance.

Overall initiations have increased by 6 per cent compared to the previous year, with 8.8 per cent of applications filed by self-represented litigants.

PROBATE ORDERS MADE



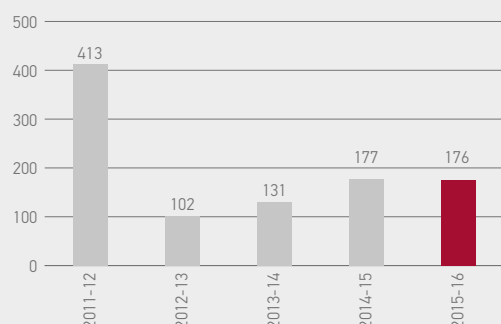
The Probate Office continued to provide timely, effective, cost efficient services to the people of Victoria. During the reporting year, proceedings were filed at a monthly average of 1,788. Categories of grant included:

- Grants of probate – 19,087
- Administration upon intestacy – 1,777
- Administration with the will annexed – 418
- Reseals of foreign grants – 122
- Miscellaneous grants (including limited grants) – 51

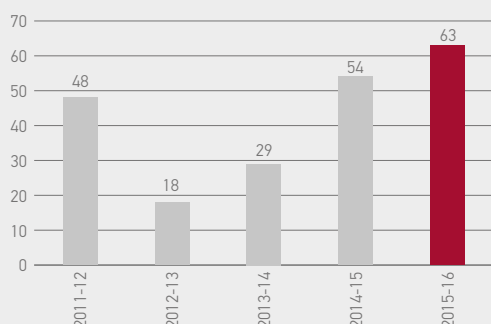
During the year the Probate Office:

- serviced 16,392 people attending the probate counter
- accepted more than 251,000 documents for filing
- handled over 200 small estate enquiries and granted representation in 63 estates
- accepted 176 deposited wills for safe keeping
- issued 227 exemplifications and office copy grants and received 2,100 emails through its Probate and Probate Online Advertising System email accounts.

LIVING WILLS DEPOSITED



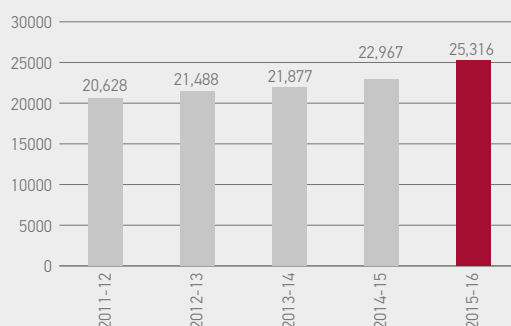
SMALL ESTATES GRANTS



The Probate Office continued on its path of innovation and reform during the reporting year. The probate area of the Court's website has been expanded and made more user-friendly to assist those preparing applications without legal assistance. The website includes step-by-step guides, forms and kits. The website is a gateway to the Probate Office's services, is integral to the business and received 111,032 visits during the year.

The Probate Office provides online access to various probate indices including the Probate Online Advertising System (POAS) which eliminates the need for costly newspaper advertisements, saving each applicant several hundred dollars. This is the first step to a paperless office. The POAS website, which recorded 77,573 visits over the reporting period, was upgraded during the year and is now more user-friendly.

ADVERTISEMENTS PUBLISHED ON POAS



COURT ADMINISTRATION

The administrative services and functions of the Supreme Court do not directly relate to the judicial component of court cases but are nonetheless essential to the functioning of a high quality court.

HUMAN RESOURCE SERVICES

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

Recruitment during 2015-16 involved 65 advertisements for 71 positions with a total of 2,462 applications received. The induction documentation for new employees was also updated and a HR guide for new supervisors and managers produced.

The review of the secondary school work experience program during 2015-16 provided a detailed framework and implementation plan and, as a consequence, 12 students were selected to participate in the program during the year. In addition, HR Services continued to coordinate tertiary work experience, including the Monash Externship Program.

In 2015-16 the team assisted in the implementation of the Staff Culture and Engagement Survey outcomes, including coordination of and participation in 'Respect in the Workplace' workshops.

Other learning and development initiatives were also facilitated under the Koori Inclusion Action Plan and involved coordination of two Koori cultural awareness programs and a guided tour for staff along Birrarung Marr.

The team also participated in projects involving all jurisdictions, including the first stage of the development of a workforce planning project and a review of the performance development planning system.

The Victorian Government and the Community and Public Sector Union reached agreement of a new Enterprise Agreement operating from 18 May 2016 with a nominal expiry date of 31 December 2019. In close consultation with Jurisdiction Services, the team focused on progressively implementing the new provisions of the Agreement.

Occupational Health and Safety

The Court continues to support a workplace that is committed to the safety and wellbeing of staff, resulting in a range of occupational health and safety opportunities facilitated by HR Services during the course of the year.

Sixty staff participated in the *Dealing with Difficult Clients* workshop that was tailored to the needs of Court Registry staff. A number of protocols were also developed and implemented that supported the need for staff to build resilience and effectively respond to incidents.

The Court participated in a Court Services Victoria project related to the assessment and control of vicarious trauma. Prevention initiatives are progressively being implemented across the Court.

A number of wellbeing opportunities were also provided across the Court, including staff participation in the Australian Corporate Games for the 10th year running and a Pilates program. The newly developed Health and Wellbeing page on the Court's intranet also provides staff with a range of information including a health and wellbeing calendar of events, healthy recipes and wellbeing articles of interest.

During the year, 43 incidents (including injuries, near misses and risk hazards) were reported by staff on the Court's incident reporting system. The 20 per cent increase of incidents reported from the previous year, is mainly due to security related incidents being reported on the system by security contractors that were not included previously.

A total of four days lost were recorded as a consequence of WorkCover claims. This is a substantial decrease in comparison to the previous year.

COMMUNICATION AND MEDIA SERVICES

The Communications team manages a range of internal and external communication activities that support the work of the Court.

Late in the reporting period, work began on investigating the effectiveness of the Court's current website in communicating with key user groups, with consultation planned to inform revisions and improvements to the site.

The Court's social media presence on Twitter and Facebook continued to grow throughout the year. Both channels enhance the means with which the Court can reach a broad audience to share information about judgments and sentences and provide updates about practice and procedure.

Two open days were held, with the community invited to speak with judges and staff to develop a greater appreciation of the Court. Almost 1,900 people visited the Court during Open House Melbourne on Sunday 26 July 2015, making it one of the more popular buildings in the Open House program. The Supreme Court was well-attended on Courts Open Day, 21 May 2016, with approximately 700 Victorians attending a series of events.

A range of events were hosted at the Court in support of organisations associated with the legal profession – among them the Victorian Bar, the Law Institute of Victoria and the Victoria Law Foundation. Event and marketing support was also provided on a number of Court-led events, communicating important practice changes to the legal fraternity, and supporting community engagement activities including the Court's 175th anniversary celebrations.

Around 5,000 students and teachers visited the Court to enhance their VCE Legal Studies endeavour. In December 2015, the Court received a Victoria Law Foundation grant to revitalise the Education Program. Role-play costumes were produced to augment the mock trial experience for students visiting the Court. The production of a mock trial video and companion booklet is underway.

With the support of the Communications team, the Court was able to highlight and maximise reporting of significant cases in the media. Media comprehensively covered cases such as the Bendigo Mosque planning permit injunction and appeal, *James Hird v Chubb Insurance* litigation, *Adrian Bayley v Victoria Legal Aid*, the sentencing of Sean Price for the murder of school girl Masa Vukotic, litigation trial between Paul Mullett and Christine Nixon, and the art fraud trial and conviction of Peter Gant and Mohamed Siddique.

Suppression orders

In 2015-16, judges of the Supreme Court made a total of 57 suppression (non-publication) orders. One was made under the *Serious Sex Offences (Detention and Supervision) Act 2009*, eight were made under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* and 48 under the *Open Courts Act 2013*. Three have subsequently been revoked and 14 expired, leaving 40 orders still active.

2015-16 Supreme Court non-publication orders

	Made	Active	Revoked/expired
2015-2016	57	40	17

The Court of Appeal made two orders during the reporting year, one has since expired.

INFORMATION TECHNOLOGY SUPPORT SERVICES

The Information Technology (IT) Support Services team provide a range of operational, advisory and strategic information technical services to the judiciary and Court staff. The team provides day-to-day support and services for both hardware and software to over 400 computers integrated across multiple networks.

Numerous successful IT projects were implemented during 2015-16, ranging from the expansion and enhancement of the independently managed Supreme Court wireless network, to the roll out of the Judicial Information and Communications Project (JICT).

Judiciary and chambers staff were transitioned from the Department of Justice and Regulation network to the JICT network as part of stage 1. By January 2016, Microsoft Office 365 suite modules such as SharePoint Online, Outlook, One Drive and Skype for Business were extensively used.

Stage 2 of the JICT project will migrate Court Administration, the Principal and the Commercial Court Registries to the JICT network, with planning underway.

FACILITIES AND SERVICES

The Facilities and Services team is responsible for works planning and the preservation and maintenance of the Court's buildings and infrastructure. The team is also responsible for the procurement of office furniture, equipment and stationery supplies, and also provide operational support for functions and other events conducted at the Court during the course of the year.

The Court's heritage listed buildings combined with the demands for an accessible, technologically enhanced, modern and compliant office environment remained a challenge throughout the 2015-16 period.

Major activities in the past year included the restoration of timber panelling and skylights in the Old High Court building (funded by a grant from the Commonwealth Department of Environment). Various air conditioning units throughout the Court were costed to be replaced, while electrical switchboards upgrades occurred in the Trial Division and Old High Court buildings.

Recommendations from an architectural assessment of more than 700 rooms have also been put into place and will be implemented in the future, in a staged process, due to funding restrictions.

Restoration of the Old High Court building

In June 2015, the Court's Archives and Records team was successful in receiving a grant from the Australian Government Department of Environment's Protecting National Historic Sites program. The \$150,000 grant was obtained to undertake much needed maintenance works to the interior of the Old High Court building – including restoration of the timber work, panelling and furniture in the three courtrooms and cleaning and restoration of the leadlight skylights in the library and light wells.

In May 2016, the Court was again successful in an application to the Protecting National Historic Sites program, receiving a further \$80,000 to undertake further renovation works in the Old High Court building. The grant will fund roof work, painting and plastering in the library and the continuation of the timber refurbishment throughout the building. This work is scheduled to take place in 2017 when court is not sitting.

The Court is also in the process of developing a historic interpretation program that includes a public brochure and a series of displays explaining the building and its historic significance.

Receiving the grants has provided the Court with the means to ensure the history and heritage of the building will be maintained for generations to come.

ARCHIVES AND RECORDS MANAGEMENT SERVICES

Archives and Records Management Services is responsible for archives and storage of Court records, the disposal and storage of administrative records and the care, storage and display of historical artefacts, objects and records.

The main focus of the team is the preparation of records for long term storage, whether they be off site with a commercial supplier or directly transferred to the Public Record Office.

Over the 2015-16 period a large consignment of probate records were transferred to the Public Record Office. Work continued on preparing Court of Appeal records, legal practice records from the 1950s onwards and the civil records from 1990 for transfer to the state archives.

The 1990 records have proved to be of particular interest as they include a large number of cases concerning commercial failures, not the least of which was in the matter of Qintex Television Limited (receivers and managers appointed) and Wilkinsons Television Pty Ltd for the appointment of receivers and managers. Inside this file was an organisational chart for Christopher Skase's commercial holdings in 1990, a valuable and interesting historical document.

The team also provided support in the 175th anniversary celebrations of the Court. As well as providing archival material for the history book, *Judging for the People*, the team provided artefacts and advice for the exhibition at the Royal Historical Society of Victoria and mounted a special exhibition for the Court in the Supreme Court Library.

Archive and Records Management Services also ran weekly tours of the Court during April, building upon the popular monthly History and Heritage Tours of the Court for the public.

Records Transferred to the Public Record Office

Probate records (2010-2014)	2,144 boxes
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BUSINESS INTELLIGENCE SERVICES

The function of Business Intelligence Services is to provide timely, accurate and meaningful information for analysis and reporting purposes for both internal and external users. This information is used to assist the Court in making well-informed business decisions regarding current needs and projected trends in relation to Court usage and workloads. The Court continues to benefit from the in-house developed data warehouse, which provides secure, up-to-date and accurate activity and performance reports.

During 2015-16, the Business Intelligence Services team collaborated closely with the Principal, Commercial Court, Common Law and Court of Appeal Registries and the Juries Commissioner's Office to ensure integrity and accuracy across all data and reporting functions.

Building on the work undertaken in previous reporting periods, the team's primary focus has been on the continued development of the reporting intranet site. The team assists the Court further in acquiring a more advanced reporting standard, as well as closely monitoring and analysing the Court's current activities, and resources.

Notable activities included:

- providing Court data to other Government agencies including the Australian Bureau of Statistics, Department of Treasury and Finance, and the Productivity Commission.
- the implementation of quarterly audits within the Principal Registry using the 'Court File Integrity' application to measure physical case file availability, accuracy and organisation
- collaborating with the Juries Commissioner's Office with the introduction on the new Juries Management System.

FINANCIAL MANAGEMENT SERVICES

The Financial Management Services team provides advisory and support services to support the Court in demonstrating sound financial practices in accordance with the *Financial Management Act 1994* and Court Services Victoria financial policies.

The team:

- reports on the Court's financial performance measured against the allocated annual budget
- supports the Chief Executive Officer and senior managers in the costing of new initiatives
- advises all Court staff on financial considerations ranging from personal claims for reimbursement, specific employee entitlements and how to procure goods and services in compliance with best financial practices and policies.

DISCRETE ADMINISTRATIVE FUNCTIONS

The Juries Commissioner's Office, Law Library of Victoria and Funds in Court are discrete divisions of the Supreme Court of Victoria that perform specific functions in the administration of justice in Victoria.

JURIES COMMISSIONER'S OFFICE

Juries bring the values, standards and expectations of the community into the courtroom, contributing in a significant way to the administration of justice in Victoria.

The *Juries Act 2000* provides for a jury system that equitably spreads the obligation of jury service among the community, making juries more representative of the community.

The Juries Commissioner's Office (JCO) is comprised of the Juries Commissioner, 11 Melbourne-based staff and another 11 staff across regional Victoria. The JCO ensures that a sufficient number of Victorian citizens are available to serve as jurors on Supreme and County Court trials.

For administrative purposes, the JCO sits within the Supreme Court of Victoria, but operates out of the purpose-built County Court of Victoria building.

Following extensive user feedback, all communication channels with jurors were redesigned, in many cases simplified and presented in plain English. The external presence was rebranded, including the new jurors' website juries.vic.gov.au, to *Juries Victoria*.

In January 2016, the JCO launched a new Jury Management System, which includes a public portal.

Jurors can now go online to complete their eligibility forms, apply for deferrals or to be excused and update their details.

Email and SMS notification are now used to inform citizens of the outcome of their applications, and to remind those who have received summons of when they are required to attend.

In recognition that some people may have trouble putting their jury experience behind them, the JCO launched a new state-wide Juror Support Program. This service is provided through a network of professional counsellors to anyone who attends for jury service, whether empanelled on a jury or not, at no cost to them. Now, citizens anywhere in Victoria can access psychological support and counselling in person, over the phone or via video connection (for example, Skype).

Coupled with this, the JCO ran a pilot program – *Vicarious Trauma and Wellbeing Training* – for staff of the Supreme and County Courts. It will form part of the mandatory training for JCO staff ongoing.

Jury activity

	2014-15	2015-16	Difference	Variance
Jurors summoned				
Melbourne	23,397	21,232	-2,165	-9%
Circuit	29,913	21,507	-8,406	-28%
Total	53,310	42,739	-10,571	-20%
Jurors attending				
Melbourne	15,359	14,675	-684	-4%
Circuit	8,708	7,997	-711	-8%
Total	24,067	22,672	-1,395	-6%
Jurors empanelled				
Melbourne	5,423	5,309	-114	-2%
Circuit	1,550	1,387	-163	-11%
Total	6,973	6,696	-277	-4%
Supreme & County Court jury trials				
Melbourne	474	452	-22	-5%
Circuit	142	121	-21	-15%
Total	616	573	-43	-7%

The JCO counting rule changed in the reporting period to more accurately reflect jury activity. Previously the number of summons sent was counted (which could include multiple summonses to one person). This year, only the number of people who received a summons was counted (whether they attended on the first occasion of whether they deferred or were reassigned to another date). Thus the 2014-15 figures presented here differ to those reported in the previous annual report.

2015-16 Jury trials by jurisdiction

Jurisdiction	Civil	Criminal	Total	Average duration
Supreme Court	26	58	84	8.69 days
County Court	41	448	489	6.25 days

LAW LIBRARY OF VICTORIA

The Supreme Court Library is the principal branch of the Law Library of Victoria and provides high quality library services to the legal profession and judiciary, continuing the practice established by Sir Redmond Barry in the 1850s.

The library makes a valuable contribution to the administration of justice by providing access to extensive electronic and hard copy legal information, and assistance to those undertaking legal research. In November 2015, in recognition of its world-class legal resources and services, the Law Library was awarded 'Legal Information Service of the Year' by the Australian Law Librarians Association.

The Supreme Court Library provides services to all members of the legal profession. With three other branches based inside courts, the Law Library achieves the ideal balance of embedded librarians with centralised administration combining the libraries of different jurisdictions and having a unified staffing structure.

The Law Library of Victoria provides services and content far superior to what could be provided under separate entities. The transformation to consolidate law library services is ongoing, but vast improvements in what is available can already be seen.

The Law Library is managed by a committee that is comprised of representatives from the Victorian jurisdictions and the profession. The current committee chair is Justice Cameron Macaulay. This year, library staff implemented change in many ways including:

- a refreshed library catalogue
- a new website – lawlibrary.vic.gov.au – and a revised intranet
- the introduction of tweeting, allowing an easy and immediate way to share information with the community
- the implementation of a collection policy
- a new targeted legal research program across all jurisdictions.

From 1 July 2015 to 30 June 2016, 13,642 people visited the Supreme Court Library. The Law Library of Victoria handled 3,311 queries from people requiring help to access legal information. Many of these queries were from judicial officers and staff across all jurisdictions, with around 30 per cent from within the legal profession. The remainder were law librarians from other institutions, including international organisations and members of the public.

The Law Library of Victoria manages the process of publishing decisions of the Supreme Court. During the year, 1,267 unreported judgments were published by a total of seven publishers. The Library tweets all Court of Appeal decisions including a link to the full text of the judgment, providing instant access to the community.

The Law Library of Victoria hosts a variety of training, information sessions, events, tours of the Supreme Court Library, exhibitions and more for audiences across the judiciary and legal profession, as well as the general public. Many events were free of charge and included:

- a series of free lunchtime classical concerts for the community co-hosted by the Law Library of Victoria and BottledSnail Productions in the iconic Supreme Court Library
- a charity event, Twilight Songs Under the Dome, raising funds for the Tristan Jepson Memorial Foundation
- an event hosted as part of Melbourne Rare Book Week, '*Legal luminaries and their books*' – a panel session featuring three eminent legal professionals who shared their passions of book collecting
- 1215 Magna Carta replica exhibition hosted at the Supreme Court Library
- launch and exhibition of new book, '*Judging for the People: Honouring 175 Years of the Supreme Court in Victoria*'. The book celebrated 175 years of the Supreme Court of Victoria, marking the 175th anniversary since Judge Willis arrived in Melbourne as the first sitting Supreme Court judge.

FUNDS IN COURT

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

The vision of the FIC office is to enhance beneficiaries' lives with compassion and superior service. The mission of the office is to act in the best interests of beneficiaries by providing excellent service at the lowest cost and ensuring safe and effective investment of their funds.

Payments into Court include compensation for injuries received in an accident, financial assistance awarded to a victim of crime, a person's share in a deceased estate or compensation for the loss of a parent. FIC also administers funds paid into Court as a result of disputes and security for costs.

During the reporting period:

- 5,428 beneficiaries were supported
- 6,707 court orders made
- 24,145 supporting documents were prepared
- 124,390 financial transactions occurred
- 95 per cent of invoices were processed within five days
- interest for holders of Common Fund No.2 was paid at 4.05 per cent while 3.85 per cent was paid to holders of both Common Fund No.2 and Common Fund No. 3
- more than 42,500 telephone calls were answered through the switchboard.

INSPIRE AWARDS

The inaugural Funds in Court Inspire Awards were this year held at Price Waterhouse Coopers in Southbank on 21 April 2016.

At the awards, the Chief Justice presented the Best Achievement in Law and Honours Law and was joined by the President of the Human Rights Commission, Professor Gillian Triggs, who presented the Best Achievement in Human Rights. Senior Master John Eftim also presented to five beneficiaries of the Funds in Court Individual Excellence and Achievement Awards.

Twelve awards were presented across medicine, research, arts, architecture, community policing, journalism, disability advocacy, innovation and community volunteering. The awards are peer based and recognise a person who identifies with a disability, is 18 years of age or older, and is well respected in their field of work or interest in their community. Nominees are acknowledged not only for their professional contribution to their field of work but for their outstanding leadership qualities, role modelling and mentoring.

The awards, developed by Miranda Bain, Director – Strategy, Government and Community Relations, were very well received.

FIC HUMAN RIGHTS COMMITTEE

The Funds in Court Human Rights Advisory Committee identifies key issues regarding access to justice for people with a disability and recommends changes to current practices and processes.

Members of the committee include the Senior Master, the FIC judicial registrar, the FIC Director of Strategy, Government and Community Relations, FIC's corporate counsel, the Deputy President of VCAT's Human Rights Division, the Deputy Disability Services Commissioner, the Office of the Public Advocate, representatives from Victoria Police, the Office of Public Prosecutions, the Transport Accident Commission, the National Disability Insurance Agency, the Department of Justice and Regulation, human rights lawyers and advocates, carers of people with a disability, psychologists and a neuropsychologist.

The committee meets six times a year and to date has successfully made submissions to the Productivity Commission, the Human Rights Commission, the Disability Discrimination Commissioner's National Consultation on Disability Rights, the Supreme Court Rules Committee, the Court of Appeal, and directly to the Chief Justice.

As a result, the committee has successfully lobbied for changes to the Supreme Court Rules, whereby it is no longer presumed that the litigation guardians will pay costs. The committee has also submitted a business case for a pilot program providing intermediaries in court and in police interviews, as well as produced three pictorial guides for people with disabilities about their rights in relation to abuse, police interview and going to court.

PERFORMANCE

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

Importantly, 94 per cent of 21,602 one-off payments to, or on behalf of, beneficiaries were processed within five days of requests being received and approved.

FIC received more than 3,550 phone calls on average each month. Of these calls 96 per cent were answered within one minute of the person calling.

No. of orders, supporting documents and financial transactions made

	2011-12	2012-13	2013-14	2014-15	2015-16
Orders	6,694	7,048	6,468	6,400	6,707
Supporting documents	21,791	21,054	21,551	22,835	24,145
Financial transactions	103,659	109,810	116,072	123,947	124,390

Moneys paid into Court:	\$133,745,454
Moneys paid out of Court:	\$67,584,117

BENEFICIARY SERVICES

Many beneficiaries are involved in complex legal or financial matters and require the assistance of skilled and experienced trust officers, client liaison officers and legal officers to work through their difficulties.

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

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

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

Client liaison

	2011-12	2012-13	2013-14	2014-15	2015-16
No. of CLO visits	509	558	609	676	693

NEW BENEFICIARY ACCOUNTS

No. of accounts opened

Supreme Court awards	189
County Court awards	76
Magistrates' Court awards	3
VoCAT awards	451
TOTAL	719

During the reporting period, 719 payments into Court were made in accordance with an order of a court or VoCAT and were for a person under disability (award payments for personal injury, family provision, wrongful death and VoCAT funds). There were also 108 non-award matters (dispute money, security for costs and money paid into Court pursuant to an Act).

An order is required to pay funds out of Court and these orders are made by the Senior Master, Associate Justice Eftimov or Judicial Registrar Englefield. The Senior Master makes all orders concerning a beneficiary's capacity to manage their own affairs and all significant administrative decisions regarding the operations of FIC. The Judicial Registrar determines the majority of applications for payments from FIC.

Judicial registrar activity

Orders made	4,802
Memoranda considered	3,425
Attendances in chambers	1,999

INVESTMENTS

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

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

The total value of funds under administration (including direct investment in real estate and other assets) was \$1.628 billion as at 30 June 2016, an increase of 3 per cent on the previous financial year.

COMMON FUND NO. 2

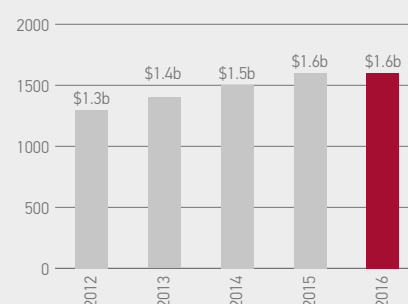
The primary objective for Common Fund No. 2 (CF-2) is to provide the maximum return achievable consistent with investments in approved securities. There was in excess of 5,200 beneficiary accounts within CF-2.

The interest rates fixed for 2016 continued to exceed industry benchmarks. This is an excellent outcome for the beneficiaries of CF-2, especially in the current financial climate. Investment performance continues to be superior to the FIC key performance indicator benchmarks.

CF-2 declared interest rate

Year end	CF-2 only	CF-2 and CF-3
31 May 2012	6.20%	6.00%
31 May 2013	5.55%	5.35%
31 May 2014	4.65%	4.45%
31 May 2015	4.30%	4.10%
31 May 2016	4.05%	3.85%

TOTAL VALUE OF FUNDS UNDER ADMINISTRATION \$B (INCLUDING BENEFICIARIES' REAL ESTATE)



COMMON FUND NO. 3

Common Fund No. 3 (CF-3) invests in a portfolio of publicly listed Australian shares and cash. The objective of CF-3 is to provide beneficiaries with capital growth and income via regular distributions over an investment timeframe of at least six years. Investment into CF-3 is made on behalf of just over 2,400 beneficiaries (representing approximately 45 per cent of all beneficiaries) with assets held by FIC.

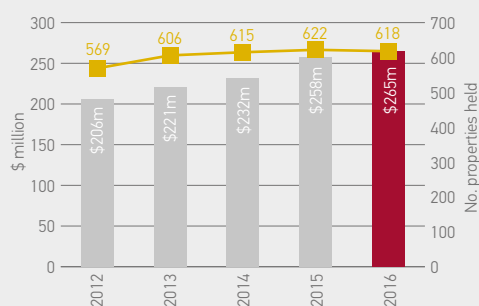
For the 12 month period ending 30 June 2016, CF-3 generated a total return of -5.6 per cent compared to the S&P/ASX 50 Leaders Accumulation Index benchmark return of -2.6 per cent.

Over the longer term 10 year period ending 30 June 2016, CF-3 has delivered a total return per annum of 5.6 per cent versus the benchmark return per annum of 5.1 per cent. The Senior Master's equity portfolio (which preceded and now includes CF-3) has delivered a total return per annum of 10.5 per cent since its inception on 21 December 1992, compared to the benchmark return per annum of 9.8 per cent.

BENEFICIARIES' PROPERTIES

The majority of beneficiaries' properties held in trust are residential. Over the last five years, the number of trust properties has increased by 8.6 per cent, with the value of those properties increasing by 28.5 per cent.

BENEFICIARIES' PROPERTY HELD IN TRUST



INVESTMENT COMPLIANCE COMMITTEE

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

ACCOUNTING AND TAXATION

The Financial Reports of the Senior Master are audited each financial year by the Victorian Auditor-General. The reports are available at fundsincourt.vic.gov.au.

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

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

Administration expense ratio

2011-12	0.56%
2012-13	0.58%
2013-14	0.58%
2014-15	0.59%
2015-16	0.60%

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

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

CORPORATE GOVERNANCE

FIC's governance structure is driven by the need to be fully accountable to the Court and beneficiaries. The Senior Master is committed to risk management in accordance with Australian Standards, with prudential safeguards monitored by FIC's Corporate Governance Manager. The Corporate Governance Manager reports, each month, to the Senior Master on defined risk management matters.

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

- During the year, the **Audit Committee** meet quarterly, together with a special meeting to consider the annual financial statements. The Committee includes external auditors, internal auditors and management, and considers financial reporting, external and internal audits, risk management, ethical issues and other matters. It also incorporates key responsibilities of an Ethics Committee, overseeing FIC's ethics audits and training programs, and compliance with VPS Code of Conduct. Further, it reviews and reports on ethical complaints referred to the Audit Committee and FIC's responses to such complaints.
- The **Executive Remuneration Committee** (ERC) provides transparency in relation to the remuneration of non-VPS executive staff, and assists the Senior Master in fulfilling his corporate governance responsibilities. The ERC's policies, as far as practicable, emulate the provisions of the Government Sector Executive Remuneration Panel.
- The **ICT Steering Committee** acts in an advisory capacity to the Senior Master, fulfilling the Senior Master's corporate governance responsibilities on matters relating to ICT systems.

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

All complaints are documented and measured in accordance with the standard. During 2015-16, 43 complaints were received (there were 55 complaints in 2014-2015). Every complaint was followed up or finalised within the required 28 day period.

The Senior Master expects that:

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

FIC's Business Continuity Plan (BCP) enables FIC to respond to a disaster that could destroy, damage, or prevent access to FIC's premises and its critical computer systems, and resume operations as quickly as possible. The BCP was successfully tested and reviewed in August 2015 and March 2016, to ensure its ongoing integrity.

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

- The **Beneficiaries Advisory Committee** [BAC] met quarterly to discuss FIC practices and identify issues and opportunities for improvement. The BAC consists of representatives of FIC, beneficiaries' families and other interested parties such as the Law Institute of Victoria, the Office of the Public Advocate and the Victims Support Agency.
- The **Beneficiaries' Focus Group** (BFG) is a group of beneficiaries that provides FIC with client feedback about the way FIC operates and contributes ideas. The group met once during the reporting year.

APPENDICES



APPENDICES

APPENDIX 1: FINANCIAL REPORT

The Supreme Court's financial position for the year ended 30 June 2016 is published as part of Court Service Victoria's (CSV) audited accounts in the Court Services Victoria Annual Report 2015-16. To view CSV's annual report, visit courts.vic.gov.au.

The following is an abridged version of the CSV's annual financial reports that focuses on the operations of the Supreme Court of Victoria.

COMPREHENSIVE OPERATING STATEMENT

for the year ended 30 June 2016

	Note	2015 \$'000	2016 \$'000
Revenue			
Output appropriations		35,146	38,378
Special appropriations		25,637	28,217
Grants		2,737	154
Total Operating Revenue		63,520	66,749
Expenses			
Employee expenses		48,471	49,495
Depreciation and amortisation		2,441	2,351
Interest expense		92	79
Grants		450	462
Supplies and services		14,645	14,156
Total Operating Expenses		66,099	66,543
Net Operating Surplus (Deficit)		(2,579)	206

APPENDIX 2: JUDICIAL OFFICERS OF THE SUPREME COURT 2015-16

CHIEF JUSTICE

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

PRESIDENT OF THE COURT OF APPEAL

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

JUDGES OF THE COURT OF APPEAL

The Honourable Justice Robert Frank Redlich (2002*)
8 May 2006 – 3 March 2016**

The Honourable Justice Mark Samuel Weinberg
22 July 2008 – present

The Honourable Justice Pamela Mary Tate
14 September 2010 – present

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

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

The Honourable Justice Phillip Geoffrey Priest
23 October 2012 – present

The Honourable Justice Joseph Gerard Santamaria
20 August 2013 – present

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

The Honourable Justice Emilios John Kyrou (2008*)
29 July 2014 – present

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

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

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

JUDGES OF THE TRIAL DIVISION

The Honourable Justice Elizabeth Jane Hollingworth
7 June 2004 – present

The Honourable Justice Kevin Harcourt Bell
10 February 2005 – present

The Honourable Justice Kim William Spencer Hargrave
16 March 2005 – present
Principal judge: Commercial Court

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

The Honourable Justice Anthony Lewis Cavanough
8 May 2006 – present

The Honourable Justice Ross McKenzie Robson
7 August 2007 – present

The Honourable Justice John Herbert Lytton Forrest
7 August 2007 – present
Principal judge: Common Law Division

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

The Honourable Justice James Gregory Judd
4 March 2008 – present

The Honourable Justice Peter Norman Vickery
6 May 2008 – present

The Honourable Justice Terence Michael Forrest
13 October 2009 – present

The Honourable Justice Karin Leigh Emerton
13 October 2009 – present

The Honourable Justice Clyde Elliott Croft
4 November 2009 – present

The Honourable Justice Michael Leon Sifris
13 July 2010 – present

The Honourable Justice Peter Waddington Almond
28 July 2010 – present

The Honourable Justice John Russell Dixon
14 September 2010 – present

The Honourable Justice Cameron Clyde Macaulay
14 September 2010 – present

The Honourable Justice Kate McMillan
6 March 2012 – present

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

The Honourable Justice Geoffrey John Digby
19 November 2012 – present

* Date appointed to the Trial Division

** Date retired from the Bench

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 – 1 February 2016****

The Honourable Justice Joanne Cameron
12 August 2014 – present

The Honourable Justice Christopher William Beale
2 September 2014 – present

The Honourable Justice Michael Phillip McDonald
16 September 2014 – present

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

The Honourable Justice Peter Julian Riordan
10 March 2015 – present

The Honourable Justice Jane Alison Dixon
11 August 2015 – present

The Honourable Justice Andrew John Keogh
4 April 2016 – present

RESERVE JUDGES

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

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

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

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

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

The Honourable Justice Julie Anne Dodds-Streeton (2014**)
24 November 2015 – present

The Honourable Justice Robert Frank Redlich (2016**)
3 March 2016 – present

ASSOCIATE JUDGES

The Honourable Associate Justice John Efthim
18 July 2005 – present

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

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

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

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

The Honourable Associate Justice Nemeer Mukhtar
18 August 2009 – present

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

The Honourable Associate Justice David Mark Brudenell
Derham
11 December 2012 – present
Principal judge: Associate Justices

The Honourable Associate Justice Mary-Jane Ierodiaconou
12 May 2015 – present

JUDICIAL REGISTRARS

Judicial Registrar Mark Pedley
28 January 2011 – 9 October 2015****

Judicial Registrar Meg Gourlay
28 January 2011 – present

Judicial Registrar Steven Wharton
11 December 2012 – 18 March 2016****

Judicial Registrar David Ware
26 May 2014 – present

Judicial Registrar Julian Heteyey
3 November 2014 – present

Judicial Registrar Ian Andrew Irving
1 March 2016 – present

* Date appointed to the Trial Division

** Date retired from the Bench

*** Date appointed as an associate judge

**** Date resigned from the Court

APPENDIX 3: JUDICIAL ACTIVITY

COMMITTEES

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

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

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

Courts Council

Chief Justice Warren – Chair
Justice Garde*

Finance Portfolio Committee

Chief Justice Warren – Chair
Justice Robson
Justice Garde*

CBD Major Assets Strategic Planning Committee

Chief Justice Warren – Chair
Justice Osborn
Justice John Dixon
Justice Garde*

Executive Remuneration Committee

Chief Justice Warren – Chair

Audit & Risk Portfolio Committee

Justice Almond

IT Portfolio Committee

Justice Elliott

HR Portfolio Committee

Associate Justice Lansdowne

Assets and Security Portfolio Committee

Justice Osborn
Justice John Dixon
Justice Garde*

BOARDS AND OFFICES

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

Victorian Civil and Administrative Tribunal

Justice Garde – President

Judicial College of Victoria

Chief Justice Warren – Chair

Forensic Leave Panel

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

Admissions Committee

Justice Kyrou – member

Legal Costs Committee

Associate Justice Wood – Delegate Chair

PROFESSIONAL DEVELOPMENT

Supreme Court judges attended a total of 959 hours of professional development provided by the Judicial College of Victoria in 2015-16. The college provides education for judges, magistrates and VCAT members to keep them up-to-date with developments in the law and social issues.

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

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

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

COMMUNITY ENGAGEMENT

Supreme Court judges, associate judges and judicial registrars are also very active in the community, participating in events and activities that support and promote an understanding of the law and the courts. The following is a summary of judicial activity within the broader community for the financial year.

Chief Justice Warren

1 July 2015: Attended and presided at the inauguration of the Hon Linda Dessau AM at Government House.

1 July 2015: Attended a reception hosted by the US Consul General in celebration of 239 years of US independence at the Myer Mural Hall.

15 July 2015: Attended the Broadmeadows Magistrates' Court Koori Court.

5 August 2015: Attended and delivered a welcome address at the Personal Injuries & Dust Diseases Seminar held in the Banco Court.

6 August 2015: Attended the Sir Anthony Mason Lecture at the Melbourne Law School.

13 August 2015: Attended and introduced the Hon Sir Patrick Elias at the 2015 Higginbotham Lecture, RMIT University.

31 August 2015 and 1 September 2015: Attended and delivered the welcome address at the Judicial College of Victoria seminar '*Balancing the Demands of Judicial Life*'.

10 September 2015: Attended the Caldwell Lecture delivered by the Right Honourable Lady Hale entitled '*Protecting Human Rights in the UL Courts: What are We Doing Wrong?*' at Melbourne Law School.

17 September 2015: Attended a reception recognising the appointment of the Hon Justice Geoffrey Nettle to the High Court of Australia and the Hon Michelle Gordon at Government House.

6 October 2015: Attended the Monash Law School Lucinda Lecture and introduced the guest speaker, Emeritus Professor H P Lee, at the Monash Law Chambers.

14 October 2015: Attended and introduced the orator, Laureate Professor Emeritus Saunders, for the VLF Law Oration in the Banco Court. The address was entitled '*Australian Federal Democracy*'.

15 October 2015: Attended the Governor-General's Lecture Series seminar delivered by Governor-General Sir Peter Cosgrove and together with the Governor-General launched the Courts and Tribunals Academy at the Sir Zelman Cowen Centre.

20 October and 21 October: Attended the meeting of the Council of Chief Justices of Australia and New Zealand in Darwin.

9 November 2015: Attended and commented on the session entitled '*Ongoing regional interaction – the APJRF Model*' at the 16th Conference of Chief Justices of Asia and Pacific at the Law Courts Building in Sydney.

4 December 2015: Together with the President and Justices Hargrave, J Forrest and Lasry received the new Senior Counsel in the Banco Court.

28 and 29 January 2016: Delivered the opening Keynote Address at the International Conference on Court Excellence in Singapore entitled '*The Aspiration of Excellence*'.

1 February 2016: Together with judges, associate judges and judicial registrars attended the Opening of the Legal Year Multi-faith Service and Morning Reception at Government House.

15 February 2016: Delivered the welcome address at the Judicial College of Victoria (JCV) '*Asian Cultural Awareness in the Courtroom – A Conversation of Cultural Intelligence*' at the JCV Learning Centre. Justices Hargrave and Judd were the conference chairs. The Attorney-General, the Hon Martin Pakula MP, officially opened the conference.

17 February 2016: Delivered the keynote address at the Monash University – Australian Centre for Justice Innovation Conference '*The Future of Civil Procedure: Innovation or Inertia*' at Monash Law Chambers.

25 February 2016: Attended a dinner for presenters and chairs of the Administrative Law Seminar hosted by the Judicial College of Victoria.

26 February 2016: Attended the Judicial College of Victoria seminar '*Administrative Law in an Age of Statutes*' at Melbourne Law School.

3 March 2016: Attended a reception at Government House hosted by the Governor in conjunction with the Women Barristers' Association and the Victorian Women Lawyers for rural and regional female legal practitioners.

23 March 2016: Officially opened the '*Modern Prosecutor Conference*' held at Monash Law Chambers. The President also gave an address on expert evidence.

President Maxwell

23 March 2016: Delivered a keynote speech entitled '*Preventing Miscarriages of Justice: Expert Forensic Evidence and the Role of the Prosecutor*' at the Director of Public Prosecutions Victoria's official opening of the 2016 Modern Prosecutor Conference held at Monash University Law Chambers.

18 April 2016: Participated in the Sentencing Roundtable Programme at the University of Cambridge, Institute of Criminology. The President was also a speaker in Session III on '*Backward-looking and Forward-looking Dimensions of Sentencing*'.

Justice Redlich

11 February 2016: Presented at the Judicial College of Victoria seminar on '*Judicial Intervention*'.

19 February 2016: Chaired a session at the Junior Bar Conference '*Ethics and Practice Issues Panel*'.

Justice Weinberg

13 July 2015: Presented at the Judicial College of Victoria seminar '*Juries Directions Act 2015*'.

27 July 2015: Presented jury directions training to Victoria Legal Aid.

21 March 2016: Participated in the appellate advocacy course which was held in the Court of Appeal.

23 March 2016: Attended the Melbourne High School Old Boys Association function at Arnold Bloch Leibler.

29 March 2016: Delivered an appellate advocacy talk to the Victorian Bar Readers' Course participants.

5 April 2016: Attended the Ballarat and District Law Association's Welcome Reception at the Ballarat Club.

9 April 2016: Attended and delivered a presentation on Leo Cussen at the 175th Anniversary of the Supreme Court at the Sir Zelman Cowen Centre at Victoria University.

18 April 2016: Attended a pre-court discussion with participants of the RMIT/Victoria University internship program in the Court of Appeal.

19 April 2016: Participated in a discussion with participants of the Monash externship program in the Court of Appeal.

3 May 2016: Attended a lecture delivered by Professor Richard Susskind OBE entitled *'Future of Courts and Legal Services'* at the Sir Zelman Cohen Centre, Courts and Tribunals Academy.

5 May 2016: Delivered a lecture at Monash University on *'Reforming Pleadings and Discovery'*.

10 May 2016: As Acting Chief Justice, attended the launch of the Human Rights Bench Book. Justice Kate O'Regan of the Constitutional Court of South Africa gave the address and Justice McLeish and other human rights luminaries (including Professor Gillian Triggs) also attended.

Justice Tate

27 August 2015: Attended the 2015 International Court of Justice Fundraising Dinner at which the Hon Justice Keane spoke on Magna Carta.

31 August 2015: Was a member of the judging panel for the grand final International Humanitarian Law moot for the Monash Law Students Society at the Commonwealth Law Courts.

9 September 2015: Was a member of the judging panel for the grand final moot for the Castan Centre in the Court of Appeal.

9 September 2015: Attended and addressed the law students from Victoria University and RMIT University as part of the Court's intern program.

10 September 2015: Attended a luncheon hosted by the Chief Justice with guest the Rt Hon Lady Hale, Baroness of Richmond.

17 September 2015: Was a member of the judging panel for the grand final moot of the Melbourne University Law Students Society at the Commonwealth Law Courts.

15 October 2015: Attended the Governor General Lecture Series seminar and the launch of the Courts and Tribunals Academy at the Sir Zelman Cowen Centre.

28 to 30 October 2015: Attended the National Judicial College of Australia Judicial Leadership Conference in Sydney.

11 November 2015: Attended the ceremonial sitting for Justice Mark Moshinsky at the Commonwealth Law Courts.

1 February 2016: Attended Multi Faith Opening of the Legal Year at Government House.

3 March 2016: Attended a meeting of the Judicial College of Victoria Collegial Leadership Steering Committee.

19 March 2016: Organised and presided at an all-day advocacy session entitled *'Feedback from the Bench to Women Barristers'* organised in conjunction with the Women Barristers' Association held in the Court of Appeal.

21 March 2016: Co-judged the 2015-16 Price Media Law Moot at Melbourne Law School.

14 April 2016: Attended a reception for the Global Leaders Network at the Monash University city campus.

10 May 2016: Attended the launch of the Human Rights Bench Book. Justice Kate O'Regan of the Constitutional Court of South Africa gave the address and Justice McLeish and other human rights luminaries (including Professor Gillian Triggs) also attended.

12 May 2016: As Acting Chief Justice, hosted a small reception for Justice O'Regan at the Supreme Court.

26 to 29 May 2016: Attended the International Association of Women Judges 13th Biennial Conference in Washington DC, USA.

Justice Osborn

7 August 2015: Participated in Shepparton Law Courts Jury Courtroom Layout workshop.

14 August 2015: Attended Shepparton Law Courts Steering Committee meeting.

18 August 2015: Attended the Jury Directions Advisory Committee meeting.

11 September 2015: Attended the Shepparton Law Courts Steering Committee meeting.

13 October 2015: Attended the viewing of the Jury Court Room Model proposed for the new Shepparton Law Courts.

13 November 2015: Attended the Shepparton Law Courts Steering Committee meeting.

23 January to 28 January 2016: Attended Supreme and Federal Court Judges Conference in Brisbane.

1 February 2016: Attended Multi Faith Opening of the Legal Year at Government House.

17 February 2016: Attended Shepparton Law Courts redevelopment update meeting.

18 February 2016: Attended meeting of the Jury Directions Advisory Group.

26 February 2016: Attended the Judicial College of Victoria seminar *'Administrative Law in an Age of Statutes'* at Melbourne Law School.

10 March 2016: Attended meeting of the Jury Directions Advisory Group.

11 March 2016: Attended Shepparton Law Courts redevelopment meeting.

11 March 2016: Sworn in as a judge of the ACT Supreme Court.

27 May 2016: Attended the Victorian Bar Dinner at Myer Mural Hall.

10 June 2016: Attended Shepparton Law Court Steering Committee meeting.

23 June 2016: Attended the Jury Directions Advisory Group meeting.

Justice Whelan

9 July 2015: Delivered a presentation at the Melbourne Press Club entitled *'Suppression Orders'*.

27, 28 and 29 September 2015: Presented a forum at the Media Law Resource Centre Conference entitled *'Views from the Bench'* with Justice Nicol of the High Court of England and Wales, in London.

16 November 2015: Gave an address to a meeting of Forensic Psychologists and Psychiatrists on *'Mental Health and Impairment in Criminal Sentencing'*.

25 February 2016: Delivered presentation entitled '*Court Room Control – Contempt in the Face of the Court*' at the National Judicial Orientation Program.

23 March 2016: Gave an address at the Harold Ford Scholarship reception at Melbourne Law School.

7 June 2016: Delivered a presentation at the Victorian Bar's launch of the *Open Courts Act* pro bono scheme at Owen Dixon Chambers East.

Justice Priest

19 February 2016: Delivered a presentation at the Junior Bar Conference in the McPhee Room in Owen Dixon Chambers on '*Taking Objections*'.

Justice Beach

14 September 2015: Attended and addressed the Victorian Bar Readers' Course on the topic '*A Difficult Day in Court*'.

21 September 2015: Attended and delivered a presentation at the Commercial Court CPD Seminar at Monash University on the topic '*Insights into the New Civil Appeal Rules*'.

30 March 2016: Delivered a presentation on '*A Bad Day in Court*' at the Bar Readers' course.

18 April 2016: Participated in the hearing and adjudication of the Grand Final of the Monash Law Students' Society General Moot Competition, Senior Division, 2016.

Justice Kyrou

30 July 2015: Judged a public speaking competition for the Australian Insurance Law Association in Melbourne.

14 August 2015: Attended a meeting of the Judicial Council on Cultural Diversity in Melbourne.

21 September 2015: Attended and delivered a presentation at St Eustathios Greek Orthodox Church entitled '*Is there a Place for Religion in the Judicial System in Multicultural Victoria in the 21st Century*'.

4 December 2015: Delivered a presentation entitled '*What's in a Name*' at the Eastern Solicitors Law Association.

28 January 2016: Attended the Supreme and Federal Court Judges' Conference in Brisbane.

1 February 2016: Attended the Eastern Orthodox Opening of the Legal Year Ceremony at St Eustathios Church, South Melbourne.

11 February 2016: Delivered motivational speech on how to succeed academically and professionally to students of St Andrew's Grammar School in Perth.

12 February 2016: Attended the launch of the Tasmanian Chapter of the Hellenic Australian Lawyers Association at the Supreme Court of Tasmania.

12 February 2016: Attended the launch of the Western Australian Chapter of the Hellenic Australian Lawyers Association at the Supreme Court of Western Australia.

25 February 2016: Jointly presented sessions on cultural diversity, interpreters and courtroom control at the National Judicial Orientation Program in Adelaide.

8 April 2016: Attended a meeting of the Admissions Committee established under the Legal Profession Uniform Law.

15 April 2016: Attended the launch of the ACT Chapter of the Hellenic Australian Lawyers Association in Canberra.

10 May 2016: Presented a paper on volunteering at a National Volunteer Week function organised by Fronditha Care.

11 May 2016: Attended the launch of Law Week organised by the Law Foundation.

12 May 2016: Presented a paper on volunteering at a National Volunteer Week function organised by the Australian Greek Welfare Society.

14 June 2016: Presented to the senior students of Oakleigh Grammar School on how to succeed academically and professionally.

Justice Kaye

4 September 2015: Attended and delivered a presentation at the 2015 National Indigenous Legal Conference entitled '*The Importance of Cultural Awareness Training for Judicial Officers*'.

11 September 2015: Attended the welcome ceremony for Justice Gordon at the High Court in Melbourne.

16 September 2015: Chaired a meeting of the Judicial Officers Aboriginal Culture Awareness Committee.

5 October 2015: Attended the 10 year anniversary celebration of the Melbourne Children's Koori Court.

13 to 15 November 2015: Attended the Back to the Country weekend on Gunai Kurnai Land.

2 December 2015: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

3 December 2015: Chaired a meeting of the Court Services Victoria Koori Inclusion Action Plan Steering Committee.

7 December 2015: Attended the Smoking Ceremony for the William Barak Room and unveiling in Supreme Court Library of portrait of William Barak, Indigenous Wurundjeri Leader.

9 December 2015: Attended Presentation Day for Worawa Aboriginal College.

28 January 2016: Attended the teleconference of the National Indigenous Justice Committee.

5 February 2016: Attended the Smoking Ceremony in the Supreme Court courtyard for the Opening of the Legal Year.

29 February 2016: Attended the Victorian Bar Indigenous Justice Committee function for participants in 2016 Indigenous Clerkship Program.

1 March 2016: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

3 March 2016: Attended Federal Court reception for 2016 Indigenous Law Clerks.

4 March 2016: Hosted Supreme Court reception for participants in 2016 Indigenous Clerkship Program.

17 March 2016: Attended the Koori Twilight seminar '*Family Violence*' presented by Tammy Anderson.

18 March 2016: Attended the Farewell Sitting for former Chief Judge Michael Rozenes AO.

22 March 2016: Chaired a meeting of the Court Services Victoria Koori Inclusion Action Plan Steering Committee.

5 May 2016: Attended the Judicial College of Victoria twilight seminar '*Aboriginal Placement Principles*'.

6 June 2016: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

10 June 2016: Chaired a presentation to Court staff on Wurundjeri history and culture by Uncle Bill Nicholson of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council.

16 June 2016: Attended Judicial College of Victoria seminar '*Communicating with Indigenous Witnesses*'.

21 June 2016: Chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

29 June 2016: Attended Australasian Institute of Judicial Administration Indigenous Justice Committee teleconference.

Justice McLeish

20 August 2015: Attended the Court of Appeal 20th Anniversary seminar reception held in the Banco Court.

10 September 2015: Attended the Human Rights Bench Book Committee meeting at the Judicial College of Victoria.

10 September 2015: Attended the Caldwell Lecture delivered by the Rt Hon Lady Hale entitled '*Protecting Human Rights in the UL Courts: What are We Doing Wrong?*' at the Melbourne Law School.

17 September 2015: Attended a reception recognising the appointments to the High Court of Australia of the Hon Justice Geoffrey Nettle and the Hon Michelle Gordon at Government House.

6 October 2015: Attended the 2015 Victorian Championship Moot, at the Federal Court.

8 October 2015: Attended the Human Rights Bench Book Committee meeting at the Judicial College of Victoria.

10 November 2015: Attended and presented a session entitled '*Recent Developments in the Law of Trusts*' at the Commercial Bar Seminar held at the William Cooper Centre.

28 January 2016: Attended the Human Rights Bench Book Committee meeting at the Judicial College of Victoria.

21 to 25 February 2016: Attended the '*National Judicial Orientation Program*' in Adelaide.

26 February 2016: Attended the Judicial College of Victoria seminar '*Administrative Law in an Age of Statutes*' at Melbourne Law School.

19 March 2016: Attended a conference on the Oxford Handbook to the Australian Constitution at the Melbourne Law School.

22 March and 14 April 2016: Attended the Human Rights Bench Book Committee meeting at the Judicial College of Victoria.

10 May 2016: Attended the launch of the Human Rights Bench Book. Justice Kate O'Regan of the Constitutional Court of South Africa gave the address and Justice McLeish and other human rights luminaries (including Professor Gillian Triggs) also attended.

11 May 2016: Attended the launch of Cheryl Saunders Scholarship at Ninian Stephen Chambers.

27 May 2016: Attended the Victorian Bar Dinner at Myer Mural Hall.

Justice Hollingworth

3 to 5 July 2015: Attended the Australian Bar Association conference in Washington DC on '*Trends in American Justice: Impacts for Australia*'.

7 to 10 July 2015: Attended the Australian Bar Association conference in Boston on '*Survival of the Fittest: Challenges for Advocates in the 21st Century*'.

13 August 2015: Attended the '*Accelerating Change*' seminar organised by the Victorian Equal Opportunity & Human Rights Commission.

18 August 2015: Attended a meeting of the National Judicial College of Australia judgment writing planning committee.

24 August 2015: Attended a meeting with representatives of the Victims Support Agency.

27 August 2015: Attended the fundraising event for the International Commission of Jurists.

27 August 2015: Attended a meeting concerning the Indictable Crimes Certificate.

7 September 2015: Attended a meeting of the Criminal Liaison Group.

8 September 2015: Attended a meeting of the CommBar Planning Committee.

9 September 2015: Attended the Victorian Women Lawyers' Lesbia Harford Oration.

10 September 2015: Attended a function with the Rt Hon Lady Hale, Baroness of Richmond.

16 September 2015: Attended a meeting of the Forensic Evidence Working Group.

20 September 2015: Judged the grand final of the Australian and New Zealand Intervarsity Moot on animal law.

24 September 2015: Judged the grand final of Clayton Utz Witness Examination Competition at Melbourne University.

28 September 2015: Presented at the panel discussion at the Australian Bar Association Training Council/Victorian Bar seminar '*What the Bench and Bar are doing to enhance barristers' advocacy*'.

29 September 2015: Attended and presented to the Victorian Bar Readers' on judicial views on written advocacy.

29 September 2015: Judged the semi-final of the Warren Moot organised by the Victorian Women Lawyers.

9 October 2015: Attended and presented at the Victorian Bar/LIV conference on current developments in the Criminal Division.

15 October 2015: Attended the dinner organised by International Justice Mission Australia to promote the advocacy connection between Uganda and Victoria.

19 October 2015: Attended and chaired the meeting of the Melbourne University Law School External Advisory Council.

4 November 2015: Attended the meeting of the National Judicial College of Australia Judgment Writing Course Planning Committee.

9 November 2015: Attended a meeting of the Criminal Liaison Group.

10 November 2015: Attended the Judicial College of Victoria seminar '*Healthy Court Culture*'.

11 November 2015: Attended a meeting of the Forensic Evidence Working Group.

11 November 2015: Attended the launch of the CommBar Equitable Briefing Policy Initiative.

13 November 2015: Attended a presentation by Annabel Crabb, organised by the Green's List.

13 to 15 November 2015: Attended the Back to the Country weekend on Gunai Kurnai Land.

19 March 2016: Judged one of the moots for women barristers organised by Justice Tate and the Women Barristers' Association.

20 to 23 March 2016: Presented at the National Judicial College's judgment writing course in Canberra.

9 April 2016: Conducted a judgment writing seminar at Deakin University for judges of the Supreme Court of Sri Lanka.

20 April 2016: Attended a reception to mark the launch of the Indictable Crime Certificate.

28 April 2016: Presented to the Bar Readers on written advocacy.

2 May 2016: Attended a meeting of the Criminal Liaison Group.

11 May 2016: Attended the launch by Melbourne Law School of the Cheryl Saunders Scholarship.

19 May 2016: Presented to students from St Michael's Grammar on the work of the Supreme Court.

24 May 2016: Attended a reception for the Magistrate to Barrister Mentoring Program, organised by the Women Barristers' Association.

1 June 2016: Attended a meeting of the Forensic Evidence Working Group.

Justice Bell

13 July 2015: Attended the Judicial College of Victoria regarding update on changes to *Jury Directions Act 2015*.

7 September 2015: Attended a meeting with delegates from the Indian Bar Council.

15 October 2015: Attended a combined Supreme Court of Victoria and Federal Court of Australia Judges' reception held at the Federal Court of Australia.

29 October 2015: Attended the reception for Justice Zervos at Melbourne University.

29 October 2015: Attended the Castan Centre/United Nations Association of Australia human rights panel.

5 May 2016: Attended and spoke at the '*Employment and Industrial List*' seminar at the William Cooper Justice Centre.

10 May 2016: Attended the Judicial College of Victoria's Charter of Human Rights Bench Book Launch in the Banco Court.

Justice Hargrave

1 July 2015: Attended the inauguration of the Hon Linda Dessau AM at Government House.

15 February 2016: Attended a seminar entitled '*Asian Cultural Awareness in the Courtroom*'.

26 February 2016: Attended the Judicial College of Victoria seminar '*Administrative Law in an Age of Statutes*' at Melbourne Law School.

10 March 2016: Attended a Commercial Court Users Group meeting.

Justice Cavanough

3 and 5 July 2015: Attended the Australian Bar Association conference in Washington, USA.

7 to 10 July 2015: Attended the Australian Bar Association conference in Boston, USA.

5 August 2015: Attended the Personal Injuries and Dust Diseases List CPD seminar in the Banco Court.

12 August 2015: Attended the launch for Pizer's Annotated VCAT Act (5th ed.) at VCAT.

4 September 2015: Attended the '*Judges and the Academy*' seminar at the University of Melbourne.

6 October 2015: Attended the Lucinda Lecture at the Monash Law Chambers.

8 October 2015: Attended the Australian Academy of Law symposium.

9 to 11 October 2015: Attended the Judicial Conference of Australia Colloquium conference.

15 October 2015: Attended a combined Supreme Court of Victoria and Federal Court of Australia judges' reception held at the Federal Court of Australia.

16 October 2015: Attended the Australasian Institute of Judicial Administration oration on '*Judicial Administration*'.

13 November 2015: Attended presentation by Annabel Crabb, organised by Green's List.

23 to 27 January 2016: Attended the Supreme and Federal Court Judges' Conference in Brisbane, including chairing a session and attending meetings of the organising committee.

26 February 2016: Attended the Judicial College of Victoria '*Administrative Law in an Age of Statutes*' program at the University of Melbourne.

31 March 2016: Attended the launch in the Law Library for the 175th anniversary of the Supreme Court.

12 April 2016: Attended the 175th anniversary of the Supreme Court and launch of '*Judging for the People*' in the Supreme Court Library.

27 May 2016: Attended the Victorian Bar Dinner at Myer Mural Hall.

2 June 2016: Delivered a presentation to students from St Bede's College as part of the Supreme Court Education Program.

Justice Robson

29 March 2016: Attended Bishops Court for the launch of the book *'Saluting the Amaryllis'* by the Hon C R Tadgell.

6 April 2016: Attended reception at Deakin Law School for delegation of visiting Sri Lankan judges.

7 April 2016: Addressed a seminar for visiting Sri Lankan judges hosted by Deakin Law School on *'The Judicial System in Australia'*.

5 and 6 May 2016: Addressed Juris Doctor students from University of Melbourne studying dispute resolution. Provided background and professional history as well as speaking on the role of the judge in dispute resolution.

12 May 2016: Attended the Judicial College of Victoria's Law and Literature Series *'Celebrating 150 years: Crime and Punishment'*.

13 May 2016: Attended the Judicial College of Victoria's seminar on *'The Digital Future: Challenges and Opportunities'*.

19 May 2016: Chaired a Deakin Law School Advisory Board meeting.

25 May 2016: Attended the Menzies Foundation's Annual General Meeting.

29 and 30 June 2016: Attended and delivered a presentation on case management at the London 2016 International Commercial Law Conference.

Justice J Forrest

26 February 2016: Attended the Judicial College of Victoria seminar *'Administrative Law in an Age of Statutes'* at Melbourne Law School.

2 March 2016: Delivered a presentation to members of the Victorian Bar with Justice Judd on the Practice Court reforms.

14 and 15 March 2016: Attended a class actions seminar in Sydney.

13 April 2016: Co-chaired a symposium with Justice Zammit jointly hosted by the Supreme Court of Victoria and Melbourne Law School entitled *'Innovation in Litigation: Lessons from the Kilmore East-Kinglake Litigation'*.

21 April 2016: Attended the Personal Injuries Dust and Diseases CPD seminar in Court 6 of the William Cooper Justice Centre.

Justice Lasry

8 April 2016: Delivered an address at Melbourne University Law School to a class of students studying mediation.

Justice Vickery

2 September 2015: Attended the 7th Francis Gurry Lecture on intellectual property entitled *'To boldly reform IP dispute resolution: Experience in the Intellectual Property Enterprise Court'*.

8 October 2015: Attended the Society of Construction Law Australia seminar entitled *'Delay Analysis: is it really that hard?'* at Minter Ellison.

22 October 2015: Presented an address to the Society of Construction Law Australia for the 2015 national conference.

19 November 2015: Attended the opening of the new offices of Corrs Chambers Westgarth.

23 to 24 November 2015: Attended the Third International Arbitration Conference in Sydney.

9 December 2015: Delivered feedback on the Society of Construction Law Australia's final Charrett Moot and delivered the Christmas address to the society.

10 December 2015: Attended the Melbourne Technology Engineering and Construction Chambers launch of website event.

25 February 2016: Attended the book launch of *'Australian Commercial Arbitration'* in the Supreme Court Library.

3 March 2016: Attended a reception to celebrate the achievements of Mr Ian Kennedy AM.

5 May 2016: Presented a paper to the Society of Construction Law (Australia) and via teleconference to the Society of Construction Law Hong Kong and United Kingdom on *'Electronic Aids to the Discovery Process in Construction Litigation'*.

Justice Emerton

13 July 2015: Attended the Judicial College of Victoria seminar *'Juries Directions Act 2015'*.

12 August 2015: Attended the launch of the 5th edition of Pizer's Annotated VCAT Act.

20 August 2015: Attended the 20th Anniversary of the Court of Appeal seminar in Banco court.

22 April 2016: Attended the Collegial Leadership Forum.

5 May 2016: Attended the signing of the Bar Roll.

10 May 2016: Attended the launch of the Human Rights Bench Book. Justice Kate O'Regan of the Constitutional Court of South Africa gave the address.

11 May 2016: Attended the launch of Law Week.

Justice Croft

21 September 2015: Attended the welcome reception for Justice George Manahu of the Supreme Court of Papua New Guinea.

21 September 2015: Attended and chaired the Monash Commercial CPD seminar *'Civil Appeal Rules'*.

24 September 2015: Attended and delivered the keynote address at the LEADR IAMA 'kon gres' conference *'Support for the ADR in the Commercial Court'*.

30 September 2015: Attended and chaired the Green's List CPD seminar *'Identity Issues for Mortgagees'*.

9 October 2015: Attended the *'Path to Enlightenment'* panel discussion at the Victorian Bar/LIV conference.

10 November 2015: Attended the Class Actions User Group meeting at the Supreme Court.

11 November 2015: Attended and delivered a presentation at the Monash Commercial CPD seminar *'The Role of the Courts in Australia's Arbitration Regime'* with the Hon Chief Justice Allsop AO.

17 November 2015: Attended a Melbourne Commercial Arbitration and Mediation Centre Committee meeting.

18 November 2015: Attended the book launch, Lloyd and Rimmer *'Sale of Land Act Victoria'* in the Supreme Court Library.

18 January 2016: Attended the Opening of the Legal Year event held at the Geelong Law Courts and St Mary's Basilica.

10 February 2016: Attended the Monash commercial CDP seminar.

16 February 2016: Attended the Judicial College of Victoria's focus group (representing the Education Committee).

25 February 2016: Attended the Australian Commercial Arbitration Book launch held at the Supreme Court Library.

4 March 2016: Attended the Arbitrators & Mediators Institute of New Zealand conference held in New Zealand.

13 April 2016: Together with the Chief Justice, delivered a presentation entitled '*An International Commercial Court for Australia: Looking beyond the New York Convention*' at a CPD seminar held at Monash Law Chambers.

8 June 2016: Chaired a commercial CPD seminar on '*Statutory Interpretation*' at Monash University Law Chambers.

9 June 2016: Attended the Greens List CPD at Monash University Law Chambers in Lonsdale Street.

Justice Sifris

29 October 2015: Attended and addressed the Law Council of Australia Insolvency & Reconstruction Committee workshop.

15 November 2015: Delivered a paper entitled '*What happens when religion and the law conflict*'.

8 December 2015: Delivered a lecture to a business forum entitled '*Communication with Impact*'.

10 February 2016: Delivered a presentation at a commercial CPD seminar at Monash University Law Chambers on '*Removal of Trustees*'.

10 March 2016: Keynote speaker at a conference hosted by HWL Ebsworth Lawyers on '*Insolvency A Year in Review and the Year Ahead*'.

Justice Almond

30 September 2015: Attended a Special Audit & Risk Portfolio Committee meeting.

14 October 2015: Was a member of the judging panel for grand final of the Warren Moot organised by the Victorian Women Lawyers.

11 November 2015: Attended the launch of the CommBar Equitable Briefing Initiative at the Federal Court of Australia.

17 November 2015: Attended the Judicial College of Victoria Twilight Consultation entitled '*Asian Cultural Awareness in the Courtroom*'.

26 February 2016: Attended the Judicial College of Victoria seminar '*Administrative Law in an Age of Statutes*' at Melbourne Law School.

15 February 2016: Attended the Judicial College of Victoria seminar '*Asian Cultural Awareness in the Courtroom*'.

22 April 2016: Attended the Judicial College of Victoria Leadership and Management Program.

Justice John Dixon

13 May 2016: Attended a conference entitled '*The Digital Future: Challenges and Opportunities*'.

13 April 2016: Attended a symposium on '*Innovation in Litigation*' at Melbourne University.

Justice Macaulay

14 July 2015: Attended reception and viewing of the Emmerson Collection at the State Library of Victoria.

1 August 2015: Attended the Law Library of Victoria planning workshop on '*Future Library Direction*'.

24 August 2015: Attended a joint function between the Bendigo Bar and Bendigo solicitors and delivered a speech regarding the Bench and the Bar in the district and the importance of the regional circuit.

28 January 2016: Attended the Supreme and Federal Court judges conference in Brisbane.

19 February 2016: Presented a session at the Junior Bar Conference held at Owen Dixon East Chambers with Dr Andrew Hanak on the topic of '*Managing your day in court*'.

2 March 2016: Participated in the Supreme Court Education Program and addressed a group of year 11 students from Plenty Valley Christian.

13 April 2016: Delivered a speech at the launch of the 9th Edition of the '*Insurance Contracts Act Handbook*' at Minter Ellison.

22 April 2016: Attended the Judicial College of Victoria Leadership and Management Program.

3 May 2016: Presented at the Law Library of Victoria & Jurisdictions' Forum at the Supreme Court Library.

4 May 2016: Presented on civil procedure to the first year Juris Doctor Melbourne University students.

11 May 2016: Chaired a meeting of the Law Library of Victoria Committee and Supreme Court Library Committee at the Victorian Bar, Owen Dixon Chambers East.

12 May 2016: Chaired the Council of Law Reporting in Victoria meeting in the Barak Room.

12 May 2016: Representing the Chief Justice, presented the Supreme Court Prize at the Deakin Law School Awards.

2 June 2016: Participated in the Monash University Externship program with students attending the Supreme Court.

3 June 2016: Attended the Consultative Council of Australian Law Reporting Conference in Sydney.

23 June 2016: Presented to Dafydd Lewis Scholarship students at the Supreme Court.

Justice McMillan

14, 16, 17 and 18 October 2015: Attended the Commonwealth Magistrates Court and Judges' Association Conference in Wellington, New Zealand.

15 October 2015: Attended and delivered a presentation at the Continuing Legal Education Association of Australasia.

23 to 28 January 2016: Attended the Supreme Court and Federal Court judges' conference in Brisbane.

16 March 2016: Chaired a CPD seminar on the '*Civil Procedure Act 2010*' for Greens List.

Justice Garde

9 February 2016: Attended the Judicial College of Victoria seminar '*Active Rather Than Passive – Clear Communication*' for VCAT members.

24 February 2016: Chaired the Judicial College of Victoria seminar '*Measuring and Managing Court Performance*'.

22 April 2016: Presented at the Council of Australasian Tribunals conference in Melbourne on '*Ensuring Procedural Fairness – Tribunals to Courts*'.

27 May 2016: Attended a symposium on '*Challenges of Social Media for Courts and Tribunals*'.

9 and 10 June 2016: Attended the national Council of Australasian Tribunals conference.

Justice Digby

1 July 2015: Attended the inauguration of the Hon Linda Dessau AM at Government House.

3 July 2015: Addressed the competitors at the Welcome Reception for the 16th Annual International Maritime Law Arbitration Moot.

7 July 2015: Adjudicated a semi-final of the International Maritime Law Arbitration Moot.

20 August 2015: Adjudicated a preliminary round of the Law Institute of Victoria and Hanover Mooting Competition.

7 September 2015: Attended and chaired a session of the annual Supreme Court of Victoria/Melbourne University Law School Commercial Law Conference in the Banco Court.

8 October 2015: Attended and co-chaired the Australian Academy of Law Symposium in the Banco Court.

17 November 2015: Attended the Judicial College of Victoria Twilight Consultation entitled '*Asian Cultural Awareness in the Courtroom*'.

1 February 2016: Attended the Red Mass at St Patrick's Cathedral to mark the opening of the legal year.

15 February 2016: Attended the Judicial College of Victoria Asian Cultural Awareness seminar.

7 March 2016: Visited Melbourne University Law School to hear a lecture given by the Hon Sir Vivian Ramsey.

9 March 2016: Co-judged the London 2016 International Commercial Law Conference Young CommBar Essay Competition.

10 March 2016: Participated in the Education Program and addressed Lowanna College Year 11 Legal Studies Group.

16 March 2016: Attended the Federal Court's admiralty and maritime law seminar.

16 March 2016: Attended the official opening of the Tom Smith Library and Reading Room at RMIT.

23 March 2016: Chaired an Admiralty User Group List meeting.

6 May 2016: Attended a maritime law seminar hosted by Holman Fenwick Willan Solicitors on '*The Role of the Expert Witness*'.

15 June 2016: Presented a paper entitled '*International Arbitration – Recent Developments to the Resolution Institute*' (LEADR & IAMA).

30 June 2016: Was a panellist and commentator at the London 2016 International Commercial Law Conference.

Justice Elliott

1 July 2015: Attended the inauguration of the Hon Linda Dessau AM at Government House.

18 August 2015: Attended Judicial College of Victoria's Koori twilight seminar.

17 September 2015: Attended the reception for Justices Gordon and Nettle at Government House, Melbourne.

28 September 2015: Conducted a workshop on witness proofing for the Victorian Bar Readers course.

9 October 2015: Took part in a panel discussion as part of the Victorian Bar & LIV Conference 2015. The topic under discussion was '*The Paper(less) Chase: managing discovery, evidence and trials effectively in a 'virtual' age*'.

29 and 30 October 2015: Attended a leadership program conducted by the National Judicial College of Australia.

17 November 2015: Attended a seminar on Asian cultural awareness conducted by the Judicial College of Victoria.

1 February 2016: Attended the Opening of the Legal Year Multi-faith Service and Morning Reception at Government House.

10 February 2016: Co-hosted with Louise Anderson, Chief Executive Officer, Supreme Court of Victoria an event to thank the Judicial ICT Project Team at the Supreme Court of Victoria.

15 February 2016: Attended Judicial College of Victoria seminar on '*Asian cultural awareness in the courtroom*' at the Judicial College of Victoria.

19 February 2016: Conducted a seminar on '*Preparing witnesses*' for the Victorian Bar's Junior Bar Conference at the Neal McPhee Room, Owen Dixon Chambers.

25 February 2016: Attended the launch of '*Australian Commercial Arbitration*' at the Law Library of Victoria.

26 February 2016: Attended the seminar '*Administrative law in an age of statutes*' at the Judicial College of Victoria.

10 March 2016: Conducted a seminar on '*Preparing witnesses*' for the Victorian Bar Readers Course at the Neal McPhee Room, Owen Dixon Chambers.

3 May 2016: Attended a lecture delivered by Professor Richard Susskind OBE entitled '*Future of Courts and Legal Services*' at the Sir Zelman Cohen Centre, Courts and Tribunals Academy.

12 May 2016: Delivered a speech at the Supreme Court of Victoria's volunteers' appreciation lunch as part of National Volunteers' Week.

13 May 2016: Chaired a workshop on '*Digital Future: Challenges and Opportunities*' at the Judicial College of Victoria.

31 May 2016: Attended the welcome for Judge McNab at the Federal Circuit Court.

9 June 2016: Attended the seminar '*Talking Heads: Wurundjeri History and the Court*' given by Uncle Bill, Elder from the Wurundjeri Council in the Barak room, Supreme Court of Victoria.

21 June 2016: Delivered a presentation to students from Presentation College as part of the Supreme Court Education Program.

Justice Ginnane

31 August and 1 September 2015: Attended and delivered the welcome address at the Judicial College of Victoria seminar '*Balancing the Demands of Judicial Life*'.

4 September 2015: Attended the '*Judges and the Academy Series*' seminar at the University of Melbourne.

10 September 2015: Attended the Caldwell Lecture delivered by Lady Hale entitled '*Protecting Human Rights in the UL Courts: What are We Doing Wrong?*' at the Melbourne Law School.

9 to 11 October 2015: Attended Judicial College of Australia Judicial Colloquium 2015 at Glenelg, South Australia.

16 October 2015: Attended the 21st Australian Institute of Judicial Administration Oration by Fr Frank Brennan SJ AO.

26 February 2016: Attended and spoke at the Judicial College of Victoria seminar '*Administrative Law in an Age of Statutes*' at Melbourne University Law School.

19 March 2016: Attended the Governing Council meeting of the Judicial Conference of Australia.

21 March: Delivered a presentation to Legal Studies students as part of the Supreme Court's Education Program.

5 April 2016: Delivered a speech at the Professional Development Day for the Supreme Court Education Team.

13 April and 26 April: Delivered a presentation to Legal Studies students as part of the Supreme Court's Education Program.

2 May 2016: Addressed Juris Doctor students from Melbourne University Law School.

23 and 31 May 2016: Delivered a presentation to Legal Studies students as part of the Supreme Court's Education Program.

Justice Sloss

3 and 5 July 2015: Attended the Australian Bar Association conference in Washington DC on '*Trends in American Justice: Impacts for Australia*'.

7 and 10 July 2015: Attended the Australian Bar Association conference in Boston on '*Survival of the Fittest: Challenges for Advocates in the 21st Century*'.

25 September 2015: Attended the Festschrift for Justice Paul Finn in Canberra.

18 March 2016: Attended the farewell sitting for former Chief Judge Michael Rozenes AO.

12 April 2016: Attended the 175th anniversary of the Supreme Court and launch of '*Judging for the People*' in the Supreme Court Library.

5 May 2016: Attended the signing of the Bar Roll.

29 and 30 June 2016: Attended the London 2016 International Commercial Law Conference.

Justice Croucher

1 March 2016: Chaired the Criminal Proceedings Manual Editorial Committee at the Judicial College of Victoria.

Justice Cameron

17 August 2015: Attended the Salvation Army event at the Myer Mural Hall.

25 May 2016: Delivered a keynote address and the Supreme Court Prize on behalf of the Chief Justice at the Melbourne Law School Awards Ceremony 2016 at University of Melbourne.

Justice Beale

22 March 2016: Presented to the Bar Readers on '*Concepts of Cross-examination*' at Owen Dixon Chambers.

14 April 2016: Attended a meeting with the Department of Justice and Regulation in relation to multiple complainants' sexual offence trials.

10 May 2016: Attended a Human Rights Bench Book Committee meeting at the Judicial College of Victoria.

Justice McDonald

9 November 2015: Attended a consultation with 18 leading practitioners on employment and industrial law.

5 May 2016: Delivered a presentation entitled '*The Operation of the List*' at the inaugural Employment & Industrial List seminar held at the William Cooper Justice Centre.

10 May 2016: Attended the Judicial College of Victoria's Charter of Human Rights Bench Book Launch in the Banco Court.

Justice Zammit

5 August 2015: Participated in the Personal Injuries List CPD seminar for practitioners.

4 September 2015: Attended the Legalwise seminar entitled '*Asbestos and other related diseases litigation*'.

12 October 2015: Attended the Melbourne University '*Advanced Civil Litigation*' seminar.

15 October 2015: Attended the Australian Insurance Law Association national conference.

11 November 2015: Attended the Broadmeadows Community Legal Service Annual General Meeting.

12 November 2015: Participated in the gender equality video by the Football Federation of Victoria.

24 November 2015: Delivered the keynote address on legal ethics at the Australian Italian Lawyers Association networking event.

27 to 28 November 2015: Attended as the facilitator at the Women in Football 21st Century Town Hall meeting held in the Olympic Room at the MCG.

4 December 2015: Attended the Leo Cussen students' internship and mentoring session.

11 December 2015: Participated in a tour of the Thomas Embling Hospital.

14 December 2015: Attended the Women Barristers Association Christmas function.

16 February 2016: Chaired the Self-Represented Litigants Expert Round Table event at the Sir Zelman Cowen Centre.

7 March 2016: Participated in the Supreme Court Education Program with Shepparton High School students.

8 March 2016: Was the Keynote Speaker at the Slater & Gordon Medical Law Forum.

9 March 2016: Chaired the Judicial College of Victoria's '*Funds in Court: Financial Abuse Series (Day 2)*'.

19 March 2016: Was a guest judge at a moot for the Women Barristers' Association.

13 April 2016: Co-chaired a symposium with Justice J Forrest jointly hosted by the Supreme Court of Victoria and Melbourne Law School called '*Innovation in Litigation: Lessons from the Kilmore East-Kinglake Litigation*'.

21 April 2016: Chaired the Personal Injuries Dust and Diseases CPD seminar in Court 6 of the William Cooper Justice Centre.

27 April 2016: Delivered a presentation and took part in a question and answer session with the East Keilor Football Club under 15 girls' team.

3 May 2016: Attended *'The Future of the Courts and Legal Services'* Sir Zelman Cowen Centenary Oration given by Professor Richard Susskind OBE at Victoria University.

11 May 2016: Attended the launch of Law Week.

13 May 2016: Delivered a presentation and took part in a question and answer session with RMIT Juris Doctor students at the William Cooper Justice Centre.

16 May 2016: Delivered a presentation and took part in a question and answer session with students at Ave Maria College.

18 May 2016: Chaired the Personal Injuries List Users Group meeting.

19 May 2016: Attended a panel discussion on *'Family Violence in Australia – migrant women slip through the cracks'*.

25 May 2016: Chaired the Dust Diseases List Users Group meeting.

9 June 2016: Attended the launch of the Victorian Women Lawyers Mentoring Program.

17 June 2016: Attended a discussion with the former Deputy Chief Justice of South Africa, Justice Dikgang Moseneke.

Justice Riordan

6 August 2015: Adjudicated at the Law Institute of Victoria moot in the Old High Court.

8 April 2016: Attended the *'Turning of the first sod'* for the new state-of-the-art Shepparton Law Courts. Judge Mullaly, Chief Magistrate Lauritsen, the Parliamentary Secretary for Justice, Ben Carroll, Member for Northern Victoria and Minister for Training and Skills, Steve Herbert and Member for Shepparton Suzanna Sheed also attended.

Justice Jane Dixon

14 April 2016: Attended a meeting with the Department of Justice and Regulation in relation to multiple complainants in sexual offence trials.

Justice Keogh

13 April 2016: Attended the *'Expert Evidence Symposium'* at the University of Melbourne.

21 April 2016: Attended the CPD seminar on *'Personal Injury Applications'* at the William Cooper Justice Centre.

16 June 2016: Attended the Koori twilight event hosted by the Judicial College of Victoria.

22 June 2016: Delivered a speech entitled *'Life at the Bar'* at a lunchtime session to Supreme Court staff.

Associate Justice Eftim

22 April 2016: Delivered a seminar on judicial mediation at the University of Melbourne.

13 May 2016: Delivered a keynote address at the Alternative Dispute Resolution Law Institute of Victoria conference.

Associate Justice Wood

19 February 2016: Spoke at the National Costs Law Conference 2016 on *'Changes in costs assessments in the Costs Court'*.

Associate Justice Daly

24 August 2015: Attended the Courts and Regional Jurisdictions seminar held by the Victorian Bar at Bendigo.

16 September 2015: Attended the Australian Sketchbook Exhibition at the State Library of Victoria.

29 October and 30 October 2015: Attended the National Judicial College of Australia conference in Sydney.

11 November 2015: Attended the ceremonial sitting for Mark Moshinsky QC at the Commonwealth Law Courts.

11 November 2015: Attended the launch of the CommBar Equitable Briefing Initiative.

20 November 2015: Attended the Federal Court farewell sitting for Justice Shane Marshall.

2 February 2016: Attended the Opening of the Legal Year in Bendigo.

25 to 28 January: Attended the Supreme and Federal Court Judges' Conference in Brisbane.

26 February 2016: Attended the Judicial College of Victoria seminar *'Administrative Law in an Age of Statutes'*.

13 May 2016: Attended the Judicial College of Victoria seminar *'The Digital Future: Challenges and Opportunities'*.

20 May 2016: Attended the 'Judges and the Academy' seminar.

26 to 27 May 2016: Attended the Judicial College of Australia conference on the *'Challenges of Social Media for the Courts and Tribunals'*.

30 May 2016: Delivered a presentation to students from the Academy of Mary Immaculate as part of the Supreme Court Education Program.

31 May 2016: Hosted students in chambers as part of the Monash Externship Program.

Associate Justice Gardiner

20 August 2015: Attended the *'Twentieth Anniversary of the establishment of the Court of Appeal'* public seminar.

7 to 9 October 2015: Attended the National Judicial College of Australia's conference *'Dialogues on Being a Judge'*.

1 February 2016: Attended the Opening of the Legal Year at Government House.

12 April 2016: Attended the 175th anniversary of the Supreme Court and launch of *'Judging for the People'* in the Supreme Court Library.

Associate Justice Mukhtar

5 October 2015: Attended and addressed the Victorian Bar Readers' on the topic of *'Critical Aspects of Advocacy'*.

13 April 2016: Delivered a lecture to the Victorian Bar Readers Course on *'Critical Aspects of Advocacy'*.

Associate Justice Randall

10 February 2016: Attended the *'Commercial Trust Disputes'* seminar at Monash University Law Chambers.

7 March 2016: Attended the Melbourne Law School Asian Law Centre and Ashurst's Chinese Insolvency Law workshop at Ashurst Australia.

Associate Justice Derham

1 February 2016: Attended the Multi-faith Opening of the Legal Year, Government House.

24 February 2016: Attended a function celebrating the finalisation of the Civil Management List in the associate judges' chambers.

24 February 2016: Attended the Judicial College of Victoria Leadership and Management Series *'Measuring and Managing Court Performance'*.

26 February 2016: Attended the Judicial College of Victoria seminar *'Administrative Law in an Age of Statutes'*.

21 April 2016: Attended the Personal Injury and Dust Diseases CPD seminar in Court 6 of the William Cooper Justice Centre.

5 May 2016: Attended the seminar on Employment and Industrial List in the Banco Court.

13 May 2016: Gave a lecture to Melbourne University Juris Doctor students on *'Civil Procedure'* in Court 2 at 436 Lonsdale Street.

Associate Justice Ierodiconou

6 October 2015: Attended and delivered the Tristan Jepson Memorial Foundation lecture entitled *'Inspiring Change: Creating a healthy workplace'* at Monash Law Chambers.

27 October 2015: Attended and chaired a panel for the Victorian Women Lawyer's entitled *'Not Just Jobs For the Boys'*.

19 March 2016: Attended the Women Barristers' Association moot in the Red Court.

30 March 2016: Hosted a visit to the Supreme Court with the Hon Judge KwonYon Yun from Korea sponsored by Melbourne University Asian Law Centre.

13 April 2016: Attended a symposium hosted by the Supreme Court and Melbourne Law School entitled *'Innovation in Litigation: Lessons from the Kilmore East-Kinglake Litigation'*.

21 April 2016: Attended the Personal Injuries Dust and Diseases CPD seminar in Court 6 of the William Cooper Justice Centre.

21 April 2016: Attended the Funds in Court Inspire Awards at PricewaterhouseCoopers.

10 May 2016: Attended the Judicial College of Victoria's Charter of Human Rights Bench Book launch in the Banco Court.

26 May 2016: Attended the farewell event for the Hon Judge KwonYon Yun from Korea, Melbourne University Asian Law Centre.

17 June 2016: Attended a discussion with the former deputy Chief Justice of South Africa, Justice Dikgang Moseneke.

Judicial Registrar Gourlay

19 February 2016: Attended the National Costs Law Conference 2016.

APPENDIX 4: CONTACTS AND LOCATIONS

COURT OF APPEAL REGISTRY

Level 1, 436 Lonsdale Street
Melbourne VIC 3000

Tel: (03) 9603 9100
Fax: (03) 9603 9111
coaregistry@supcourt.vic.gov.au

COMMERCIAL COURT REGISTRY

Ground Floor, 450 Little Bourke Street
Melbourne Victoria 3000

Tel: (03) 9603 4105
commercialcourt@supcourt.vic.gov.au

PRINCIPAL REGISTRY

Level 2, 436 Lonsdale Street
Melbourne VIC 3000

Tel: (03) 9603 9300
Fax: (03) 9603 9400

COURT ADMINISTRATION

Level 4, 436 Lonsdale Street
Melbourne VIC 3000

Tel: (03) 9603 9395
Fax: (03) 9603 9400
info@supremecourt.vic.gov.au

LAW LIBRARY OF VICTORIA

210 William Street
Melbourne VIC 3000

Tel: (03) 9603 6282
llv@courts.vic.gov.au

JURIES COMMISSIONER'S OFFICE

Ground Floor, County Court
250 William Street
Melbourne VIC 3000

Tel: (03) 9636 6811
Fax: (03) 8636 6829
juries@supremecourt.vic.gov.au

FUNDS IN COURT

Level 5, 469 La Trobe Street
Melbourne VIC 3000

Tel: 1300 039 390
Fax: 1300 039 388
fic@supremecourt.vic.gov.au

REGIONAL COURTHOUSES AND REGISTRY LOCATIONS

Ballarat

100 Grenville Street South
(PO Box 604)
Ballarat VIC 3350

Tel: (03) 5336 6200
Fax: (03) 5336 6213

Bendigo

71 Pall Mall
(PO Box 930)
Bendigo VIC 3550

Tel: (03) 5440 4140
Fax: (03) 5440 4162

Geelong

Railway Terrace
(PO Box 428)
Geelong VIC 3220

Tel: (03) 5225 3333
Fax: (03) 5225 3392

Hamilton

Martin Street
(PO Box 422)
Hamilton VIC 3300

Tel: (03) 5572 2288
Fax: (03) 5572 1653

Horsham

22 Roberts Avenue
(PO Box 111)
Horsham VIC 3400

Tel: (03) 5362 4444
Fax: (03) 5362 4454

LaTrobe Valley

134 Commercial Road
(PO Box 687)
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 Street
(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
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The photos that appear on page 2 and 4 of this report are by Michel Lawrence, courtesy of the *Law Institute Journal*, August 2017.



Supreme Court of Victoria

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