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ANNUAL REPORT SUPREME COURT OF VICTORIA



Letter to the Governor

September 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 2016 to 30 June 2017.

Yours sincerely,



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

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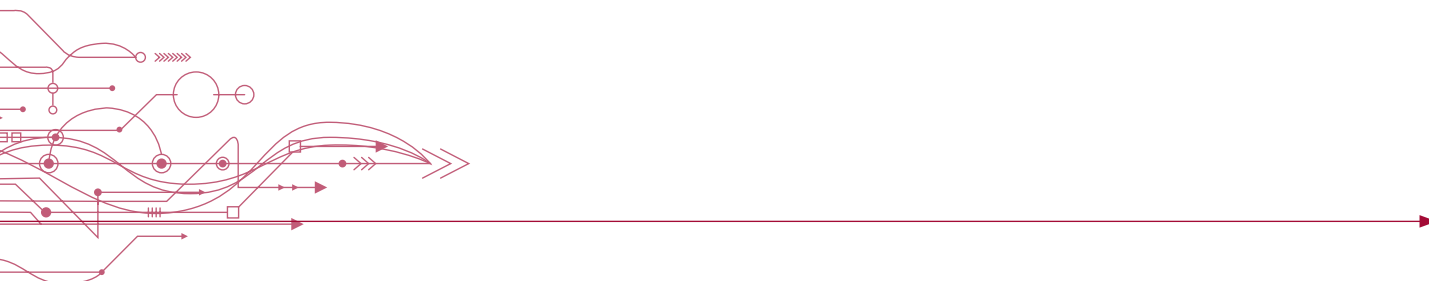
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Enquiries

Supreme Court of Victoria
210 William Street
Melbourne VIC 3000

Tel: 03 9603 6111

Email: info@supremecourt.vic.gov.au



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Chief Justice foreword



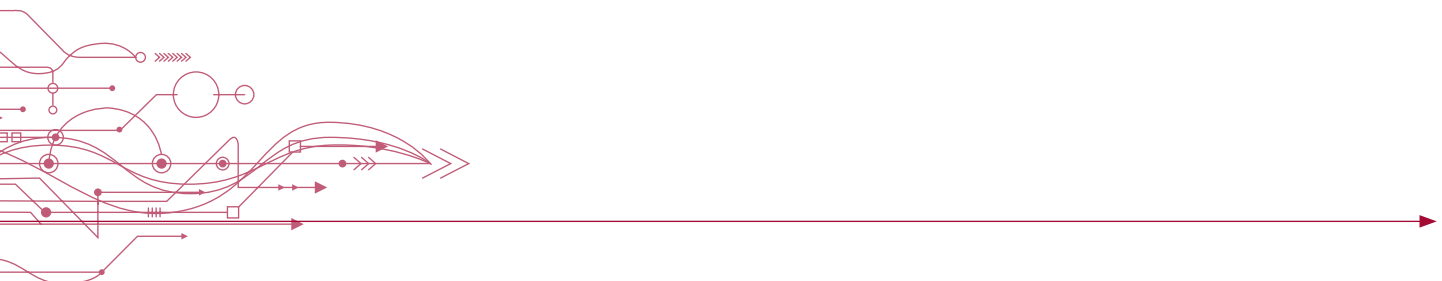
It is a pleasure to present the Annual Report of the Supreme Court of Victoria for 2016-17.

The Court has enjoyed a year where, once again, the benefits of alternative dispute resolution (ADR) and the implementation of technology coupled with the commitment of the judges of the Court to serving the rule of law and the people of Victoria, have achieved effective and satisfactory results.

In relation to ADR, as the report reveals, the Court continues to provide a very significant service to litigators and the Victorian community with the early resolution of cases. The service provided by the associate judges and the judicial registrars of the Court makes a very significant contribution to the administration of justice in this state.

The Court has continued to pursue the implementation of technology that will lead to its complete separation from the past controls and oversight by the Department of Justice and Regulation. This has been achieved through the persistence and determination of the judges and the Court's Administration. It is fundamental to the independence of the modern day court that its technology be separate and independent of the executive arm of government. It is anticipated that by the end of the calendar year of 2017 and the commencement of 2018, the Supreme Court will be entirely separate and independent in terms of its information technology system.

The Court acknowledges the support and assistance provided by Court Services Victoria (CSV) and, also, the Department of Justice and Regulation in achieving this position.



Finally, and once again as has been raised consistently in Annual Reports for the Supreme Court, the need for a new building remains. The Supreme Court has taken some initiative of its own during the reporting year (with assistance from CSV). The Supreme Court will shortly finalise a concept plan which will enable the Victorian Government to understand and embrace the chance to construct a new Court building for the highest Court of the state. It is long overdue.

Finally, on behalf of the judges of the Supreme Court I express deep appreciation for the tireless, creative, innovative and intensive work provided by the Chief Executive Officer, Louise Anderson, and her staff in supporting the judges, associate judges and judicial registrars in their work. It would not have been possible for the Court to have achieved what it has without their support. On behalf of the judges I thank them most sincerely.



The Honourable Marilyn Warren AC
Chief Justice of Victoria

Chief Executive Officer foreword



The Court's governance arrangements and operations are underpinned by the principle and practice of self-administration, now augmented by the *Court Service Victoria Act of 2014* and the establishment of the Courts Council. During the reporting period the Court's judicial officers and staff contributed to the overall effectiveness of the Court's administration through continued strong financial management, incremental delivery of an ambitious technology agenda, continued commitment to audit and risk management and prioritising security related matters and the health and wellbeing of all who use the Court.

Our commitment to good governance, innovation and excellence is evidenced through robust management structures and the ability to create court-wide clarity on strategic priorities and, under the leadership of Chief Justice Warren, achieve substantial progress on all of them. For example:

- » Best practice measurement of court performance, built on the International Framework for Court Excellence performance criteria.
- » The delivery of technology improvements, including technology upgrades of courtrooms, webcasting and live streaming of many cases, promulgation of a technology practice note, which assumes electronic filing and electronic trials will be the norm, and the upgrade of the Court's Case Management System to realise much of its latent capability.
- » Strengthening the Court's administrative capability and at the same time reducing overall expenditure.

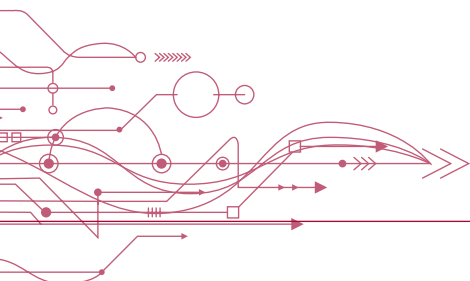
This Annual Report highlights much of what the Court has achieved over the reporting period, all delivered against a backdrop of challenges, including:

- » highly demanding workloads, which impact time and resources available
- » historical funding constraints that temper progress on initiatives and innovations
- » demands of delivering contemporary Court services in high maintenance heritage buildings.

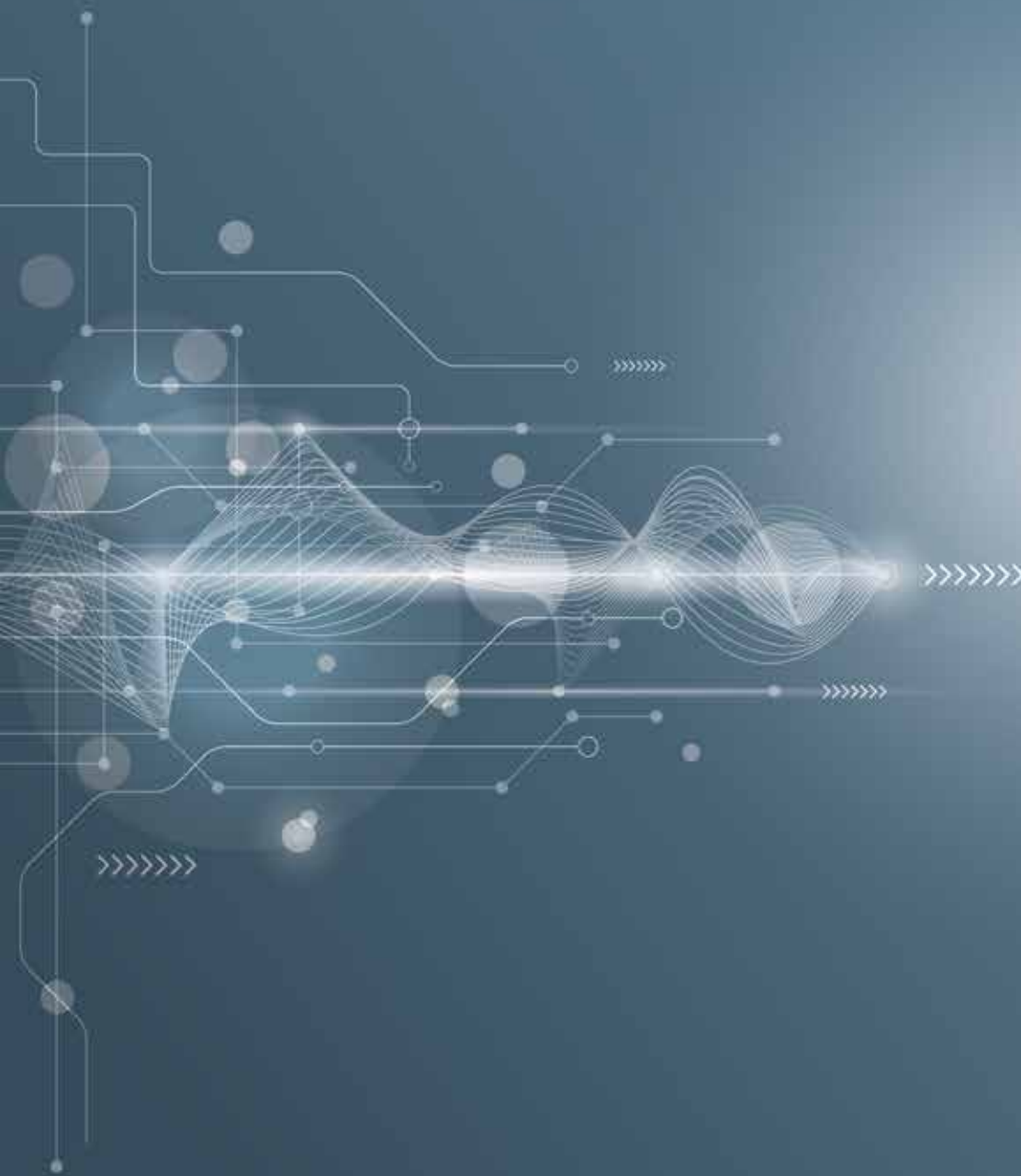
I, on behalf of all staff of the Court take this opportunity to recognise the retirement of Chief Justice Warren and thank her Honour for her inspirational leadership, clarity of purpose and commitment to excellence. The achievements outlined in this report, like those of earlier years, demonstrate that the Court is well-placed in terms of commitment, innovation, clarity of priorities, agility and Court culture, to establish and pursue further transformational initiatives in the years to come.

A handwritten signature in black ink, which appears to read 'Louise Anderson'.

Louise Anderson
Chief Executive Officer



At a glance



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

During the reporting period the Court increased the proportion of cases finalised. This means that the Court is resolving cases more quickly and efficiently, in comparison to the previous reporting period.

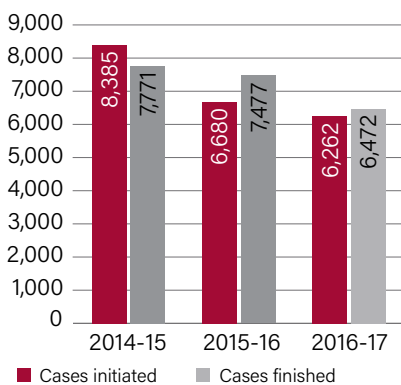
The Court's performance is measured by its clearance rate (the number of cases finalised in a given period, expressed as

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).

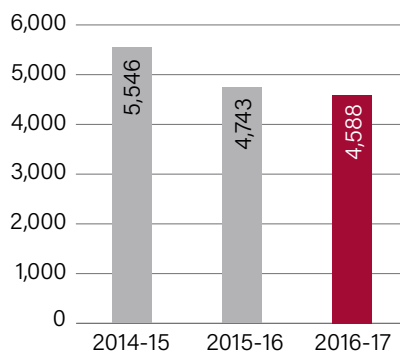
In addition the Court reports on the quality of its court files. This performance measure, known as 'court file integrity', is critical to ensuring the efficient conduct of proceedings.

Across the Court – performance measures

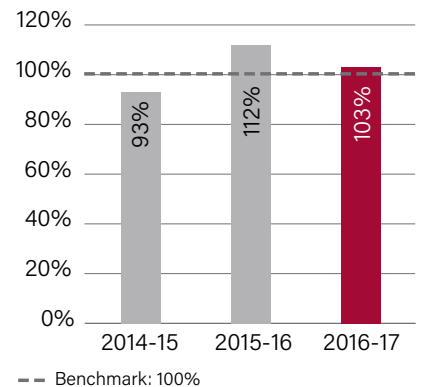
Cases initiated and finalised



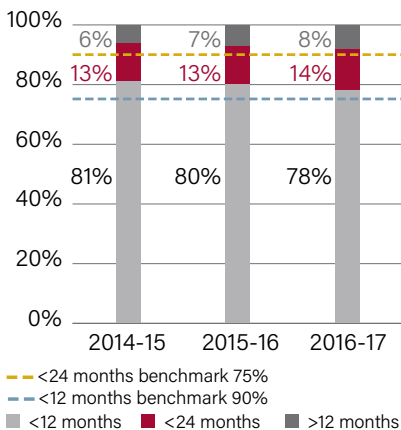
Cases pending



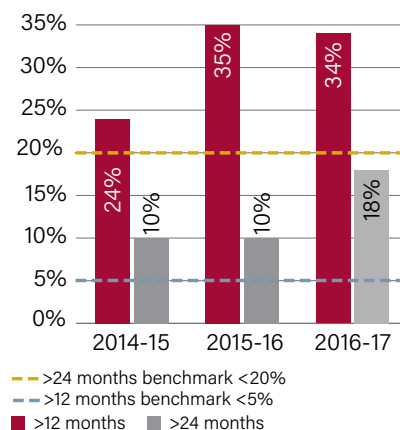
Clearance rate (%)



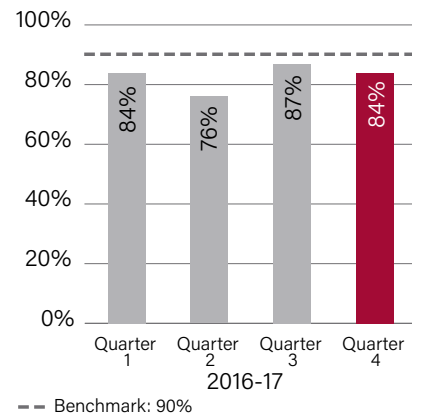
On-time case processing (%)



Case backlog (%)*



Court file integrity (%)

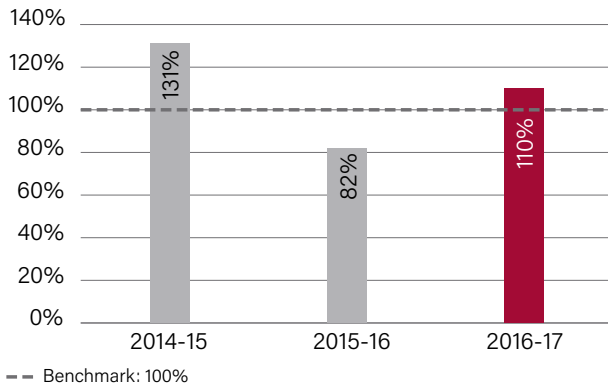


* Pending matters over 24 months have increased in the 2016-2017 financial year due to a number of the debt recovery proceedings (Timbercorp) being subject to various appeals processes, and delaying the time in which they can be heard and finalised by the Court.

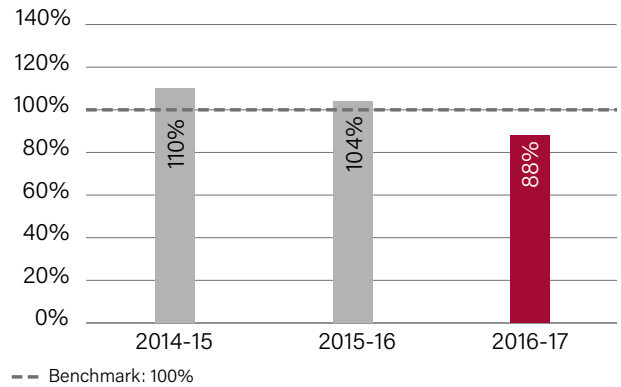
At a glance

Court of Appeal

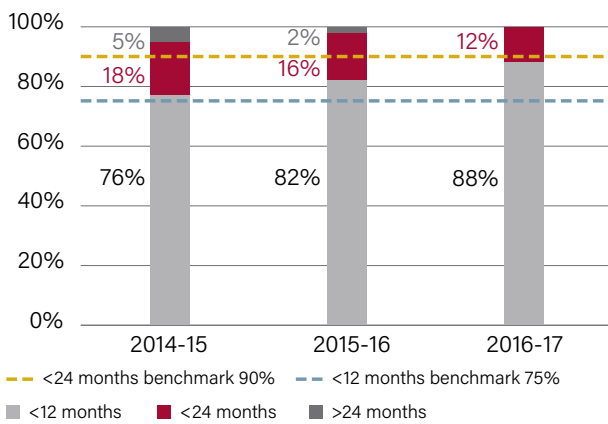
Civil: clearance rate (%)



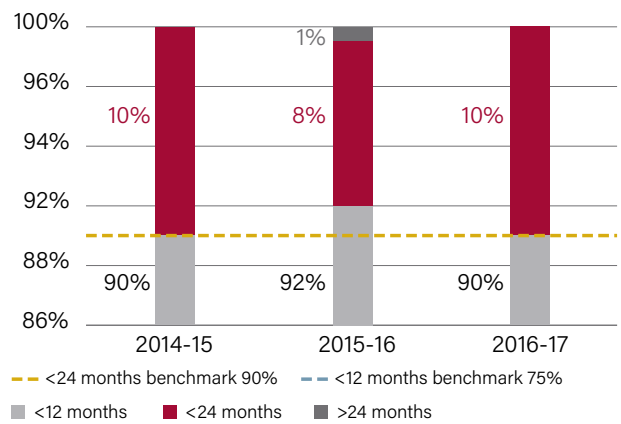
Crime: clearance rate (%)



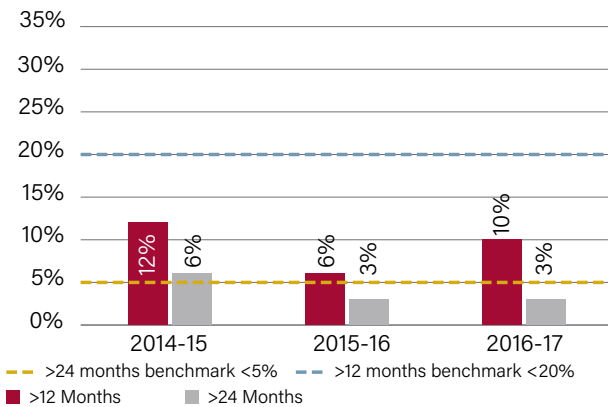
Civil: on-time case processing (%)



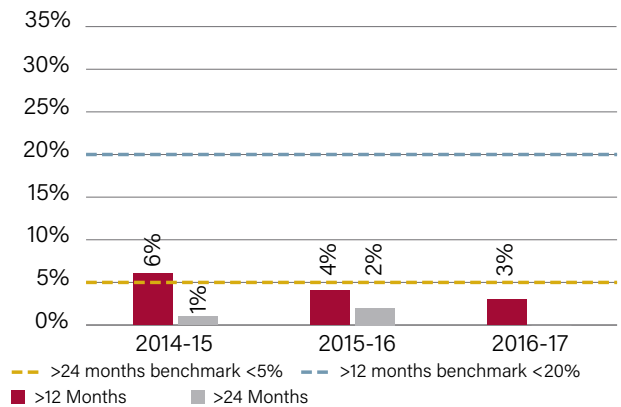
Crime: on-time case processing (%)



Civil: case backlog (%)

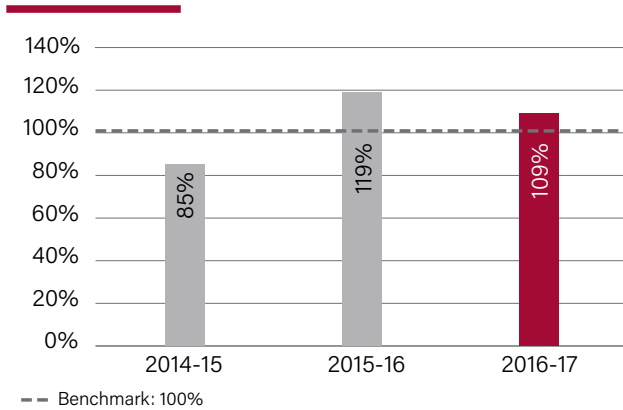


Crime: case backlog (%)

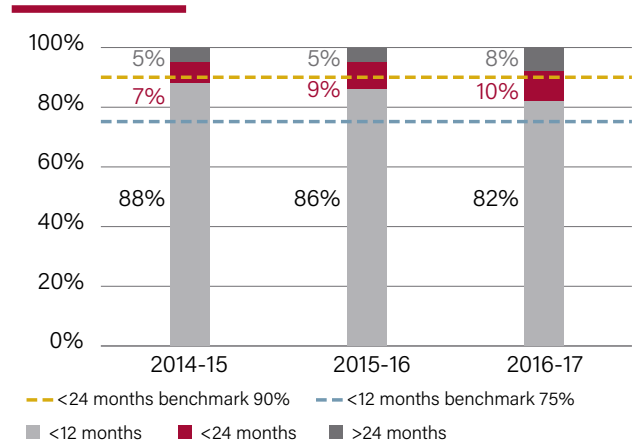


Commercial Court

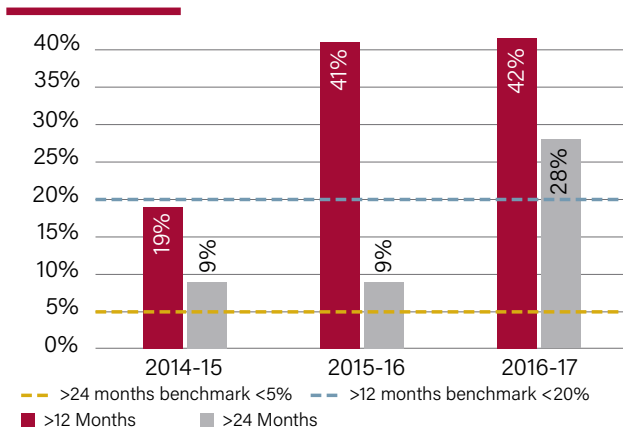
Clearance rate (%)



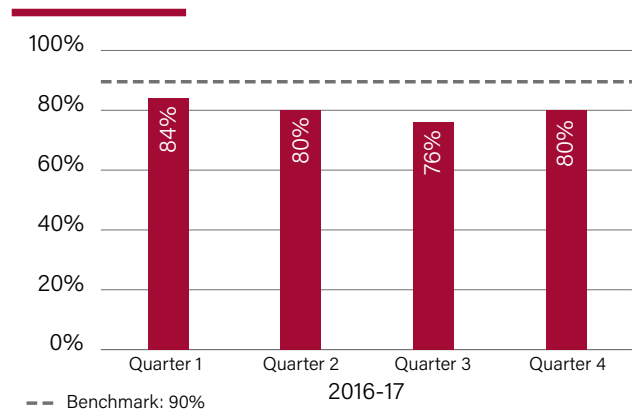
On-time case processing (%)



Case backlog (%)



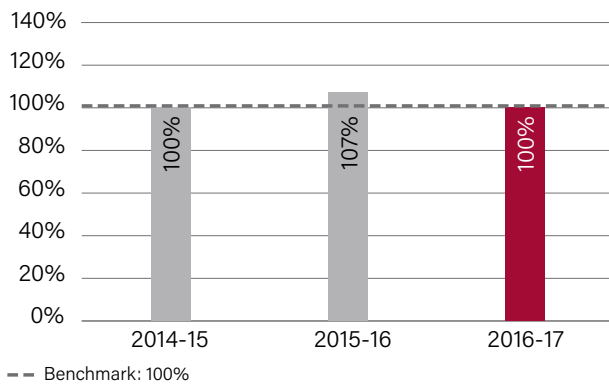
Court file integrity (%)



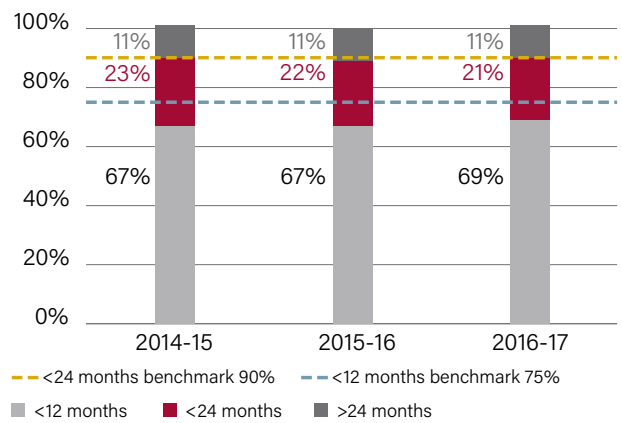
At a glance

Common Law Division

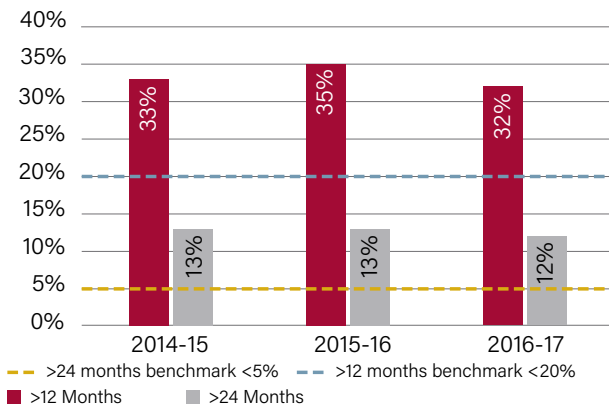
Clearance rate (%)



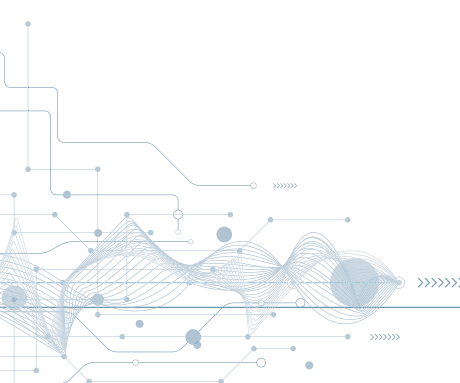
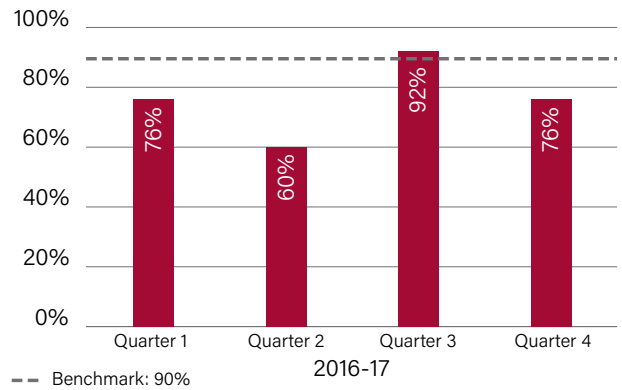
On-time case processing (%)



Case backlog (%)

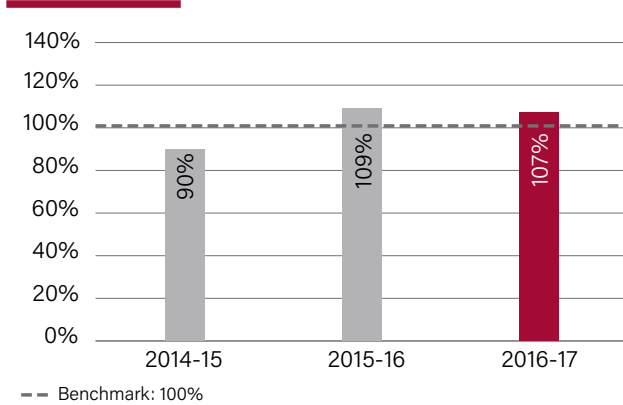


Court file integrity (%)

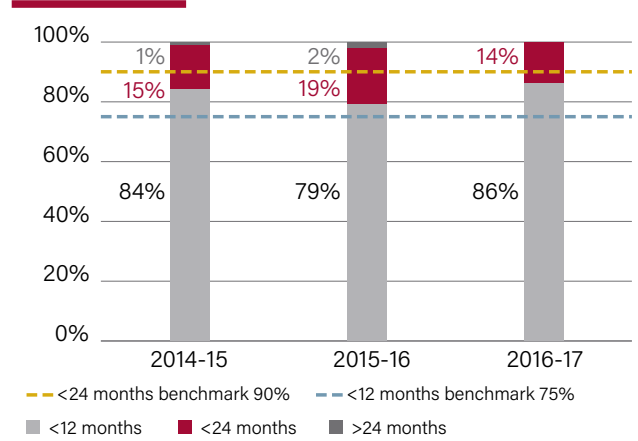


Criminal Division

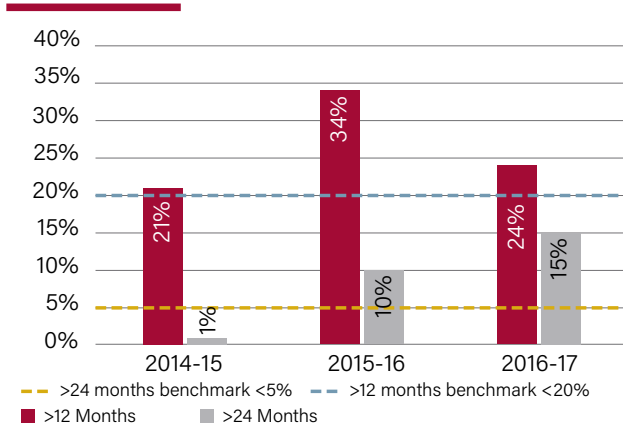
Clearance rate (%)



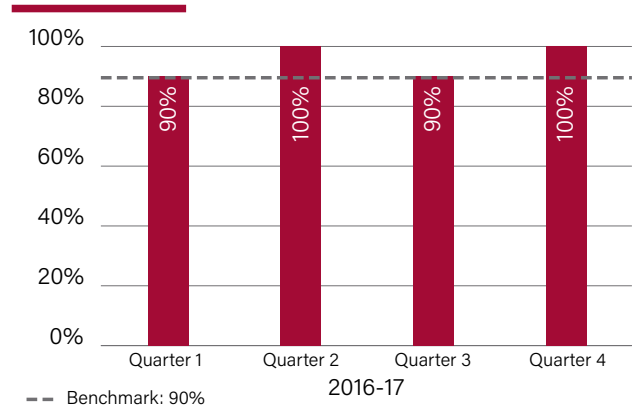
On-time case processing (%)



Case backlog (%)



Court file integrity (%)



At a glance

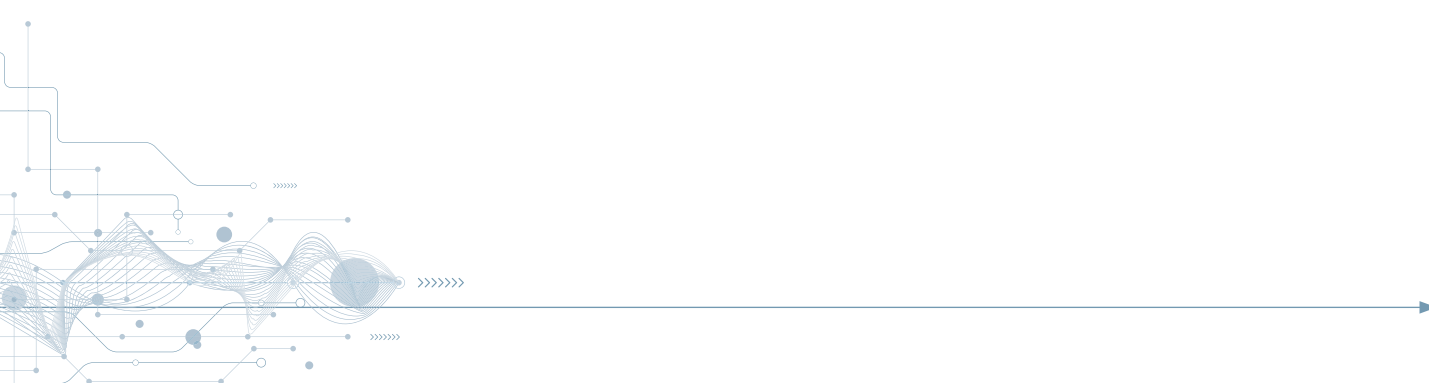
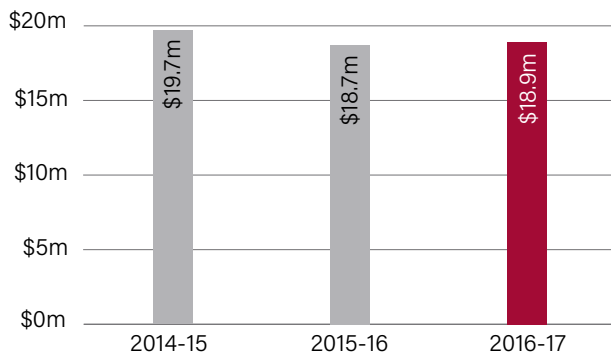
Court fees

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

Supreme Court fees collected in 2016-17 increased slightly compared with the previous year in line with the indexation of fees. A total of \$20 million of fees revenue was received in 2016-17, from which \$1.13 million or 5.7 per cent was retained by the Supreme Court under Section 29 of the *Financial Management Act 1994*.

The remaining \$18.9 million of fees collected were remitted to the Victorian State Government's consolidated fund and the Court Fee Pool fund which is administered by Court Services Victoria. Funds retained by the Court Fee Pool fund can be accessed by the Supreme Court and other jurisdictions for innovation and transformation activities, improvements in service delivery and access to justice initiatives. In 2016-17 the Supreme Court contributed 35 per cent of total Court Fee Pool funding administered by Court Services Victoria.

Contribution to consolidated fund (\$M)



The year in review



The year in review

Significant events



Opening of the legal year in Geelong

On 16 January 2017, Justice Croft presided over a ceremonial sitting at the Geelong Law Courts to celebrate and officially open the legal year for 2017 in Geelong.

Chief Magistrate Peter Lauritsen, Magistrate McGarvie, the regional coordinating magistrate, and Aunty Fay Muir, one of eight Elders who sits on the Koori Court in Geelong, joined his Honour on the Bench.

Justice Croft reflected on 175 years of the Supreme Court in Victoria, an anniversary celebrated in 2016, while Chief Magistrate Lauritsen spoke about family violence and the work of the Magistrates' Court. Aunty Fay provided insight into the operation of the Koori Court in Geelong.

A special exhibition of artwork featuring works by established and emerging local Indigenous artists living within Wathaurong country, including Nathan Patterson, Raymond Walters, Kerri Black, Bronwyn Razem and Wathaurong Glass, was on display.



Innovation and Excellence in Courts Conference

The Supreme Court, in collaboration with the Australasian Institute of Judicial Administration and the Law Library of Victoria, hosted its first Innovation and Excellence in Courts Conference in Melbourne on 27 and 28 March 2017.

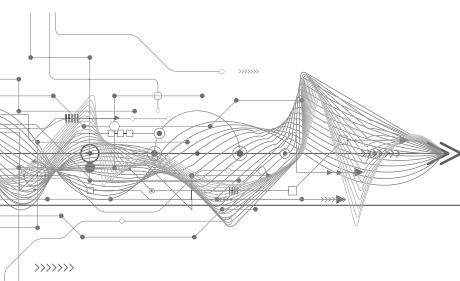
The conference considered the operational dexterity of courts and related organisations, now and into the future, with perspectives shared from around Australia, New Zealand, Singapore and Canada.

A diverse range of topics were explored, with leadership and the innovative and transformative quality of technology a central theme.

Notable speakers among the legal scholars and industry experts included Chief Justice Marilyn Warren AC, Chief Justice James Allsop AO (Federal Court of Australia), Chief Justice Helen Murrell (ACT), President Maxwell AC and former Justice of the Federal Court of Australia, the Honourable John Mansfield AM.

In closing the conference, Chief Justice Warren reflected on the uplifting and energising nature of the conference.

"We are all leaders of change and innovation in our respective fields. The conference has been a marketplace for new and innovative ideas on court and tribunal practice."



Engaging with the community

The Court opened the Trial Division building on Sunday 31 July 2016 as part of the 2016 Open House Melbourne festival. More than 1,200 people visited the Court, taking guided tours of the building and enjoying special performances by BottledSnail Productions in the courtyard.

Louise Anderson, Chief Executive Officer, led a public talk on how the Court ensures the delivery of modern, accessible justice for the community in a heritage listed building. In a second presentation, Dr Sue Reynolds and Joanne Boyd, Supreme Court Archives and Records Manager, discussed the architectural design of the Supreme Court buildings.

The Court also welcomed the public with approximately 700 Victorians participating in a series of events, tours, exhibitions and mock trials on Courts Open Day, Saturday 20 May 2017. Part of Law Week, the events were designed to give visitors an insight into the workings of Victoria's justice system.

Over 5,500 VCE Legal Studies students visited the Court to participate in the Court's Education Program. A number of judges addressed schools throughout the year including Chief Justice Warren, Justices Redlich, Weinberg, Whelan, Santamaria, Kaye, T Forrest, Emerton, Almond, John Dixon, Macaulay, Elliott, Ginnane, Cameron, Beale, Zammit, Riordan, Jane Dixon, Keogh and Kennedy and Associate Justices Wood, Daly, Gardiner, Randall, Derham and Ierodiaconou.

The Court ran heritage and history tours and a number of public exhibitions in the library. The 1990s exhibition highlighted the high profile corporate failures during the decade and the appointment of the first female judge to the Supreme Court Bench, in 1996.

In 2016-17 the Court hosted a number of events, benefitting the legal profession and the community, including:

- » admission ceremonies, conferences, workshops and seminars for the legal profession
- » heritage and history tours
- » Bar Readers' events
- » mooting competitions.



The year in review

90 years and counting; old High Court building

In June 2015, the Court received a \$150,000 grant from the Australian Government Department of Environment's Protecting National Historic Sites program, to undertake much needed maintenance works to the interior of the old High Court building.

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 building to ensure the history and heritage of the building is maintained for generations to come.

Works occurred throughout 2016 and 2017 and included the restoration of timber work, panelling and furniture in the three courtrooms and the cleaning and restoration of the leadlight skylights in the library and light wells.

The federal grant also enabled the production of fixed information panels and a brochure explaining the significance of the building, including landmark cases and notable figures throughout its 90-year history. The brochure and panels were launched in June 2017, in anticipation of the Court opening the building for the 2017 Open House Melbourne festival.



Work experience at the Court

The Court facilitated a number of placement programs for both university and secondary students during the year.

The Monash Externship Program ran once again in 2016-17, with two student intakes, and provided a unique opportunity for law students to spend one day per week in chambers over a 12-week period. Students assisted judges and judicial support staff with legal research, prepared case summaries and assisted with other legal and administrative duties.

The Indigenous Clerkship Program, which is run by the Victorian Bar, offers Indigenous law students the opportunity to participate in three weeks' work experience at the Supreme Court, Federal Court and the Victorian Bar. While at the Court, participants spent a week in chambers, observing cases and undertaking research tasks, with opportunities to speak candidly, one-on-one with judges about the law and career pathways. The Supreme Court has participated in this program for 10 years.

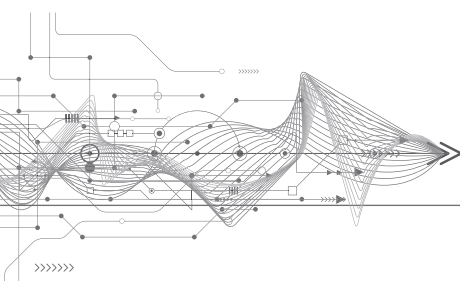
During the reporting period, seven students from all around Victoria participated in the Court's Year 10 Work Experience Program. The program provided an opportunity for students to broaden their practical work experience and gain an understanding of future career opportunities within the courts.

Refining practice before the Court

A comprehensive set of 48 Practice Notes were launched and replaced more than 150 Notes and Notices to the Profession, clarifying procedures and practices for conducting business before the Supreme Court of Victoria.

Practice Notes are now categorised under each Division of the Court, with a general category for Notes applicable across all Divisions. The Court's website was also updated to support the improved structure, assisting legal practitioners, litigants, students and other interested parties to easily locate new information.

Prior to its launch, the Court conducted a significant body of work to audit, consolidate and reorganise the Court's Practice Notes. This new system will allow Practice Notes to be kept up to date as practice develops over time.



Inspire Awards 2017

The 2017 Inspire Awards were held on 26 April 2017 at PricewaterhouseCoopers in Southbank.

The annual awards, run by Funds in Court, celebrated the outstanding achievements of individuals who identify with a disability. Nominated by peers, awards recognised human right activists, lawyers, community volunteers, artists, performers, writers, disability advocates, community services, athletes, veterans and others.



The event provides an important opportunity to raise awareness about disability issues and, ultimately, support the development of an inclusive Australian society.

"The Inspire Awards are about extraordinary individuals who inspire us every day with their leadership, example, determination and commitment. It is a privilege for Funds in Court to be able to serve these inspiring individuals," said Chief Justice Warren, presenting the Inspire Award for Best Achievement in Law.

The winners, of the prestigious Best Achievement in Law award were:

1. (Jointly) The Hon Gordon Lewis AM and Catherine Brooks
2. Katherine Sharpe
3. Daniel Piekarski.

The end of the death penalty: 50 years on

On 3 February 2017, the Supreme Court observed the 50th anniversary of the death of Ronald Ryan, the last person in Australia to be convicted of murder and receive the mandatory sentence of death.

The decision drew much community and media attention and after delays caused by appeals to higher courts and the Privy Council, the execution went ahead on 3 February 1967. Community opinion on capital punishment was so high Australian courts moved to remove it from federal, state and territory law. Victoria abolished the death penalty for its statute in 1975.

The Court held a commemorative ceremony, which included a re-enactment of the verdict and sentence in *The Queen v Ryan and Walker* in court 4, where the trial took place 50 years ago. More than 160 members of the public attended the event, which was followed by observances in the Supreme Court Library and the launch of an exhibition about the history of capital punishment in Victoria.

Following opening remarks made by Chief Justice Warren and Justice Lasry, guest speakers Mr Brian Burke (junior counsel for Ronald Ryan, 1966-67), Dr Mike Richards (author, *The Hanged Man: the life & death of Ronald Ryan*) and the Honourable Dr Barry Jones AC (Secretary Anti-Hanging Committee, Victoria 1962-75) spoke about Ryan's death and the abolition of capital punishment in Australia.



Work of the Supreme Court



The Court of Appeal

Chief Justice:

Chief Justice Warren

The President:

Justice Maxwell

Judges:

Justice Weinberg
Justice Tate
Justice Osborn
Justice Whelan
Justice Priest
Justice Santamaria
Justice Beach
Justice Kyrour
Justice Ferguson
Justice Kaye
Justice McLeish

Reserve judges:

Justice Ashley
Justice Redlich
Justice Hansen

Judicial registrar:

Judicial Registrar Irving

Note:

The data reported in this section of the report may differ to those presented in earlier reports. This is a result of improvement in the Court's data analysis.

The Court of Appeal hears appeals against criminal and civil decisions made in the Supreme Court and County Court jurisdictions, as well as some matters originally heard by the Victorian Civil and Administrative Tribunal (VCAT).

The Court of Appeal received 446 appeals or applications for leave to appeal in 2016-17 and resolved 428 cases.

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

	2015-16	2016-17	Difference	Variance
Initiations	424	446	22	5%
Finalisations	404	428	24	6%
Pending	244	262	18	7%

During the year, Justices Ashley, Redlich and Hansen returned to the Court of Appeal as reserve judges engaged under section 81B of the *Constitution Act 1975*.

The reserve judges sat a total of 138 days and were involved in the delivery of 94 judgments (including applications). In total, reserve judges sat for 64 per cent of the Court of Appeal's total sitting days and were involved in 37 per cent of the judgments handed down.

Criminal appeals

In 2016-17 the Court of Appeal received 13 per cent more criminal appeals (initiations) and finalised 5 per cent fewer criminal appeals than in 2015-16. This resulted in a 25 per cent increase in pending matters due, at least in part, to a surge in new appeals (initiations) in the final quarter of the financial year. An increased focus on civil and sentence only appeals meant that the median average time to finalisation for conviction appeals increased from 8.4 months to 9.5 months. For sentence only appeals, the median dropped from 5.6 months to 5.5 months. Overall, the median average for all criminal appeals increased by approximately six weeks to 7.1 months in 2016-17.

Criminal applications for leave to appeal and appeals

	2015-16	2016-17	Difference	Variance
Initiations	253	285	32	13%
Finalisations	264	251	-13	-5%
In list 30 June	136	170	34	25%

Median time to finalisation in months

	2015-16	2016-17
Appeals against conviction/conviction & sentence	8.4	9.5
Appeals against sentence only	5.6	5.5
Time to finalisation (all criminal)	5.6	7.1

Work of the Supreme Court

Civil appeals

The Court's continued focus on civil appeals in 2016-17 led to a 26 per cent increase in matters finalised in the 2015-16 year. This increase, together with a 6 per cent decrease in new appeals (initiations), meant that the median time to finalisation increased from 5.85 months in 2015-16 to 7.67 months in 2016-17, reflecting the increasing complexity of civil applications in the Court of Appeal. The number of pending matters decreased by 15 per cent from the 2015-16 reporting period.

Civil applications for leave to appeal and appeals

	2015-16	2016-17	Difference	Variance
Initiations	171	161	-10	-6%
Finalisations	140	177	37	26%
In list 30 June	108	92	-16	-15%

Median time to finalisation in months

	2015-16	2016-17
Civil appeals	5.85	7.67

Significant cases

Google Inc v Trkulja [2016] VSCA 333

Mr Trkulja sued Google as the provider of an internet search engine. He argued that on a number of occasions in 2012 and 2013 when he searched terms such as 'Melbourne criminal underworld photos' and 'Melbourne underworld criminals', images, text and autocomplete predictions were returned which were defamatory of him. Mr Trkulja did not rely on the text of any web page from which any of the images were drawn, nor upon any content of any hyperlinked web page identified by the text results as being defamatory to him.

Google contended that it could not be held to be the publisher of the results, which were produced by the automated operation of a vast search of the worldwide web in accordance with algorithms developed by it. Those results, and the autocomplete predictions, being simply a word-related response to the words inserted by the searcher. Google also argued that the search results were not defamatory of the plaintiff.

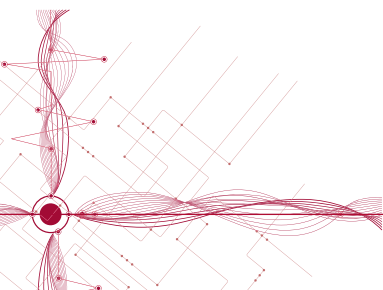
The Court of Appeal held that, in this case, Google was not the publisher of the allegedly defamatory matter. The Court of Appeal further held that the material identified by Mr Trkulja was not capable of conveying any of the pleaded defamatory meanings.

Minister for Families and Children v Certain Children by their Litigation Guardian Sister Marie Brigid Arthur [2016] VSCA 343

The Court considered whether the Governor-in-Council's decision to establish a section of Barwon Prison as the Grevillea Youth Detention Precinct, was a lawful exercise of power. The Governor-in-Council, on the recommendation of the Minister for Families and Children ('the Minister'), had purported to exercise the power to make such a decision under ss 478 (a) and (c) of the *Children, Youth and Families Act 2005* ('the Act') following riots at the Parkville Youth Justice Precinct in November 2016.

The Court decided that the Act required, at a minimum, the consideration of the suitability of Grevillea to enable the developmental needs of present and future detainees to be catered for, and its suitability to enable the Secretary to discharge her duties to present and future detainees. The Court therefore found that the Minister – and hence the Governor-in-Council, acting on the Minister's advice – failed to take into account relevant considerations bearing on the exercise of the power conferred by the Act.

The Court, however, did not agree with the trial judge when he found that the decision had been made for an improper purpose.



Significant CASES (continued)***Scott-Mackenzie v Bail* [2017] VSCA 108**

The Court considered the meaning of the word 'stepchild' in the definition of 'eligible person' in s 90 on the *Administration and Probate Act 1958* ('the Act').

The Court agreed with the trial judge in finding that the child of a deceased's domestic partner is a stepchild within the meaning of s 90 of the Act. The Court rejected the contention that such a child cannot be the deceased's stepchild unless the deceased was married to that child's parent, noting that in the definition of 'eligible person' within the Act, spouses and domestic partners are given identical treatment in all instances, as are children and stepchildren. The Court concluded that it is likely that Parliament intended to treat the children of spouses and the children of domestic partners equally and that this accords with the broader purpose of the Act.

***Ward (a pseudonym) v The Queen* [2017] VSCA 37**

In this proceeding, a question arose as to how counsel cross-examining a young child might discharge their obligation under the rule in *Browne v Dunn*, and also discharge their obligation to their client to test the credibility or reliability of a child witness.

The Court expressed the view that simply to 'put' matters of controversy to a child witness as they would ordinarily be put to an adult witness would be unlikely to discharge either obligation. This is because a child is more likely than an adult to be frightened, confused or misled by particular types of questioning.

The Court said that the evidence of children is not inherently less reliable than evidence given by adults, but that the contest between a lawyer and a child is an inherently unequal one. The Court noted that other jurisdictions have brought in special measures to address the unfairness a child may be exposed to in curial proceedings. The Court also canvassed the ways in which a trial judge can minimise the risk of inappropriate questioning of a child witness by defence counsel, including by disallowing certain types of questions and holding pre-evidence hearings.

***Bouch v The Queen* [2017] VSCA 86**

The Court considered how juries are to be directed in cases involving culpable and dangerous driving causing death offences. At trial, the jury had been repeatedly directed that it need not consider in great detail the definition of dangerous driving causing death, to which Bouch had already pleaded guilty.

The majority of the Court agreed that trial judges should no longer direct juries that the more serious offence of culpable driving causing death requires them to be satisfied that the driving in question 'merits criminal punishment'. The majority found trial judges should confine themselves to the statutory text, so that juries should be directed that a person drives 'negligently' for the purpose of this offence if he or she fails unjustifiably and to a gross degree to observe the standard of care which a reasonable person would have observed in all of the circumstances.

In their joint judgment, Justices Redlich and Weinberg confirmed that a jury is always entitled to commence its deliberations by considering not just the primary offence, but also a lesser alternative, should it wish to do so.

***Gregory (a Pseudonym) v The Queen* [2017] VSCA 151**

The Court considered current sentencing practice for commercial quantity trafficking. The Court found that current sentences were 'unduly compressed' for offences at the upper end of seriousness, and do not reflect the inherent gravity of the offending, the impact on the community or the high maximum penalty.

The Court recommended that sentencing practices change by adopting appropriate relativity between sentencing standards for each category of seriousness of an offence.

Work of the Supreme Court

Court of Appeal Registry

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

In managing the Registry, Judicial Registrar Irving is supported by an associate and two deputy registrars.

The Deputy Registrar (Legal) is assisted by a team of registry lawyers who are responsible for the case management of criminal or civil applications throughout the leave and appeal process. The lawyers assist the judicial registrar by providing advice in relation to the complexity and readiness for listing of matters.

The Deputy Registrar (Administration) is assisted by a number of registry officers, who assist with case management, listing and administrative functions of both criminal and civil applications and appeals.

Transforming proceedings

A technology upgrade to the Green Court allowed the Court to trial a six-month pilot of webcasting-suitable proceedings. This involved making audio-visual recordings of hearings publicly available through the Supreme Court website.

While these hearings are open to the public, making recordings available on the web demonstrates the Court's commitment to transparency and greater public access to the work of the Court of Appeal.

The Court has also continued to the move towards a 'paper-on-demand environment', through its e-Appeal trial procedure. E-Appeals utilise in-court technology to display documents simultaneously on screens visible to the judges, practitioners and gallery, thereby reducing the need to rely on hard copy materials during hearings.

Technological improvements will continue to be a focus within Court of Appeal courtrooms, chambers and the registry in 2017-18.

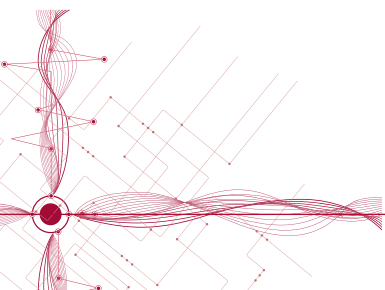
Education and training

The Court of Appeal Registry hosted a number of university and Year 10 work experience students during the year. University students were given the opportunity to draft summary documents, meet with judicial and registry staff and discuss court practice and procedure. Year 10 work experience students learnt about the Court and assisted with the electronic collection of historical appeal data.

Community engagement

The Court of Appeal sat at Latrobe Valley in February 2017 and heard criminal applications and appeals that had mostly originated from the region. Approximately 40 local VCE students were invited to meet with judges to discuss the work of the Court and view the day's proceeding. The Court also met with members of the local profession and the Gippsland Law Association.

The Court facilitated a number of user group meetings in early 2017 for both criminal and civil user groups. The purpose was to seek the views of senior members of the profession on the operation of Court of Appeal criminal and civil procedures, and to discuss any practical issues that arise for practitioners. The Court provided a short overview of the performance of the Court and discussed new initiatives.



Trial Division – Commercial Court

Principal Judge:

Justice Hargrave

Deputy Principal Judge:

Justice Judd

Judges:

Justice Vickery
Justice Croft
Justice Sifris
Justice Almond
Justice Digby
Justice Elliott
Justice Sloss
Justice Cameron
(until December 2016)
Justice Kennedy
(from 25 July 2016)

Reserve judges:

Justice Dodds-Streeton
Justice Robson
(from 1 August 2016)

Associate judges:

Associate Justice
Derham
Associate Justice Efthim
Associate Justice Daly
Associate Justice
Gardiner
Associate Justice
Mukhtar
Associate Justice Randall

Judicial registrars:

Judicial Registrar Hetyey
Judicial Registrar
Matthews
(from 24 January 2017)

Note:

The data reported in this section of the report may differ to those presented in earlier reports. This is a result of improvement in the Court's data analysis.

The Commercial Court comprises a number of general and specialists lists and determines commercial disputes in a just, efficient and timely manner. Judges with specialist expertise in commercial disputes oversee matters in the lists.

The specialist lists comprise of:

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

Together the Principal Judge, Justice Hargrave, and Deputy Principal Judge, Justice Judd led extensive and ongoing reforms with a view to providing a more streamlined, user-friendly model of service delivery to the legal profession. This has been achieved, in part, through targeted case allocation to general commercial, and specialist judge-managed lists.

The Commercial Court was supported by Judicial Registrar Hetyey, who oversaw the Commercial Court Registry, provided operational, listings and judicial support to the Commercial Court judges and performed various judicial functions.

In January 2017, Patricia Matthews was appointed as a judicial registrar in both the Common Law Division and Commercial Court. Judicial Registrar Matthews heard and determined interlocutory civil applications and conducted judicial mediations as part of the Court's judicial mediation program.

There was a general decrease in both the number of matters initiated and finalised in comparison to the 2015-16 year. These decreases are directly attributable to the decision of the Deputy Commissioner of Taxation, in 2016, to file winding-up applications in the Federal Court of Australia.

The Commercial Court's clearance rate at the end of the year was 109 per cent, above the benchmark of 100 per cent. In addition, the Commercial Court processed 82 per cent of matters within 12 months of initiation, which exceeded the benchmark of 75 per cent.

All cases

	2015-16	2016-17	Difference	Variance
Initiations	3202	2644	-558	-17%
Finalised	3783	2872	-911	-24%
In list 30 June	2054	1826	-228	-11%

For judge-managed matters, there was a slight decrease in initiations (down 5.92 per cent) but an increase in finalisations (up 14.08 per cent). The increase in finalisations in judge-managed matters is particularly positive.

The decrease in initiations in judge-managed matters is in line with a general decrease in civil initiations in other Supreme Court jurisdictions around Australia, over the past five years.¹

Judge-managed matters

	2015-16	2016-17	Difference	Variance
Initiations	507	477	-30	-6%
Finalised	547	624	77	14%
In list 30 June	1,061	914	-147	-14%

¹ Report on Government Services (ROGS) (2017). See: <http://www.pc.gov.au/research/ongoing/report-on-government-services/2017/justice/courts>

Work of the Supreme Court

The number of cases under active judge-management increased slightly with approximately 333 cases as at 26 June 2017, compared to 325 cases as at June 2016. There are now, on average, 31 cases under active management per judge.

From 1 July 2016, the judge-managed lists were remodelled and streamlined to provide a more straightforward, user-friendly

model of service delivery for chambers, registry staff and the legal profession. This involved expanding 17 existing lists into 20. Specifically, General Commercial Lists (A-E) were decommissioned with a suite of new General Commercial Lists created with the designation of the relevant judge's name, e.g. Commercial List – Almond J, Commercial List – Croft J.

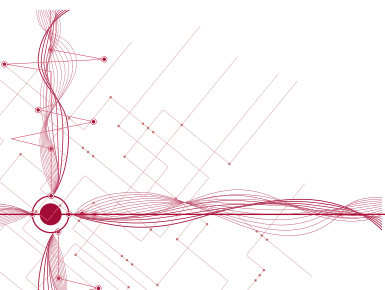
Significant cases***Sino Iron Pty Ltd & Anor v Worldwide Wagering Pty Ltd and Ors [2017] VSC 101***

This proceeding was heard by Justice Hargrave and concerned the recovery of payments made by the plaintiffs by mistake or by reason of fraud. The two plaintiff companies were involved in a major mining project known as the Sino Iron Project in Western Australia, and were creditors of Monadelphous Engineering Associates Pty Ltd. A person pretending to be an authorised representative of Monadelphous contacted the plaintiff companies and directed payment of Monadelphous' invoices to be paid into a bank account. That bank account belonged to a company called Worldwide Wagering Pty Ltd, which carried on an international sports betting business. About \$2.150 million was paid into Worldwide's bank account. The stolen funds were gambled on international sporting events and most of them were lost. Some of the funds were repaid but the plaintiffs claimed the balance (approximately \$2,077,000), which had been used by the defendants or their related companies. The defendants admitted to receiving the stolen funds but claimed that they owed the plaintiffs nothing because they received the funds as bona fide purchasers for value without notice of the fraud, and because Worldwide had changed its position on the faith of the receipt of the stolen funds. The Court found that the defendants had sufficient knowledge of the fraud at key points in time and that their failure to make simple inquiries regarding the funds was wilful and reckless.

In deciding this case, Justice Hargrave considered issues including money had and received, constructive trusts, knowing receipt of trust funds and knowing assistance in breaches of trust, tracing and disposing of the proceeds of traceable funds, the change of position defence and indefeasibility of title.

Melbourne City Investments Pty Ltd v Myer Holdings Limited (No. 2) [2016] VSC 655

Justice Sifris found that the predominant purpose of a shareholder class action was to generate income for a solicitor and/or his associates rather than to vindicate legal rights. This was held to be an illegitimate or collateral purpose. The solicitor was the sole shareholder of the plaintiff until around September 2015, when a company associated with him became the sole shareholder of the plaintiff. His Honour granted a permanent stay of the proceeding on the basis of abuse of process, which was upheld by the Court of Appeal.



Specialist Lists

Corporations List

Judge in Charge: Justice Sifris

Associate judges: Associate Justice Efthim
Associate Justice Gardiner
Associate Justice Randall

Judicial registrars: Judicial Registrar Heteyey
Judicial Registrar Matthews

The Corporations List is suitable for applications brought under the *Corporations Act 2001* (Cth) and/or the *Australian Securities and Investments Commission Act 2001* (Cth).

The Corporations List is managed by Justices Sifris, Judd, Robson and Kennedy. The associate judges and judicial registrars in the list hear a significant number of applications each year in connection with the winding-up of corporations.

During 2016-17, judges of the Corporations List continued to hear and determine matters arising from failed managed investment schemes, Timbercorp and Great Southern, in addition to schemes of arrangement and matters under the *Personal Property Securities Act 2009* (Cth).

The reinstated Oppression Proceeding Program continued to prove successful. The program was established by Practice Notes 5 of 2014 and 13 of 2015 and has been further revised in Practice Note SC CC 8. The Program 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 program will continue until 30 April 2018 to enable the selection of an appropriate number of cases to evaluate its effectiveness.

During the reporting period 1,167 matters were initiated in the Corporations List, a decrease of 21 per cent compared with the 2015-16 financial year. There was also a decrease in the number of matters finalised: 1,130 in 2016-17 compared to 1,818 in 2015-16.

Corporations List

	2015-16	2016-17	Difference	Variance
Initiations	1,484	1,167	-317	-21%
Finalised	1,818	1,130	-688	-38%
In list 30 June	668	705	37	6%

Modifications to Corporations List sittings has enabled great efficiencies to be made in company windings-up. Parallel sittings by an associate judge hearing contested winding-up applications and referrals, and assisted by a judicial registrar hearing uncontested windings-up, has proven to be a valuable innovation to the efficiency of the list.

The final transition of filing winding-up applications in the Federal Court greatly reduced the number of matters that were processed. The high statistics in 2015-16 reflect the high volume and quick turnover nature of these Deputy Commissioner of Taxation matters. The work of the associate judges and judicial registrars in the list has since been replaced with more time-consuming and complex matters.

Hearings listed

2016-17 (associate judges and judicial registrars)	1,942
2015-16 (associate judges and judicial registrars)	3,109

Significant cases

The Presbyterian Church of Victoria Trusts Corporation v Anstee, Nuske, Evans, Holman, Kerss & Ors (No 2) [2017] VSC 102

This matter concerned the actions of Trustees of the Scots' Church Property Trust (the Trust) in acquiring (on behalf of the Trust), upgrading and refurbishing an assembly hall located on Collins Street, Melbourne (the Assembly Hall). In April 2017, Justice Sifris handed down a decision on the question of appropriate remedies, following his Honour's finding in June 2016 that there had been breaches of trust by the unauthorised expenditure of the sum of over \$11 million plus interest.

In this decision, his Honour held that the trust beneficiary could make an election for remedies for breach of trust, being personal or proprietary in nature.

His Honour then went on to consider the extent of a beneficiary's interest in the trust property or the proceeds of sale of the trust property (in this case, the Assembly Hall). His Honour said that whatever the election, it was necessary to determine the interests in light of any benefits received over the years. Matters considered by the Court included:

1. the breach associated with the acquisition of the Assembly Hall;
2. the breach associated with the redevelopment or improvements made; and
3. whether other benefits or burdens should be taken into account when assessing or finalising the percentage interest of each beneficiary.

His Honour found that the improvements to the Assembly Hall meant that the funds in question were directly traceable to the Assembly Hall. In effect, a new and improved asset was created and each of the beneficiaries had an equal interest in that new asset, to the extent of such improvements.

Significant cases (continued)

***ASIC v Flugge and Geary [2016] VSC 779;
ASIC v Flugge (No 2) [2017] VSC 117***

After the invasion of Iraq in 2003, the Australian Wheat Board (AWB) was accused of acting contrary to United Nations (UN) sanctions prohibiting the provision to Iraq of any funds or financial resources (other than in accordance with the UN's Oil-For-Food Program). The accusations led to the Cole Royal Commission and the ultimate demise of AWB.

The Australian Securities and Investment Commission (ASIC) commenced proceedings seeking civil penalties against AWB officials arising out of AWB's conduct in selling wheat to Iraq under the UN Oil-for-Food Program. ASIC alleged that Mr Flugge, a former chairman and director of AWB, and Mr Geary, a former senior officer at AWB, breached their duties under sections 180(1) and 181 of the *Corporations Act 2001* (Cth). The alleged breaches related to the payment of \$223 million in 'transportation' fees by AWB to Iraq under contracts for the sale of wheat, contrary to the UN sanctions.

Justice Robson did not accept ASIC's contention that Mr Flugge knew that the payments were contrary to UN sanctions and ought to have stopped them. However, his Honour found that Mr Flugge had breached his duties as a director under s 180(1) (to exercise reasonable care and diligence) in not inquiring into issues raised by the UN. His Honour found that had Mr Flugge made these inquiries, he would have discovered that the UN, despite authorising the sales by AWB of wheat to Iraq, had not knowingly approved of the relevant payments. His Honour was not satisfied that Mr Flugge had breached his duties under s 181 and also dismissed the allegations against Mr Geary that he breached his duties under s 180(1) and s 181. His Honour ordered that Mr Flugge pay a pecuniary penalty of \$50,000 and disqualified him from managing corporations for five years.

Babcock & Brown DIF III Global Co-Investment Fund, LP & Anor v Babcock & Brown International Pty Limited & Ors [2016] VSC 623

Justice Hargrave handed down a decision concerning the consequences which flow from breach of an exclusive jurisdiction clause in a commercial agreement. In the decision, the judge distinguished the leading authority and exercised the Court's discretion to refuse a stay of proceedings. This case also dealt with the application of New York law.

Re Amerind Pty Ltd (receivers and managers appointed) (in liq) [2017] VSC 127

Justice Robson delivered judgment in this matter which considered the obligations of receivers regarding certain debts of the company. The company had acted as trustee of a trust which conducted a manufacturing and distribution business. Complex questions arose about the interaction between the *Corporations Act 2001* (Cth) (Corporations Act) and the *Personal Property Securities Act 2009* (Cth) and the priority payment regime for certain creditors in receivership arising under the Corporations Act in the case of a trading trust.

Justice Robson was asked to consider whether property held on trust by a corporate trustee is 'property of the company'. His Honour concluded that assets held by an insolvent corporate trustee in its capacity as trustee, and the trustee's right of indemnity from the trust assets for debts incurred on behalf of the trust, were not 'property of the company' and therefore not subject to the priority regime, and that the assets of trading trust companies are to be distributed to the trust creditors *pari passu* and therefore differently to the assets of ordinary companies in liquidation.

In reaching his decision, Justice Robson distinguished the Victorian precedent of *Re Enhill* [1983] 1 VR 561 and followed the NSW Supreme Court decision of *Independent Contractor Services (Aust) Pty Ltd (in liq) (No 2)* [2016] 305 FLR 222.

State of Victoria v CTM Training Solutions Pty Ltd (In Liq) & Ors [2017] VSC 47

Justice Sifris considered an application by the Department of Education and Training (DET) for the appointment of special purpose liquidators to two registered training organisations (RTOs). The RTOs had received millions of dollars in government subsidies to fund the provision of education and training services to students. The DET sought the appointment of special purpose liquidators, in addition to the liquidators already appointed by the members of each RTO, to facilitate further investigation of antecedent conduct and transactions. In particular, the investigations were intended to examine whether the directors and officers of the RTOs had acted in accordance with their legal duties.

Justice Sifris concluded that it was appropriate to appoint special purpose liquidators in the circumstances because, among other things, there were serious questions as to the proper utilisation of government payments and the DET was willing to fund investigations that may not have otherwise been fully carried out.

Taxation List

Judge in Charge: Justice Croft

Deputy Judge in Charge: Justice Kennedy

The Taxation List hears matters concerning taxation appeals from decisions of the Victorian Civil and Administrative Tribunal (VCAT) and objections to decisions of the Commissioner of State Revenue. The Taxation List also hears 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 determined that all taxation appeals are to be initiated and managed in the Taxation List with practitioners encouraged to file all proceedings in the Commercial Court Registry. Previously, taxation appeals were initiated in the Common Law Division but heard by a Taxation List judge. This change ensured that matters in the Taxation List received more specialised management by judges sitting in the Commercial Court.

In May 2017, the Court hosted the inaugural Taxation List Users' Group meeting. This group consisted of a range of stakeholders from the Victorian Bar, State Revenue Office and private practice who are regular users of the Taxation List. Topics discussed at the meeting included mediations and e-Trials in Taxation List matters.

Taxation List

	2015-16	2016-17	Difference	Variance
Initiations	49	32	-17	-35%
Finalised	41	40	-1	-2%
In list 30 June	42	34	-8	-19%

Significant cases

Telecommunications Industry Ombudsman Ltd v Commissioner of State Revenue [2017] VSC 286

Justice Croft determined an appeal by the Telecommunications Industry Ombudsman Ltd (TIO) concerning its application for exemption from payroll tax pursuant to s 48(1) of the *Payroll Tax Act 2007* (Vic). The issue was whether the TIO was a non-profit organisation having as its dominant purpose a charitable purpose and whether the wages were paid to persons engaged exclusively in work of a charitable nature.

The Commissioner contended that the purpose of the TIO was not a charitable purpose but was to operate and administer the scheme for the investigation and determination of complaints about telecommunications carriage services, pursuant to the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth). His Honour accepted that having a regulatory object does not necessarily result in there being a non-charitable purpose and found that the governing documents of the TIO and the evidence as to the implementation of its purposes indicated that its purpose was 'charitable'.

Technology, Engineering and Construction (TEC) List

Judges in Charge: Justice Vickery, Justice Digby

The Technology, Engineering and Construction (TEC) List draws together three strands of related disputes in the areas of technology, engineering and construction. The List provides for the just and efficient determination of TEC cases, through the early identification of substantial questions in controversy, and the flexible adoption of appropriate and timely procedures for the future conduct of each proceeding.

The Judges in Charge employ practical and technologically innovative initiatives to the management and determination of these cases.

During the reporting period, 15 new matters were initiated in the List and 15 matters were finalised. This was a reduction of 48 per cent and 63 per cent respectively compared with the 2015-16 financial year. The reduction in initiations may be suggestive of a greater willingness of parties to resolve construction disputes through alternative dispute resolution mechanisms, such as specialist arbitration.

Technology, Engineering and Construction List

	2015-16	2016-17	Difference	Variance
Initiations	29	15	-14	-48%
Finalised	40	15	-25	-63%
In list 30 June	43	43	0	0%

Significant cases

McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd & Ors (No 1) [2016] VSC 734

In this interlocutory decision, Justice Vickery made orders for the use of predictive code technology (or Technology Assisted Review) to assist with the discovery process. Justice Vickery accepted the recommendations of a special referee appointed pursuant to Order 50 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) as to the appropriate management of discovery in the proceeding. His Honour noted that the number of documents relevant to the proceeding had already been reduced by the parties employing de-duplication technology from approximately 4 million to approximately 1.4 million and that the use of predictive coding technology was likely to further dramatically reduce this volume to make it more reasonable and manageable.

Work of the Supreme Court

Arbitration List

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

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

During the reporting period, four matters were initiated and three matters were finalised.

Arbitration List

	2015-16	2016-17	Difference	Variance
Initiations	6	4	-2	-33%
Finalised	9	3	-6	-67%
In list 30 June	2	3	1	50%

Insurance List

Judge in Charge: Justice Hargrave**Deputy Judge in Charge:** Justice Almond

The Insurance List commenced on 1 July 2016 with the aim of providing an efficient approach to the management of insurance disputes.

The Insurance List is suitable for matters where the underlying issue in dispute is of a commercial nature. Among the types of commercial matters suitable for initiation in the List, are:

- » disputes in relation to the application of an insurance or reinsurance policy to claims of loss incurred in a commercial transaction or where the insurance relates to a business or property
- » disputes between insurers as to the contribution payable by each under concurrent insurance policies or disputes between insurers and reinsurers
- » matters raising issues of construction of particular insurance or reinsurance policies
- » matters concerning the interpretation of relevant legislation, for example *Insurance Act 1973* (Cth), *Insurance Contracts Act 1984* (Cth) and the *Insurance Regulations 2002* (Cth)
- » disputes regarding rights of subrogation in commercial transactions.

The Insurance List does not include matters that are more appropriately initiated in the Common Law Division, particularly in its Personal Injuries, Dust Diseases, Major Torts, Professional Liability or General Lists.

In the 2016-17 financial year, eight matters were initiated and five matters were finalised in the List.

Insurance List

	2015-16 ²	2016-17	Difference	Variance
Initiations	4	8	4	100%
Finalised	0	5	5	100%
In list 30 June	5	8	3	60%

Admiralty List

Judge in Charge: Justice Digby

The Admiralty List is dedicated to hearing and determining shipping litigation matters, which are brought under the *Admiralty Act 1988* (Cth). The list also 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 claims which might be subject to the above proceedings and shipping claims conducive to effective, prompt and economical determination.

On 17 November 2016, in celebration of the 10th Anniversary of the Australian Maritime and Transport Arbitration Commission, the Court and the Maritime Law Association of Australia and New Zealand jointly hosted a seminar focused on exploring current issues confronting the maritime and transport industry.

Admiralty List

	2015-16	2016-17	Difference	Variance
Initiations	1	0	-1	-100%
Finalised	2	1	-1	-50%
In list 30 June	1	0	-1	-100%

Intellectual Property List

Judge in Charge: Justice Vickery**Deputy Judge in Charge:** Justice Elliott

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

Three new proceedings were initiated in the List in the 2016-17 reporting period and two matters were finalised.

Intellectual Property List

	2015-16	2016-17	Difference	Variance
Initiations	2	3	1	50%
Finalised	2	2	0	0%
In list 30 June	5	6	1	20%

² While the Insurance List did not commence until 1 July 2016, insurance matters included in other Commercial Court lists in 2015-16 were identified for the purposes of these statistics.

Commercial Court Registry

The Commercial Court Registry assists Commercial Court judges in managing the general commercial and specialist judge-managed lists. It provides a range of administrative, case management, legal and policy support to the Commercial Court judges.

The registry is premised upon a case management model, which aligns specialist registry services to the needs of Commercial Court judges and Commercial Court users. The registry aims to support Commercial Court judges in achieving the timely resolution of matters through active case management and fixed trial dates. In addition, this model seeks to free up time spent by chambers staff on administrative work, allowing greater focus on higher value aspects of case management.

The work of the registry includes producing high quality case summaries for consideration at the regular case allocations meetings and the preparation of key statistical and listing information to assist in the management of cases.

Enhancements to the Commercial Court web page

In September 2016, the Commercial Court re-modelled content on the Court's website and added a significant amount of additional information to assist parties and their legal practitioners when dealing with the Commercial Court. Significantly, the web page now addresses many of the 'commonly asked questions' raised by parties and legal practitioners.

New Practice Notes

New Practice Notes affecting litigation in the Supreme Court of Victoria came into effect from 30 January 2017.

Practice Note SC CC 1 provides guidance on the procedures to be followed by practitioners and parties conducting litigation in the Commercial Court. This Practice Note re-modelled and simplified what was previously known as 'the Green Book'. The new Practice Note provides a toolbox of case management procedures to ensure commercial litigation is conducted in a way that best facilitates the just, efficient and cost-effective resolution of the real issues in dispute.

A further seven Practice Notes specifically related to Commercial Court matters were also reviewed and re-issued in January 2017.

Upgrade to electronic filing system

In April 2017, the Commercial Court rolled out a new platform for electronic filing and electronic case management. This followed feedback from existing users and was designed to integrate directly with the Court's existing case management system. The new platform increases efficiencies in the administration of cases and provides an improved experience for users in filing and managing matters. The registry continues to provide 'helpdesk' support to users of the system.

The upgrade to the Commercial Court electronic filing system was an important step towards a more paperless future.

Stakeholder interaction

In October 2016 and March 2017, the registry welcomed delegations of judicial and court staff from the Supreme Court of Singapore. Judicial Registrar Heteyey and registry staff spoke to the delegations about various aspects of the registry's operation, including case management, case allocations and re-allocations, and the International Framework of Court Excellence. A substantial briefing paper, which provided an overview of the work of the registry and the Commercial Court, was prepared for the delegation.

The registry also assisted in coordinating the Commercial Court Users' Group. The group consists of counsel and senior solicitors who are regular users of the Court's services. The new Practice Notes, the Commercial Court Duty Judge System, the Oppression Pilot Proceedings and feedback from Commercial Court users, were discussed at the 2017 meeting.

Trial Division – Common Law

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
(*sitting at VCAT*)
Justice Digby
(*from 19 April 2017*)
Justice Ginnane
Justice Cameron
(*from 19 April 2017*)
Justice McDonald
Justice Zammit
Justice Riordan
Justice Keogh

Associate judges:

Associate Justice
Derham
Associate Justice
Lansdowne
Associate Justice Daly
Associate Justice
Mukhtar
Associate Justice
Ierodiaconou

Judicial registrars:

Judicial Registrar Ware
(*until 29 January 2017*)
Judicial Registrar Clayton
(*from 20 February 2017*)

Note:

The data reported in this section of the report may differ to those presented in earlier reports. This is a result of improvement in the Court's data analysis.

The Common Law Division manages four diverse categories of cases:

1. claims in property, tort or contract law, including employment and industrial disputes
2. claims relating to wills and estates
3. proceedings relating to the Court's supervisory jurisdiction over other Victorian courts, tribunals and public officials
4. claims arising out of breaches of trust or equitable obligations.

Matters in the Common Law Division are 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
- » Dust Diseases List
- » Employment and Industrial List
- » Judicial Review and Appeals List
- » Major Torts List
- » Personal Injuries List
- » Professional Liability List
- » Property List
- » Testators Family Maintenance List
- » Trusts, Equity and Probate List
- » Valuation, Compensation and Planning List.

In the 2016-17 financial year, 2,526 cases were initiated in the Common Law Division. This was an increase of 6 per cent from the previous financial year. The Division achieved a clearance rate of 103 per cent, with overall pending cases remaining at roughly the same level as for the 2015-16 financial year.

Older cases are monitored and actively managed. During the 2016-17 year, the Division reviewed all cases initiated prior to 2014 to ensure the timeliest possible resolution. As at 30 June 2017, there were 2,208 cases pending cases in the Division, 3.6 per cent of which were initiated prior to 2014.

Specialist Lists

Confiscation and Proceeds of Crime List

Judge in Charge: Justice J Forrest

The Confiscation and Proceeds of Crime List manages civil proceedings brought under Victorian and Commonwealth legislation providing for the restraint or forfeiture of property allegedly connected with criminal activity; the *Confiscation Act 1997* (Vic) and the *Proceeds of Crime Act 2002* (Cth).

While the number of cases in the list remained relatively small, these proceedings typically require management over a number of years as related criminal proceedings (often in the County Court) are finalised. The Court's principal interlocutory work in these proceedings is the resolution of disputes as to the scope of restraining orders over property.

Confiscation and Proceeds of Crime List

	2015-16	2016-17	Difference	Variance
Initiations	14	15	1	7%
Finalised	18	14	-4	-22%
In list 30 June	21	22	1	5%

Dust Diseases List

Judges in Charge: Justice Zammit and Justice Keogh

Associate judge: Associate Justice Ierodiaconou

Judicial registrar: Judicial Registrar Clayton

The Dust Diseases List manages all proceedings in which a plaintiff alleges 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.

Many plaintiffs with claims in this list have a shortened life expectancy and their claims are given an expedited timetable. In 2016-17, the average time from initiation to trial for matters in the list was 6.6 months.

Justice Zammit heard pre-trial directions for Dust Diseases with referrals made to Judicial Registrar Clayton. Associate Justice Ierodiaconou also heard applications and special fixtures in Dust Diseases matters.

Dust Diseases List

	2015-16	2016-17	Difference	Variance
Initiations	258	274	16	6%
Finalised	247	249	2	1%
In list 30 June	198	223	25	13%

Hearings listed

2016-17 (associate judges)	82
2015-16 (associate judges)	166

Employment and Industrial List

Judge in Charge: Justice McDonald

Associate judge: Associate Justice Ierodiaconou

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, including breach of contract and/or conspiracy to injure
- » industrial tort, secondary boycott and related contempt proceedings.

It also manages appeals and applications in the nature of judicial review from:

- » the Industrial Division of the Magistrates' Court
- » the Human Rights List of the Victorian Civil and Administrative Tribunal involving allegations by an employee of discrimination or harassment in the workplace
- » decisions of tribunals in relation to employment.

Employment and Industrial List

	2015-16	2016-17	Difference	Variance
Initiations	33	35	2	6%
Finalised	9	36	27	300%
In list 30 June	30	29	-1	-3%

Applications for injunctions and contempt of court are usually listed before Justice McDonald. Associate Justice Ierodiaconou heard a total of 187 matters, including special fixtures adjourned from the list requiring a separate hearing.

Hearings listed

2016-17 (associate judges)	187
2015-16* (associate judges)	27

* from 12 February 2016

Work of the Supreme Court

Significant cases

***Volunteer Fire Brigades Victoria Inc v Country Fire Authority* [2016] VSC 573; [2016] VSC 613; [2016] VSC 621**

The Country Fire Authority (CFA) and the United Firefighters Union sought to have a new enterprise agreement certified by the Fair Work Commission. Volunteer Fire Brigades Victoria Inc alleged that the proposed agreement would seriously undermine the rights of CFA volunteers. Justice McDonald granted an interlocutory injunction to prevent the CFA from putting the proposed agreement to ballot and the matter was listed for an expedited trial. Justice Jack Forrest and Associate Justice Ierodiaconou determined a number of significant interlocutory disputes relating to discovery and subpoenas. The matter was settled prior to trial following mediation by Associate Justice Efthim.

***Just Group Ltd v Peck* [2016] VSC 614**

This proceeding involved the recruitment by Cotton Group Ltd of Just Group's Chief Financial Officer, Nicole Peck. Just Group sought injunctions to enforce restraint of trade clauses in Peck's contract of employment. After a five-day trial, Justice McDonald held that the restraints were unenforceable as they went beyond that which was reasonable to protect Just Group's legitimate interests. An appeal to the Court of Appeal was dismissed in December 2016.³

***Crowe Horwath Ltd v Loone* [2017] VSC 163**

This proceeding involved a contractual dispute between the accounting firm Crowe Horwath and one of the firm's partners, Anthony Loone. The case was concerned with whether there was a repudiation of Loone's contract by Crowe Horwath and whether Crowe Horwath were nevertheless entitled to enforce a restraint of trade provision in the employment contract. Justice McDonald held that the contract had been repudiated and that Crowe Horwath were thereby not entitled to enforce the restraint covenant.

³ *Just Group Limited v Peck* [2016] VSCA 334

⁴ *Attorney-General v Glass (in her capacity as Ombudsman)* [2016] VSCA 306

Judicial Review and Appeals List

Judges in Charge: Justice Cavanough and Justice Ginnane

Associate judges: Associate Justice Derham

Associate Justice Lansdowne

Associate Justice Daly

Associate Justice Mukhtar

Associate Justice Ierodiaconou

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

	2015-16	2016-17	Difference	Variance
Initiations	184	198	14	8%
Finalised	206	203	-3	-1%
In list 30 June	145	140	-5	-3%

The associate judges support the list by undertaking selected trials. Through a judge-managed list, the associate judges hear one-day trials to assist in reducing the backlog in the list. Due to the nature and complexity of these matters, significant investment in trial preparation and subsequent judgment writing is involved.

Significant cases

***Glass v President of the Legislative Council* [2016] VSC 507**

Justice Cavanough decided that the Victorian Ombudsman had jurisdiction to investigate a matter referred by the Victorian Legislative Council relating to the conduct of members of Parliament in connection with campaigning for the 2014 state election. The judgment was upheld by the Court of Appeal.⁴

Significant cases (continued)***Secretary to Department of Health and Human Services v AA and BB [2017] VSC 34***

Justice Cavanough held that the Victorian Department of Health and Human Services had authority under the *Children, Youth and Families Act 2005* (Vic) to take steps for the protection and welfare of non-citizen children who were in 'community detention' pursuant to the *Migration Act 1958* (Cth) and that there was no necessary conflict between the State Act and the Commonwealth Acts such as might give rise to the invalidity of the relevant State provisions by operation of s 109 of the Commonwealth Constitution.

Certain Children by their Litigation Guardian Sister Marie Brigid Arthur v Minister for Families and Children [2016] VSC 796

Justice Garde held that two Orders in Council made under the *Children, Youth and Families Act 2005* (Vic) establishing a youth justice centre at the Greenvale unit of the Barwon Prison were unlawful under s 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) as the defendants failed to give proper consideration to the human rights of the plaintiffs. An appeal from this decision was dismissed.⁵

Certain Children v Minister for Families and Children & Ors (No 2) [2017] VSC 251

Justice John Dixon declared that two Orders in Council made in late 2016 establishing the Greenvale unit within Barwon Prison were unlawful under s 38(1) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic). Orders were also made restraining the Secretary to the Department of Human Services from detaining any person in its custody at Greenvale.

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

	2015-16	2016-17	Difference	Variance
Initiations	53	67	14	26%
Finalised	71	74	3	4%
In list 30 June	81	74	-7	-9%

Significant cases***Mullett v Nixon & Ors [2016] VSC 512***

The plaintiff, the former secretary of the Police Association, alleged that his suspension from the police force and associated criminal investigation by the defendants, three senior police force members, amounted to the torts of misfeasance in public office and malicious prosecution. Justice Terry Forrest dismissed the plaintiff's claim on the basis that he had failed to establish his case against the defendants.

Riverman Orchards Pty Ltd v Hayden [2017] VSC 379

This proceeding concerned a claim by a vineyard owner for damages arising out of negligence and nuisance by the defendant in carrying out crop spraying of the defendant's property. The plaintiff alleged that the damage caused to his vines caused economic loss in the form of re-establishment costs of the vineyard and loss of grape sales. Justice John Dixon found in favour of the plaintiff and ordered that the defendant pay approximately \$6.5 million in damages.

Sheales v The Age & Ors [2017] VSC 380

This proceeding concerned a defamation claim by the plaintiff, a barrister, against The Age, Fairfax Digital Australia and New Zealand and journalist Patrick Bartley. The plaintiff alleged that an article written by Mr Bartley and published by the other defendants suggested that the plaintiff, while appearing before Racing Victoria, deliberately misled Racing Victoria about the effects of cobalt on racehorses. A jury found in favour of the plaintiff and Justice John Dixon assessed and awarded damages to the plaintiff in the sum of \$175,000.

⁵ *Minister for Families and Children v Certain Children by their Litigation Guardian Sister Marie Brigid Arthur [2016] VSCA 343*

Work of the Supreme Court

A number of class actions brought under Part 4A of the *Supreme Court Act 1986* (Vic) were managed in the Major Torts List in 2016-2017, including:

- » the supervision of the administration of settlement distribution schemes in the Black Saturday and Mickleham-Kilmore Bushfire class actions
- » the class action arising out of the detention of refugees on Manus Island
- » losses alleged to have been sustained by businesses as a result of the cancellation by the Commonwealth of the Homeowners Insulation Program
- » the class action brought by detainees on Christmas Island (before orders were made that it proceed as an individual claim only)

The following table details the claims under management and finalised claims as at 30 June 2017. These cases were managed by the judge appointed to hear the trial.

Class action claims: pre-trial management

Case	Managed by
Jackson v GP & JM Bruty (Snake Valley bushfire class action)	Justice J Forrest
Roo-Roofing Pty Ltd v Commonwealth of Australia (Pink Batts class action)	Justice John Dixon
Schmid v Skimming (Scotsburn bushfire class action)	Justice John Dixon
Burke v Ash Sounds Pty Ltd (Falls Music & Arts Festival class action)	Justice John Dixon
Power Systems Pty Ltd v Victorian Building Authority (Rangeview Estate class action)	Justice John Dixon

Each of these cases, absent settlement, is expected to go to trial in 2017 and/or 2018.

Class action claims: settlement supervision

Case	Status
<i>Kamasae v Commonwealth of Australia & Ors</i> (Manus Island detention centre claim)	<ul style="list-style-type: none"> » 14 June 2017: Settlement announced to Justice McDonald. » 17 July 2017: Notice of proposed settlement to group members approved by Justice Macaulay.
<i>Ramsay v Ausnet Electricity Services Pty Ltd & Anor</i> (Jack River bushfire class action)	<ul style="list-style-type: none"> » 2 December 2016: Settlement approved by Justice Emerton. » 6 & 7 February 2017: Payment of assessed entitlement sent to group members. » Settlement distribution process complete.
<i>Williams v AusNet Electricity Services Pty Ltd</i> (Mickleham-Kilmore bushfire class action)	<ul style="list-style-type: none"> » 4 July 2017: Application for Settlement Approval Orders heard by Justice Emerton.
<i>Matthews v AusNet Electricity Services Pty Ltd</i> (Kilmore East – Kinglake bushfire class action)	<ul style="list-style-type: none"> » 1,905 personal injury and dependency claims and approximately 9,174 economic loss and property damage (ELPD) claims. Of these, 1,481 personal injury claimants; and 3,092 above insurance and 4,911 subrogated ELPD claimants, were assessed as entitled to receive compensation. » The majority of the distribution of settlement monies occurred in the final quarter of 2016 and the first quarter of 2017. A small number of claimants await resolution of their compensation payments. » Subject to an outstanding taxation issue, the distribution is otherwise approaching finalisation.
<i>Rowe v AusNet Electricity Services Pty Ltd</i> (Murrindindi Black Saturday bushfire class action)	<ul style="list-style-type: none"> » 425 personal injury and dependency claims and approximately 2479 ELPD claims. Of these, 313 personal injury claimants; and 872 above insurance and 1182 subrogated claimants, were assessed as entitled to receive compensation. » The majority of the distribution of settlement monies occurred in the final quarter of 2016 and the first half of 2017. A small number of claimants await resolution of their compensation payments. » Subject to an outstanding taxation issue, the distribution is otherwise approaching finalisation.
<i>Place v Powercor Australia Limited</i> (Pomborneit bushfire class action)	<ul style="list-style-type: none"> » 21 claims – all finalised.
<i>Perry v Powercor Australia Limited</i> (Coleraine bushfire class action)	<ul style="list-style-type: none"> » 28 claims – 26 finalised. » The Scheme Administrator will prepare a final report once all claims have been finalised.
<i>Thomas v Powercor Australia</i> (Horsham bushfire class action)	<ul style="list-style-type: none"> » 214 claims – 213 finalised. » The Scheme Administrator will prepare a final report once all claims have been finalised.
<i>Downie v Spiral Foods Pty Ltd</i> (Bonsoy class action)	<ul style="list-style-type: none"> » 569 registrants. » Distribution of settlement monies has occurred. The matter will be finalised once an outstanding taxation issue has been resolved.

Significant cases

AS v Minister for Immigration

This proceeding was commenced as a class action on behalf of detainees at Christmas Island, with AS, who was five years of age at the time of her detention, as the lead plaintiff. Orders were made shortly before trial that the matter proceed as AS' individual claim only. The matter settled prior to trial.

Kamasae v Commonwealth of Australia & Ors

This proceeding was commenced as a class action on behalf of detainees at Manus Island. The matter settled at the beginning of trial with settlement approval to occur at a later date.

Personal Injuries List

Judge in Charge: Justice Zammit

Associate judge: Associate Justice Ierodiaconou

Judicial registrar: Judicial Registrar Clayton

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

- » industrial and motor vehicle accidents
- » public and occupier's liability
- » school accidents
- » medical negligence
- » bullying and harassment
- » sexual abuse
- » personal accident or disability insurance policies
- » statutory recoveries by the Transport Accident Commission and the Victorian WorkCover Authority.

In the 2016-17 financial year, an increased number of proceedings arising out of alleged sexual abuse, particularly in institutional settings, were issued in the Personal Injuries List (48 compared with 41 in 2015-16). The list developed tailored case management practices to respond to the issues arising in these matters, particularly where multiple claims have been brought in respect of alleged abuse by the same person. There was also an increase in the use of case management tools such as judicial mediations and expert conclaves in the list.

Victoria is one of the few Australian jurisdictions in which jury trials are available as of right in civil matters. A total of 10 jury trials in the Personal Injuries List ran to verdict in the 2016-17 financial year.

Jury verdicts in the Personal Injuries List

Case type	No. of cases
Motor vehicle accident	5
Workplace Injury	4
Other	1
TOTAL	10

Personal Injuries List

	2015-16	2016-17	Difference	Variance
Initiations	516	505	-11	-2%
Finalised	446	559	113	25%
In list 30 June	752	698	-54	-7%

Justice Zammit heard pre-trial directions in the Personal Injuries List, with referrals made to Judicial Registrar Clayton. Associate Justice Ierodiaconou also heard applications and special fixtures in Dust Diseases matters.

Hearings listed

2016-17 (associate judges)	390
2015-16 (associate judges)	568

Significant cases

Salt v State of Victoria [2017] VSC 6

This case was a workplace injury claim in which Justice Keogh considered the nature of the Crown's liability as an employer in tort, having regard to the provisions of the *Crown Proceedings Act 1958* (Vic).

Khodr v G4S Custodial Services Pty Ltd [2016] VSC 800

Justice Keogh considered what proportion of an award of damages to a plaintiff who was assaulted whilst a prisoner in Port Phillip Prison was required to be paid into the Prisoner Compensation Quarantine Fund by virtue of the operation of Part 9C of the *Corrections Act 1986* (Vic).

Whelan v Lend Lease Engineering Pty Ltd & Ors

A workplace injury and related recovery action involving a construction worker who fell through a skylight in 2012. The plaintiff's claim involved eight defendants, four third parties and two fourth parties and the recovery proceedings by the Victorian Workcover Authority involved seven defendants and a third party.

These complex claims required intensive case management and were scheduled to run as a six to eight-week trial in April 2017. The Court, with the cooperation of the parties, was able to arrange a judicial mediation by Associate Justice Efthim which resulted in a settlement of both proceedings.

Work of the Supreme Court

Civil Circuit List

Judge in Charge: Justice J Forrest

Associate judge: Associate Justice Daly (*until April 2017*)

Judicial registrar: Judicial Registrar Clayton (*from April 2017*)

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. As the Shepparton courthouse was unavailable in 2016-17 due to its redevelopment, Shepparton circuit matters were listed in the Wangaratta and Wodonga sittings.

The majority of Civil Circuit List proceedings involve claims for personal injuries but can also include cases concerning commercial disputes, wills and partnerships. All have a regional connection.

During the financial year, the Civil Circuit List was case managed by a lawyer, who was recruited as part of the Common Law Improvement Program reforms. The list now receives the same level of case management as that of the Dust Diseases and Personal Injuries Lists.

Civil Circuit List

	2015-16	2016-17	Difference	Variance
Initiations	165	154	-11	-7%
Finalised	125	155	30	24%
In list 30 June	199	198	-1	-1%

Circuit sittings*

Circuit	Date	Matters listed in circuit ⁶	Proceeded ⁷
Mildura	July/Aug 2016	16 (5)	Yes
Geelong	July/Aug 2016	3 (3)	No
Horsham	Aug 2016	1 (0)	No
Bendigo	Aug/Sep 2016	7 (3)	No
Latrobe Valley	Aug/Sep 2016	11 (8)	Yes
Hamilton	Sep 2016	0	No
Ballarat	Sep/Oct 2016	9 (5)	Yes
Warrnambool	Sep/Oct 2016	4 (4)	No
Latrobe Valley	Oct/Nov 2016	9 (7)	Yes
Wodonga	Nov/Dec 2016	33 (20)	Yes
Bendigo	Jan/Feb 2017	12 (9)	No
Latrobe Valley	Feb/Mar 2016	16 (12)	No
Geelong	Mar/Apr 2016	4 (2)	Yes
Warrnambool	Apr/May 2016	5 (2)	No
Sale	May 2016	4 (4)	No
Wangaratta	May/June 2016	24 (16)	Yes

*Not including special fixtures of matters in other lists.

⁶ Number set down for trial in circuit followed by number remaining at call-over stage.

⁷ Circuits are designated as having not proceeded if there were either no matters set down for trial or all matters set down were either settled or adjourned out of the circuit before its commencement date.

⁸ *Greater Shepparton City Council v Clarke* [2017] VSCA 107

Significant cases

Clarke v Greater Shepparton City Council [2016] VSC 542

A personal injury claim in respect of an injury sustained by the plaintiff when he tripped on a raised stormwater drain pit located on a reserve in Shepparton. Justice Keogh's judgment deals with the duty of care owed by responsible authorities at common law and under the *Road Management Act 2004* (Vic). An appeal from the judgment was ultimately dismissed by the Court of Appeal.⁸

Professional Liability List

Judge in Charge: Justice Macaulay

Associate judge: 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.

Professional Liability List

	2015-16	2016-17	Difference	Variance
Initiations	44	20	-24	-55%
Finalised	47	43	-4	-9%
In list 30 June	71	48	-23	-32%

Significant cases

Bodycorp v Holding Redlich [2017] VSC 215

Justice Macaulay gave summary judgment in favour of the defendant, Holding Redlich, finding that Bodycorp had no prospect of success against the proposition that its claim was statute barred. The substantive proceeding concerned an alleged failure by the defendants to draft and include legally enforceable restraint of trade clauses in franchise agreements. Justice Macaulay was required to decide when loss was first suffered (in a case of pure economic loss) and, for that purpose, how the interest of the plaintiff that had been infringed by the alleged negligent act or omission should be identified.

Equal 54 Pty Ltd v Galimberti [2016] VSC 588

This case illustrates the proposition that not all negligence results in an award of damages. Justice Kennedy found that while the defendant, a solicitor, was negligent not to advise the plaintiff about defects in structure in a partnership deed, that breach did not cause the plaintiff to enter into the deed. Justice Kennedy dismissed the claim, finding that the plaintiff would have entered into the deed even if advised of difficulties and so any loss suffered was not caused by the negligence.

Property List

Judge in Charge: Justice Riordan

Associate judge: Associate Justice Derham

Judicial registrar: Judicial Registrar Matthews

The Property List manages 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

	2015-16	2016-17	Difference	Variance
Initiations	79	288	209	265%
Finalised	24	218	194	808%
In list 30 June	57	127	70	123%

Significant cases

Oostemeyer v Powell [2016] VSC 491

This matter involved an application to modify a restrictive covenant that would allow the plaintiff to erect more than one dwelling on the land. The defendants argued that the modification of the covenant would be used as a precedent by other property owners which would ultimately change the character of the neighbourhood through further developments. In dismissing the application, Justice Riordan held that the plaintiff had failed to prove that the proposed modification to the covenant would not cause substantial injury to the persons entitled to the benefit of the covenant and to the defendants in particular.

Simcevski v Dixon [2017] VSC 197

The plaintiff had purchased a plot of land that had been previously used as a petrol station and intended to build residential apartments on the land. The contract was unconditional as to finance. Before settlement, the plaintiff sought to drill through the concrete floor and conduct soil testing for the purposes of a land valuation. The defendant vendor refused to permit the drilling before settlement asserting that there was no right for the plaintiff to conduct the drilling. Justice Riordan held that the contract did not provide a right for such investigations.

Janney & Ors v Steller Works Pty Ltd [2017] VSC 363

The plaintiffs lived next door to a residential redevelopment. The developers had contracted with the defendant to erect a crane on the site. The plaintiffs warned the defendant not to erect the crane as it would constitute a trespass, but the crane was nonetheless erected. The crane 'weather vaned' when not in use and swung over the plaintiffs' land with the wind. Justice Riordan granted injunctions to prevent the defendants from continuing the trespass.

Trusts, Equity and Probate List

Judge in Charge: Justice McMillan

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

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

	2015-16	2016-17	Difference	Variance
Initiations	142	134	-8	-6%
Finalised	170	139	-31	-18%
In list 30 June	76	71	-5	-7%

Significant cases

Re Kumar [2017] VSC 81

Concerned the entitlement to a deceased's intestate estate where the deceased died leaving a wife but no children and it was alleged that the wife killed the deceased before she too died. As a result of her death, the wife was not tried for the alleged crime. The decision applies the moral culpability test as set out in the recent decision of the Court of Appeal in *Edwards v State Trustees Ltd*.⁹

Hannan v Zindilis [2016] VSC 723

The plaintiff was appointed manager to a legal practice where there was a shortfall of funds held in the practice's trust accounts. The manager sought directions to distribute the remaining funds to clients. It was determined that the most appropriate method of distribution in the circumstances was the *pari passu* method of distribution.

⁹ [2016] VSCA 28

Work of the Supreme Court

Testators Family Maintenance List

Judge in Charge: Justice McMillan

Associate judge: Associate Justice Derham

Judicial registrar: Judicial Registrar Englefield

All applications for further provision out of a deceased estate under Part IV of the *Administration and Probate Act 1958* (Vic) 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

	2015-16	2016-17	Difference	Variance
Initiations	510	446	-64	-13%
Finalised	546	471	-75	-14%
In list 30 June	393	368	-25	-6%

The associate judges manage *Testators Family Maintenance* (TFM) proceedings from the interlocutory stages through to mediation. Where estates are small (\$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. Of the 71 mediations, 58 were resolved.

The 2015 changes to eligibility criteria for Part IV/TFM claims continued to have an impact as evidenced in the number of hearings listed.

Hearings listed

2016-17 (associate judges)	976
2015-16 (associate judges)	1,009

Approvals of compromise arise out of three key areas: Testators Family Maintenance (TFM), the Personal Injuries List and the Dust Diseases List.

A significant amount of work is conducted by both Associate Justice Derham (on TFM matters), and Associate Justice Ierodiaconou (on non-TFM matters), in chambers which is not measured in courtroom statistics. During the 2016-17 reporting period, a total of 142 approvals were conducted representing a 25 per cent increase on the previous reporting period. Judicial registrar support to relieve the workload pressure on associate judges in other areas, enables this work to be completed.

Significant cases

Bail v Scott-Mackenzie [2016] VSC 563

This case considered whether the definition of s 90 of the *Administration and Probate Act 1958* (Vic) included 'stepchild' as the child of a deceased's domestic partner. The case considered whether the relationship of stepchild and stepparent survives the death of the natural parent when that parent predeceases the deceased. Associate Justice Derham held the plaintiff in that case fell within the definition of 'stepchild'. The decision was upheld on appeal.¹⁰

Re Williams; Smith v Thwaites [2017] VSC 365

This case considered an application by a stepchild for further provision from her deceased stepmother's estate. The decision applies the mandatory and discretionary considerations under the *Administration and Probate Act 1958* (Vic) as amended in terms of the further provision that was made for the applicant.

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 and disputes involving land use or environmental protection.

Valuation Compensation and Planning List

	2015-16	2016-17	Difference	Variance
Initiations	20	34	14	70%
Finalised	34	30	-4	-12%
In list 30 June	30	34	4	13%

Significant cases

RSSB Australia Pty Ltd v Ross [2017] VSC 314

The applicant appealed against the decision of the Victorian Civil and Administrative Tribunal (VCAT) to set aside a permit granted by the Frankston City Council to the applicant to construct a place of worship. VCAT found that the global organisation with which the applicant was affiliated was not a religion and accordingly the applicant could not be held to be proposing a place of worship on the land that was the subject of the permit. Central to the appeal was whether the proposed development was a 'place of worship' under the Frankston Planning Scheme. Justice Emerton allowed the appeal and set aside VCAT's order.

¹⁰ *Scott-McKenzie v Bail* [2017] VSCA 108

Significant cases (continued)

Forum Theatre Holdings Pty Ltd v MCC & Anor **[2016] VSC 534**

Forum Theatre Holdings appealed against a ruling by VCAT that Forum should have had its planning permit granted by the Melbourne City Council as opposed to the Minister for Planning. Justice Emerton dismissed the appeal, finding that VCAT had made no error in determining that it was Melbourne City Council which had the authority to grant the permit for the proposed refurbishment.

Lower Our Tracks Inc v Minister for Planning **[2016] VSC 803**

The plaintiff, an organisation formed to oppose the design of an elevated railway, sought judicial review of the exercise of discretion by the Minister for Planning to exempt himself from notification requirements relating to planning amendments. The plaintiff alleged that the Government had not announced a switch in policy from an underground railway to an overhead railway. Justice Ginnane ordered that the proceeding be dismissed.

Common Law Division Team

The Common Law Division team undertakes the administrative work of the Division. Judicial Registrar Clayton is supported by a team of deputy registrars and senior lawyers

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.

Key CLIP initiatives in 2016-17 included:

- » recruitment of additional lawyers to support the Division's specialist lists, particularly Confiscation and Proceeds of Crime; Judicial Review and Appeals; and Trusts, Equity and Probate Lists
- » extension of case management support by the Common Law Judicial Registrar and Common Law Division lawyers to the Civil Circuit List
- » an expanded role for the Common Law judicial registrar in the management of the Personal Injuries and Dust Diseases Lists
- » creation of an online calendar to assist legal practitioners with scheduling pre-trial conferences
- » development of the Court's personal injuries, dust diseases and civil circuit website pages to assist the profession, including publication of personal injury judgment and verdict summaries
- » more extensive engagement with the legal profession by way of seminars, user group meetings and presentations to the legal profession.

New Practice Notes

On 30 January 2017, a suite of new Practice Notes came into effect, including 13 new Practice Notes for the Common Law Division. The Practice Notes were updated to reflect changes to case management practices and to provide consistency and clarity for Court users across the various specialist lists.

Each of the Common Law lists has a practice note containing the specific case management practices for that list.

Electronic trials

In line with the introduction of SC GEN 5 'Guidelines for the Use of Technology' on 30 January 2017, the Division has encouraged the conduct of trials electronically. In cases involving large numbers of documents, electronic trials have the capacity to save significant amounts of Court time. During the 2016-17 financial year, three common law electronic trials were conducted. Two further matters which settled prior to trial were prepared to run electronically.

User groups

Several user group meetings were held during the year, providing a forum for judicial officers to consult with practitioners about proposed reforms in the Division, and enabling practitioners to provide feedback about the way in which Court procedures impact on litigation:

- » October 2016: Judicial Review and Appeals List
- » November 2016: Valuation, Compensation and Planning List
- » April 2017: Civil Circuit List
- » May 2017: Personal Injuries List
- » May 2017: Dust Diseases List
- » June 2017: Junior practitioners

In addition to the list-specific user groups, smaller meetings were also convened with practitioners who regularly conduct medical negligence and institutional abuse claims to address the particular case management needs of these specialised areas of personal injury litigation.

In June 2017, the Principal Judge, judicial registrar and deputy registrars of the Division met with the common law representatives of the Law Institute of Victoria. The meeting provided an opportunity for practitioners to give feedback about the CLIP reforms across the various specialist lists.

Seminars and presentations

The Division, in collaboration with the County Court, hosted two free seminars for junior practitioners. The first, in October 2016, dealt with pre-trial preparation and court craft in personal injury matters and the second, in April 2017, provided practitioners with tips on preparing for mediation.

Judicial officers from the County and Supreme Courts moderated the seminars. Each of the seminars attracted more than 100 participants and the April 2017 seminar was made available online to allow regional practitioners to participate.

The Division delivered a paper regarding the CLIP reforms at the Innovation and Excellence in Courts Conference. A presentation was also delivered to delegates of the Supreme Court of Singapore regarding the CLIP reforms.

Trial Division – Criminal

Principal Judge:

Justice Lasry

Deputy Principal Judge:

Justice Hollingworth

Judges:

Justice Croucher

Justice Beale

Justice Jane Dixon

Judicial registrar:

Judicial Registrar Pedley

As the superior court of record in Victoria the Supreme Court has an inherent jurisdiction in addition to its statutory jurisdiction. The Criminal Division of the Supreme Court has original jurisdiction over the most serious criminal matters involving homicide offences, including attempted homicide, and also hears other matters involving serious criminality such as terrorism offences, major crime and some serious sexual offences. The Division also has appellate jurisdiction over certain criminal cases that involve questions of law from the Magistrates' Court, the Children's Court and the Victorian Civil and Administrative Tribunal.

Criminal matters are committed to the Division in two streams: those committed for trial and those committed for sentence. All criminal trials in the Supreme Court are heard before a judge and a jury.

The Division has inherent jurisdiction in relation to all matters under the *Bail Act 1977*. It also has jurisdiction over a range of covert applications under the *Surveillance Devices Act 1999*, *Major Crime (Investigative Powers) Act 2004*, *Terrorism (Community Protection) Act 2003*, *Corrections Act 1986* and the *Witness Protection Act 1991*.

In addition to dealing with offenders in the criminal jurisdiction the Division, through its supervisory jurisdiction, hears applications and reviews under post-sentence supervision and detention regimes under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*, *Serious Sex Offenders (Detention and Supervision) Act 2009* and *Commonwealth Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016*.

During this reporting year, the Division sat in Melbourne and the regional centres of Geelong, Latrobe Valley, Bendigo, Wangaratta, Mildura and Ballarat. Circuit sittings are an important aspect of the Division's work and the Division remains committed to its circuit work. In doing so, the Division recognises the importance to the regional centres and the communities they serve.

Judges from the Court of Appeal, Common Law Division and Commercial Court also served in the Criminal Division during the year: Justice Coghlan, Justice Kaye, Justice J Forrest, Justice Bell, Justice T Forrest, Justice Emerton, Justice John Dixon and Justice Elliott.

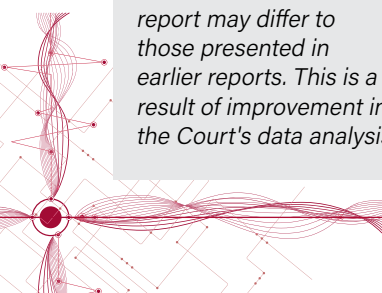
Voluntary case conferences

Voluntary case conferences are a case management initiative implemented by the Division last year. The current model is based on the Supreme Court of Western Australia's voluntary criminal case conferencing process which is a form of voluntary mediation at which parties are encouraged to narrow the issues to be tried or, where appropriate, avoid the need for trial by agreeing upon a resolution which may involve a plea to an offence which reflects the criminality of the offending.

Since early 2017, Judicial Registrar Pedley has been conducting case conferences in most trials. To date, nine matters have been referred to case conferences. Although not all cases referred to case conferences have resolved, it has allowed the exploration of issues and assisted in ensuring trial date certainty. Some case conferences have assisted the parties to refine the issues in contention and to prepare an agreed joint list of pre-trial issues in advance of the final directions hearing. This has assisted to minimise the number of trials being adjourned due to late emerging issues.

Note:

The data reported in this section of the report may differ to those presented in earlier reports. This is a result of improvement in the Court's data analysis.



Bail reform

Following the Bourke Street tragedy of 20 January 2017, the Government announced the establishment of an after-hours bail court which commenced operation on 6 February 2017. In parallel, the Government requested that the Honourable Paul Coghlan QC provide urgent advice regarding changes that could be made to the Victorian bail system to best manage community safety and risk. His first advice was released on 8 May 2017, including a statement that the Government will implement each of the recommendations from the first volume. The *Bail Amendment (Stage One) Act 2017* is anticipated to commence in early 2018. The new Act expands the offences within the exceptional circumstances category and the offences within a new category named compelling reasons.

The Department of Justice and Regulation has modelled the impact and assessed that it is likely to lead to an increase in bail refusals at first instance. The Court therefore anticipates a significant increase in applications for bail in its inherent jurisdiction in proportion to the anticipated increase in remand numbers.

Stage two amendments are currently under development. If recommendations which will increase bail workload in the Magistrates' Court take effect before initiatives intended to offset that increase, the Court anticipates that the number of bail applications to the Supreme Court will increase further. Such an expected dramatic increase in the number of bail applications poses a particular challenge in terms of the judicial workload. With only five permanent judges in the Division, such an increase will reduce the trial capacity of the Division by 20 per cent and, therefore, significantly extend the time taken to hear trials and pleas unless additional judicial capacity is provided.

Caseload

In the year under review, the Division finalised 44 criminal trials involving 46 defendants – three more than the number of trials conducted last year.

Overall, the Division finalised 97 matters involving 107 defendants, compared to 81 matters involving 98 defendants the previous year.

As at 30 June 2017, the Division had 44 outstanding matters involving 65 defendants. The Division disposed of 53 plea hearings involving 61 defendants, compared to 40 pleas involving 50 defendants in the previous year.

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)
2016-17	44 (46 persons)	53 (61 persons)	97 (107 persons)

The Division continues to experience increased demand for trial time. Judges of the Division presided over eight lengthy criminal trials this reporting year, with the longest trial sitting more than 44 days. Despite the active case management of matters prior to trial, particularly in matters involving multiple co-accused, it has been necessary for the Court to reallocate judicial resources from the Court of Appeal and the Common Law Division to the Criminal Division to ensure the timely hearing of trials.

Notably lengthy criminal trials conducted during this reporting year include:

- » *The Queen v Paulino* – 44 days (Justice Bell)
- » *The Queen v Asling* – 33 days (Justice Kaye)
- » *The Queen v Semaan, Semaan & Beljulji* – 33 days (Justice Beale)
- » *The Queen v Debresay* – 33 days (T Forrest J)
- » *The Queen v Toohey, Fairest & Fields* – 28 days (Justice Jane Dixon)
- » *The Queen v Herodotou* – 26 days (Justice Hollingworth)
- » *The Queen v Trotter* – 20 days (Justice Lasry)
- » *The Queen v Pain* – 18 days (Justice Croucher)

Bail applications

Bail applications before the Supreme Court in its inherent jurisdiction are conducted very differently to bail applications in the lower courts, as each party is required to file an affidavit.

Applications for bail are usually heard within two weeks of receipt of the application and supporting affidavit. Applications which involve a child or an applicant with mental illness or intellectual disability are usually expedited to a next-day hearing. For the past 10 years or so, bail applications have been listed on an *ad hoc* basis according to their urgency before judges who are between trials. As the number of applications increase, this approach will become unsustainable and the Division will have reduced judicial capacity to hear trials and pleas in order to hear applications.

Work of the Supreme Court

The following table shows the number of bail applications heard by the division since the 2009-10 reporting year. This year, the Division heard a total of 139 applications, including applications for bail, applications for a variation of bail and appeals against a Magistrate's decision on bail.

From the 2015-16 year, the Court experienced a 38 per cent increase in bail applications, compared to an 11 per cent increase from 2014-15 to 2015-16. The accelerating growth in the number of applications poses a particular challenge to the Division's workload.

Bail applications

	Number heard
2009-10	90
2010-11	70
2011-12	51
2012-13	85
2013-14	102
2014-15	110
2015-16	122
2016-17	139

Surveillance devices and other covert 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 the state's five law enforcement agencies. The Act imposes a regime of strict supervision over the use of surveillance devices. The regime also requires the involvement of the Public Interest Monitor in the covert application process to provide an additional level of scrutiny and oversight.

The Division finalised 90 applications under the *Surveillance Devices Act 1999* (Vic), which represents a 48 per cent increase from 2015-16. During this reporting year, the most common applicants of surveillance devices warrants were Victoria Police and the Independent Broad-based Anti-Corruption Commission (IBAC).

During the year, the Division heard 35 other various covert matters, comparing to 44 applications in the previous reporting period. These included 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), *Corrections Act 1986* (Vic), *Serious Sex Offender (Detention and Supervision) Act 2009* (Vic) and the *Sentencing Act 1991* (Vic).

It is important to note that some of the covert applications, such as applications for coercive powers orders or contempt proceedings under the *Major Crime (Investigative Powers) Act 2004* are time intensive both in terms of judicial preparation and Court hearing time.

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
2016-17	90	35

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

Crimes (Mental Impairment and Unfitness to be Tried) matters

As well as dealing with offenders with a mental illness in the criminal jurisdiction, the Court has ongoing responsibility for people on Supervision Orders under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) ('CMIA').

During the reporting year, the Division made five new Custodial Supervision Orders for people with a mental illness (not including Supervision Orders for people with an intellectual disability) and heard a total of 33 applications and reviews under the CMIA, compared to 30 in the previous year. At 30 June 2017 there were 16 persons on Non-Custodial Supervision Orders and 63 persons on Custodial Supervision Orders made by the Supreme Court.

In the year under review, five people had their Non-Custodial Supervision Order revoked, seven people had their Custodial Supervision Order varied to a Non-Custodial Supervision Order, eight people were granted extended leave or further extended leave, six people had their Supervision Orders confirmed, one person had their extended leave revoked and one person had their Non-Custodial Supervision Order varied to a Custodial Supervision Order.

The Court anticipates an increase in applications and reviews under the CMIA as a result of the Crimes (Mental Impairment and Unfitness to be Tried) Amendment Bill which will replace the current review framework with a system of regular progress reviews.

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
2016-17	11	22	33

* Note that applications heard concurrently with the reviews were counted under reviews.

** Note that the data above need to be considered cautiously in that they do not include fitness investigations and special hearings under the CMIA which are operated under the Division's criminal jurisdiction not supervisory jurisdiction.

Significant cases

The Queen v Semaan, Semaan & Beljuji

Alex Semaan was charged with murder. Hanna Semaan, his sister, and Megan Beljuji, his girlfriend, were both charged with two charges of attempting to pervert the course of justice in relation to the trial of Alex Semaan. The key witness was Tony Kanaan, a relative of Alex and Hanna, who told police that he saw Alex shoot Michael Bekhazi in the head at close range in the garden of Alex's home. The Crown also alleged that Hanna Semaan and Megan Beljuji attempted to have Kanaan give a false statement to police regarding the death of Bekhazi, and to interfere with the crime scene. Alex Semaan's defence was that he was in his bungalow at the time and that an unknown intruder shot and killed Bekhazi in the garden.

During the course of the trial, three juries were discharged, necessitating the empanelment of four juries. The first jury was empanelled on 4 April 2016, but discharged on the same day because a juror was unable to take the oath due to a low level of English language comprehension. Another jury was empanelled the following day but was discharged on 18 April due to counsel for Alex Semaan being unable to continue to act due to an ethical issue. A third jury was discharged on 2 May 2016 due to unfair prejudicial evidence being adduced by the prosecution.

The fourth and final trial began on 18 July 2016 and concluded on 6 September 2016, with 39 witnesses called and 62 exhibits tendered. In total, 13 rulings were made, including a ruling on a 'no case submission' by the third accused, Megan Beljuji.

After two days of deliberations, the jury found Alex Semaan guilty of murder. Megan Beljuji was found guilty of two charges of attempting to pervert the course of justice while Hanna Semaan was found guilty on one charge and acquitted on the other.

The Queen v Paulino

The accused, Fernando Manuel Paulino, was charged with the murder of his ex-wife in her home on 15 July 2013. The accused and the deceased had been married for more than 20 years and had separated three years before the death of the deceased. The relationship between the accused and deceased was acrimonious and, at the time of the deceased's death, the couple were involved in family law proceedings regarding the division of assets, and the deceased had taken out an intervention order against the accused.

The proceeding commenced on 4 October 2016 before Justice Bell but was adjourned in the pre-trial stage due to the prosecution's decision to appeal one of his Honour's evidentiary rulings to exclude DNA evidence from the trial. On 6 March 2017, the Court of Appeal refused leave to appeal.

The trial re-commenced on 4 May 2017 before Justice Bell, after two further days of pre-trial argument. The accused pleaded not guilty to the charge of murder; 14 jurors were initially empanelled, with one juror discharged during the course of the trial and another balloted off. The trial ran for 28 days, over seven weeks. The jury heard evidence from 54 witnesses (all prosecution witnesses), including the two sons of the accused and deceased, and 52 exhibits were tendered. His Honour delivered 30 rulings during the course of proceedings, 10 in the pre-trial stage and 20 during the trial.

On 15 June 2017, following two days of deliberations, the jury found the accused guilty of murder.

Criminal Division Registry

A dedicated Criminal Division Registry has been established to support the work of the Criminal Division.

Mark Pedley was appointed to the newly created position of Judicial Registrar, Criminal Division, in January 2017, with the imperative to establish and oversee the specialist Criminal Division Registry, while supporting the Principal Judge of the Criminal Division in the management and listing of criminal matters.

Judicial Registrar Pedley is assisted by a senior legal registrar, deputy registrar and three staff. During the reporting period, the Criminal Registry facilitated the implementation of the 24-hours post committal directions hearings, established a date reporting framework to track cases, expanded the electronic data on criminal files, assumed the responsibility for the management of bail matters and commenced the development of a case-management framework to further support the judges and increase the efficiency of the management of criminal cases in the Division.

Applications made to the Division

The registry also provided support to the judges in dealing with the various applications that are made to the Division.

The Court received close to 290 applications in the reporting period. The main types of applications were bail applications, covert applications including for surveillance device warrants, search warrants, police custody transfer warrants, witness protection applications, applications under and for the exercise of coercive powers by the Chief Examiner or contempt proceedings and applications and reviews under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.

The number of applications have increased over recent years and the largest component of the increase has been in bail applications and reviews of the custodial arrangements of those found not guilty by reason of mental impairment.

Additional staffing in the registry will be required to continue and further the work within the Registry.

Work of the Supreme Court

Case management reform

The Court has proposed a reform for flexible early case management of matters that will be tried in the Supreme Court. The proposed reforms would allow matters to be managed by the Supreme Court from the point of charge, or very shortly thereafter, through to the trial as a means of reducing delay particularly through avoiding double queuing at the committal stage and at the trial stage. The reforms would also provide continuity in the management of matters destined for the Supreme Court, while maintaining the important processes of disclosure and testing the sufficiency of evidence to proceed to trial.

This reform was set out in a Discussion Paper issued by the Department of Justice and Regulation in May 2017 entitled *Proposed Reforms to Criminal Procedure – Reducing Trauma and Delay*.

It is the Court's understanding that there was general support to the proposed changes in case management, and in particular, for a mechanism to uplift charges to the Supreme Court. Some refinements have been suggested in the detail of the proposal.

Expediting depositions

The Court has discussed with the Victorian Government Reporting Service (VGRS) the turnaround time for committal transcript in Supreme Court matters. In June 2017, VGRS advised it would provide the transcript of committal proceedings to the Supreme Court within five business days, after the day on which an accused is committed. This should enable the provision of depositions to be expedited.

In the reporting period the Registry commenced to receive depositions in electronic format and it is expected that reliance on electronic format depositions will increase next year.

A new protocol for managing children in custody

In May 2017, the Supreme Court established and adopted a protocol for managing child accused, and child applicants or respondents, during their time in the custody of the Court.

The protocol was developed to ensure child offenders are segregated from adult offenders in custody. It sets out the options available to modify court procedures for children when considered appropriate in the circumstances of the particular case.

Through the protocol, the Court recognises the rights of children and the obligations it has under the *Charter of Human Rights and Responsibilities Act 2006*. The protocol is published on the Court's website.

Pilot intermediaries scheme

The Department of Justice and Regulation has received funding to run a pilot of an intermediary scheme. Intermediaries are communication specialists who assist the Court in relation to the evidence of child witnesses, and witnesses who have an intellectual disability.

The scheme is strongly supported by the Court as an important aspect of ensuring access to justice. If it is successful, and ongoing, it will likely result in a greater number of cases proceeding, as vulnerable witnesses are facilitated to give evidence. It is also anticipated that some hearings will be lengthier as a consequence.

Changes to post-detention regimes

The Government commissioned the Harper Review in 2015 to provide advice on the legislative and governance models under the *Serious Sex Offender (Detention and Supervision) Act 2009*, following the murder of a teenager by an offender who was the subject of a supervision order under the Act.

The review recommended sweeping changes to increase supervision and treatment of high risk violent offenders. The Government accepted all recommendations made by the Harper Review in principle, extending the Act to include serious violent offenders, and introducing additional powers to control high-risk violent offenders and a new oversight scheme of these offenders.

In 2016, the new *Commonwealth Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016* established a scheme for the continuing detention of terrorist offenders who are considered to pose an unacceptable risk of committing certain serious terrorism offences if released into the community at the end of their sentence.

The Act enables a post-sentence detention order to be made on application to the Supreme Court of a state or territory. Like the reforms stemming from the Harper Review, these are likely to be complex applications involving expert evidence and complex assessments of risk. They are also likely to involve constitutional and human rights arguments with the possibility of third party intervenors and have added complexity due to the lack of legal precedent in their application.

Practice Notes

In addition to the sweeping revision and publication of all Practice Notes in January 2017, one new Practice Note concerning sentencing hearings and expert reports on the mental functioning of offenders was introduced in the Division to refine practice before the Court. Practice Note SC CR 7, and SC CR 4 (first revision), are published on the Court's website.

Courtroom upgrades

The Court was allocated funding in the State Budget to upgrade technology in the courts and allow for a total revamp of the in-court technology.

Subsequently the wall-mounted monitors and cabling in the criminal courtrooms – 3, 4 and 11 – were all upgraded.

The funding allows for a complete re-configuring of the in-court technology in both criminal and civil courts. Relevant agencies and professional bodies will be consulted in developing a project plan for the upgrade. Given the court-wide re-configuration, it is likely that the upgrade will be made progressively over two years, to ensure the continuity of court work.

An ongoing challenge faced by the Division is the lack of adequate criminal courts in the Supreme Court building. In order to increase the number of jurors that can be empanelled in Court 2 (from 12 to 14) it is planned that the seating in the jury return to bench type seating as previously existed in Court 2 and is currently the situation in Court 1.

Only five courtrooms are capable of use for criminal trials and the growth in demand is such that additional permanent criminal courts are required to ensure that timely access to justice is available.

Trial Division – Judicial Mediation Costs Court

Associate judges:

Associate Justice
Derham
Associate Justice Eftim
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
(until 29 January 2017)
Judicial Registrar Hetyey
Judicial Registrar Irving
Judicial Registrar
Englefield
Judicial Registrar
Matthews
(from 24 January 2017)
Judicial Registrar Pedley
(from 24 January 2017)
Judicial Registrar Clayton
(from 20 February 2017)

Note:

The data reported in this section of the report may differ to those presented in earlier reports. This is a result of improvement in the Court's data analysis.

Associate judges

In addition to case management and hearing a range of interlocutory matters in both the Common Law Division and Commercial Court, the associate judges preside over trials that are within the original jurisdiction of associate judges and also over hearings as referred by judges of the Court, pursuant to the Rules of Court. The associate judges undertake important trial and interlocutory work which can significantly impact on the course of a trial or the final outcome through finalisation or referral to mediation.

Judicial registrars

Judicial registrars' jurisdiction is set out in Part 7, Division 2A of the *Supreme Court Act 1986*. Judicial registrars are assigned to particular divisions of the Court, where they perform a crucial role in their administration. Some judicial registrars conduct mediations and public examinations under the *Corporations Act 2001*. Judges of the Court can delegate certain functions, or refer specific powers, to judicial registrars (as to associate judges). This 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 enables a greater number of matters to be heard and resolved. The contribution of both the associate judges and judicial registrars to the work of the Court is referred to throughout the body of this report in addition to this chapter.

Mediations

Matters are referred to judicial mediation from all Divisions of the Court, except the Criminal Division. The Court has made appropriate dispute resolution (ADR) central to its compliance with obligations under the *Civil Procedure Act 2010*, and it regards judicial mediation as an essential case management tool.

Forward planning and dedicated leadership by the Court's senior mediators Associate Justices Eftim and Wood have ensured judicial mediation is conducted according to best practice standards. The use of the Appropriate Dispute Resolution Manager as co-mediator, particularly in large complex matters, has proven to be a successful model for mediations and is now part of established practice within the Court.

Judicial mediation is resolving large and challenging matters, many of which have been through private mediation and have commenced at trial. Significant examples of these are shown in the following table.

Work of the Supreme Court

Judicial mediation in large and complex matters

Proceeding	Proceedings
Mance Holdings	<i>Mance v Mance and Ors</i> <i>Mance Holdings P/L and Ors v Mance</i>
Manus Island	<i>Kamasae v The Commonwealth of Australia and Ors</i>
Oswal	<i>Radhika Oswal v ANZ Banking Group Ltd and Ors</i> <i>Pankaj Oswal v Ian Carson and Ors</i> <i>Yara Pilbara Fertilisers P/L v Pankaj Oswal and Ors</i> <i>Volunteer Fire Brigades Victoria Inc v Country Fire Authority</i> <i>Mernda Junction Shopping Centre P/L v Cornonero P/L</i> <i>Sophie Meiwati v Benandos P/L</i> <i>Williams v Ausnet Electricity Services & Ors</i> <i>Origin Electricity Ltd and Ors v Sharp Corporation of Australia P/L</i>

It is estimated that 365 trial days were saved as a sum result of these successful mediations. This represents time saved in judgment writing, reduced need for judicial and court facilities and resources and lower litigation costs for parties.

Overall, in 2016-17, an estimated 1,302 trial days were saved, through judicial mediation. This represents a substantial increase compared to 2015-16 where there was a saving of 636 trial days.

Mediations in Testators Family Maintenance (TFM) proceedings where the size of the estate is small remain important in ensuring fair outcomes for the parties.

Judicial mediation, particularly in the TFM List, is critical in providing access to justice. In TFM List mediations the restorative justice approach, together with a no-fee principle ensure both access and reassurance and as such, represent a major benefit to the community.

Resourcing

The Court has been restricted in the number of judicial mediations it can conduct by the number of available judicial mediators. The appointment of several judicial registrars has increased the Court's capacity to respond to growing demand for judicial mediation. The next step will be to continue to improve the Court's capacity to coordinate and oversee the administrative and facilities requirements of the busy mediation centre.

By way of example, in the period from late January to the end of March 2017 (2.25 months), 86 mediations were conducted, compared to 45 mediations conducted in the same period in 2015-16. On 30 March, a record six mediations were held with various judicial officers. The Mediation Centre has capacity for three mediations to be conducted at one time, thus a high degree of coordination and flexibility was required to ensure that all six mediations were successfully conducted.

Mediations

	Listed	Proceeded
2015-16	312	217 (65% settled)
2016-17	434	300 (67% settled)

Of the 434 mediations listed, a number were either vacated or adjourned. Though they did not proceed, management of these cases by the ADR team encouraged communication between the parties, which often led to a resolution or a narrowing of the issues. These outcomes are not included in the success rate.

General Applications

Associate judges: Associate Justice Derham
Associate Justice Lansdowne
Associate Justice Mukhtar
Associate Justice Ierodiaconou

Judicial registrars: Judicial Registrar Gourlay
Judicial Registrar Englefield
Judicial Registrar Matthews

Associate judges hear applications involving final and interlocutory matters not otherwise allocated to a specialist list, in the Associate Judges' Practice Court, with some interlocutory matters referred from specialist lists.

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

- » service of domestic and foreign process
- » amendments to legal process
- » joinder of parties
- » disputes over pleadings
- » disputes over discovery and subpoenas
- » summary judgment applications
- » security for costs applications
- » 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* (and specifically order 84.02), judicial registrars have had increased powers to provide assistance in various areas of practice, for example in applications for substituted service and extensions of the validity of writs.

General applications

2015-16	1,393
2016-17	1,472

Property List matters are predominantly heard by Associate Justice Derham each fortnight in the General Applications List. This provides efficiencies in judicial and courtroom resources, while allowing a significant number of matters to be heard. The volume of Property List matters has meant, however, that other associate judges and judicial registrars will handle overflow matters in the practice court or as separate special fixtures. This reflects the increasing 'flavour' of work coming through the jurisdiction.

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 (party-party matters) in addition to costs disputes between legal practitioners and their clients (solicitor-client matters).

Party-party matters

Party-party bills of costs are listed directly on filing. Bills for costs of less than \$30,000 are listed directly for assessment on the papers. From 1 July 2017 the \$30,000 limit will increase to \$50,000.

All other party-party bills are listed for mediation, usually conducted by the costs registrars.

Mediations conducted by costs registrars are achieving a settlement rate of close to 75 per cent on the day of mediation. In addition, small bill 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 cost for parties. Further, early settlements led to a reduction of court time spent on the taxation of costs.

The continued focus on facilitating early resolution in party-party matters, and failing that, narrowing of the issues, is consistent with obligations under the *Civil Procedure Act 2010*.

Solicitor-client matters

Generally only solicitor-client 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. Many of these matters settle at mediation, or shortly after, without the need for a taxation hearing, resulting in significant cost savings for the parties.

The volume of solicitor-client matters remained steady despite the impact of changes made to the *Legal Profession Uniform Application Act 2014* from 1 July 2015. This year 39 matters were initiated under the Uniform Act and 72 were initiated under the *Legal Profession Act 2004*, a total of 111 solicitor-client matters (compared to 107 matters in 2015-16).

There were no referrals during the financial year to the Legal Services Commissioner for conduct issues.

Party-party matters arising from orders in the Magistrates' Court remained steady, however, matters arising from orders in the Supreme Court, County Court and the Victorian Civil and Administrative Tribunal decreased in the 2016-17 period.

The Uniform Act established a new Legal Costs Committee under s 92 to 96. Associate Justice Wood chairs the committee, which is able to make changes to the Professional Remuneration Order after consultation with the Legal Services Board. It can also advise all the Courts in relation to changes to, 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 enabled both Associate Justice Wood and Judicial Registrar Gourlay to conduct more mediations in relation to Commercial Court, Common Law and Court of Appeal matters during the financial year.

Work of the Supreme Court

Taxation of costs – initiations

	Party-party taxation				Solicitor- client taxation	Total
	SCV	CCV	MCV	VCAT	LPA	
	Jul-16	23	10	0	0	
Aug-16	15	4	2	2	10	33
Sep-16	13	5		3	12	33
Oct-16	11	5	2	3	6	27
Nov-16	16	12	1	2	17	48
Dec-16	18	7	3	2	8	38
Jan-17	9	3	3	0	9	24
Feb-17	23	12	3	0	15	53
Mar-17	17	7	2	0	8	34
Apr-17	7	8	1	0	6	21
May-17	10	5	3	5	4	27
Jun-17	12	5	2	1	8	28
Total	174	83	22	18	113	409

Taxation of costs – finalisations

	Party-party taxation				Solicitor- client taxation	Total
	SCV	CCV	MCV	VCAT	LPA	
	Jul-16	20	6	2		
Aug-16	17	6	2	3	11	39
Sep-16	18	5	3	2	5	33
Oct-16	18	9	1		10	38
Nov-16	21	6		4	11	42
Dec-16	13	3	2	2	14	34
Jan-17	6	10	1		4	21
Feb-17	16	10	1	3	11	41
Mar-17	21	11	4		7	43
Apr-17	13	4	1	1	6	25
May-17	13	5	3		9	30
Jun-17	4	1			6	11
Total	180	76	20	15	100	391

Significant cases

Associate Justice Wood published judgments in relation to the indemnity principle and practitioners acting pro bono (*Mourik v Von Marburg* (2016) VSC 60) and both standing to review under the Uniform Act and the impact of breaches of the *Civil Procedure Act 2010* (*Jasmin Solar Pty Ltd v Fitzpatrick Legal Pty Ltd* (2017) VSC 220).

Judicial Registrar Gourlay determined the gross costs assessments in *Amcor v Hodgson* (S CI 2004 9420 and 2007 8181). A review of the result initiated by Hodgson was upheld on 10 April 2017.

Court Administration



Court Administration

Principal Registry

The Principal Registry provides services to all those visiting the Court. It is supported by the statutory roles of Prothonotary and Registrar of Probates and is overseen by the Director, Principal Registry (who is also the Prothonotary).

The Registry implemented several operational changes designed to improve its services. It also continued in strengthening its procedures, which will see greater efficiencies in the years ahead. A service excellence focus has underpinned these transformative practices and will continue to guide the Registry's work.

Counter service

The Principal Registry processed 62,801 documents for filing in 2016-17. The recent trend in customers moving from traditional filing methods to electronically filing continued this financial year with a decrease in customers presenting at the counter; 36,813 customers compared with 40,087 customers in 2015-16. This equates to an average of 147 customers per day.

Results of the Court's User Satisfaction Survey, conducted in 2016, reflected the Registry's positive relationship with the profession and public, with customers rating counter staff at 436 Lonsdale Street a 9 out of 10 or above on courtesy, respect, professionalism, helpfulness, willingness and being knowledgeable.

Electronic filing

In addition to hard copy documents, the Principal Registry accepts documents relating to civil proceedings through an electronic filing service, CITEC. The decrease in customers attending counter over the 2016-17 period directly corresponds with the exponential increase in documents electronically filed with a total of 25,208 documents filed. The proportion of documents electronically filed as a total of all documents filed (21 per cent in 2014-15; 29 per cent in 2015-16 and 40 per cent in 2016-17), has steadily increased since the Court first introduced the electronic filing service in 2007.

Throughout 2016-17, the Principal Registry has been involved in design development for the refurbishment of the Prothonotary and Probate customer areas. With a strong focus on modernising service delivery and on user experience, the works, due to be completed in late 2017, will significantly transform the face-to-face customer experience in the Principal Registry.

Self-represented litigants

The Principal Registry delivers a unique service to Supreme Court self-represented litigants, providing tailored assistance in the way of information, procedural advice, links to legal services and referrals to the Duty Barristers Scheme of the Victorian Bar.

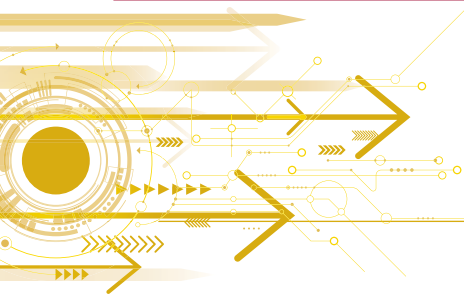
In 2016-17, 2,766 individual contacts were made with the service by phone, email and in person, while a total of 25 referrals were made to the Duty Barrister Scheme of the Victorian Bar. First-time users of self-represented litigant services continue to form a significant proportion of contacts (936 of the 2,766).

Subpoenas

The number of subpoenas issued was similar to previous years (3,260) as was the number of attendances to inspect documents (1,175). There was an increasing trend towards electronic production of documents on DVD, CD or USB – 14 per cent in 2015-16 and 20 per cent in 2016-17. This has assisted the Principal Registry to facilitate more efficient inspection appointments for the profession and to manage more effectively the 2,253 total documents produced. A new custom designed inspection area, due to be constructed as part of the refurbishment in 2017, will further improve the user experience and efficient facilitation of inspection of documents, including electronic files.

Court file integrity

As part of the Government's Budget Paper 3 reporting process, the Court reported against the measure of "court file integrity" for the first time at the conclusion of the 2016-17 period. The Court achieved an average performance score of 83 per cent, against a benchmark set at 90 per cent. The Principal Registry has been working closely with all areas of the Court as well as within the Registry to maintain awareness of the measure and implement reform initiatives. The Principal Registry will increase the number of regular internal file audits and requests for feedback from, and training for, staff from all areas of the Court to achieve and exceed the performance benchmark in 2017-18.



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 21,595 applications granted in the reporting period. Of those applications, 1,675 were filed by individuals without legal representation (7.8 per cent of all applications made).

Overall grants increased by 2.3 per cent compared to the previous year.

During the reporting year, a monthly average of 1,800 proceedings were granted. Categories of grant included:

- » grants of probate – 19,070
- » administration upon intestacy – 1,921
- » administration with the will annexed – 434
- » reseals of foreign grants – 127
- » miscellaneous grants (including limited grants) – 43.

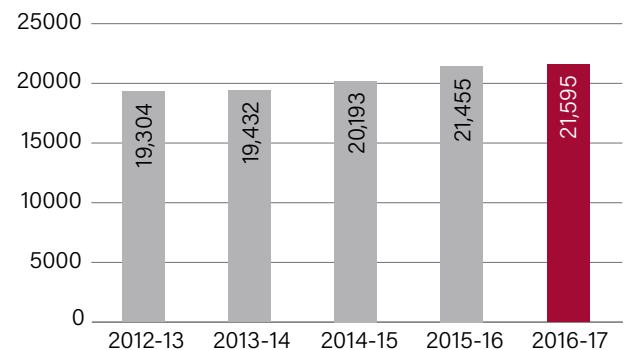
During the year the Probate Office:

- » serviced 16,738 people attending the probate counter, on average 67 people per day
- » accepted more than 251,000 documents for filing
- » handled over 200 small estate enquiries and granted representation in 48 estates
- » accepted 219 deposited wills for safe keeping
- » issued 309 exemplifications and office copy grants and received 2,228 emails through its Probate and Probate Online Advertising System (POAS) email accounts
- » transferred over 20,000 granted files to Public Records Victoria.

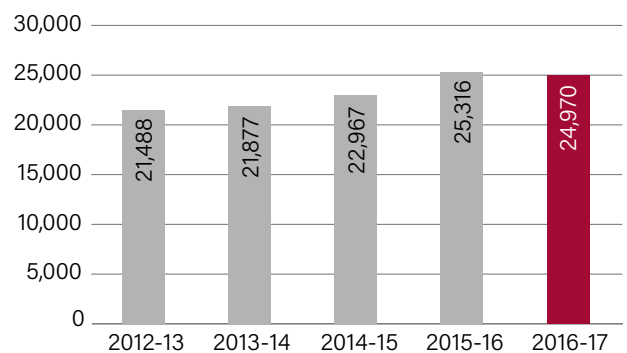
The Probate Office provides online access so users can search for the existence and progress of an application, the filing of a Caveat or the depositing of a Will in the Office of the Registrar for safe keeping.

The POAS and Probate pages were among the most frequented areas of the Supreme Court's website, with 297,780 individual visits recorded during the year. The site is user-friendly to assist those preparing applications without legal assistance and includes step-by-step guides, forms and kits. POAS alone recorded 102,281 visits during the year.

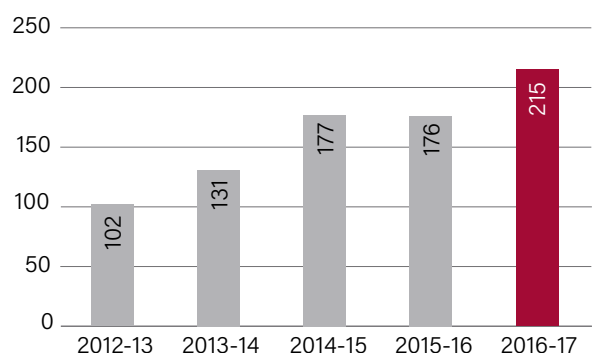
Probate orders made



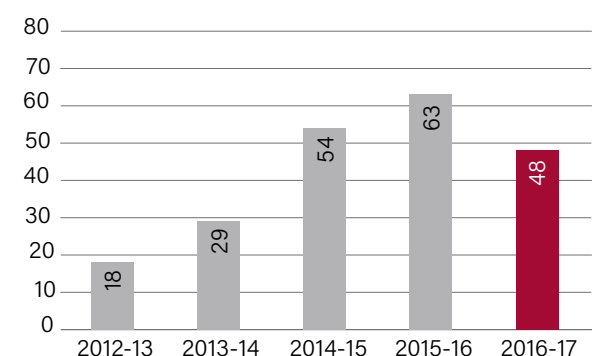
Advertisements published on POAS



Living wills deposited



Small estates grants



Court Administration

Human Resources Services

The Human Resources Services team provides a range of advisory services to enable the Court to attract, develop and retain outstanding staff. The team is responsible for 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 2016-17 involved 89 advertisements for 94 positions with a total of 2,676 applications received. The review of induction and new starter documentation was commenced to streamline and enhance the on-boarding process for new starters.

The Court's 2017 Work Experience Program for secondary students had students from across the state participate. More than 100 applications were received, with 11 students selected to participate in the program including two from the Boundless Foundation.

The Human Resources team also coordinated tertiary work experience placements, including students from RMIT and Leo Cussen.

For a third consecutive year, the Court has, in partnership with Monash University, facilitated the Monash Externship Program. The Program enables two high achieving students to spend time and work in chambers with judges across the Court. The first intake of students commenced in April 2017, with a second scheduled to take place in July 2017. The 12-week program provided a unique opportunity for participants, providing them with experience working at the Supreme Court.

Human Resource Services continued to participate in cross-jurisdiction projects managed centrally by Court Services Victoria, including the development and implementation of an HR dashboard report. The team also contributed to the implementation of a new performance development planning system which will be used at the Court in 2017-18.

Learning and development opportunities coordinated by Human Resources Services focused on building resilience, mental health, first aid training and respect in the workplace, in addition to lunchtime seminars.

Workplace health and safety

The Court developed and supported a number of Workplace Health and Safety initiatives during the year.

Employees from across the Court were represented on the Court's OHS, which comprised 12 elected employee representatives and four management representatives. The Committee met on a quarterly basis.

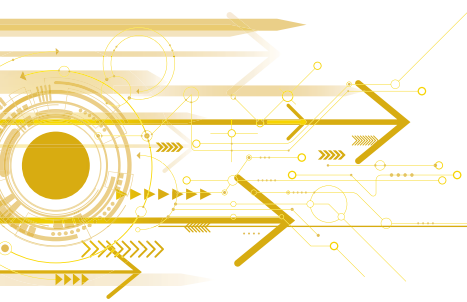
Work commenced on the development of an Occupational Health and Safety (OHS) Risk Register (as part of a whole-of-Court's Risk Register), that will seek to identify workplace health and safety risks and put in place a range of risk controls in order to manage known hazards. The OHS Risk Register will be maintained as a collaborative process between both administration and the Court's OHS Committee.

An audit of first aid services took place to ensure that the Court is in a position to effectively respond and assist where first aid services are required. The audit resulted in an increase to the number of qualified first aid officers, the provision of additional first aid kits and the purchase of a sixth defibrillator.

During the course of the year, 31 incidents (including injuries, near misses and risk hazards), were reported by staff on the Court's incident reporting system. This includes security related incidents. The 13 per cent decrease in the number of incidents reported from the previous year is indicative of an increased awareness by staff with regard to maintaining not only their own health and wellbeing, but that of others.

The health and wellbeing section on the Court's intranet provided staff with relative health and wellbeing information. A number of staff also participate in a Pilates/Yoga Program during the judicial term.

No days were lost as a consequence of WorkCover claims lodged by staff during the year, which again demonstrates the Court's ongoing commitment with ensuring staff injured at the workplace are very well supported.



Information Technology Support Services

Information Technology Support Services (ITSS) provides a range of operational, advisory and strategic information technology 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 the independently managed Supreme Court network and Department of Justice and Regulation (DJR) network.

The Court's vision to design and deliver services that are more effective, less costly and more responsive for Court users is underway:

Stage 2 of the JICT project

Stage 2 of the Judicial Information and Communications Technology (JICT) project progressed with the Commercial Court and Criminal Registry transition to the JICT network. Final migration of Court staff to the JICT network is planned for December 2017.

'eCourt' concept

The Court has been developing an understanding of the requirements (infrastructure, facilities and resources) to run a fully electronic Court. The Green Court in the Court of Appeal was selected as the first candidate. It has been fully fitted with additional monitors and new connections for the judiciary, staff and external parties to display documents and also has new audio and video capability.

This increased capability has also allowed the Green Court to be used for a six-month pilot to make audio-visual recordings of its criminal hearings publicly available through the Supreme Court of Victoria's website. This pilot commenced on 1 June 2017.

Electronic filing and the electronic Court file

As part of the continuing evolution of the Court's RedCrest system, a new platform for electronic filing and electronic case management in the Commercial Court was rolled out in April 2017. The new platform has been designed to integrate directly with the Court's existing case management system which will increase efficiencies in the administration of cases.

Communication Services

Communication Services manages internal and external media and communications that support the broad work of the Court.

The Court's main objective in dealing with the media is to facilitate full and accurate reporting of what the Court does and to further the community's understanding of the Court's function and its work. On average, Communication Services responds to approximately 50 requests each day from media for assistance and information in relation to trials and suppression orders.

Among the many high profile criminal and civil trials that required significant media management and support were *Minister for Families v Certain Children*, *DPP v Krystal Johnson & Yahoo!7 Pty Ltd*, the Court of Appeal contempt proceedings, *Rebel Wilson v Bauer Media* and the Manus Island Detention Centre class action proceedings.

This year the Court commenced a pilot of live streaming and webcasting certain hearings, ensuring high profile and significant decisions are made available to the media, and general public, via the Court's website. Coordinated by Communications Services, the Court's webcast of the *DPP v Besim*; *DPP v MHK* contempt hearing on 16 June 2017 was viewed by more than 10,400 people via the Supreme Court website. The Court will continue to grow the amount of webcast content made available in the coming year.

Together with traditional channels, the Court utilises a range of digital platforms including Facebook and Twitter, to communicate with the profession, journalists and the broader Victorian community. Building the Court's capability through social media has been a focus for Communication Services. As at 30 June 2017, the Court had 8,381 followers on Twitter, and 1,461 followers on Facebook.

Work continued on moving the current Supreme Court's website to a new and improved content management system. Communication Services also worked with the Digital Strategy team on planning for a new website build.

Two community open days were organised: Open House Melbourne 2016 and Courts Open Day 2017. The Trial Division building was opened for both events, with a range of tours, discussions and exhibitions organised for the public. More than 1,200 people visited during Open House Melbourne, with approximately 700 people attending on Courts Open Day.

The Communications team managed a number of events hosted at the Court, in support of organisations associated with the legal profession, and provided event and marketing support on all Court-led events and community engagement activities.

More than 5,500 VCE Legal Studies students from schools around Victoria visited the Court in 2016-17 to participate in the Court's Education Program.

As an active participant in the Victoria Law Foundation's Law Talks program, Justices Weinberg, Whelan, Ferguson and Zammit presented to regional and rural schools on topics related to the VCE legal studies curriculum while on circuit.

In December 2015, the Court received a Victoria Law Foundation grant to revitalise the Education Program. Work continued on this project throughout 2016-17 with the deliverables completed in February 2017. Role-play costumes, a mock trial video and companion booklet will be launched to legal studies teachers and students in the coming year.

Court Administration

Archives and Records Management

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

The primary focus for the area is the preparation of records for long-term storage, whether this is for storage off-site with a commercial supplier or direct transfer to the Public Record Office.

Transfers of probate records to the Public Record Office continued in 2016-17, with more than 20,000 probate records from 2015 being relocated. In addition, the first transfer of Court of Appeal civil list records, dating from 2005 to 2012, were also transferred.

Archives Services also reviewed the retention and disposal authority for Supreme Court records. After consulting with relevant areas of the Court, several changes were made to the authority which clarified the retention and disposal of Court of Appeal records and also records relating to personal injury cases.

Archives Services completed an inventory of all heritage furniture located in the Supreme Court buildings. There are over 1,000 items, including highly significant furniture such as the gasolier in the library.

Records transferred to the Public Record Office

Probate records (2015)	684 Boxes
Court of Appeal civil records (2005-2012)	238 boxes

Archives Services also leads a range of community engagement activities to share and showcase the history and heritage of the Court with the community. In this reporting period, the team:

- » curated an exhibition in the Supreme Court Library as part of the Court's events marking the 50th anniversary of the end of the mandatory death penalty. The exhibition drew from the Court's archives and reflected generally on the history of capital punishment in Victoria.
- » prepared a booklet and interpretative panels about the old High Court building. The project was made possible through a grant from the Federal Department of the Environment, in addition maintenance and restoration work continued on the High Court building using grant funding.
- » ran monthly heritage tours of the Court
- » participated in History Week in October 2016 and the National Trust Heritage Festival in April/May 2017.

Business Intelligence Services

Business Intelligence Services provides timely, accurate and meaningful information for business analysis purposes to assist the Court in making well-informed business decisions that meet current and future Court needs.

The team manages an in-house data warehouse which provides activity and performance reports and advice for decision-making. During 2016-17 Business Intelligence Services focused on

building more advanced reporting standards, and closely monitored and analysed the Court's current activities, and resources. The team collaborated closely with all Divisions of the Court and Court Services Victoria to ensure integrity and accuracy across all data and reporting functions.

During 2016-2017, Business Intelligence Services was involved in many projects both internal and external, including:

- » providing data to state and federal government agencies including the Australian Bureau of Statistics, Department of Treasury and Finance, and the Productivity Commission
- » the development and implementation of quarterly reporting for the Supreme Court website
- » the development and implementation of the reporting platform in SharePoint for Judicial ICT users
- » refining how the Court publishes its reporting measures on both the Supreme Court external website and intranet site.

Facilities and Asset Services

Facilities and Asset Services is responsible for works, planning and the preservation and maintenance of the Court's buildings and infrastructure. The team also provides operational support for functions and other events held at the Court.

The Government's allocation of more than five million dollars of extra funding towards a number of projects to improve and upgrade the Court's facilities, will enable the Court to:

- » undertake structural upgrades to the roof
- » improve disability access
- » perform fire service upgrades
- » improve air conditioning
- » service passenger lifts.

The projects are scheduled to be completed within three years, with roof works underway.

Financial Management Services

Financial Management Services provides advisory, reporting and compliance 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 undertakes a variety of services, which includes:

- » monitoring and reporting financial performance against the Court's annual budget and providing timely advice and analysis to the Chief Executive Officer and senior managers
- » supporting the Chief Executive Officer and senior managers in budgeting and the costing of new initiatives
- » advising Court staff on financial considerations ranging from personal claims for reimbursement, specific employee entitlements and the procurement of goods and services in compliance with finance policies, procedures and best practices
- » providing fleet vehicle and travel assistance to all Court staff.

Discrete administrative functions

Juries Victoria

Juries Victoria (formerly 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.

Jurors play an important role in Victoria's justice system, bringing our community's values, standards and expectations into the courtroom. Juries Victoria ensures a sufficient number of Victorian citizens, who are eligible under the *Juries Act 2000*, are available in Melbourne and regional Victoria to serve as jurors.

In the reporting period, both the Supreme and County Courts heard more civil jury trials than in 2015-16, while the number of criminal jury trials in both jurisdictions were down.

There were 62 fewer jury trials overall from one year to the next.

Jury activity

Jurisdiction	Civil trials				Criminal trials				Total jury trials			
	15-16	16-17	Difference	Variance	15-16	16-17	Difference	Variance	15-16	16-17	Difference	Variance
Supreme Court	26	50	+24	+92.3%	58	30	-28	-48.3%	84	80	-4	-4.8%
County Court	41	60	+19	+46.3%	448	371	-77	-17.2%	489	431	-58	-11.9%
Total	67	110	+43	+64.2%	506	401	-105	-20.8%	573	511	-62	-10.8%

Jury trial sittings

Jurisdiction	15-16	16-17	Difference	Variance
Melbourne	452	403	-49	-10.8%
Circuit	121	108	-13	-10.7%
Total	573	511	-62	-10.8%

Court Administration

Law Library of Victoria

The Law Library of Victoria, incorporating the Supreme Court Library, provides legal research services to and manages print and electronic publication collections for all Victorian jurisdictions. Legal information services and access to collections is also available to members of the legal profession in Victoria.

Management of the Law Library of Victoria is overseen by the Law Library of Victoria committee. The committee comprises representatives from four jurisdictions, the Victorian Bar and the Law Institute of Victoria. Justice Macaulay is the current Chair of the committee.

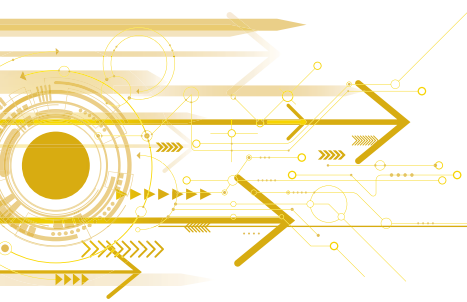
The Law Library website received over one million electronic access visits in the reporting period, with users searching, browsing and downloading case law, legislation and analytical resources from the collection of databases. Judicial officers and Court staff can easily access electronic materials from their desktop, while barristers and other members of the legal profession can use the electronic material via the public access computers in the Supreme Court Library.

In addition, the Law Library had more than 20,000 visitors to its libraries. This included people using and accessing electronic resources via the public computers, accessing the print and historical collection of resources, and attending education session and events held in the Supreme Court Library.

The Law Library delivered 80 education sessions in 2016-17. Many of the visitors attended open education sessions presented by Law Library team members or provided by vendors of legal information, while education sessions were regularly provided to judicial officers and Court staff.

In addition to its education sessions, the Law Library hosted numerous events including 'Lyrical Lunchtimes' (a lunchtime concert series held in the Supreme Court Library, in conjunction with BottledSnail Productions), luncheons as part of the Innovation and Excellence in Courts Conference, a public lecture on human rights charters and hosted 'Legal Luminaries and their books' as part of Rare Book Week.

The Supreme Court of Victoria reaffirmed its commitment to the ongoing implementation of the Law Library of Victoria by signing a memorandum of understanding in May 2017 with all Victorian jurisdictions, the Victorian Bar, the Law Institute of Victoria, the Judicial College of Victoria and Court Services Victoria. The members' primary objective is to secure, without further delay, the enactment of legislation for the incorporation of the Law Library of Victoria.



Funds in Court

Funds in Court (FIC) is an office of the Supreme Court that assists the Senior Master, Associate Justice Efthim, to administer funds paid into Court. 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*.

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.

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.

During the reporting period:

- » Funds under management increased to \$1.7 billion
- » Administration Expense Ratio fell to 0.58%
- » 5,523 beneficiaries were supported
- » More than 41,600 telephone calls were answered through the switchboard
- » Only 30 complaints were received
- » 6,312 court orders were made
- » 25,382 supporting documents were prepared
- » 129,557 financial transactions occurred
- » Over 95 per cent of invoices were processed within five days
- » Interest paid continued to be higher than commercial rates
- » Common Fund No. 3 (equities) outperformed the industry benchmark.

New court rule for trust properties

On 25 May 2017, the Council of Judges approved Rule 79.08, which affects how the Senior Master purchases property for FIC's beneficiaries (trust properties). The new rule provides that, where the Senior Master has invested or invests in real property, the investment may be held in the name of 'The Senior Master of the Supreme Court of Victoria'. FIC will no longer require trustees to hold the properties on behalf of beneficiaries, thus providing a more efficient way to administer trust properties.

The Rule commenced on 1 June 2017 and provides for past and future investments and expressly includes properties purchased as a residence by a person under disability for whose benefit the investment is made.

Bushfire class actions

The Schemes of Distribution approved by the Court in the class actions brought in respect of Kilmore East Kinglake and Murrindindi bushfires on Black Saturday both provided a special procedure for claimants under disability. Order 15 of the Rules requires that the compromise of a claim brought by a person under disability be approved by the Court.

Associate Justice Derham made the orders approving compromises for all Order 15 claimants. FIC staff supported his Honour by collating the information for all Order 15 claimants, preparing orders approving compromise and drawing his Honour's attention to any issues of concern in the 220 personal injury and dependency claims and 152 economic loss and property damage claims.

Funds paid into Court:

- » \$11,527,009 for 150 personal injury and dependency claimants
- » \$505,946 for 18 economic loss and property damage claimants.

Embrace 2016

On 25 November 2016, FIC hosted Embrace 2016, a biennial event held to showcase beneficiaries' skills and abilities and to celebrate their achievements in arts, craft, singing and music.

The number of people in attendance exceeded 200, and the number of beneficiary contributions continues to grow with each event.

Embrace provides an opportunity to put the spotlight on beneficiaries, to applaud and celebrate their talents and achievements and give them a platform in which their triumphs can be showcased. There were numerous works of art on display, and 10 beneficiaries performed in the concert.

The success of the event is evident in the feedback received. Among the comments made by beneficiaries and their families: "This is the highlight of my life..." and "We all had a lovely time at the Embrace event... It was so inspiring to hear the journeys and see the achievements of the other participants who displayed their artwork at the exhibition and she was very humbled by the comments and advice she received on her own artwork."

Court Administration

FIC Human Rights Advisory Committee

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

Members of the FIC HRAC 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 FIC HRAC continued its significant work throughout the year, including the introduction of new Court Rules in relation to litigation guardians and its involvement in the creation and launch of the Victorian Government's Intermediary Pilot Scheme.

Litigation guardians

A major initiative of the FIC HRAC was to change the operation of Order 15 *Supreme Court (General Civil Procedure) Rules 2015* as it applied to the personal liability of litigation guardians for costs. This had created a situation in Victoria where people were reluctant to act as litigation guardians, which in turn restricted persons under disability from initiating proceedings to assert and defend their legal rights.

A new paragraph (4) was introduced into Rule 15.02 of the Rules. The new Rule provides that a litigation guardian is not personally liable for costs awarded against a person under disability unless the Court, for special reason, otherwise orders.

Intermediary Pilot Scheme

As a result of the work done by the FIC HRAC in partnership with the Department of Justice and Regulation, the Government announced a \$2.6 million commitment to introduce a statewide intermediary scheme. 'Intermediaries' are skilled communication specialists who work with minors or people with disabilities who are victims of crime to help them give evidence to police and in court.

The Victorian Equal Opportunity and Human Rights Commission welcomed the announcement, explaining that, "Intermediaries provide advice for victims and act as go-betweens for the court and victims by monitoring whether questions are developmentally appropriate for victims and whether victims are becoming fatigued. They may prevent certain questions being put to a witness or suggest to the court that a question be re-phrased."

Inspire Awards®

The 2017 Inspire Awards were held on 26 April 2017 at PricewaterhouseCoopers in Southbank. The awards are an initiative which celebrates the outstanding achievements of human rights activists, lawyers, community volunteers, artists, performers, writers, disability advocates, community services, athletes, veterans and more, who identify with a disability and who are nominated by their peers. The event also provides an important opportunity to raise awareness about disability issues and, ultimately, support the development of an inclusive Australian society.

The peer-based awards recognise a person who identifies with a disability, is 18 years of age or older, who is well respected in their field of work or interest and within the community. This year, 65 nominations were received, comprising 43 new nominations and 22 that were carried over from the previous year.

The event was enjoyed by all. The success of the event was largely due to the efforts of Miranda Bain, FIC's Executive Director, Strategy, Government and Community Relations, as well as ongoing and positive support from the Senior Master and the Funds in Court Executive Team.

Performance

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

Importantly, 95 per cent of 23,069 one-off payments made to, or on behalf of, beneficiaries were processed within five days of requests being received and approved.

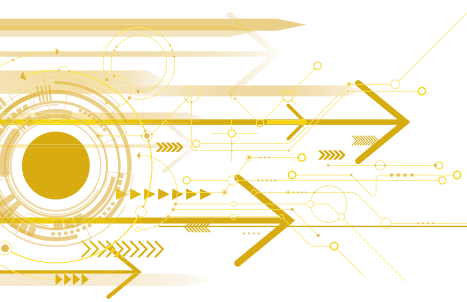
FIC received more than 3,468 phone calls on average each month. Of these calls 92 per cent were answered within one minute of the person calling.

No. of orders, supporting documents and financial transactions made

	12-13	13-14	14-15	15-16	16-17
Orders	7,048	6,468	6,400	6,707	6,312
Supporting documents	21,054	21,551	22,835	24,145	25,382
Financial transactions	109,810	116,072	123,947	124,390	129,557

Moneys paid into/out of court

Moneys paid into Court:	\$142,149,372
Moneys paid out of Court:	\$77,699,426



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.

	2012-13	2013-14	2014-15	2015-16	2016-17
No. of CLO visits	558	609	676	693	676

New beneficiary accounts

During the reporting period, 911 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 103 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 Efthim or Judicial Registrar Englefield. Associate Justice Efthim makes all orders concerning a beneficiary's capacity to manage their own affairs and all significant administrative decisions regarding the operations of FIC. Judicial Registrar Englefield determines the majority of applications for payments from FIC.

No. of accounts opened

Supreme Court awards	474
County Court awards	79
Magistrates' Court awards	0
VoCAT awards	461
TOTAL	1,014

Investment services

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 included 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 \$1.728 billion as at 30 June 2017, an increase of 6 per cent on the previous financial year.

Common Fund No. 2

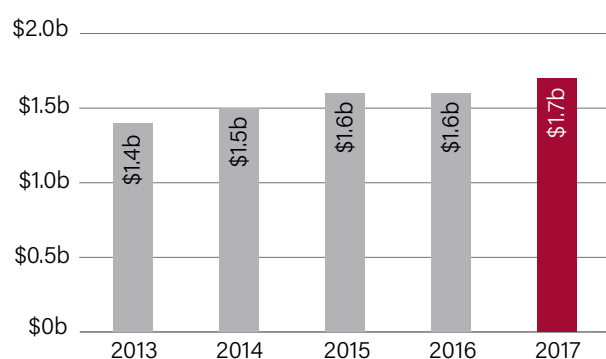
The primary objective for Common Fund No. 2 (CF-2) is to provide the maximum return achievable consistent with investments in approved securities. There was in excess of 5,500 beneficiary accounts within CF-2.

The interest rates fixed for 2017 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 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%
31 May 2017	3.55%	3.35%

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 (approximately 45 per cent of all beneficiaries) with assets held by FIC.

For the 12-month period ending 30 June 2017, CF-3 generated a total return of 16.6 per cent, outperforming the S&P/ASX 50 Leaders Accumulation Index benchmark by 2.5 per cent.

Over the 10-year period ending 30 June 2017, CF-3 has delivered a total return per annum of 4.6 per cent versus the benchmark return per annum of 4.1 per cent. The Senior

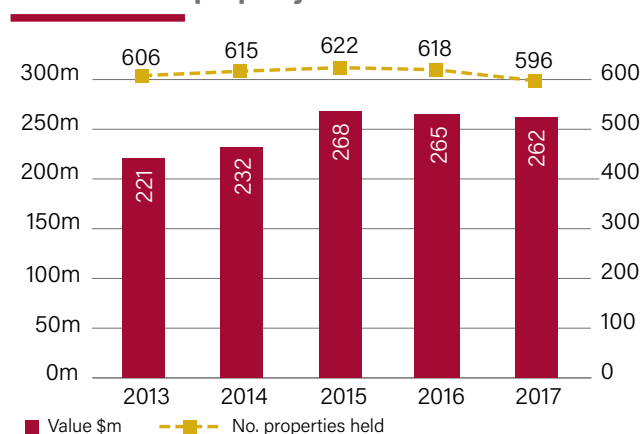
Court Administration

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 10.8 per cent.

Beneficiaries properties

The majority of beneficiaries' properties held in trust are residential. There are a total of 596 properties valued at approximately \$262 million.

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

2012-13	0.58%
2013-14	0.58%
2014-15	0.59%
2015-16	0.60%
2016-17	0.58%

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:

- » The Audit Committee met 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 oversees 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 provides transparency in relation to the remuneration of non-VPS executive staff, and assists the Senior Master in fulfilling his corporate governance responsibilities. The Committee'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. FIC complaint procedures adhere to the guiding principles set out in Australian Complaints Standard ISO 10002:2014. All complaints are documented and measured in accordance with the standard. During 2016-17, 30 complaints were received. Every complaint was followed up or finalised within the required 28-day period.

The Senior Master expects that:

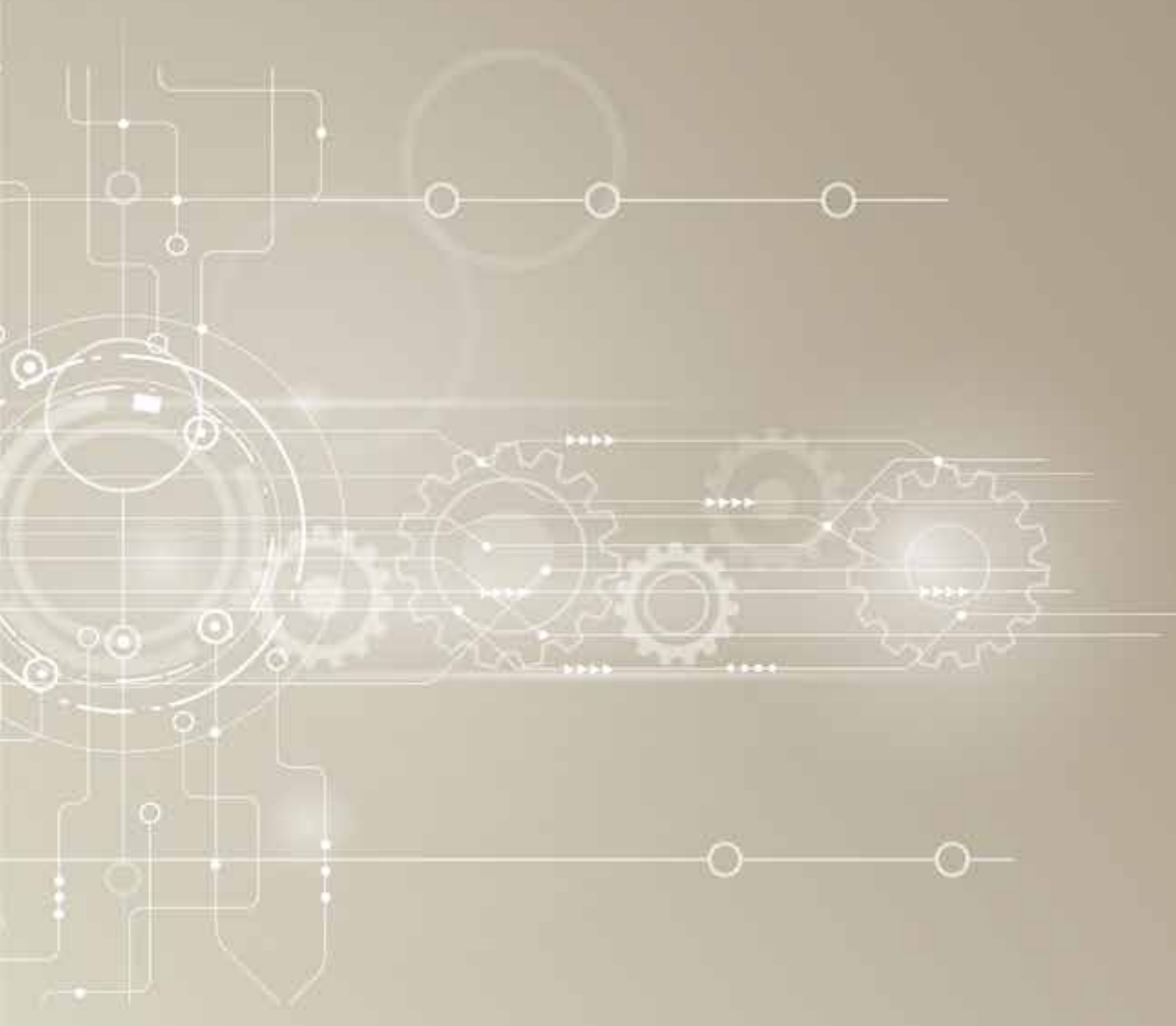
- » complaints are dealt with in a transparent, timely manner
- » all attempts are made to resolve complaints fairly
- » issues identified as a result of complaints lead to service improvements.

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 2016 and March 2017, 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 BFG met once during the reporting year.

Appendices



Appendices

Financial report

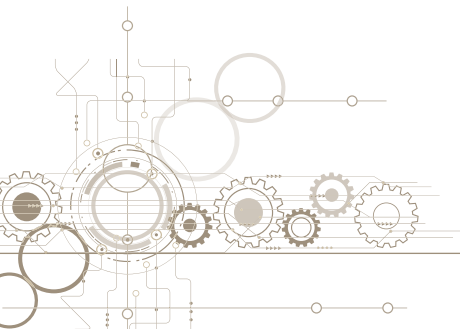
The Supreme Court's financial accounts are published as part of Court Services Victoria's audited financial accounts in the *Court Services Victoria Annual Report 2016-17*. To view the annual report, visit www.courts.vic.gov.au.

Comprehensive operating statement

for the financial year ended 30 June 2017

	2017 \$'000	2016 \$'000
Funding		
Annual appropriations	43,104	38,379
Special appropriations	26,913	28,217
Grants and other income	146	154
Total funding	70,162	66,750
Expenses from transactions		
Employee expenses	50,408	49,495
Depreciation and amortisation	6,341	2,351
Interest expense	65	79
Grants and other transfers	350	462
Supplies and services	14,982	14,156
Total expenses from transactions	72,145	66,543
Net result from transactions (net operating balance)	(1,983)	207
Other economic flows included in net result		
Net gain/(loss) arising from revaluation of long service leave liability	830	(769)
Total other economic flows included in net result	830	(769)
Net result from continuing operations	(1,153)	(562)

The net deficit result as at 30 June 2017 is due to the recognition of special appropriation funding on a cash basis, whereas related expenditure is higher as it is recognised on an accrual basis.



Judicial officers of the Supreme Court of Victoria 2016-17

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 Emiliios John Kyrou (2008*)
29 July 2014 – present

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

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

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

Judges of the Trial Division

The Honourable Justice 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 Anthony Lewis Cavanough
8 May 2006 – 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

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 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

* Date appointed to the Trial Division

** Date retired from the Bench

*** Date appointed as an associate judge

**** Date resigned from the Court

Appendices

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

The Honourable Peter Barrington Kidd
24 May 2016 – present

The Honourable Maree Evelyn Kennedy
25 July 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-Streton (2014**)
24 November 2015 – present

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

The Honourable Justice Ross McKenzie Robson (2016**)
1 August 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 Meg Gourlay
28 January 2011 – present

Judicial Registrar David Ware
26 May 2014 – 29 January 2017

Judicial Registrar Julian Hetyey
3 November 2014 – present

Judicial Registrar Ian Andrew Irving
1 March 2016 – present

Judicial Registrar Leonie Englefield
5 July 2016 – present

Judicial Registrar Patricia Matthews
24 January 2017 – present

Judicial Registrar Mark Pedley
24 January 2017 – present

Judicial Registrar Julie Clayton
20 February 2017 – present

* Date appointed to the Trial Division

** Date retired from the Bench

*** Date appointed as an associate judge

**** Date resigned from the Court

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
- » Security Committee – chaired by Justice John Dixon

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*
Justice Kidd**

Finance Portfolio Committee

Chief Justice Warren – Chair
Justice Robson
Justice Garde*
Justice Kidd**

CBD Major Assets Strategic Planning Committee

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

Executive Remuneration Committee

Chief Justice Warren – Chair

Audit and Risk Portfolio Committee

Justice Almond

IT Portfolio Committee

Justice Kidd** – Chair
Justice Elliott

HR Portfolio Committee

Associate Justice Lansdowne

Assets and Security Portfolio Committee

Justice Kidd** – Chair
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 2016-17. The college provides education for judges, magistrates and VCAT members to keep them up-to-date with developments in the law and social issues.

This total number of hours is inclusive of time spent participating in external programs, sitting on external 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.

** Justice Kidd is a member of a number of these Committees as Chief Judge of the County Court.

Appendices

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

12 July 2016 – presided over the swearing in of Judicial Registrar Englefield.

25 July 2016 – attended the swearing in ceremony for the Hon Justice Kennedy at Government House.

28 July 2016 – together with the President presided over the ceremonial sitting in Banco Court to welcome the Hon Justice Kennedy.

20 October 2016 – delivered a short address at the 20th Anniversary Celebration of the establishment of Victorian Women Lawyers.

2 December 2016 – together with the President, Justices Hargrave, J Forrest and Lasry received the new Senior Counsel in Banco Court.

5 December 2016 – attended the ceremonial sitting in Canberra to mark the retirement of the Hon Chief Justice Robert French AC, Chief Justice of Australia.

24 January 2017 – presided over the swearing in of Judicial Registrars Mark Pedley and Patricia Matthews.

30 January 2017 – attended the swearing in for the Hon Susan Kiefel AC, Chief Justice of Australia, and the Hon James Joshua Edelman, Justice of the High Court of Australia in Canberra.

3 February 2017 – attended the Ronald Ryan re-enactment in court 4 to mark the 50th anniversary of Ronald Ryan's execution. The re-enactment was followed by an event hosted by Justice Lasry in the Supreme Court Library where the Chief Justice introduced guest speakers.

9 February 2017 – opened the VLF Law Oration in Banco Court and introduced the Hon Robert French AC who delivered the oration entitled *Rights and Freedoms and the Rule of Law*.

17 February 2017 – delivered the keynote address entitled *Australia's Place in the World* at the Law Society of Western Australia's Law Summer School Conference in Perth.

20 February 2017 – together with Chief Justice Allsop presented at the National Judicial College Q & A session on *Judicial Conduct In and Out of Court*. The session was chaired by Chief Justice Murrell.

20 February 2017 – presided over the swearing in of Judicial Registrar Julie Clayton.

27 February 2017 – delivered the opening address at the launch of the Judicial College of Victoria's Children's Court Bench Book.

30 March 2017 – attended and spoke at the Magistrates' Court of Victoria Drug Court launch.

3 April 2017 – met with Professor Bryan Horrigan, Dean, Faculty of Law, Monash University.

3 April 2017 – hosted and delivered an address at the Supreme Court Prize ceremony.

4 April 2017 – hosted the Victorian Bar Readers on a lecture tour of the Supreme Court buildings.

27 April 2017 – chaired a meeting of the Board of the Judicial Commission of Victoria.

5 June 2017 – chaired a meeting of the Board of the Judicial College of Victoria.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

8 June 2017 – attended and spoke at the launch of the Peter O'Callaghan, QC Gallery at Owen Dixon Chambers West.

13 June 2017 – met with representatives of Victorian Women Lawyers.

14 June 2017 – met with representatives of the Women Barristers' Association.

15 June 2017 – attended and spoke at the Muslim Legal Network Annual Legal Profession Iftar.

20 June 2017 – met with Mr Kazuyoshi Matsunaga, Consul-General of Japan.

21 June 2017 – hosted a Judicial College of Victoria lunchtime seminar with guest of honour and speaker, Professor Abbe Smith, Professor of Law at Georgetown University.

22 June 2017 – launched the publication of Criminal Appeals and Reviews in Victoria with Justice Weinberg.

23 June 2017 – delivered the keynote address at the 2017 Government Lawyers Conference.

27 June 2017 – attended the funeral of the late Hon Allan MacDonald, AO QC.

President Maxwell

6 and 13 September 2016 – as Administrator of the State, presided at the Executive Council meeting.

6 September 2016 – as Administrator of the State, hosted the Australian Citizenship Day ceremony at Government House.

21 September 2016 – chaired the Law Library of Victoria's public lecture on *The Australian Experiment with Human Rights Charters*.

21 October 2016 – attended the Appellate Judges' Conference and chaired a session entitled *The Constraints of Precedence* with guest speaker, Justice Gageler.

28 October 2016 – attended the Australian National University Public Law Lecture on *The Statutory Implication of Reasonableness and the scope of Wednesbury Unreasonableness* in Canberra.

9 November 2016 – attended the Male Champions for Change quarterly meeting.

18 November 2016 – delivered a speech entitled *The Quest for Certainty and the Limits of the Judicial Role* at the Statutory Interpretation Symposium on the *Coherence of Statutory Interpretation: Issues and Appraisal*.

23 November 2016 – gave a presentation entitled *Judging Forensic Evidence: Reliability and Validation?* at the Australian Academy of Forensic Sciences in Sydney.

30 November 2016 – attended a Supreme Court of Victoria talk on *Psychological Research on Sexual Offences* given by Patrick Tidmarsh and Mark Bennett from Victoria Police.

2 December 2016 – together with the Chief Justice, Justices Hargrave, J Forrest and Lasry received the new Senior Counsel in Banco Court.

12 December 2016 – attended Melbourne Law School workshop on *Remedies for Breach of Privacy* at University of Melbourne Law School.

13 December 2016 – attended the Melbourne Law School Symposium at University of Melbourne Law School.

14 December 2016 – attended and introduced a speaker at the Women Barristers Association Leaps & Bounds event at Isaacs Chambers.

30 January 2017 – representing the Chief Justice attended the Multi-faith Opening of the Legal Year at Government House.

10 February 2017 – attended the ceremonial welcome sitting for the Hon Justice David O'Callaghan QC as a judge of the Federal Court of Australia.

17 February 2017 – attended as convenor at the Judges and the Academy seminar in the Old High Court Library.

4 April 2017 – attended the Melbourne Law School Memorial Lecture.

28 April 2017 – attended the Law Institute of Victoria conference on *Women in Leadership* and presented on *Women in Leadership in the Legal Profession and the Judiciary*.

30 April to 7 May 2017 – was appointed Administrator for the State of Victoria.

11 May 2017 – as Acting Chief Justice, hosted a program for a visiting delegation of Chinese judges, Consul-General of China and staff from the High Court of Australia. The program included a panel briefing on Australian evidence law, viewing of a criminal and civil matter and touring of the Supreme Court buildings. Justices Redlich, Beach, Kaye, Bell, Almond, Macaulay, McMillan, Elliott, McDonald and Zammit were involved in the program.

Justice Redlich

13 July 2016 – delivered a Continuing Professional Development presentation on the rule in *Browne v Dunn* at the Women in Crime Group.

26 July 2016 – attended *Consent, Law and Sexual Ethics* public lecture hosted by Melbourne University Law School.

13 August 2016 – attended the Bar Readers' Course session on *Browne v Dunn* at Owen Dixon Chambers.

16 August 2016 – sat on a panel discussion for the book launch of *Scholarly Misconduct* by Professor Ian Freckelton QC at Melbourne University Law School.

29 August 2016 – delivered opening remarks to the Victorian Women Lawyers' Criminal Law Networking event at Bar Council Chambers.

1 September 2016 – gave a presentation about sentencing to police prosecutors, corrections staff and others at the Sir Zelman Cowen Centre, Victoria University.

17 October 2016 – delivered a speech entitled *Unacceptable Judicial Behaviour* at the Family Court Judges' Education Conference at the Federal Court.

19 October 2016 – took part in a panel discussion on *The Querulous Client, the Unco-operative Opponent and the Cranky Judge... Is It the Perfect Storm?* at the National Family Law Conference in Melbourne.

21 October 2016 – chaired a discussion on *Working in an Intermediate Court of Appeal: Comparing Experiences* at the Australasian Institute of Judicial Administration Appellate Judges' Conference at Monash University Law Chambers.

30 November 2016 – attended a Supreme Court of Victoria talk on *Psychological Research on Sexual Offences* given by Patrick Tidmarsh and Mark Bennett from Victoria Police.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

2 February 2017 – gave a welcome address to the first year Juris Doctor students at Melbourne Law School.

17 February 2017 – attended the Judges and the Academy session on *Remedies for Breach of Privacy*.

27 March 2017 – presented the Browne and Dunn Lecture at the 2017 Readers Course at Monash University Chambers.

8 March 2017 – delivered a presentation as part of a lecture series, together with President Maxwell and Dr Dale Smith, entitled *Attribution of Criminal Responsibility: Knowledge, Volition and Fault* at Melbourne Law School.

27 February, 6 March and 20 March 2017 – presented lectures on *Sentencing Law: Current and Controversial Issues* at Melbourne Law School.

11 May 2017 – participated in a panel discussion on Australian Evidence Law for the visiting delegation of Chinese judges at the Supreme Court.

Justice Weinberg

21 July 2016 – delivered a paper entitled *Of Mozart, Modern Drafting and the Criminal Lawyers' Lament* at the Victorian Law Foundation Oration in Banco Court.

22 July 2016 – delivered a speech at the Legal Luminaries and Their Books event at the Law Library of Victoria, Rare Book Week 2016 in the Supreme Court Library.

22 September 2016 – attended the presentation by Dame Geraldine Andrews entitled *Brexit and Its Legal Consequences* at Monash University City Campus.

Appendices

6 October 2016 – together with Professor Paul Marcus from the William and Mary School of Law, Virginia presented in the Judges In Conversation' series, *The Three Worst Things About Criminal Law In Our Systems: A US-Australia Comparison*, at the Federal Court of Australia.

3 November 2016 – addressed the Institute of Advanced Legal Studies, University of London seminar on *Modern Drafting and the Criminal Law – Does Codification Work?*

24 November 2016 – attended a meeting with the Master of the Rolls, the Rt Hon Sir Terence Etherton at Gray's Inn, London.

24 November 2016 – attended a meeting with Ms Alison Bertlin, Office of the Parliamentary Counsel, London.

29 November 2016 – attended a meeting with Dame Hazel Genn DBE QC FBA, Dean of Faculty of Laws, University College London.

30 November 2016 – participated in a round table seminar for the Institute of Advanced Legal Studies' visiting fellows, associate research fellows and research students.

30 November 2016 – delivered an address on the subject of bad character evidence at the Institute of Advanced Legal Studies.

30 November 2016 – delivered an address on *Fifty Years in the Law – A Sharp Lesson in Judicial Humility* at The Honourable Society of Lincoln's Inn.

1 December 2016 – meeting with the Rt Hon Lord Robert Carnwath of Notting Hill Kt. CVO, Justice of the UK Supreme Court.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

14 March 2017 – gave an address and presented the Chief Justice prize for the best Juris Doctor student at Monash University.

22 June 2017 – accompanied the Chief Justice to the Launch of Criminal Appeals and Reviews in Victoria at the Essoign Club.

Justice Tate

3 July 2016 – as patron of the Australian Association of Philosophy attended and opened the 2016 conference and presented prizes at Monash University.

12 to 14 September 2016 – attended the Second Biennial Public Law Conference held at the Centre for Public Law at the University of Cambridge, UK.

29 September 2016 – attended the event to mark the 125th anniversary of the Women's Suffrage Petition at Parliament House.

28 December 2016 to 11 January 2017 – on behalf of the Chief Justice, performed duties as Administrator for the State of Victoria.

29 November 2016 – attended a meeting of the Monash University Faculty of Law External Professional Advisory Committee (EPAC) held at Monash University city campus.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

31 January 2017 – attended the Eastern Orthodox Service to mark the Opening of the Legal Year at St Eustathios Greek Orthodox Church.

3 February 2017 – attended the Ronald Ryan re-enactment in court 4 to mark the 50th anniversary of Ronald Ryan's execution.

22 February 2017 – attended the Judicial College of Victoria lunchtime seminar on *Current Trends in Youth Offending* presented by Judge Chambers, President of the Children's Court.

17 to 18 March 2017 – attended the Judicial College of Victoria's *Back to Country: A Visit to Wathaurong Country* in Geelong.

27 March 2017 – attended a Melbourne Law School seminar, *Proportionality in Public Law: Canadian and Australian Perspectives* presented by Mme Justice Julie Dutil of the Quebec Court of Appeal and Professor Adrienne Stone at the Federal Court in Melbourne.

28 March 2017 – attended Melbourne Law School's Judges in Conversation Series with Professor Paul Craig at the University of Melbourne.

29 March 2017 – delivered a welcome speech to Victoria University and RMIT University Juris Doctor students participating in the Court of Appeal internship program.

4 April 2017 – attended the Seabrook Chambers Public Lecture and Reception at Melbourne University Law School.

27 to 30 April 2017 – attended the International Association of Women Judges' Conference in Sydney.

20 May 2017 – hosted a day-long moot program for women barristers entitled *Feedback from the Bench* in the Court of Appeal.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

7 June 2017 – attended the Annual General Meeting of the Australian chapter of the International Association of Women Judges via telephone.

28 June 2017 – spoke to Year 11 students from Victoria University Secondary College in the Red Court.

Justice Osborn

13 July 2016 – participated in the Distance Education Victoria Court education session.

17 August 2016 – attended the Victorian Reports Portal Launch event in the Supreme Court Library.

23 August 2016 – attended the Jury Directions Advisory Group meeting.

1 September 2016 – attended the unveiling of the Justice Crennan portrait at Owen Dixon Chambers West.

6 September 2016 – attended the Jury Directions Advisory Group meeting.

9 September 2016 – attended the Shepparton Law Court Steering Committee meeting.

21 October 2016 – attended the Appellate Judges' Conference in Melbourne.

11 November 2016 – attended the Shepparton Law Court Steering Committee meeting.

9 December 2016 – attended a meeting of the Shepparton Law Courts Redevelopment Steering Committee.

17 to 18 March 2017 – attended the Judicial College of Victoria's *Back to Country: A Visit to Wathaurong Country* in Geelong.

7 April 2017 – attended a meeting of the Shepparton Law Courts Redevelopment Steering Committee.

12 May 2017 – attended a meeting of the Shepparton Law Courts Redevelopment Steering Committee.

15 May 2017 – delivered a keynote speech at Melbourne University Law School prize winners celebration.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

9 June 2017 – attended meeting of Shepparton Law Courts Redevelopment Committee.

Justice Santamaria

24 May 2017 – chaired an event entitled *Latin: The Language of the Law* at the Judicial College of Victoria.

6 June 2017 – attended event entitled *Koori Twilight: Positive Outcomes – Support Services and Specialist Programs* at the Judicial College of Victoria.

Justice Beach

11 May 2017 – participated in a panel discussion on Australian Evidence Law for the visiting delegation of Chinese Judges at the Supreme Court.

Justice Whelan

26 to 27 July 2016 – attended and participated in a panel discussion on *Challenges of Social Media for Court and Tribunals*.

5 August 2016 – presented to first year law students at Victoria University on legal research methods and delivered essay topic on *The Adversarial Process Inhibits Judicial Creativity*.

7 October 2016 – presented to Year 11 Legal Studies students from Lighthouse Christian College, Keysborough.

21 October 2016 – attended the Appellate Judges' Conference in Melbourne.

21 February 2017 – presented to VCE Legal Studies students from Sale Catholic College.

22 February 2017 – presented a paper on *Contempt of Court* at the National Judicial Orientation Program.

23 February 2017 – chaired and attended a Courts Media Liaison Meeting at the Judicial College of Victoria.

2 March 2017 – presented to VCE Legal Studies students from Footscray City College.

27 March 2017 – attended a training session on suppression orders at the County Court.

Justice Kyrou

29 July 2016 – attended a meeting of the Uniform Law Admissions Committee.

30 August 2016 – presented on *Victoria's Legal System* to Legal Studies students of St John's College in Preston.

6 September 2016 – presented on the effective use of interpreters to magistrates and tribunal members in Melbourne.

22 to 23 September 2016 – attended a meeting of the Judicial Council on cultural diversity in Alice Springs.

19 October 2016 – presided over a moot on the Parthenon Marbles at Monash Law School.

21 October 2016 – attended the Appellate Judges' Conference in Melbourne.

2 November 2016 – attended the meeting of the Judicial College of Victoria Steering Committee on cultural sensitivity.

11 November 2016 – attended the launch of the NSW Charter of the Hellenic Australian Lawyers Association in Sydney.

5 December 2016 – gave a presentation entitled *What's in a Name* to St John's College in Preston.

23 February 2017 – presented on the *Use of Interpreters in the Courtroom* to newly appointed judges at the National Judicial Orientation Program.

7 April 2017 – attended a meeting of the Admissions Committee established under the Legal Profession Uniform Law in Melbourne.

8 June 2017 – presented on the use of interpreters at the annual meeting of the Council of Australasian Tribunals in Sydney.

16 June 2017 – gave a presentation on cultural sensitivity at the Judicial College of Victoria conference in Melbourne.

Justice Ferguson

September 2016 – supervised students attending the Supreme Court from the Monash University Externship program.

6 September 2016 – presided over an Admissions Ceremony for new lawyers.

20 to 21 October 2016 – attended the Appellate Judges' Conference in Melbourne and participated in a panel discussion entitled *Working in an Intermediate Court of Appeal: Comparing Experiences*.

18 November 2016 – met with a delegation of judges from Hong Kong at the Supreme Court.

13 December 2016 – presided over an Admissions Ceremony for new lawyers.

21 February 2017 – presented to VCE Legal Studies students at La Trobe Valley Court.

March 2017 to present – mentored solicitors as part of the Law Institute of Victoria's Judicial Mentoring Program.

Appendices

Justice Kaye

4 July 2016 – delivered an address at the launch of the Court Services Victoria Koori Inclusion Action Plan.

3 August 2016 – attended the Judicial College of Victoria seminar on *The Ongoing Legacy of the Stolen Generation*.

9 August 2016 – attended a seminar presented by Professor Mick Dodson entitled *Let's talk about Recognition: Reflecting on the Constitutional Debate based on Tasmanian Dams*, hosted by the Indigenous Justice Committee of the Victorian Bar.

15 August 2016 – chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

25 to 26 August 2016 – attended The Australasian Institute of Judicial Administration's Indigenous Justice Conference in Alice Springs.

15 September 2016 – chaired a meeting of the Court Services Victoria, Koori Inclusion Action Plan Steering Committee.

16 September 2016 – attended the funeral of J.D. Merralls QC AM at St Paul's Cathedral.

15 November 2016 – attended a seminar presented by Richard Frankland entitled, *Cultural Loads* chaired by Justice Bennett at the Federal Court.

23 November 2016 – chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee in the old High Court library.

24 November 2016 – attended the first meeting of the Koori Court Discussion Group at the Melbourne Magistrates' Court.

16 December 2016 – attended a meeting of the Koori Court Discussion Group at the Melbourne Magistrates' Court, chaired by Chief Magistrate Lauristen.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

31 January 2017 – attended the Jewish service for the Opening of the Legal Year at the East Melbourne Synagogue.

6 February 2017 – chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

8 February 2017 – attended a meeting of the Koori Court Discussion Group at the Melbourne Magistrates' Court, chaired by Chief Magistrate Lauristen.

9 February 2017 – chaired a meeting of the Court Services Victoria, Koori Inclusion Action Plan Steering Committee.

10 March 2017 – hosted an event to welcome the Indigenous clerks participating in this year's Indigenous Clerkship Program, and to mark the 10-year anniversary of the program.

17 March 2017 – attended and spoke at the dinner with Wathaurong community members for the commencement of the *Back to Country: Visit to Wathaurong Country*.

28 March 2017 – chaired a presentation by Judge Chambers, President of the Children's Court on *Koori Court: Children's Court* at the Innovation and Excellence in Courts Conference.

6 to 31 March 2017 – supervised this year's Indigenous clerks; Emilie O'Brien, Mason Peter and Max Wilson, who

participated in the 2017 Indigenous Clerkship Program during their rotations at the Supreme Court.

31 March 2017 – attended and spoke at the Victorian Bar's 10th anniversary celebration of the Indigenous Clerkship Program and launch of the Reconciliation Action Plan.

3 April 2017 – attended the Supreme Court Prize presentation ceremony in the Supreme Court Library.

6 April 2017 – chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

10 April 2017 – participated in The Australasian Institute of Judicial Administration's Indigenous Justice Committee telephone conference.

12 April to 24 May 2017 – participated in the Monash Externship Program and supervised Erin Molony and Hannah Baker during their placements at the Supreme Court.

11 May 2017 – participated in a panel discussion on Australian Evidence Law for the visiting delegation of Chinese Judges at the Supreme Court.

29 May 2017 – delivered keynote speech at Court Services Victoria's celebration of National Reconciliation Week 2017.

6 June 2017 – attended Judicial College of Victoria seminar *Koori Twilight: Positive Outcomes – Support Systems and Specialist Programs*.

19 June 2017 – chaired a meeting of the Judicial Officers' Aboriginal Cultural Awareness Committee.

24 June 2017 – chaired a meeting of the Courts Koori Portfolio Committee.

27 June 2017 – attended funeral of the Hon Allan McDonald AO QC.

Justice McLeish

5 August 2016 – attended the Government Contracting Workshop at Melbourne University Law School.

15 August 2016 – chaired the Australian Association of Constitutional Law seminar.

19 August 2016 – attended the Judicial College of Victoria seminar on *Historical Sexual Offences*.

1 September 2016 – attended the unveiling of the Justice Crennan portrait at Owen Dixon Chambers West.

6 September 2016 – attended the Allen Hope Southey lecture by Justice Gageler, *When the High Court Went on Strike*.

13 October 2016 – attended the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

21 October 2016 – attended the Appellate Judges' Conference in Melbourne.

14 November 2016 – attended the lecture at Melbourne Law School, *A Conversation with the Honourable Chief Justice French*.

8 December 2016 – attended the celebration for Michael Borsky's appointment as Senior Counsel at Ninian Stephen Chambers.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

2 February 2017 – judged the Melbourne Law School Jessup Exhibition Moot.

10 February 2017 – attended the welcome ceremony for the Hon Justice David O’Callaghan at the Federal Court of Australia.

22 February 2017 – attended the Judicial College of Victoria lunchtime seminar on *Current Trends in Youth Offending* presented by Judge Chambers, President of the Children’s Court.

16 March 2017 – attended a Supreme Court seminar on *The Trump Transition and American Administrative Law* given by Professor Peter Strauss of Columbia Law School.

3 April 2017 – attended the Supreme Court Prize presentation ceremony at the Supreme Court Library.

12 May 2017 – attended the Victoria Police Forensic Services Department field visit at Victoria Police Forensic Centre.

Justice Hollingworth

26 July 2016 – presented at a seminar organised by the Criminology Department at the University of Melbourne on *Violence and the Supreme Court*.

31 July to 5 August 2016 – taught advocacy to prosecutors in Kampala, Uganda, under a program run by the International Justice Mission.

12 August 2016 – attended a seminar on *Human Rights and the Criminal Law*.

29 August 2016 – attended a networking function organised by the Women Barristers’ Association and the Victorian Women Lawyers for criminal law practitioners.

5 September 2016 – attended a meeting of the Criminal Liaison Working Group.

19 September 2016 – judged the Victorian Bar’s Junior Bar Advocacy Competition.

10 October 2016 – made a presentation to the Bar Readers on *Written Advocacy*.

5 December 2016 – attended a meeting of the Criminal Liaison Group.

16 December 2016 – signed the roll of Honorary Fellows of St Edmund Hall at the University of Oxford.

20 February 2017 – together with Justice Elliott presented to the National Judicial College of Australia’s Judicial Orientation Program on *Managing Judicial Challenges*.

2 March 2017 – attended a meeting with the Hon Paul Coghlan QC to discuss proposed changes to the *Bail Act*.

16 March 2017 – attended a seminar at Melbourne University Law School conducted by Professor Lindsay Farmer from the University of Glasgow entitled *Rethinking the Relation between Criminal Law and Markets*.

28 March 2017 – chaired a meeting of the External Advisory Council of the Melbourne University Law School.

2 April 2017 – met with Justice Lillian Tibetemwa of the Supreme Court of Uganda to discuss the development of a training program for Ugandan judicial officers.

27 to 30 April 2017 – attended the International Association of Women Judges’ Conference in Sydney.

2 May 2017 – presented to the Bar Readers on *Written Advocacy*.

3 to 5 May and 8 to 9 May 2017 – taught the subject Persuasion and Advocacy in the Law Masters’ Program at the University of Melbourne.

20 May 2017 – judged an appellate advocacy moot for the Women Barristers’ Association.

24 May 2017 – attended a Judicial College of Victoria seminar on *Latin and the Law*.

31 May 2017 – attended a meeting of the National Judicial College of Australia’s Judgment Writing Planning Committee.

5 June 2017 – attended a meeting of the Criminal Liaison Group.

13 June 2017 – attended a meeting of the Council of the Victorian Institute of Forensic Medicine.

16 June 2017 – attended a presentation by the International Justice Mission on *Transforming Justice Systems to Protect the Poor*.

21 June 2017 – attended a presentation by Professor Abbe Smith of New York University.

21 June 2017 – chaired a Judicial College of Victoria seminar on *Troubling Confessions in the Australian Context*.

22 June 2017 – attended the launch of the book *Criminal Appeals and Reviews* by Corns, Borg and Castle.

23 June 2017 – attended a presentation by Helen Garner on *Hanging Around the Courts*, hosted by the Green’s List.

29 June 2017 – attended a course planning meeting with the Judicial College of Victoria.

Justice Bell

21 September 2016 – attended *The Australian Experiment with Human Rights Charters* at the Victorian Supreme Court Library.

13 October 2016 – attended seminar entitled *Serious Crime in the Children’s Court* held at the Judicial College of Victoria.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges’ Conference in Perth.

30 January 2017 – attended the Multi-Faith Opening of the Legal Year at Government House.

31 January 2017 – attended the Jewish service for the Opening of the Legal Year at the East Melbourne Synagogue.

27 February 2017 – attended the Judicial College of Victoria’s launch of the Children’s Court Bench Book at the William Cooper Justice Centre.

31 March 2017 – delivered a speech at an event co-hosted by Victoria Legal Aid and RMIT on *Disability Rights and Mental Health*.

Appendices

5 April 2017 – awarded Member of Order of Australia at a ceremony at Government House.

11 May 2017 – participated in a panel discussion on Australian Evidence Law for the visiting delegation of Chinese Judges at the Supreme Court.

18 May 2017 – attended as guest speaker at the opening of La Trobe Law School city campus.

20 May 2017 – delivered a speech at the Law Week session, *On Trial – A Supreme Court Judge Explains*.

Justice Hargrave

13 October 2016 – attended the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

17 October 2016 – presented to delegates of Singapore Supreme Court.

3 November 2016 – presented a lunchtime session for associates on *Life at the Bar*.

2 December 2016 – together with the Chief Justice, the President and Justices J Forrest and Lasry received the new Senior Counsel in Banco Court.

14 February 2017 – attended a Commercial Court Users' Group meeting.

16 March 2017 – delivered a presentation entitled *Practice and Procedure in the Commercial Court* at a Continuing Professional Development session for the Law Institute of Victoria.

30 March 2017 – delivered a presentation entitled *What a Judge Wants* at the Leo Cussen Institute's 2017 *Hear from the Judges* series.

Justice Cavanough

21 July 2016 – attended the Victoria Law Foundation Law Oration given by Justice Weinberg entitled *Of Mozart, Modern Drafting and the Criminal Lawyers' Lament* in Banco Court.

11 August 2016 – attended the Lucinda lecture at Monash University presented by the Hon Justice Patrick Keane AC who spoke on *The People and the Constitution*.

12 August 2016 – attended the Judges' and the Academy Seminar at the Judicial College of Victoria's Learning Centre.

17 August 2016 – attended the Victorian Reports Portal launch event in the Supreme Court Library.

September, October and November 2016 – chaired meetings of the Rules Committee.

9 and 21 September 2016 – attended a teleconference for the Supreme and Federal Court Judges' Conference Committee.

29 September 2016 – attended a teleconference meeting for the Rules Harmonisation Committee.

4 October 2016 – attended the Judicial Review and Appeals List Users' Group meeting.

7 to 9 October 2016 – attended the Judicial Conference of Australia Colloquium 2016 in Canberra.

21 to 25 January 2017 – attended as a member of the organising committee at the Supreme and Federal Courts Judges' Conference in Perth.

9 February 2017 – attended the Victoria Law Foundation's Law Oration in Banco Court.

16 February 2017 – attended the Australasian Court Rules Harmonisation Committee's meeting.

17 February 2017 – co-presented a master class with Rowena Orr QC on *Applications to Recuse – How to Deal with the Issues that Arise* at the Junior Bar Conference at Monash Law Chambers.

22 February 2017 – attended the Judicial College of Victoria's lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

16 March 2017 – attended a Supreme Court seminar on *The Trump Transition and American Administrative Law* given by Professor Peter Strauss of Columbia Law School.

28 March 2017 – attended a *Judges in Conversation* series event entitled *The Changing Face of Judicial Review: UK/Australia Comparison* at the Federal Court in Melbourne.

13 April 2017 – attended the ceremonial sitting to farewell the Hon Justice Jessup at the Federal Court in Melbourne.

23 April 2017 – chaired the annual planning meeting of the Supreme and Federal Court Judges' Conference Steering Committee at the Federal Court in Sydney.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

Justice Robson

18 August 2016 – delivered a presentation on *The Art of Judgment Writing* at a Deakin University workshop with visiting Sri Lankan Supreme Court judges in attendance.

26 August 2016 – attended the Deakin Law School Strategic Planning meeting.

September, October and November 2016 – attended meetings of the Supreme Court Board of Management.

28 September 2016 – attended the Court Services Victoria Finance Portfolio Committee meeting.

25 October 2016 – attended the Court Services Victoria Finance Portfolio Committee meeting.

22 November 2016 – attended the Deakin Law School Advisory Board meeting.

23 November 2016 – attended the Court Services Victoria Finance Portfolio Committee meeting.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

10 February 2017 – attended the welcome ceremony for the Hon Justice David O'Callaghan at the Federal Court of Australia.

16 February 2017 – attended the Rules Harmonisation Committee Conference.

22 February 2017 – attended the Court Services Victoria Finance Portfolio Committee meeting.

22 February 2017 – attended the Judicial College of Victoria's lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

1 March 2017 – attended the Board of Management meeting.

27 June 2017 – attended a cross-border insolvency seminar at Owen Dixon Chambers.

Justice Judd

28 October 2016 – presented a paper on *Modern Trends in Expert Evidence* at the Australian Barristers' Association and Victorian Bar 2016 National Conference at the Melbourne Cricket Ground.

Justice Vickery

27 July 2016 – attended and delivered an address at the Society of Construction Law Australia entitled *Quantifying Loss Caused by Disruption – Why Use the Measured Mile?*

28 July 2016 – attended and delivered an address at the Korda Mentha breakfast roundtable on *Electronic Aids to Discovery*.

13 to 15 September 2016 – delivered a paper entitled *Managing the Conflict in Construction Law* and participated in the plenary session with Sir Rupert Jackson and Sir Vivien Ramsay on *The Future of Construction Law* at the 6th International Society of Construction Law Conference in Sao Paulo, Brazil.

12 October 2016 – attended the Building Dispute Practitioners' Society Discussion Evening: *Quantum Meruit: A Fair and Reasonable Claim?* at the RACV Club.

13 October 2016 – attended the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

17 October 2016 – addressed the Victorian Bar Continuing Professional Development seminar in conjunction with the Rt Hon Lady Justice Gloster DBE PC, Court of Appeal of England and Wales on the subject *Paperless Trials: Myth or Reality?*

3 to 4 November 2016 – delivered a welcome address at the Society of Construction Law Australia National Conference in Canberra on *Building Australia's Future*.

15 November 2016 – attended the Judicial College of Victoria's *Koori Twilight – A Conversation about Culture with Richard Frankland* in the Koori Court.

22 November 2016 – addressed and chaired a discussion panel at the 4th International Arbitration Conference in Sydney on the subject *Ethical Considerations in International Arbitration*.

7 December 2016 – addressed the Society of Construction Law Australia on the subject *McConnell Dowel v Santam – Recent Developments in Technology Aided Review (TAR) of Discoverable Documents* at the Supreme Court of Victoria.

22 March 2017 – delivered a paper entitled *Challenges for Construction Law and Construction Lawyers* to the Building Dispute Practitioners Society.

22 May 2017 – attended the Deakin Law School Judges Forum on *Disruptive Innovation in Legal Services* and delivered a presentation on the topic *Technology in the Courts: National and International Comparisons*.

15 June 2017 – delivered a keynote presentation at the eDiscovery & Beyond Summit Meeting in Sydney.

Justice T Forrest

31 January 2017 – representing the Chief Justice, attended the Australian Bar Association function to welcome the new Silks at the High Court of Australia in Canberra.

16 May 2017 – attended a Judicial College of Victoria Criminal Charge Book Committee meeting at William Cooper Justice Centre.

22 May 2017 – chaired the Forensic Leave Panel at the Disability Forensic Assessment and Treatment Service and Thomas Embling Hospital.

27 May 2017 – delivered a presentation at the Causal Links in Forensic Psychiatry Conference at the Royal Australia New Zealand College of Psychiatry Headquarters, Melbourne.

14 June 2017 – attended as a panel member at the *Privilege against Self-Incrimination* seminar at Monash University Law Chambers.

Justice Emerton

6 July 2016 – attended the Innovative Justice seminar at RMIT Storey Hall.

11 July 2016 – delivered a presentation to students from Emerald Secondary College as part of the Supreme Court Education Program.

21 July 2016 – attended the Victoria Law Foundation Law Oration given by Justice Weinberg entitled *Of Mozart, Modern Drafting and the Criminal Lawyers' Lament*.

12 August 2016 – attended the Judges' and the Academy Seminar at the Judicial College of Victoria.

17 August 2016 – attended the Victorian Reports Portal launch event in the Supreme Court Library.

18 August 2016 – attended the Judicial College of Victoria seminar with guest speaker Professor Durbach.

19 August 2016 – delivered a presentation to students from MacRobertson Girls' High as part of the Supreme Court Education Program.

25 August 2016 – attended the Higginbotham lecture at RMIT.

1 September 2016 – delivered a presentation to students from Hampton Park Secondary School as part of the Supreme Court Education Program.

17 September 2016 – delivered a lecture at RMIT to Juris Doctor students on the challenges of being a judge.

21 September 2016 – attended the Professor Charlesworth lecture on Human Rights in the Supreme Court Library.

Appendices

24 October 2016 – attended the *Civil Procedure Act* meeting at the Supreme Court of Victoria.

2 November 2016 – attended the Valuation, Compensation and Planning List Users' Group meeting at the Supreme Court of Victoria.

8 November 2016 – attended the eCourt project briefing at the Supreme Court of Victoria.

14 December 2016 – attended the Women Barristers Association Leaps & Bounds event at Isaacs Chambers.

24 January 2017 – attended the swearing in of Judicial Registrar Mark Pedley.

30 January 2017 – attended the International Commission of Jurists Community Legal Opening at the County Court of Victoria.

9 February 2017 – attended the Victoria Law Foundation's Law Oration in Banco Court.

10 February 2017 – attended the ceremonial sitting to welcome the Hon Justice David O'Callaghan at the Federal Court of Australia.

22 February 2017 – attended the Judicial College of Victoria's lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

17 to 18 March 2017 – attended the Judicial College of Victoria's *Back to Country: A Visit to Wathaurong Country* in Geelong.

30 March 2017 – attended the Judicial Mentoring Program launch at the Law Institute of Victoria.

31 March 2017 – attended the Indigenous Clerkship 10-year celebration at Owen Dixon Chambers West.

4 April 2017 – attended the Seabrook Chambers Public Lecture at Melbourne Law School.

24 April 2017 – hosted a Law Institute of Victoria mentoring meeting in chambers.

12 May 2017 – delivered a presentation to students from Wallan High School as part of the Supreme Court Education Program.

17 May 2017 – delivered a speech on *Indigenous Rights and Mabo* at Melbourne Law School.

24 May 2017 – hosted a Law Institute of Victoria mentoring meeting in chambers.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

Justice Croft

17 August 2016 – attended the Victorian Reports Portal launch event in the Supreme Court Library.

14 September 2016 – attended the Commercial Court Continuing Professional Development seminar *Adducing Evidence at a Trial in 2016 – What to Do; and What Are the Pitfalls for Barristers and for Solicitors?* at Monash University Law Chambers.

9 November 2016 – attended the Commercial Court Continuing Professional Development seminar *Good Faith*

Obligations in Commercial Contracts at Monash University Law Chambers.

11 November 2016 – delivered papers entitled *Recourse to Courts* and *Recognition of Awards* for the Master of Laws subject, *The Practice of Commercial Arbitration*, at Melbourne Law School.

16 January 2017 – attended the Opening of the Legal Year at the Geelong Law Courts.

29 January 2017 – attended the Opening of the Legal Year at St Paul's Cathedral.

8 February 2017 – chaired the Monash Commercial Continuing Professional Development seminar: *Overarching Obligations* at Monash University Law Chambers.

8 February 2017 – presented at the Corrs International Arbitration Breakfast Seminar, Corrs Chambers Westgarth.

9 February 2017 – attended the Victoria Law Foundation's Law Oration in Banco Court.

17 to 18 March 2017 – attended the Judicial College of Victoria's *Back to Country: A Visit to Wathaurong Country* in Geelong.

22 March 2017 – attended the 25 Years of Class Actions Symposium at the RACV Club hosted by Maurice Blackburn, Fairfax Media and Monash University.

27 to 28 March 2017 – attended the Innovation and Excellence in Courts Conference at Monash University Law Chambers.

29 March 2017 – chaired the Monash Commercial Continuing Professional Development seminar: *Arbitration* at Monash University Law Chambers.

10 May 2017 – attended the Green's List breakfast seminar on *Retail Leases* at Monash Law Chambers.

12 May 2017 – participated as a panel member at the Law Institute of Victoria Alternative Dispute Resolution Conference *Where are Mediations and Arbitrations Now and Where Are They Going?*

17 May 2017 – attended the Judicial College of Victoria Strategic Directions meeting at the William Copper Justice Centre.

14 June 2017 – chaired Commercial Continuing Professional Development seminar on *Privilege Against Self-Incrimination* at Monash Law Chambers.

17 June 2017 – gave the opening address at the Chartered Institute of Arbitrators' Course entitled *An Introduction to International Arbitration* at Allens Linklaters.

28 June 2017 – attended the Green's List breakfast seminar by James McKay on *Exceptions to Indefeasibility* at Monash Law Chambers.

Justice Sifris

20 October 2016 – delivered a keynote address on *The Provision of Directions from Judges to Receivers and Liquidators* at the Victoria and Tasmania Australian Restructuring Insolvency and Turnaround Association's annual conference.

6 May 2017 – attended the Standing International Forum of Commercial Courts in London.

7 to 9 May 2017 – attended the 23rd Annual International Bar Association's Global Insolvency and Restructuring Conference in Copenhagen.

Justice Almond

24 January 2017 – attended the swearing in of Judicial Registrars Mark Pedley and Patricia Matthews.

30 January 2017 – attended the Multi-faith Opening of the Legal Year at Government House.

31 January 2017 – attended the Eastern Orthodox Service to mark the Opening of the Legal Year at St Eustathios Greek Orthodox Church.

20 February 2017 – attended the swearing in of Judicial Registrar Julie Clayton.

28 February 2017 – delivered a presentation to students from Yarra Valley Grammar as part of the Supreme Court Education Program.

7 April 2017 – attended the ceremonial welcome for the Hon Justice Edelman of the High Court of Australia in Melbourne.

8 May 2017 – attended the ceremonial welcome for Judge Edward Woodward as a judge of the County Court of Victoria.

9 May 2017 – attended the National Volunteer Week function for Court Volunteers.

Justice John Dixon

17 February 2017 – attended a Supreme Court seminar on *Remedies for Breach of Privacy: Equity or Tort?*

22 February 2017 – attended the Judicial College of Victoria lunchtime seminar on *Current trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

14 February 2017 – attended the Supreme Court Assets Security Portfolio meeting.

9 March 2017 – attended the *25 Years of Class Actions in Australia* book launch at Freehills.

31 March 2017 – attended the Indigenous Clerkship Program 10 year celebration at the Peter O'Callaghan QC Gallery, Owen Dixon Chambers West.

2 June 2017 – attended the Assets and Security Portfolio Committee meeting at the William Cooper Justice Centre.

5 June 2017 – attended the Court Craft Program Group briefing at the Judicial College of Victoria.

13 June 2017 – attended the Assets Security Portfolio Committee meeting at the William Cooper Justice Centre.

Justice Macaulay

1 August 2016 – delivered a presentation to students from Belmont High School as part of the Supreme Court Education Program.

3 August 2016 – attended the Koori Twilight seminar: *the Ongoing Legacy of the Stolen Generation* at the Judicial College of Victoria.

17 and 18 August 2016 – as Chair of the Council of Law Reporting, attended and spoke at the launch of the Victorian Reports Portal by the new publisher, Little William Bourke Pty Ltd at the Supreme Court, and in Sydney at NSW Parliament House.

2 June, 3 and 11 August 2016 – participated in the Monash University Externship program with students attending the Supreme Court.

8 September 2016 – presented to a group of students from Camberwell Grammar at the Supreme Court of Victoria.

22 February 2017 – attended the Judicial College of Victoria lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

6 April 2017 – attended an Interim Board meeting of the Law Library of Victoria.

20 April 2017 – attended a meeting with the Department of Justice and Regulation regarding the Law Library of Victoria.

8 May 2017 – delivered a presentation to a group of Juris Doctor students from Melbourne University at the Supreme Court.

11 May 2017 – delivered a presentation to a group of high school students from Taylors Lakes at the Supreme Court.

23 May 2017 – attended a Deakin Law School networking event with visiting Indian judges at the Essoign Club.

Justice McMillan

9 September 2016 – delivered a keynote address at the Victorian Succession Law Conference on the *Supreme Court of Victoria Trusts, Equity and Probate List 2015-16*.

21 October 2016 – delivered a speech entitled *Death, Divorce and Aging: Single Problem, Multiple Jurisdiction* at the National Family Law Conference.

26 October 2016 – delivered a speech entitled *Costs Orders Against Non-parties: Civil Procedure Act 2010* at the Law Institute of Victoria's Ethics Committee meeting.

21 to 25 January 2017 – attended and chaired the *Succession Law Discussion Group* at the Supreme and Federal Courts Judges' Conference in Perth.

12 May 2017 – participated as a panellist discussing the topic *Mediations and Arbitrations: Where Are we Now and Where Are we Going?* at the Alternative Dispute Resolution Conference at the Law Institute of Victoria.

Justice Garde

29 August 2016 – chaired the Judicial College of Victoria workshop on *Procedural Fairness and Evidence for VCAT* at the William Cooper Justice Centre.

30 January 2017 – attended the Multi-faith Opening of the Legal Year at Government House.

19 April 2017 – delivered a presentation on the role of VCAT at the Rotary Club of Melbourne event.

Appendices

Justice Digby

31 July 2016 – represented the Court when it was opened to the public as part of *Open House Melbourne*.

13 October 2016 – chaired the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

27 to 28 October 2016 – presented at the Australian Barristers' Association and Victorian Bar 2016 National Conference.

10 November 2016 – organised and convened the Australian Academy of Law Symposium, *The Impact of Scientific Development and Design on the Future Practice and Development of the Law*.

14 November 2016 – attended *A Conversation with the Hon Chief Justice French AC* at Melbourne University Law School.

17 November 2016 – chaired the Australian Maritime and Transport Arbitration Commission's seminar, *Current Issues for Maritime Law Practitioners*.

21 November 2016 – held a meeting with Federal Court admiralty marshals.

23 November 2016 – was on the judging panel of *Law Rocks Melbourne*.

24 January 2017 – attended the swearing in of Judicial Registrars Mark Pedley and Patricia Matthews.

30 January 2017 – attended the Red Mass at St Patrick's Cathedral for the Opening of the Legal Year.

31 January 2017 – attended the Eastern Orthodox Service to mark the Opening of the Legal Year at St Eustathios Greek Orthodox Church.

3 February 2017 – attended the Ronald Ryan re-enactment in court 4 to mark the 50th anniversary of Ronald Ryan's execution.

20 February 2017 – attended the swearing in of Judicial Registrar Julie Clayton.

6 March 2017 – delivered an address at the Victorian Bar memorial in honour of Hartog Berkeley QC at the Essoign Club.

29 March 2017 – chaired a Society of Construction Law Australia seminar on *Claims that Arise in Construction Disputes* at Corrs Chambers Westgarth.

20 June 2017 – presided over an Admissions Ceremony for new lawyers.

Justice Elliott

28 July 2016 – delivered a presentation to students from Hume Anglican Grammar School as part of the Supreme Court Education Program.

4 August 2016 – attended the launch of *Unjust Enrichment* by Justice James Edelman and Professor Elise Bant at the University of Melbourne.

10 and 17 August 2016 – took part in the Monash Externship Program.

16 August 2016 – delivered a presentation to students from

Ringwood Secondary College as part of the Supreme Court Education Program.

17 August 2016 – attended the Victorian Reports Portal launch event in the Supreme Court Library.

14 and 21 September 2016 – took part in the Monash Externship Program.

4 October 2016 – met with students from Seymour College as part of the Supreme Court Education Program.

19 October 2016 – conducted a seminar on *Preparing Witnesses* for the Victorian Bar Readers' Course at the Neal McPhee Room, Owen Dixon Chambers.

9 November 2016 – met with Professor David Tait and Harold Epineuse, Deputy Secretary General, L'Institut des Hautes Études sur la Justice.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

13 February 2017 – delivered a speech to students from Shelford Girls' Grammar for the Supreme Court Education Program.

20 February 2017 – presented a session entitled *Managing Judicial Challenges* at the National Judicial Orientation Program.

22 February 2017 – attended the Judicial College of Victoria's lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

2 March 2017 – attended the Supreme Court Innovation Workshop.

4 April 2017 – delivered a presentation to Bar Readers on the topic of *Witness Proofing* at Owen Dixon Chambers.

2 and 3 May 2017 – hosted a student as part of the Monash Externship program.

9 May 2017 – attended the Education Program Volunteer's Lunch.

9 May 2017 – spoke with students from Diamond Valley Secondary College as part of the Supreme Court Education Program.

15 May 2017 – delivered a presentation to students from Melbourne University as part of the Supreme Court Juris Doctor student engagement program.

17 May 2017 – spoke with students from Seymour College as part of the Supreme Court Education Program.

23 May 2017 – attended a networking event with senior judges from India at the Essoign Club.

31 May to 7 June 2017 – hosted a student as part of the Monash Externship program at the Supreme Court in Melbourne.

Justice Ginnane

24 July 2016 – delivered speech *A Judge's Life* to the Royal Children's Hospital Auxiliary of Kooyong Lawn Tennis Club.

9 August 2016 – attended the graduation ceremony of the first law graduates of the Thomas More Law School at the Australian Catholic University.

11 August 2016 – participated in an Executive Meeting of the Judicial Conference of Australia.

31 May, 29 July and 11 August 2016 – delivered a presentation to Legal Studies students as part of the Supreme Court Education Program.

7 to 8 October 2016 – attended the Judicial College of Australia Colloquium and Governing Council meeting in Canberra.

18 November 2016 – delivered concluding remarks on a paper presented by Dr Jeffrey Barnes at the symposium: *The Coherence of Statutory Interpretation: Issues and Appraisal* at the Latrobe University Law School.

10 April and 16 May 2017 – mentored participants in the Law Institute of Victoria Judicial Mentoring Program.

4 May 2017 – attended the opening of the Douglas Menzies Chambers at 180 William Street, Melbourne.

15 May 2017 – delivered a presentation to Melbourne Law School Juris Doctor students on the subject of *Dispute Resolution at the Supreme Court of Victoria*.

15 May 2017 – attended the 110th anniversary commemoration of the Harvester judgment in Banco Court.

Justice Sloss

18 July 2016 – attended the welcome ceremony for Magistrate Michael King at the Melbourne Magistrates' Court.

22 July 2016 – attended *Legal Luminaries and their Books* at the Supreme Court Library.

2 August 2016 – attended the book launch of *Unjust Enrichment in Australia* by Elise Bant and James Edelman at the Melbourne University Law School.

17 August 2016 – attended the Victorian Reports Portal launch event in the Supreme Court Library.

14 September 2016 – attended the Monash University Commercial Law seminar, *Adducing Evidence at a Trial in 2016*, chaired by Justice Croft at Monash University Law Chambers.

15 September 2016 – attended the book launch of *Access Regulation in Australia* by Geoff Peterson, Morelle Bull and Catherine Dermody at Castan Chambers.

21 September 2016 – attended the James Merralls Visiting Fellowship in Law Lecture 2016 on *The Death of Penalties in Two Legal Cultures?* by Sarah Worthington QC, at Owen Dixon Chambers East.

29 September 2016 – attended the event to mark the 125th anniversary of the Women's Suffrage Petition at Parliament House.

5 October 2016 – attended the Monash University Commercial Law seminar *Consumer and Small Business Protection* panel discussion chaired by the Hon Justice Kenny at the Federal Court of Australia.

13 October 2016 – attended the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

17 October 2016 – attended the Victorian Bar and CommBar presentation by the Rt Hon Lady Justice Gloster DBE PC, Court of Appeal of England and Wales and Justice Vickery on *Paperless Trials – Myth or Reality?* at Owen Dixon Chambers East.

11 November 2016 – attended an informal seminar on *The Administration and Practice of "Equity" in the Supreme Court of Victoria During the Colonial Period* at Aickin Chambers.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

10 March 2017 – attended the book launch of Damian Grave and Helen Mould, *25 Years of Class Actions in Australia*, at Herbert Smith Freehills.

3 April 2017 – attended a workshop on *Oral Decisions* at the Judicial College of Victoria.

10 May 2017 – attended the Law Week launch at the County Court of Victoria.

Justice Croucher

31 August 2016 – co-judged the grand final of the Castan Centre Charter of Human Rights Mooting Competition in the Court of Appeal.

6 September 2016 – participated in the Jury Directions Advisory Group meeting.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

30 January 2017 – attended the Red Mass at St Patrick's Cathedral for the Opening of the Legal Year.

2 March 2017 – consultation with the Hon Paul Coghlan QC in relation to review of the Bail Act.

11 May 2017 – presented a lecture to students at the Australian Catholic University on judicial discretion and sentencing.

20 June 2017 – presided over an Admissions Ceremony for new lawyers.

Justice Cameron

9 September 2016 – spoke to VCE students as part of the Supreme Court Education Program.

29 September 2016 – attended the event to mark the 125th anniversary of the Women's Suffrage Petition at Parliament House.

11 October 2016 – attended the Latrobe Law School Advisory Committee and Professional Consultative Board Meeting at Latrobe University.

13 October 2016 – attended the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

17 October 2016 – attended a meeting with delegates from the Supreme Court of Singapore study tour.

27 October 2016 – met with Ms Katie Miller, Executive Director, Legal Practice at Victorian Legal Aid.

Appendices

30 March 2017 – attended the Equitable Briefing Policy Launch at King & Wood Mallesons.

1 May 2017 – attended the unveiling of the 2017 gallery recipients for the MacRob Portrait Gallery at MacRobertson Girls' High School.

1 May 2017 – met with four mentees from the Law Institute of Victoria Mentorship Program.

10 May 2017 – attended the Law Library of Victoria Finance Subcommittee in the Judges' Conference Room.

12 May 2017 – sat on a panel discussion entitled *Mediations and Arbitrations: Where Are we Now and Where Are we Going?* at the Alternative Dispute Resolution Conference at the Law Institute of Victoria.

15 May 2017 – met with a group of first year Juris Doctor students at the Melbourne Law School as part of the student engagement program.

Justice Beale

26 August 2016 – presented an evidence refresher for the Judicial College of Victoria.

15 September 2016 – gave a presentation on *Cross-examination Concepts* for the Bar Readers' Course at Owen Dixon Chambers.

21 July 2016 – gave a presentation entitled *Tendency and Coincidence Evidence after IMM [2016] HCA 14* at the Magistrates' Court Conference held at the RACV Club.

Justice McDonald

28 July 2016 – attended the ceremonial sitting in Banco Court to welcome Justice Kennedy.

13 September – spoke at the Melbourne Law School Judicial Associateship event held at Melbourne University Law School.

27 October 2016 – met with a delegation of judges from China at the Supreme Court.

14 November 2016 – delivered a speech at the Industrial Bar Association Annual Employment Law Update 2016 at Owen Dixon Chambers East.

23 January 2017 – attended the Australia Day reception at Government House.

30 January 2017 – attended the Multi-faith Opening of the Legal Year at Government House.

8 February 2017 – delivered a paper on *Overarching Obligations* at the Commercial Court seminar at the Monash University Law Chambers.

3 April 2017 – attended a meeting with mentees from the Law Institute of Victoria Judicial Mentoring Program.

8 May 2017 – delivered a talk to Melbourne Law School Juris Doctor students as part of the student engagement program.

9 May 2017 – attended a meeting with mentees from the Law Institute of Victoria Judicial Mentoring Program.

16 May 2017 – attended the Tristan Jepson Memorial Foundation lecture at DLA Piper.

Justice Zammit

18 August 2016 – attended the Judicial College of Victoria's Law and Literature Series: *Apartheid and a Common Purpose – The Story of the Upton 25*.

19 October 2016 – presided over the Monash Law and Hellenic Australian Lawyers Association Moot: *Greece v UK: The Marbles Case* at Monash University Law Chambers.

17 November 2016 – attended the Victorian Women Lawyers' family violence seminar at Hall & Wilcox.

5 December 2016 – delivered a keynote address on the challenges of balancing family, work and academic success at the Jewishcare Young Achievers Program End of Year function, Caulfield.

30 January 2017 – delivered a keynote address on the experience of high school and university at the *Aiming High* VCE Support Program Orientation Evening at the Banksia Gardens Community Services, Broadmeadows.

16 February 2017 – delivered a keynote address on volunteering at the Broadmeadows Legal Service at the launch of the Northern Community Legal Centre, Gladstone Park shopping centre.

6 April 2017 – attended the Supreme Court Personal Injuries List presentation *Mediation in Personal Injury Proceedings*.

28 to 30 April 2017 – attended the International Association of Women's judges conference in Sydney.

3 May 2017 – was a panel member at the launch of the Victorian Women Lawyers mentoring program.

8 May 2017 – delivered a presentation to the Melbourne Law School Juris Doctor students.

9 May 2017 – presented at the Supreme Court's National Volunteers Week thank-you lunch.

11 May 2017 – participated in a panel discussion on Australian Evidence Law for the visiting delegation of Chinese judges at the Supreme Court.

15 May 2017 – attended a meeting with Judge Yoshihiro Baba of Ichinomiya Branch of Nagoya District Court, Japan.

16 and 18 May 2017 – participated in the Supreme Court VCE Education Program.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

14 June 2017 – attended the Commercial Court seminar on *Privilege Against Self-Incrimination* at Monash Law Chambers.

20 June 2017 – attended a Junior Practitioners Users' Group Meeting.

26 June 2017 – hosted Leo Cussen students Caitlin Howard and Fiona Ransom.

27 June 2017 – spoke with students from the *Aiming High* VCE Support Program at the Banksia Gardens Community Services, Broadmeadows.

27 June 2017 – met with Year 10 students as part of CBP Lawyers' *Connecting Disadvantaged Students* program.

28 June 2017 – met with Matthew Weatherson at the Judicial College of Victoria with regard to updating the Civil Juries Charge Book.

Justice Riordan

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

17 February 2017 – delivered a paper about the establishment of the Property List to leading members of the Property Professionals at Maddocks Lawyers.

22 February 2017 – attended the Judicial College of Victoria lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

10 March 2017 – attended the Shepparton Law Courts Steering Committee meeting.

16 March 2017 – attended a Supreme Court seminar entitled *The Trump Transition and American Administrative Law* by Professor Peter Strauss of Columbia Law School.

17 to 18 March 2017 – attended the Judicial College of Victoria's *Back to Country: A Visit to Wathaurong Country* in Geelong.

22 March 2017 – attended a meeting with students as part of the Supreme Court Education Program.

Justice Jane Dixon

21 July 2016 – attended the Jury Guide Pilot Program meeting.

18 August 2016 – spoke to year 12 students from Methodist Ladies' College as part of the Supreme Court Education Program.

24 August 2016 – chaired a meeting with the Judicial College of Victoria about updates to the Victorian Sentencing Manual.

30 August 2016 – attended a meeting of the Judicial Advisory Group on family violence chaired by the Hon Marcia Neave AO at William Cooper Justice Centre.

31 August 2016 – co-judged the grand final of the Castan Centre Charter of Human Rights Mooting Competition in the Court of Appeal.

13 September 2016 – held a *Women-in-Crime* cross-examination workshop for young female lawyers in Banco Court.

14 September 2016 – attended a meeting of the Judicial Advisory Group on family violence chaired by the Hon Marcia Neave AO at William Cooper Justice Centre.

26 September 2016 – judged the semi-final of the Warren Moot at Maddocks.

29 September 2016 – attended the event to mark the 125th anniversary of the Women's Suffrage Petition at Parliament House.

13 October 2016 – attended a meeting of the Judicial Advisory Group on family violence chaired by the Hon Marcia Neave AO at William Cooper Justice Centre.

28 October 2016 – attended and spoke as part of a panel session entitled *Future of Litigation in Crime and Civil and Aboriginal Incarceration* at the Australian Barristers' Association and Victorian Bar 2016 National Conference.

8 November 2016 – met with Year 10 and 11 students from Doncaster Secondary College as part of the Supreme Court Education Program.

14 November 2016 – attended a meeting of the Judicial Advisory Group on family violence chaired by the Hon Marcia Neave AO at William Cooper Justice Centre.

18 May 2017 – participated in Law Week judging a mock trial between the Law Institute of Victoria and the Victorian Bar.

20 May 2017 – judged a Women Barristers Moot entitled *Feedback from the Bench*.

Justice Keogh

12 to 13 May 2017 – attended and presented on expert evidence at the Australian Lawyers Alliance state Conference in Bendigo.

Justice Kennedy

25 August 2016 – addressed Xavier College students as part of the Supreme Court Education Program.

5 September and 15 November 2016 – attended Silks Advisory Committee meetings.

13 October 2016 – chaired the presentation of the Hon Justice Ruth McColl on *Contractual Ambiguity: An Answer in Search of a Question?* at the Supreme Court and Melbourne University Law School 2016 Commercial Law Conference.

8 March 2017 – attended a panel discussion at the National Association of Women in Construction.

17 March 2017 – on behalf of the Chief Justice attended the Catholic Education Melbourne St Patrick's Day celebration.

31 March 2017 – attended the ceremonial farewell for Judge Carolyn Douglas at the County Court of Victoria.

8 May 2017 – attended the ceremonial welcome for Judge Edward Woodward as a judge of the County Court of Victoria.

9 May 2017 – delivered a presentation entitled *Women and the Law* at the Just Leadership Program seminar at Monash University Law Chambers.

April to November 2017 – mentored a small group of solicitors once a month for a period of eight months as part of the Law Institute of Victoria's Judicial Mentoring Program.

6 June 2017 – attended the ceremonial farewell and reception for Judge Anderson, County Court of Victoria.

Associate Justice Eftim

7 June 2017 – delivered a presentation entitled *Appearing in Court with Confidence and Advocacy Tips* at the Leo Cussen Junior Law Conference in Melbourne.

Associate Justice Wood

20 February 2017 – addressed a group of Flinders College students as part of the Supreme Court Education Program.

Appendices

Associate Justice Lansdowne

27 April 2017 – attended the Redfern Legal Centre 40th anniversary celebration.

28 to 30 April 2017 – attended the International Association of Women Judges' Conference in Sydney.

Associate Justice Daly

12 July 2016 – attended the swearing in of Judicial Registrar Englefield.

22 July 2016 – attended the *Legal Luminaries* lunchtime panel discussion at the Law Library of Victoria.

27 July 2016 – hosted students in chambers as part of the Monash Externship program.

15 August 2016 – adjudicated the mock round of the Warren Moot at Maddocks.

26 September 2016 – adjudicated the semi-final of the Warren Moot at Maddocks.

7 to 9 October 2016 – attended the Judicial Conference of Australia Colloquium 2016 at the Hyatt Hotel and Government House, Canberra.

26 October 2016 – addressed a group of students from Wallan Secondary College as part of the Supreme Court Education Program.

10 March 2017 – attended the Dame Roma Mitchell Memorial luncheon and lecture to mark International Women's Day.

Associate Justice Gardiner

20 July 2016 – addressed a group of students from Our Lady of Mercy College as part of the Supreme Court Education Program.

10 August 2016 – addressed a group of students from Penleigh and Essendon Grammar as part of the Supreme Court Education Program.

17 August 2016 – hosted a Monash Externship student in chambers.

7 to 9 October 2016 – attended the Judicial Conference of Australia Colloquium 2016 in Canberra.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

3 February 2017 – attended the Ronald Ryan re-enactment in court 4 to mark the 50th anniversary of Ronald Ryan's execution.

17 February 2017 – attended the welcome of Anthony Kelly on his appointment as a judge of the Federal Circuit Court of Australia.

Associate Justice Mukhtar

19 September 2016 – gave a presentation to the Bar Readers' Course at Owen Dixon Chambers entitled *Critical Advocacy Skills*.

13 April 2017 – delivered a lecture to the Victorian Bar Readers Course on *Critical Aspects of Advocacy*.

Associate Justice Randall

18 August 2016 – attended the Judicial College of Victoria's, Law and Literature Series: *Apartheid and a Common Purpose – The Story of the Uppington 25*.

25 October 2016 – attended the Insolvency Law workshop at Kingwood and Mallesons.

3 November 2016 – attended the 2016 Asian Australian Lawyers' Association, Mentoring Program at Herbert Smith Freehills.

Associate Justice Derham

12 July 2016 – attended the swearing in of Judicial Registrar Englefield.

15 July 2016 – was the keynote speaker at the Society of Trust and Estate Practitioners conference on *TFM Approvals of Compromise: a Judicial Perspective*.

28 July 2016 – attended the ceremonial sitting in Banco Court to welcome Justice Kennedy.

9 August 2016 – met with students from Scotch College as part of the Supreme Court Education Program.

1 September 2016 – attended the Susan Crennan QC portrait unveiling at the Peter O'Callaghan QC Gallery.

9 September 2016 – attended *Cocktails and Conversation* with the Hon Betty King QC.

15 September 2016 – attended the anniversary commemoration of the 10th anniversary of Associate Justice Lansdowne.

9 November 2016 – attended the farewell to Judge Phipps at the Federal Court.

24 January 2017 – attended the swearing in of Judicial Registrars Mark Pedley and Patricia Matthews.

30 January 2017 – attended the Multi-faith Opening of the Legal Year at Government House.

10 February 2017 – attended the ceremonial sitting to welcome the Hon Justice David O'Callaghan at the Federal Court of Australia.

20 February 2017 – attended the swearing in of Judicial Registrar Julie Clayton.

16 March 2017 – attended a Supreme Court seminar on *The Trump Transition and American Administrative Law* given by Professor Peter Strauss of Columbia Law School.

17 March 2017 – delivered a presentation entitled *Life at the Bar* at the Supreme Court of Victoria.

1 May 2017 – attended the launch of Level 1, Owen Dixon Chambers East.

14 June 2017 – attended a lecture about self-incrimination with Justices Croft and T Forrest at Monash University Law Chambers.

30 June 2017 – attended the retirement celebration of Ross Macaw, Owen Dixon Chambers West.

Associate Justice Ierodiaconou

20 July 2016 – delivered a speech entitled *Health and Wellbeing in the Legal Profession* at the Deakin Law Alumni seminar.

18 August 2016 – attended the Judicial College of Victoria's Law and Literature Series: *Apartheid and a Common Purpose – The Story of the Upington 25*.

23 August 2016 – attended and adjudicated round one of the Victorian Women Lawyers Warren Moot 2016.

29 August 2016 – co-presented with Justice J Forrest at the New Barristers' Committee Continuing Professional Development event about ethics in the McPhee Room.

13 September 2016 – attended Centre for Employment and Industrial Relations Law Advisory Board Meeting at Melbourne University Law School.

21 September 2016 – attended a presentation given by Professor H Charlesworth, *The Australian Experiment with Human Rights Charter*, in the Supreme Court of Victoria library.

26 September 2016 – spoke to VCE Legal Studies students about the role of associate judges in the Court as part of the Supreme Court Education Program.

14 November 2016 – co-presented with Justice McDonald to the Industrial Bar Association about Employment and Industrial Law.

29 November 2016 – attended the *Judges in Conversation Series: Human Rights and the Politics of the Veil* at the Federal Courts of Australia.

21 to 25 January 2017 – attended the Supreme and Federal Courts Judges' Conference in Perth.

30 January 2017 – attended the Multi-faith Opening of the Legal Year at Government House.

31 January 2017 – attended the Eastern Orthodox Service to mark the Opening of the Legal Year at St Eustathios Greek Orthodox Church.

9 February 2017 – attended the Victoria Law Foundation Law Oration in Banco Court.

16 to 17 February 2017 – attended the Wellness for Law Conference in Adelaide.

20 February 2017 – attended the swearing in of Judicial Registrar Julie Clayton.

22 February 2017 – attended the Judicial College of Victoria's lunchtime seminar on *Current Trends in Youth Offending* given by Judge Chambers, President of the Children's Court.

15 March 2017 – attended as a panellist on the issue of cultural diversity in the legal profession at the Cultural Diversity Committee and Victorian Women Lawyers event hosted by Maurice Blackburn Lawyers.

16 March 2017 – attended a Supreme Court seminar on *The Trump Transition and American Administrative Law* given by Professor Peter Strauss of Columbia Law School.

3 to 5 April 2017 – attended the National Judicial College's Conference on *Better Writing Judgments* in Sydney.

31 May 2017 – conducted a workshop for Magistrates organised by the Magistrates' Courts of Queensland, Brisbane.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

20 June 2017 – attended the Personal Injuries List Junior Practitioners Users' Group meeting at the Supreme Court.

Judicial Registrar Gourlay

7 November 2016 – attended the Cost Court Users' Group meeting.

Judicial Registrar Hetyey

17 and 18 October 2016 – met with a delegation from the Supreme Court of Singapore to discuss case management in the Commercial Court, the International Framework of Court Excellence, performance management and other matters.

7 and 8 November 2016 – attended the Courts and Tribunal Academy – Sir Zelman Cowen Centre International Conference on *Law and Courts in an Online World*.

17 November 2016 – together with Justices Hargrave and Judd, met with a delegation of judges from Chinese courts to discuss case management and mediation in the Commercial Court.

25 November 2016 – together with Justice Sifris, met with a delegation of judges from the Indonesian Supreme Court and officials from the Indonesian Ministry of Economics to discuss case management, mediation and technology in the Commercial Court.

14 February 2017 – attended a Commercial Court Users' Group meeting.

24 March 2017 – together with Justices Hargrave and Sifris and Judicial Registrar Irving met with a delegation from the Supreme Court of Singapore to discuss active judge management in the Commercial Court, case allocation and re-allocation processes, judicial mediation and other matters.

27 and 28 March 2017 – attended the Innovation and Excellence in Courts Conference and presented a session with Justice Judd entitled *Creating and Delivering a Commercial Court* and moderated a further session presented by the State Courts of Singapore.

3 April 2017 – attended the Judicial College of Victoria's workshop on Oral Decisions.

4 and 5 May 2017 – together with the Chief Justice and Justice Sifris, attended and participated in Standing International Forum for Commercial Courts Conference in London.

8 and 9 May 2017 – met with Justice Robin Knowles of the Commercial Court of England and Wales, Senior Master Barbara Fontane and Master Victoria McCloud of the Queen's Bench Division and other representatives of High Court in London to discuss case management, current administrative structures to manage commercial litigation and the use of technology.

Appendices

11 May 2017 – met with Judge Rose-Marie Boon and Judge Duco Oranje of the Netherlands Commercial Court (NCC), respectively and other court representatives, to discuss the establishment of the NCC, the use of technology and strategies for the delivery of short and timely decisions in commercial cases.

15 and 16 May 2017 – met with Chief Judge Janne Partikel and Judges Rebekka Rosenfeldt, Gerrit Guenther and Hannah Tesckabai of the Berlin Regional Court (Landgericht) to discuss case management and strategies for the delivery of short and timely decisions in commercial cases.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

Judicial Registrar Englefield

24 January 2017 – attended the swearing in of Judicial Registrars Mark Pedley and Patricia Matthews.

31 January 2017 – attended the Eastern Orthodox Service to mark the Opening of the Legal Year at St Eustathios Greek Orthodox Church.

20 February 2017 – attended the swearing in of Judicial Registrar Julie Clayton.

8 March 2017 – attended the Women in Rotary International Women's Day breakfast panel discussion.

26 April 2017 – attended the Court's Inspire Awards at PricewaterhouseCoopers.

Judicial Registrar Clayton

28 March 2017 – moderated the Common Law Division session at the Courts Innovation and Excellence Conference.

6 April 2017 – attended the Personal Injury List seminar organised in conjunction with the County Court.

28 April 2017 – presented at the Circuit Practitioners Users' Group Meeting.

4 May 2017 – presented at Dust Diseases Users' Group meeting.

8 May 2017 – presented to Melbourne Law School Juris Doctor students as part of their student engagement program.

15 May 2017 – presented at the Institutional Abuse Plaintiff Users' Group meeting.

15 May 2017 – attended a re-enactment of the Harvester decision to commemorate the 110th anniversary of the decision.

18 May 2017 – presented at the Medical Negligence Users' Group meeting.

18 May 2017 – presented at the Institutional Abuse Defendant Users' group meeting.

20 May 2017 – hosted the *Class Actions and the Court* presentation during Law Week.

30 May 2017 – presented to judges associates on trial listing and allocation practices in the Common Law Division.

31 May 2017 – presented to school groups during the Wangaratta circuit.

6 June 2017 – together with judges, associate judges and judicial registrars, visited the Parliament of Victoria.

20 June 2017 – presented at the Junior Practitioners Users' Group meeting.

21 June 2017 – attended a presentation by Professor Abbe Smith on criminal defence experience in the US.

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) 8636 6800
Fax: (03) 8636 6830
info@juries.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

16-24 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
Fax: (02) 6043 7004

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Supreme Court of Victoria

210 William Street
Melbourne VIC 3000

www.supremecourt.vic.gov.au