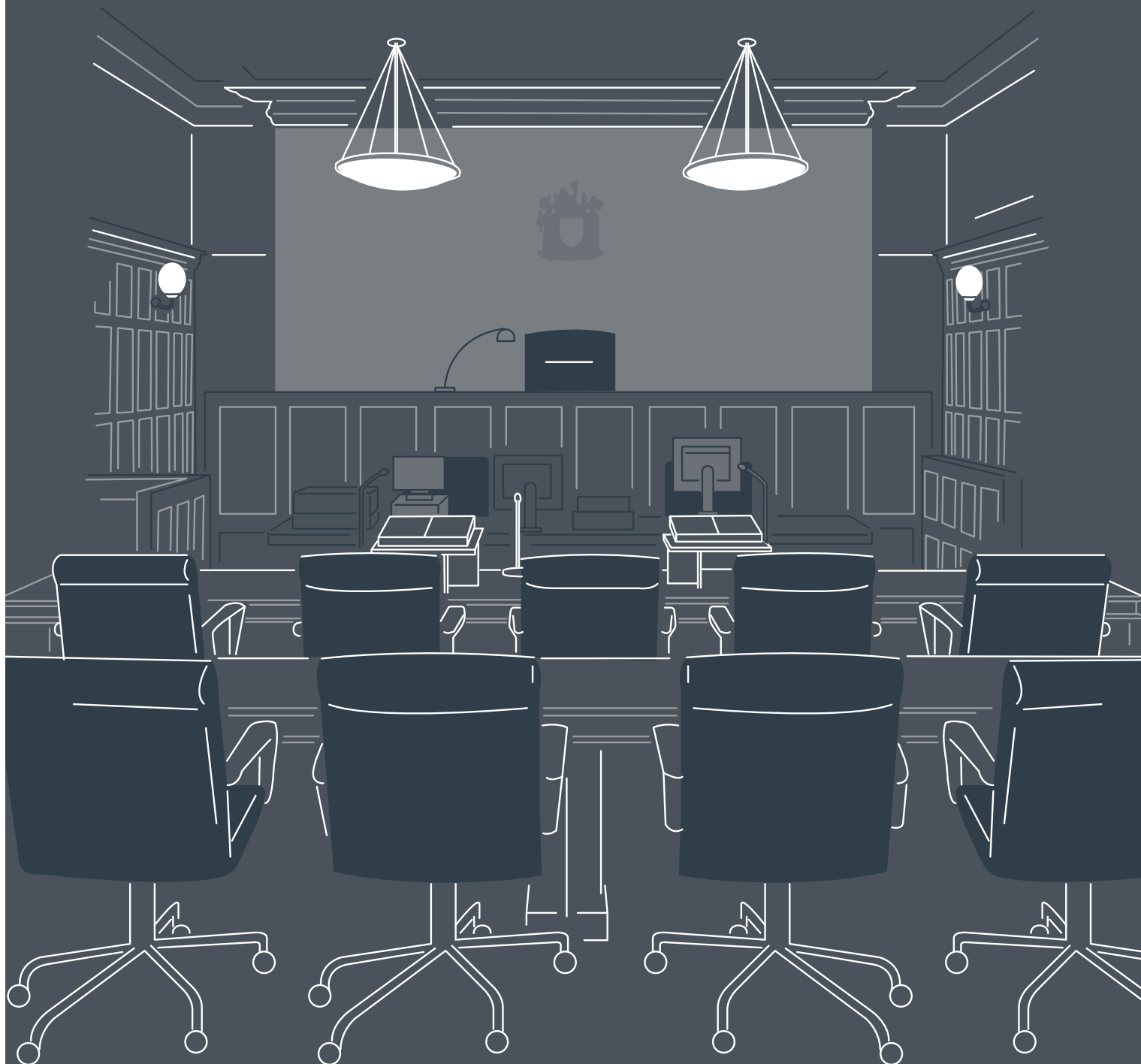


# ANNUAL REPORT **2022-23**



**SUPREME COURT  
OF VICTORIA**

## Letter to the Governor

*To Her Excellency Professor the Honourable Margaret Gardner 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 to you our annual report for the 2022-23 financial year, reporting on the Court's activities from 1 July 2022 to 30 June 2023.

Yours sincerely



### Anne Ferguson

The Honourable Chief Justice  
Supreme Court of Victoria

## ABOUT THIS REPORT

This report is prepared as a requirement under provisions of the *Supreme Court Act 1986 (Vic)*. It is prepared primarily as a report to the Attorney-General of Victoria on Court activities. The report also provides information for Supreme Court users and others with an interest in the Court.

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

For enquiries on the report or to provide feedback, email [info@supcourt.vic.gov.au](mailto:info@supcourt.vic.gov.au)

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## Goal

To be a modern, superior court that is accessible to and trusted by all, fulfilling a fundamental role in our democratic society.

## Purpose

To serve the community by upholding the law through just, independent and impartial decision making, and dispute resolution.

## Values

Our goal and purpose are underpinned by the following values:

- excellence
- equality (before the law)
- accessibility
- integrity and transparency
- timeliness and efficiency
- certainty and clarity
- innovation and change
- courtesy and respect
- unity and wellbeing.

## About the Supreme Court of Victoria

The Supreme Court hears some of the most serious criminal cases and complex civil cases in the State of Victoria, and some appeals from Victorian courts and tribunals.

The Supreme Court is a court for all Victorians and hears matters across the state.

The Court has two divisions: the Trial Division and the Court of Appeal.

The Trial Division is made up of the Criminal Division, the Common Law Division and the Commercial Court. It hears serious criminal cases including murder and terrorism, civil cases involving significant injuries, large monetary claims and complex legal issues, and other serious matters. It also hears appeals from the Magistrates' Court of Victoria, the Children's Court of Victoria, the Coroners Court of Victoria and the Victorian Civil and Administrative Tribunal (VCAT).

The Court of Appeal determines whether a trial was conducted fairly and the law was correctly applied. It hears appeals of criminal and civil cases decided in the Trial Division of the Supreme Court, the County Court of Victoria, and some VCAT appeals. Most appeals require permission from the Court of Appeal before they can be heard.

The Chief Executive Officer oversees the administrative functions of the Court, including the registries, administration, Juries Victoria, and the Law Library Victoria. The Funds in Court office operates discretely under the direction of the Senior Master.



# CONTENTS

## 05

### AT A GLANCE

|                   |    |
|-------------------|----|
| Cases Snapshot    | 05 |
| Services Snapshot | 08 |
| Foreword          | 10 |

## 12

### WORK OF THE COURT

|                                     |    |
|-------------------------------------|----|
| Court of Appeal                     | 13 |
| Criminal Division                   | 15 |
| Commercial Court                    | 19 |
| Common Law Division                 | 24 |
| Associate Judges' Chambers          | 30 |
| Judicial Mediation                  | 32 |
| Costs Court                         | 34 |
| Registry and Court Support Services | 36 |
| Office of the Prothonotary          | 38 |
| Probate Office                      | 39 |
| Corporate Services                  | 41 |

## 42

### ADDITIONAL COURT SERVICES

|                      |    |
|----------------------|----|
| Funds in Court       | 43 |
| Juries Victoria      | 47 |
| Law Library Victoria | 49 |

## 51

### LEADERSHIP AND GOVERNANCE

## 53

### APPENDIX

|                       |    |
|-----------------------|----|
| Financial Information | 54 |
|-----------------------|----|

# AT A GLANCE

These pages provide a high-level overview of the caseload and services at the Court. Further details, including analysis of the data, can be found in the report.

## Cases Snapshot

The Court's performance is measured by the following

### 1

**Clearance rate:** Cases finalised in a given period, expressed as a percentage of cases initiated<sup>1</sup>.

### 2

**On-time case processing:** Percentage of cases finalised<sup>2</sup> within 12 and 24 months of initiation.

### 3

**Case backlog:** Number of cases awaiting finalisation.

Variance is the percentage difference between 2021-22 and 2022-23 figures. Benchmark is a standard that the Court measures its performance against.

The Court also reports on the quality of its court files, known as court file integrity. This is the percentage of case files that meet established standards of availability, accuracy and completeness, as determined by random audits. Court file integrity is critical to ensuring proceedings are managed efficiently.

Differences between 2021-22 figures in this report and those published in the 2021-22 annual report are due to cases being closed after the report's publication and credited to the reporting period.

### Total caseload

#### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 5,677   | 6,414   | 13.0%    |
| Finalisations | 5,453   | 5,886   | 7.9%     |
| Pending       | 5,535   | 6,063   | 9.5%     |

#### Clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 96.1%   | 91.8%   | 100%      |
| Cases finalised within 12 months | 61.4%   | 62.2%   | 75%       |
| Cases finalised within 24 months | 87.3%   | 86.5%   | 90%       |
| Cases finalised >24 months       | 12.7%   | 13.5%   | 0%        |

#### Case backlog

|                    | 2021-22 | 2022-23 | Benchmark |
|--------------------|---------|---------|-----------|
| Pending >12 months | 36.9%   | 35.0%   | 20%       |
| Pending >24 months | 16.5%   | 13.4%   | 5%        |

#### Court file integrity

|                      | 2021-22 | 2022-23 | Benchmark |
|----------------------|---------|---------|-----------|
| Court file integrity | 93%     | 99%     | 90%       |

<sup>1</sup> Including cases commenced or filed.

<sup>2</sup> This includes cases and matters that were heard and determined, settled, not pursued, dismissed, permanently stayed, or any other manner where a case or matter may be considered concluded.

## Court of Appeal

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 313     | 372     | 18.8%    |
| Finalisations | 341     | 325     | -4.7%    |
| Pending       | 235     | 282     | 20.0%    |

### Civil cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 123     | 135     | 9.8%     |
| Finalisations | 115     | 116     | 0.9%     |
| Pending       | 87      | 106     | 21.8%    |

### Civil cases: clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 93.5%   | 85.9%   | 100%      |
| Cases finalised within 12 months | 80.9%   | 79.3%   | 75%       |
| Cases finalised within 24 months | 98.3%   | 100.0%  | 90%       |
| Cases finalised >24 months       | 1.7%    | 0.0%    | 0%        |

### Criminal cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 190     | 237     | 24.7%    |
| Finalisations | 226     | 209     | -7.5%    |
| Pending       | 148     | 176     | 18.9%    |

### Criminal cases: clearance rate and on-time processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 118.9%  | 88.2%   | 100%      |
| Cases finalised within 12 months | 61.9%   | 82.3%   | 75%       |
| Cases finalised within 24 months | 100.0%  | 99.5%   | 90%       |
| Cases finalised >24 months       | 0.0%    | 0.5%    | 0%        |

## Trial Division

### Total cases: civil and criminal

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 5,650   | 6,270   | 11.0%    |
| Finalisations | 5,389   | 5,784   | 7.3%     |
| Pending       | 5,377   | 5,863   | 9.0%     |

### Criminal Division: trials and pleas<sup>3</sup>

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 110     | 84      | -23.6%   |
| Finalisations | 83      | 124     | 49.4%    |
| Pending       | 170     | 130     | -23.5%   |

### Criminal Division: trials and pleas clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23            | Benchmark |
|----------------------------------|---------|--------------------|-----------|
| Clearance rate                   | 75.5%   | 147.6%             | 100%      |
| Cases finalised within 12 months | 45.8%   | 26.6% <sup>4</sup> | 75%       |
| Cases finalised within 24 months | 85.5%   | 83.9%              | 90%       |
| Cases finalised >24 months       | 14.5%   | 16.1%              | 0%        |

### Commercial Court: cases summary

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 2,071   | 2,496   | 20.5%    |
| Finalisations | 1,890   | 2,172   | 14.9%    |
| Pending       | 1,589   | 1,913   | 20.4%    |

### Commercial Court: clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 91.3%   | 87.0%   | 100%      |
| Cases finalised within 12 months | 72.7%   | 74.2%   | 75%       |
| Cases finalised within 24 months | 87.8%   | 92.2%   | 90%       |
| Cases finalised >24 months       | 12.2%   | 7.8%    | 0%        |

### Common Law Division: cases summary

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 2,839   | 3,084   | 8.6%     |
| Finalisations | 2,815   | 2,913   | 3.5%     |
| Pending       | 3,407   | 3,578   | 5.0%     |

<sup>3</sup> Figures include both standard and fast-tracked committals.

<sup>4</sup> Criminal Division time to finalisation results in 2022-23 are partly affected by the introduction of fast-tracked procedure for homicide cases in March 2020, as well as longer-term ripple effects of pandemic restrictions.

**Common Law Division: clearance rate and on-time case processing**

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 99.2%   | 94.5%   | 100%      |
| Cases finalised within 12 months | 49.7%   | 48.7%   | 75%       |
| Cases finalised within 24 months | 84.4%   | 79.4%   | 90%       |
| Cases finalised >24 months       | 15.6%   | 20.6%   | 0%        |

**Judicial and ADR<sup>5</sup> registrar mediations**

|                                    | 2021-22 | 2022-23 | Variance |
|------------------------------------|---------|---------|----------|
| Cases referred for mediation       | 647     | 559     | -13.6%   |
| Mediations completed               | 370     | 338     | -8.6%    |
| Cases resolved on day of mediation | 220     | 198     | -10.0%   |
| Number of hearing days saved       | 1,035   | 1,043   | 0.8%     |

# Services Snapshot

**Registry Services**

|   | 2021-22 | 2022-23 |
|---|---------|---------|
| Counter enquiries answered <sup>6</sup>         | 1,275   | 1,226   |
| Self-represented litigants - enquiries answered | 8,594   | 8,549   |
| Subpoenas issued                                | 4,370   | 4,579   |

**Probate Office**

|  | 2021-22 | 2022-23 |
|--|---------|---------|
| Applications for grants of representation filed          | 24,452  | 26,660  |
| Grants issued  | 23,385  | 25,739  |
| Applications made by people without legal representation | 2,252   | 2,231   |
| Wills deposited for safekeeping                          | 336     | 413     |

**Funds in Court**

|  | 2021-22 | 2022-23 |
|--|---------|---------|
| Orders   | 4,018   | 4,944   |
| Value of funds under administration, including real estate (\$ billions) | \$2.00  | \$2.19  |
| Administration expense ratio   | 0.62%   | 0.64%   |

<sup>5</sup> Appropriate Dispute Resolution.

<sup>6</sup> Principal Registry.



## Law Library Victoria

|  | 2021-22   | 2022-23   |
|--|-----------|-----------|
| Queries, updates, tours and training attendees | 103,071   | 134,008   |
| Combined website visits and database usage     | 2,751,581 | 1,542,409 |
| Judgments published on the Library's website   | 1,181     | 1,134     |

## Juries Victoria<sup>7</sup>

|                            | 2021-22 | 2022-23 |
|----------------------------|---------|---------|
| Citizens randomly selected | 328,135 | 322,972 |
| Citizens summoned          | 112,358 | 125,439 |
| Citizens attended          | 16,122  | 21,494  |
| Jury trials <sup>8</sup>   | 369     | 562     |

## Community engagement<sup>9</sup>

|   | 2021-22   | 2022-23             |
|---|-----------|---------------------|
| Website page views                            | 4,245,926 | 4,595,887           |
| Social media followers (Twitter and Facebook) | 25,020    | 24,993              |
| Episode downloads of Gertie's Law podcast     | 57,047    | 27,136              |
| Court education program participants          | 2,178     | 2,050 <sup>10</sup> |

## Finances

|   | 2021-22 | 2022-23 |
|---|---------|---------|
| Total operating revenue (\$'000)                              | 84,741  | 86,542  |
| Total operating expenses (\$'000)                             | 87,255  | 91,954  |
| Net result from transactions (net operating balance) (\$'000) | (2,514) | (5,412) |

<sup>7</sup> Juries Victoria provides juries for both the Supreme Court and County Court.

<sup>8</sup> Figures include both Supreme and County Court trials.

<sup>9</sup> Figures relate to Supreme Court activity, excluding additional Court services (Funds in Court, Juries Victoria and Law Library Victoria).

<sup>10</sup> Including both online and onsite participation. Participation numbers are approximate.

# Foreword: Chief Justice and Acting CEO

It is a pleasure to present the 2022-23 Annual Report for the Supreme Court of Victoria. The Court operates for all Victorians. The work of the Court reflects many of the events, changes and challenges we face. As a court, we seek to adapt our operations to meet the needs of the community as they change over time. The 2022-23 Annual Report is a reflection of this.



**The Honourable Anne Ferguson**  
Chief Justice of Victoria

During the reporting period, the Court continued to manage increased initiations and applications by using pandemic-led technological and procedural changes to drive efficiencies.

The **Court of Appeal** reduced the median time to finalise criminal matters from 9.3 months to 7.1 months, despite a nearly 25% increase in the number of new matters.

After several years of interrupted hearings, the **Criminal Division** clearance rate reached 148%, significantly reducing the case backlog. Active case management, the use of sentence indications, case conferences and the fast-track system saw more matters resolve without the need for a trial.

The **Commercial Court** experienced a 20% increase in the number of new cases. The **Common Law Division** achieved a 3.5% increase in finalisations while managing an 8.6% increase in new matters. Most significantly, the Institutional Liability List has shown substantial growth, closely following the Division's largest list, the Personal Injuries List.

Listings have also increased for the **Associate Judges' Chambers**. Special fixtures, which are urgent or complex hearings outside the usual Associate Judges' Practice Court and specialist lists, increased from 59 last year to 215 this year.

The volume of applications to the **Probate Office** continued to increase in 2022-23, with a total of 26,660 applications received. This is the largest single year-on-year increase, though online lodgement has helped keep processing times down. The office continued work on projects, including the Probate Online Advertising System and triaging information, designed to make Probate applications accessible to non-practitioners, with visits to the Probate section of the Court's website up 24%.

In May 2023, the new **SCV Mediation Centre** opened in the William Cooper Justice Centre, allowing the Court to resume in-person judicial mediations. Matters that settled at judicial mediation saved an estimated 1,043 trial days, and significant financial and emotional impacts on parties. **Costs Court** mediations saved a further 475 hearing days.

**Funds in Court** was acknowledged with an Office of the Public Advocate Award for its outstanding contribution to improving the lives of, and outcomes for, people with a disability.

The past few years have seen the Court adapt its operations. Technological improvements pioneered by necessity are now fundamental to the everyday functioning of the Court. While the majority of matters have returned to in-person hearings, more than 2,560 were also livestreamed – up 20% on last year.



**Michael Carroll**  
Acting Chief Executive Officer

Open hearings are a core principle of our judicial system and there continues to be considerable traffic on the public livestream page of the Court's website, enabling the community to access online hearings.

**Law Library Victoria** continued to adapt to best meet the needs of practitioners by enhancing online access through a new platform and the procurement of additional digital publications. The Library's digital collection was accessed almost 7,000 times a day, on average.

Our goal to be a modern court requires more than just the latest technology. The Court is committed to listening and learning from varied experiences to create a welcoming and positive environment.

In April 2023, the Court of Appeal was honoured to hold a ceremonial sitting at the new **Bendigo Law Courts** - a building that represents our capacity to provide spaces that support the people and organisations who use them and the benefits we gain from that. By listening to the needs and expectations of court users, we can improve Victorians access to justice.

The Court continues to work to ensure it is welcoming and inclusive, free of discrimination and inappropriate behaviour. Work has been undertaken across the Victorian courts and tribunals to ensure they are safe and respectful workplaces where diversity is openly expressed and welcomed.

We are indebted to the many groups, organisations and individuals who have helped the Court manage a significant volume of work. This would not have been possible without the dedication of the staff of the Court and the ongoing support of the legal profession. We particularly thank the Chief Executive Officer of **Court Services Victoria**

(CSV), Louise Anderson, for her ongoing leadership and support. We also acknowledge the contribution of Chief Executive Officer Matt Hall, who began a secondment in CSV Corporate in May 2023.

The Annual Report is a time to reflect on what we're doing and how we're doing it and ask ourselves if there's a better way.

We look forward to building on what we have learnt in 2022-23 so we can serve the community to the very best of our ability.



**The Honourable Anne Ferguson**  
Chief Justice of Victoria



**Michael Carroll**  
Acting Chief Executive Officer

# WORK OF THE COURT



# Court of Appeal

## ABOUT THE DIVISION

The Court of Appeal hears criminal and civil appeals from decisions made in the Trial Division of the Supreme Court and the County Court, as well as some decisions from the Magistrates' Court and the Victorian Civil and Administrative Tribunal.

### Key points

## 1

The increase in overall new matters filed (initiations) reflects the impact of increased workloads post-pandemic in the trial courts.

## 2

Cases arising from the Royal Commission into the Management of Police Informants have increased the number of pending criminal cases greater than 12 months in age.

## 3

A ceremonial sitting marked the Supreme Court's first sitting at the new Bendigo Law Courts. Chief Justice Ferguson, President Emerton and Justice Osborn presided at the sitting before hearing an application for leave to appeal against a sentence related to crimes that were committed in the area.

## Overview

A 24.7% increase in new criminal cases (initiations) contributed to an 18.9% increase in pending criminal cases compared with the previous reporting period. The on-time case processing measure reduced from 118.9% to 88.2%, however the overall median time to finalisation improved from 9.3 months to 7.1 months. Pending cases greater than 12 months in age increased from 25.7% to 26.7%, influenced by the complex cases arising from the Royal Commission into the Management of Police Informants. A total of 179 judgments were handed down which included *Mohinder Singh v The Queen* [2022] VSCA 178 and *Antonios Mokbel v The King* [2023] VSCA 40.

There was a 9.8% increase in new civil cases (initiations) and an overall

increase of 21.8% in pending civil cases compared with the previous reporting period. Pending cases greater than 12 months in age increased from 6.8% to 18.9%, with the majority already heard and reserved for judgment or listed for hearing. The median time to finalisation increased from 8.1 months to 9.3 months. This was contributed to by the finalisation of several complex cases such as *VicForests v Environment East Gippsland Inc* [2023] VSCA 159 and *Viterra Malt Pty Ltd v Cargill Australia Limited* [2023] VSCA 157.

A total of 487 livestreams were arranged to ensure that the public and interested parties were able to view the majority of substantive hearings remotely, including a ceremonial sitting at the new Bendigo Law Courts.

### Total cases (appeal and leave to appeal)

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 313     | 372     | 18.8%    |
| Finalisations | 341     | 325     | -4.7%    |
| Pending       | 235     | 282     | 20.0%    |

## Judicial officers who served in the Court of Appeal

### CHIEF JUSTICE

Chief Justice Ferguson

### PRESIDENT

Justice Maxwell

(until 15 July 2022)

Justice Emerton

(from 16 July 2022)

### JUDGES

Justice Priest

Justice Beach

Justice Kyrou

(until 7 June 2023)

Justice McLeish

Justice Niall

Justice T Forrest

Justice Sifris

Justice Kennedy

Justice Walker

Justice Macaulay

Justice Taylor

(from 25 October 2022)

### ADDITIONAL JUDGES OF APPEAL

Justice Elliott

Justice Keogh

Justice Kidd

Justice Lyons

Justice M Osborne

### RESERVE JUDGES

Justice R Osborn

Justice Lasry

Justice Whelan

Justice Hargrave

Justice J Forrest

Justice Kaye

### JUDICIAL REGISTRARS

Judicial Registrar Pedley

Judicial Registrar McCann

## Civil cases

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 123     | 135     | 9.8%     |
| Finalisations | 115     | 116     | 0.9%     |
| Pending       | 87      | 106     | 21.8%    |

### Clearance rate<sup>11</sup> and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark <sup>12</sup> |
|----------------------------------|---------|---------|-------------------------|
| Clearance rate                   | 93.5%   | 85.9%   | 100%                    |
| Cases finalised within 12 months | 80.9%   | 79.3%   | 75%                     |
| Cases finalised within 24 months | 98.3%   | 100%    | 90%                     |
| Cases finalised >24 months       | 1.7%    | 0.0%    | 0%                      |

### Median time to finalisation (months)

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Civil appeals | 8.1     | 9.3     | 14.8%    |

## Criminal cases

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 190     | 237     | 24.7%    |
| Finalisations | 226     | 209     | -7.5%    |
| Pending       | 148     | 176     | 18.9%    |

### Clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 118.4%  | 88.2%   | 100%      |
| Cases finalised within 12 months | 61.9%   | 82.3%   | 75%       |
| Cases finalised within 24 months | 100%    | 99.5%   | 90%       |
| Cases finalised >24 months       | 0%      | 0.5%    | 0%        |

### Median time to finalisation (months)

|   | 2021-22 | 2022-23 | Variance |
|---|---------|---------|----------|
| Appeals against conviction/conviction and sentence  | 14.2    | 10.6    | -25.4%   |
| Appeals against sentence only                       | 9.1     | 7.8     | -14.3%   |
| Time to finalisation (total for all criminal cases) | 9.3     | 7.1     | -23.7%   |

11 Clearance rate is a measure developed by the International Framework for Court Excellence to demonstrate a court's capacity to meet current demand. A measure of 100% means the Court is finalising as many cases as it receives; less than 100% means the Court finalises fewer cases than were initiated and, therefore, the number of pending cases is growing.

12 Benchmarks are a court-wide measure and not tailored to specific divisions, allowing the Court's divisions to measure activity.

# Trial Division Criminal Division

## ABOUT THE DIVISION

The Criminal Division hears serious cases such as murder and manslaughter, terrorism, applications for bail or matters pursuant to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA), post-sentence applications and reviews in respect of serious offenders, and appeals against convictions and sentences imposed by the President of the Children's Court. The Criminal Division also hears a range of covert applications under a number of acts, including the *Major Crime (Investigative Powers) Act 2004* and *Surveillance Devices Act 1999*.

### Key points

## 1

The significant reduction in pandemic-related impacts on the day-to-day work of the division has enabled an increased number of finalisations and a notably increased clearance rate: 148% in 2022-23 compared with 75% in 2021-22.

## 2

Of all cases committed to the division 44% were via the fast-track process, demonstrating its continued use by the profession despite the easing of committal backlogs in the Magistrates' Court.

## 3

While the number of bail applications has reduced from the high numbers during the pandemic, applications under the CMIA and *Serious Offenders Act 2018* continued to increase, and new applications (the first of their kind) under the *Sex Offenders Registration Act 2004* were received.

## Overview

With the division returning to full trial listing capacity, there was a significant increase in finalisation rates, increased regional sittings and a reduction in bail applications. Although normal operations generally resumed, the division maintained a number of processes and practices that were implemented during the pandemic, including active case management.

Full trial listing capacity and a reduced number of initiations have resulted in the clearance rate for trial matters almost doubling from 75% in 2021-22 to 148% in 2022-23. This was across both standard and fast track committal streams.

The division heard 38 jury trials to verdict (including 12 fast-tracked trials) and two judge-alone trials to verdict, representing a 47% increase in jury trials compared to the previous year. The division heard 63 pleas (including 19 in fast-track matters); a 25% increase from 2021-22.

## Judicial officers who served in the Criminal Division

### PRINCIPAL JUDGE

Justice Hollingworth  
(until 31 December 2022)

Justice Jane Dixon  
(from 1 January 2023)

### JUDGES

Justice Elliott  
(from 24 April 2023)

Justice Croucher

Justice Beale

Justice Incerti  
(from 1 July 2022)

Justice Taylor  
(until 25 October 2022)

Justice Tinney

Justice Fox

### RESERVE JUDGES

Justice Lasry

Justice Champion

### ADDITIONAL JUDGES WHO SERVED IN 2022-23

President Emerton  
(Court of Appeal)

Justice Priest  
(Court of Appeal)

Justice Beach  
(Court of Appeal)

Justice Kaye  
(Court of Appeal)

Justice Niall  
(Court of Appeal)

Justice T Forrest  
(Court of Appeal)

Justice John Dixon  
(Common Law Division)

### JUDICIAL REGISTRARS

Judicial Registrar Freeman

Judicial Registrar Tueno

## Cases committed to the Supreme Court

### Standard committal cases

By the end of 2022-23 there were 73 pending cases committed to the Court by the standard committal process, 44 fewer than the previous year. There were 91 standard committal cases finalised, 30 more than in 2021-22. The higher finalisation rate, combined with a smaller number of standard committal case initiations, allowed for a very high clearance rate of 194%. Finalised standard committal cases had a median time from committal to finalisation of 15 months.

### Fast-tracked committal cases

The profession continued to use the fast-track committal option adopted during the pandemic. By the end of 2022-23 there were 57 pending fast-tracked committal cases, four more than in 2021-22.

There were 33 fast-tracked cases finalised, 11 more than in 2021-22. In fast-track cases, the Court heard:

- ▶ 69 days of pre-trial witness examinations, 80% of which were heard by judicial registrars
- ▶ 17 case conferences
- ▶ 19 guilty pleas before trial.

Fast-track cases aim to reduce the overall time from charge to finalisation by managing them in the jurisdiction where they will be determined. In fast-track cases, pre-trial steps that would typically take place in the Magistrates' or Children's Court now occur within the Supreme Court, increasing the time that the matter is before the Court. Despite this, the division maintained effective clearance rates, in part due to active case management. This enables the division to streamline pre-trial processes, reduce delays, promote the efficient and effective resolution of pre-trial issues, and maximise trials being ready to begin on their listing dates.

### Total indictments (standard committals)

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 85      | 47      | -44.7%   |
| Finalisations | 61      | 91      | 49.2%    |
| Pending       | 117     | 73      | -37.6%   |

### Total indictments (fast-track committals)

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 25      | 37      | 48.0%    |
| Finalisations | 22      | 33      | 50.0%    |
| Pending       | 53      | 57      | 7.5%     |

### Clearance rate and on-time case processing (all committals)

|                                  | 2021-22 | 2022-23 | Benchmark <sup>13</sup> |
|----------------------------------|---------|---------|-------------------------|
| Clearance rate                   | 75%     | 148%    | 100%                    |
| Cases finalised within 12 months | 46%     | 27%     | 75%                     |
| Cases finalised within 24 months | 86%     | 84%     | 90%                     |
| Cases finalised >24 months       | 14%     | 16%     | 0%                      |

<sup>13</sup> Benchmarks are a court-wide measure and not tailored to specific divisions. The court-wide benchmarks for 'time to finalisation' (aka 'on-time case processing') are unsuitable for the Criminal Division given the nature of its caseload, exacerbated by the fact that fast-tracked cases will, on average, take longer to finalise than traditional committals. As the benchmark is not tailored to the work of the Criminal Division, it is not achievable.



### Clearance rate and on-time case processing (standard committals)

|                                  | 2021-22 | 2022-23 | Benchmark <sup>13</sup> |
|----------------------------------|---------|---------|-------------------------|
| Clearance rate                   | 72%     | 194%    | 100%                    |
| Cases finalised within 12 months | 54%     | 30%     | 75%                     |
| Cases finalised within 24 months | 80%     | 89%     | 90%                     |
| Cases finalised >24 months       | 20%     | 11%     | 0%                      |

### Clearance rate and on-time case processing (fast-track committals)

|                                  | 2021-22 | 2022-23 | Benchmark <sup>13</sup> |
|----------------------------------|---------|---------|-------------------------|
| Clearance rate                   | 88%     | 89%     | 100%                    |
| Cases finalised within 12 months | 23%     | 18%     | 75%                     |
| Cases finalised within 24 months | 100%    | 70%     | 90%                     |
| Cases finalised >24 months       | 0%      | 30%     | 0%                      |

### Finalised<sup>14</sup> indictment cases (standard committals)

|  | 2021-22   | 2022-23   | Variance     |
|--|-----------|-----------|--------------|
| Trial/special hearing — jury                     | 15        | 26        | 73.3%        |
| Trial/special hearing — judge-alone              | 0         | 0         | 0.0%         |
| Other finalisations under the CMIA <sup>15</sup> | 5         | 5         | 0.0%         |
| Plea <sup>16</sup>                               | 38        | 44        | 15.8%        |
| Discontinuance                                   | 2         | 10        | 400.0%       |
| Transfer to another court                        | 1         | 5         | 400.0%       |
| Other <sup>17</sup>                              | 0         | 1         | -            |
| <b>Total</b>                                     | <b>61</b> | <b>91</b> | <b>49.2%</b> |

### Finalised<sup>18</sup> indictment cases (fast-tracked committals)

|  | 2021-22   | 2022-23   | Variance     |
|--|-----------|-----------|--------------|
| Trial/special hearing — jury                     | 2         | 12        | 500.0%       |
| Trial/special hearing — judge-alone              | 0         | 2         | -            |
| Other finalisations under the CMIA <sup>19</sup> | 0         | 1         | -            |
| Plea <sup>20</sup>                               | 9         | 19        | 111.1%       |
| Discontinuance                                   | 3         | 1         | -66.6%       |
| Transfer to another court                        | 8         | 0         | -100.0%      |
| Other <sup>21</sup>                              | 0         | 0         | 0.0%         |
| <b>Total</b>                                     | <b>22</b> | <b>33</b> | <b>50.0%</b> |

14 This does not include cases where, for example, the trial concluded but the offender is still awaiting sentence, or where a person is found not guilty due to mental impairment and has not yet been placed on a supervision order. These types of cases will be reported in the financial year the entire proceeding is finalised.

15 Includes cases where the accused was found not guilty by reason of mental impairment.

16 Includes cases where a plea of guilty was entered during trial.

17 Includes cases where a stay of the prosecution was ordered.

18 See footnote 14.

19 Includes cases where the accused was found not guilty by reason of mental impairment.

20 Includes cases where a plea of guilty was entered during trial.

21 Includes cases where a stay of the prosecution was ordered.

## Sentence indications and case conferences

Sentence indications are an opportunity for accused persons to know what sentence might be imposed if they pleaded guilty to their charge/s. A change in legislation in early 2022 allowed the Supreme Court to give more detailed sentence indications. Since September 2022, 24 sentence indication applications have been heard, resulting in 21 pleas of guilty. Based on the trial length estimates provided by parties, the matters that resolved after a sentence indication saved approximately 300 trial sitting days.

In 2022-23 the division heard 25 case conferences. Case conferencing is an important aspect of active case management. A case conference is a hearing convened by a judge or judicial registrar to facilitate full and frank discussions between the parties to narrow the issues in dispute, and explore potential resolution of the proceeding. Nothing discussed during the case conference can be used later in court at trial. Of the 68 matters that were finalised during 2022-23, either by the accused pleading guilty or by the prosecution being discontinued, 29% underwent a case conference during the course of the proceeding.

## Judge-alone trials

The *Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Act 2022* came into effect on 30 May 2022, creating temporary amendments to the *Criminal Procedure Act 2009* to allow the trial of indictable offences before a judge alone. In 2022-23, two judge-alone trials were heard and determined, plea and sentence hearings were conducted following a guilty verdict from one judge-alone trial conducted in 2021-22, and an application for judge-alone trial in an eight co-accused youth matter was granted just prior to the conclusion of this temporary amendment.

## Criminal applications

The division hears substantive criminal applications, such as post-sentence applications and reviews relating to serious offenders<sup>22</sup>, as well as urgent and covert applications, such as those under the *Surveillance Devices Act 1999*.

Criminal applications are resource-intensive and account for significant judicial capacity. The division's capacity to hear applications alongside its trial and plea work is enhanced by the active case management processes and the work of the registry lawyers and staff that support judicial officers hearing these matters.

In 2022-23 the first applications under section 39(2) *Sex Offenders Registration Act 2004* were made to the Court, which enables people who are subject to life reporting obligations to make an application to suspend their reporting obligations.

### Finalised criminal applications

|   | 2021-22    | 2022-23    | Variance      |
|---|------------|------------|---------------|
| Primary bail applications   | 201        | 122        | -39.3%        |
| Secondary bail applications <sup>24</sup>   | 143        | 95         | -33.6%        |
| CMIA applications and reviews   | 33         | 43         | 30.3%         |
| Serious offender – detention order-related applications and reviews <sup>25</sup>   | 12         | 11         | -8.3%         |
| Serious offender – supervision order-related applications and reviews <sup>26</sup> | 16         | 18         | 12.5%         |
| Serious offender – breach proceedings <sup>27</sup>                                 | 3          | 11         | 266.7%        |
| Confidential applications   | 114        | 108        | -5.3%         |
| <b>Total</b>  | <b>522</b> | <b>408</b> | <b>-21.8%</b> |

In 2022-23 the number of primary bail applications<sup>23</sup> reduced to 122. However, the number of CMIA and serious offender applications and reviews continued to rise. For example, the division heard 43 CMIA applications and reviews, which was approximately 30% higher than the preceding five-year average. Serious offender applications and reviews (40 in 2022-23) were also 47% higher than the preceding four-year average. The high volume of applications work and the return of the division to full trial listings meant that the division regularly required the support of judicial officers from other divisions.

## Regional sittings

In line with reduced pandemic impacts, there was an increase in regional sittings. In 2022-23, the Criminal Division heard 23 matters at regional locations:

- ▶ 6 jury trials
- ▶ 1 judge-alone trial
- ▶ 9 pleas
- ▶ 4 sentence hearings
- ▶ 1 sentence indication application
- ▶ 2 miscellaneous hearings.

The hearings were held in Geelong, Horsham, Latrobe Valley, Mildura, Shepparton, Wangaratta and Warrnambool.

22 Applications and reviews under the *Serious Offenders Act 2018 (Vic)* and the *Criminal Code Act 1995 (Cth)* for the continuing detention or supervision of a serious violent or sexual offender once their sentence has ended.

23 'Primary bail applications' are the first application for bail made by an accused to the Supreme Court in a particular matter. It does not include bail applications made in the course of cases already committed to the Supreme Court for trial, which are counted as secondary bail applications.

24 Includes bail applications made in cases committed to the Supreme Court for trial, as well as applications for variation or revocation of bail.

25 Includes applications and reviews made under the *Serious Offenders Act 2018 (Vic)* and the *Criminal Code Act 1995 (Cth)*.

26 Includes applications and reviews made under the *Serious Offenders Act 2018 (Vic)* and the *Criminal Code Act 1995 (Cth)*.

27 Includes applications and reviews made under the *Serious Offenders Act 2018 (Vic)* and the *Criminal Code Act 1995 (Cth)*.

# Trial Division Commercial Court

## ABOUT THE DIVISION

The Commercial Court determines commercial disputes, including complex matters involving significant monetary claims. Judges oversee both general and specialist lists within the division, and are supported by associate judges, judicial registrars and the Commercial Court Registry.

### Key points

## 1

As a result of legislative change, the number of Group Proceedings filed in the Commercial Court continued a strong upward trend.

## 2

The number of winding-up and mortgage recovery list matters has significantly increased, almost returning to pre-pandemic levels.

## 3

The number of matters referred to the Commercial Court from the Victorian Civil and Administrative Tribunal (VCAT) rose, following the Court of Appeal decision that VCAT could no longer hear disputes involving interpretation or application of federal legislation.

## Overview

The overall workload for Commercial Court judge-managed, associate judge and judicial registrar-managed matters has increased. In particular, initiations for the latter two groups increased significantly, returning to pre-pandemic volumes, primarily in Corporations – Winding Up In Insolvency and Mortgage Recovery List matters.

The overall clearance rate for matters in the Commercial Court decreased to 87%

as a result of the number of initiations exceeding the number of finalisations, particularly in Group Proceedings and the Mortgage Recovery List (in 2022-23, 859 cases were initiated and 581 cases were finalised). Compared to 2021- 22, Mortgage Recovery List initiations have increased by 17% and finalisations by 24% meaning that overall productivity has increased in the last financial year.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 2,071   | 2,496   | 20.5%    |
| Finalisations | 1,890   | 2,172   | 14.9%    |
| Pending       | 1,589   | 1,913   | 20.4%    |

### Clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 91.3%   | 87.0%   | 100%      |
| Cases finalised within 12 months | 72.7%   | 74.2%   | 75%       |
| Cases finalised within 24 months | 87.8%   | 92.2%   | 90%       |
| Cases finalised >24 months       | 12.2%   | 7.8%    | 0%        |

## Judicial officers who served in the Commercial Court Division

### PRINCIPAL JUDGE

Justice Riordan  
(until 19 December 2022)

Justice Delany  
(from 20 December 2022)

### DEPUTY PRINCIPAL JUDGE

Justice Delany  
(until 19 December 2022)

### JUDGES

Justice Elliott

Justice Sloss

Justice Connock

Justice Lyons

Justice Nichols

Justice Delany

Justice Stynes

Justice M Osborne

Justice Attiwill

Justice Button  
(until 15 January 2023)

Justice Matthews  
(from 14 June 2023)

### RESERVE JUDGES

Justice Garde

Justice Croft

### ASSOCIATE JUDGES

Associate Justice Daly

Associate Justice Gardiner

Associate Justice Hetyey

Associate Justice Matthews  
(to 13 June 2023)

Associate Justice Irving

Associate Justice Steffensen

Associate Justice Barrett

### RESERVE ASSOCIATE JUDGES

Associate Justice Derham

Associate Justice Efthim

### JUDICIAL REGISTRARS

Judicial Registrar Englefield

Judicial Registrar Woronczak

Judicial Registrar Caporale

Judicial Registrar Gitsham

## Judge-managed cases

Commercial Court judge-managed cases are those managed and heard by a judge rather than an associate judge or judicial registrar.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 416     | 394     | -5.3%    |
| Finalisations | 467     | 412     | -11.8%   |
| Pending       | 643     | 625     | -2.7%    |

## Corporations List

The Corporations List manages applications brought under the *Corporations Act 2001* (Cth) and the *Australian Securities and Investments Commission Act 2001* (Cth).

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 1,042   | 1,293   | 24.1%    |
| Finalisations | 1,077   | 1,276   | 18.5%    |
| Pending       | 446     | 463     | 3.8%     |

### JUDGE IN CHARGE

Justice Connock

### DEPUTY JUDGE IN CHARGE

Justice Delany

### JUDGES

Justice Connock

Justice Delany

Justice Matthews  
(from 13 June 2023)

### ASSOCIATE JUDGES

Associate Justice Gardiner

Associate Justice Hetyey

Associate Justice Matthews  
(to 13 June 2023)

Associate Justice Irving

Associate Justice Steffensen

Associate Justice Barrett

Associate Justice Efthim (Reserve Associate Judge)

### JUDICIAL REGISTRARS

Judicial Registrar Woronczak

Judicial Registrar Caporale

Judicial Registrar Gitsham

## Technology, Engineering and Construction List

The Technology, Engineering and Construction List draws together three strands of related disputes.

### Total cases

|               | 2021-22 | 2022-23 | Variance <sup>28</sup> |
|---------------|---------|---------|------------------------|
| Initiations   | 25      | 28      | 12.0%                  |
| Finalisations | 39      | 23      | -41.0%                 |
| Pending       | 44      | 49      | 11.4%                  |

### JUDGE IN CHARGE

Justice Stynes

### DEPUTY JUDGE IN CHARGE

Justice Delany

## Insurance List

The Insurance List hears commercial insurance cases including disputes about insurance or reinsurance policies, losses incurred in a commercial transaction, and business or property insurance disputes.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 6       | 4       | -33.3%   |
| Finalisations | 6       | 4       | -33.3%   |
| Pending       | 23      | 23      | 0.0%     |

### JUDGE IN CHARGE

Justice Lyons

## Taxation List

The Taxation List hears taxation-related appeals from the Victorian Civil and Administrative Tribunal (VCAT) and objections to decisions of the Commissioner of State Revenue. It also hears cases substantially relating to taxation, including taxation recovery and Goods and Services Tax (GST) disputes.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 7       | 13      | 85.7%    |
| Finalisations | 13      | 8       | -38.5%   |
| Pending       | 13      | 18      | 38.5%    |

### JUDGE IN CHARGE

Justice Delany

### DEPUTY JUDGE IN CHARGE

Justice Nichols

<sup>28</sup> Due to the small number of cases in some lists within the Commercial Court Division, statistical variations can appear disproportionately significant.

## Group Proceedings List (cross-divisional list)

The Group Proceedings List is a cross-divisional list spanning the Common Law Division and the Commercial Court. The list hears cases in relation to group proceedings, commonly referred to as class actions. Group proceedings are brought on behalf of seven or more people, where the claims arise out of the same, similar or related circumstances and raise substantial common factual or legal questions.

The table below relates to Commercial Court group proceedings only.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 11      | 16      | 45.5%    |
| Finalisations | 4       | 3       | -25.0%   |
| Pending       | 25      | 38      | 52.0%    |

### JUDGES IN CHARGE

Justice John Dixon  
(*Common Law Division*)

Justice Nichols  
(*Commercial Court*)

## Arbitration List

Both Australian and international commercial arbitration disputes are initiated in the Arbitration List. They are brought under the *International Arbitration Act 1974* (Cth) or *Commercial Arbitration Act 2011* (Vic) and are often urgent.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 7       | 4       | -42.9%   |
| Finalisations | 6       | 5       | -16.7%   |
| Pending       | 2       | 1       | -50.0%   |

### JUDGE IN CHARGE

Justice Lyons

## Admiralty List

The Admiralty List hears shipping litigation matters brought under the *Admiralty Act 1988* (Cth). This includes disputes about loss and damage to (or caused by) a ship, and loss or damage to goods as a result of them being shipped.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 1       | 0       | -100.0%  |
| Finalisations | 2       | 1       | -50.0%   |
| Pending       | 3       | 2       | -33.3%   |

### JUDGE IN CHARGE

Justice Connock

## Intellectual Property List

The Intellectual Property List hears matters concerning allegations of infringement on, or determination of, intellectual property including copyright, design, patents and trademarks.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 1       | 2       | 100.0%   |
| Finalisations | 1       | 1       | 0%       |
| Pending       | 3       | 4       | 33.3%    |

### JUDGE IN CHARGE

Justice Lyons

## Commercial and Retail Leases List (cross-divisional list)

The Commercial and Retail Leases List is a cross-divisional list that hears substantial commercial and retail lease disputes, appeals under section 148 of the *Victorian Civil and Administrative Appeal Tribunal Act 1998* (Vic), and judicial review applications of VCAT commercial and retail lease decisions.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 5       | 13      | 160.0%   |
| Finalisations | 4       | 10      | 150.0%   |
| Pending       | 4       | 7       | 75.0%    |

### JUDGE IN CHARGE

Justice M Osborne

# Trial Division

## Common Law Division

### ABOUT THE DIVISION

The Common Law Division manages proceedings relating to property; tort and contract law; wills, trusts, equity and estates; and the Court's supervisory jurisdiction over other Victorian courts, tribunals and public officials. Proceedings are allocated to one of 13 specialist lists for management by judicial officers and staff with relevant expertise. The division also shares two cross-divisional lists with the Commercial Court and has a General List for matters that do not fit within any of the specialist lists.

#### Key points

## 1

As pandemic restrictions eased the Common Law Division reinstated civil jury trials and recommenced in-person sittings in circuit courts, facilitating the resumption of essential components of the justice process.

## 2

Despite a substantial rise in case initiations, the Common Law Division sought to maintain a high rate of case finalisations by expanding hearing options to include in-person, hybrid and virtual formats, greater use of judicial mediation, and by making substantive determinations 'on the papers'<sup>29</sup> when appropriate.

## 3

There were several judgments of significant public interest, including cases related to procedures for remote execution of wills, introduced during the pandemic; challenges to EPA requirements concerning pollutant emissions; and applications arising out of Independent Broad-based Anti-Corruption Commission (IBAC) investigations.

### Overview

During 2022-23 the Common Law Division experienced an 8.6% increase in case initiations, with 3,084 cases being filed. Despite a 3.5% rise in finalisations, the pending load remained substantial, with 3,578 cases pending at the end of the financial year, a 5% increase compared with 2021-22.

Both the Institutional Liability and Professional Liability Lists experienced a substantial surge in case initiations, positioning the Institutional Liability List as one of the largest lists within the division, alongside the Personal Injuries List.

#### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 2,839   | 3,084   | 8.6%     |
| Finalisations | 2,815   | 2,913   | 3.5%     |
| Pending       | 3,407   | 3,578   | 5.0%     |

#### Clearance rate and on-time case processing

|                                  | 2021-22 | 2022-23 | Benchmark |
|----------------------------------|---------|---------|-----------|
| Clearance rate                   | 99.2%   | 94.5%   | 100%      |
| Cases finalised within 12 months | 49.7%   | 48.7%   | 75%       |
| Cases finalised within 24 months | 84.4%   | 79.4%   | 90%       |
| Cases finalised >24 months       | 15.6%   | 20.6%   | 0%        |

<sup>29</sup> A decision made by a judicial officer in their chambers based on written materials filed by parties, without verbal evidence or oral submissions pursuant to section 62 of the *Supreme Court Act 1986* (Vic).



## Judicial officers who served in the Common Law Division

### PRINCIPAL JUDGE

Justice John Dixon

### JUDGES

Justice Cavanough

Justice McMillan  
(until 31 January 2023)

Justice Ginnane

Justice McDonald

Justice Keogh

Justice Quigley  
(sitting at VCAT)

Justice Richards

Justice Moore

Justice Forbes

Justice Gorton

Justice O'Meara

Justice Tsalamandris

Justice Gray  
(from 14 June 2023)

### ASSOCIATE JUDGES

Associate Justice Daly

Associate Justice Mukhtar

Associate Justice Ierodiaconou

Associate Justice Matthews  
(until 14 June 2023)

Associate Justice Irving

Associate Justice Barrett

### JUDICIAL REGISTRARS

Judicial Registrar Keith

Judicial Registrar Englefield

Judicial Registrar Baker

### RESERVE JUDGE

Justice Garde

Justice McMillan  
(from 1 February 2023)

## Civil Circuit List

The Civil Circuit List manages cases, mostly personal injury claims, with a significant link to regional Victoria. The Court schedules sittings in Ballarat, Bendigo, Geelong, Hamilton, Horsham, Mildura, Morwell, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga. With the lifting of pandemic restrictions, it became possible to resume in-person trials in the regions and judges heard trials in Ballarat, Shepparton and Wangaratta.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 117     | 84      | -28.2%   |
| Finalisations | 143     | 130     | -9.1%    |
| Pending       | 214     | 168     | -21.5%   |

### JUDGE IN CHARGE

Justice Keogh

### JUDICIAL REGISTRAR

Judicial Registrar Baker

## Confiscation and Proceeds of Crime List

This list manages civil proceedings brought under Victorian and Commonwealth legislation providing for the restraint or forfeiture of property allegedly connected with criminal activity.

The number of cases remained relatively small; however, these matters require case management over several years

### JUDGE IN CHARGE

Justice Forbes

and typically involve the determination of a substantial number of discrete applications. The finalisation rate in this list is affected by related criminal proceedings, as most cases await the conclusion of those proceedings before reaching finalisation in this list.

### Total cases

|               | 2021-22 | 2022-23 | Variance <sup>30</sup> |
|---------------|---------|---------|------------------------|
| Initiations   | 5       | 7       | 40.0%                  |
| Finalisations | 8       | 6       | -25.0%                 |
| Pending       | 18      | 19      | 5.6%                   |

<sup>30</sup> Due to the small number of cases some lists within the Common Law Division, statistical variations can appear disproportionately significant.

## Dust Diseases List

The Dust Diseases List manages proceedings in which plaintiffs claim to suffer from a condition attributable to the inhalation of dusts, such as asbestos and silica. Following a slight decline in the last reporting period, the rate of initiations in the list continued the upward trend observed in the preceding years. This is most likely due to improved post-pandemic access to medical and medico-legal services.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 286     | 315     | 10.1%    |
| Finalisations | 296     | 311     | 5.1%     |
| Pending       | 294     | 298     | 1.4%     |

### JUDGES IN CHARGE

Justice Incerti  
(until 27 February 2023)  
Justice Keogh

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

### JUDICIAL REGISTRAR

Judicial Registrar Baker

## Employment and Industrial List

The Employment and Industrial List manages contractual and industrial disputes, appeals from disciplinary and other tribunals, and other employment-related matters.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 29      | 21      | -27.6%   |
| Finalisations | 37      | 24      | -35.1%   |
| Pending       | 22      | 19      | -13.6%   |

### JUDGE IN CHARGE

Justice McDonald

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

## Group Proceedings List (cross-divisional list)

The Group Proceedings List spans the Common Law Division and Commercial Court. Group proceedings<sup>31</sup> are brought on behalf of seven or more people whose claims arise out of the same, similar or related circumstances and raise substantial common factual or legal questions. The high-profile nature of cases within this list typically attracts attention from the media and the cases require substantial case management over an extended period, often spanning several years.

Three new common law group proceedings were initiated, two of which involved claims by former Australian Football League players in relation to concussion injuries.

The table below relates to Common Law Division group proceedings only.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 3       | 3       | 0%       |
| Finalisations | 7       | 0       | -100.0%  |
| Pending       | 13      | 16      | 23.1%    |

### JUDGES IN CHARGE

Justice John Dixon  
(Common Law Division)  
Justice Nichols  
(Commercial Court)

### JUDICIAL REGISTRAR

Judicial Registrar Baker  
(Common Law Division)

<sup>31</sup> Commonly referred to as 'class actions'.

## Institutional Liability List

The Institutional Liability List manages claims against an organisation, founded on personal injury or death due to alleged physical or sexual abuse of a minor. The list was established in February 2020 to manage growing numbers of personal injury damages claims following legislative amendments in 2015, 2018, 2019 and 2020 to facilitate historical child abuse claims.

An unprecedented 48% increase in these claims occurred this financial year, and while the finalisation rate has climbed over the past three financial years (including a 13% increase in 2022-23) the pending caseload continued to grow. Although settlement rates remain high, these cases generate a high number of interlocutory applications and appeals requiring determination by judges, associate judges and judicial registrars.

Trial dates for new cases within the list are currently being allocated in 2025. The extended waiting time for trial dates highlights the continuing challenges faced by the division in efficiently managing and hearing these claims and developing the jurisprudence concerning the legislative reforms that have facilitated them.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 349     | 517     | 48.1%    |
| Finalisations | 260     | 294     | 13.1%    |
| Pending       | 571     | 794     | 39.1%    |

## Judicial Review and Appeals List

The Judicial Review and Appeals List includes proceedings relating to judicial review of, and statutory appeals from, decisions of lower courts, tribunals, public offices or bodies.

The timely listing, hearing and determination of these cases places a substantial demand on judicial resources. This list consistently records the highest number of judgments handed down among all common law lists, highlighting the essential role it plays in ensuring judicial oversight of lower jurisdictions and administrative decision-makers.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 236     | 219     | -7.2%    |
| Finalisations | 270     | 238     | -11.9%   |
| Pending       | 211     | 192     | -9.0%    |

## Major Torts List

The Major Torts List manages proceedings that are primarily of a tortious nature including defamation, nuisance, intentional torts, police torts and contempt proceedings.

While the majority of finalised matters were resolved by consent, some complex cases necessitated judicial determination. Notably, there was a slight increase in demand for judicial determination this financial year.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 45      | 42      | -6.7%    |
| Finalisations | 51      | 51      | 0%       |
| Pending       | 98      | 89      | -9.2%    |

### JUDGES IN CHARGE

Justice Incerti  
(until 27 February 2023)  
Justice Keogh

### JUDICIAL REGISTRAR

Judicial Registrar Baker

### JUDGES IN CHARGE

Justice Cavanough  
Justice Ginnane

### JUDICIAL REGISTRAR

Judicial Registrar Keith

### JUDGE IN CHARGE

Justice John Dixon

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Daly

### JUDICIAL REGISTRAR

Judicial Registrar Baker

## Personal Injuries List

Proceedings managed in the Personal Injuries List include claims arising out of industrial accidents, motor vehicle accidents, medical negligence, and public and occupier's liability.

The list has consistently experienced a pattern of high case initiations, with notable growth over the past three financial years. Trials within the list have returned to pre-pandemic patterns, with a combination of judge-alone hearings and jury trials.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 465     | 492     | 5.8%     |
| Finalisations | 403     | 511     | 26.8%    |
| Pending       | 818     | 799     | -2.3%    |

## Professional Liability List

The Professional Liability List manages claims for financial loss against a professional for breach of duty in tort or contract, related statutory breaches, and breach of equitable duties (excluding claims against medical and health practitioners – managed in the Personal Injuries List; and building, construction and engineering practitioners – managed in the Commercial Court).

The number of initiations within this list doubled during 2022-23, mainly due to claims against legal practitioners for alleged breach of duty to clients seeking damages or compensation from redress schemes in respect of historical child abuse.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 36      | 72      | 100.0%   |
| Finalisations | 33      | 52      | 57.6%    |
| Pending       | 79      | 99      | 25.3%    |

## Property List

The Property List manages proceedings concerning rights over real estate, including possession or sale of real estate.

A high proportion of matters in the list are heard and determined by associate judges.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 291     | 238     | -18.2%   |
| Finalisations | 294     | 202     | -31.3%   |
| Pending       | 189     | 225     | 19.0%    |

### JUDGES IN CHARGE

Justice Incerti  
(until 27 February 2023)

Justice Keogh  
(from 28 February 2023)

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Ierodiaconou

### JUDICIAL REGISTRAR

Judicial Registrar Baker

### JUDGE IN CHARGE

Justice Gorton

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Daly

### JUDICIAL REGISTRAR

Judicial Registrar Baker

### JUDGE IN CHARGE

Justice McDonald

### ASSOCIATE JUDGE IN CHARGE

Associate Justice Matthews  
(until 14 June 2023)

### JUDICIAL REGISTRAR

Judicial Registrar Keith

## Testators Family Maintenance List

The Testators Family Maintenance List manages applications brought under Part IV of the *Administration and Probate Act 1958* (Vic).

Judicial and court-annexed mediations by deputy prothonotaries are commonly utilised in this list to encourage early settlements and avoid the risk of legal costs unduly diminishing estate assets. The opening of the Court's Mediation Centre in May 2023 allowed in-person mediations in appropriate cases to resume. This follows a period of online mediations from 2020, due to a combination of pandemic restrictions and the closure of the 436 Lonsdale Street premises. As a result of augmenting the number of mediations, a substantial number of cases were successfully resolved. The ability to conduct mediations both in-person and online offers flexibility and accessibility for all parties involved.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 370     | 371     | 0.3%     |
| Finalisations | 438     | 379     | -13.5%   |
| Pending       | 449     | 441     | -1.8%    |

## Trusts, Equity and Probate List

The Court has exclusive jurisdiction to hear a wide range of proceedings concerning wills, probate, and the administration of deceased persons' estates. In addition, cases concerning trusts of a non-commercial nature are managed in the list.

The list has demonstrated strong performance and efficiency when comparing the number of initiated and pending cases to finalisations. The majority of cases were determined 'on the papers' without an oral hearing, saving time and costs for parties.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 352     | 340     | -3.4%    |
| Finalisations | 329     | 353     | 7.3%     |
| Pending       | 347     | 334     | -3.7%    |

## Valuation, Compensation and Planning List

The Valuation, Compensation and Planning List manages proceedings involving valuation of land, compensation for compulsory acquisition of land, planning appeals from VCAT and disputes involving land use or environmental protection.

### Total cases

|               | 2021-22 | 2022-23 | Variance |
|---------------|---------|---------|----------|
| Initiations   | 39      | 27      | -30.8%   |
| Finalisations | 34      | 33      | -2.9%    |
| Pending       | 52      | 46      | -11.5%   |

### JUDGES IN CHARGE

Justice McMillan  
(until 31 January 2023)

Justice Moore

### JUDICIAL REGISTRAR

Judicial Registrar Englefield

### JUDGES IN CHARGE

Justice McMillan  
(until 31 January 2023)

Justice Moore

### JUDICIAL REGISTRAR

Judicial Registrar Keith

### JUDGE IN CHARGE

Justice Richards

### JUDICIAL REGISTRAR

Judicial Registrar Keith

# Associate Judges' Chambers

## ABOUT THE ASSOCIATE JUDGES' CHAMBERS

Associate judges manage work arising within the civil jurisdiction, both from the associate judges' originating jurisdiction and matters outside their jurisdiction on referral. Associate judges hear approvals of compromise in personal injury and testator family maintenance proceedings, determine judicial review and appeals, manage proceedings in specialised lists, conduct judicial mediations and preside over trial proceedings.

Judicial registrars manage proceedings in specialist lists, sit in the Associate Judges' Practice Court, conduct judicial mediations, and hear some matters on referral from associate judges.

### PRINCIPAL ASSOCIATE JUDGE

Associate Justice Matthews  
(until 14 June 2023)

Associate Justice Ierodiaconou  
(from 21 June 2023)

### ASSOCIATE JUDGES

Associate Justice Daly  
Associate Justice Gardiner  
Associate Justice Mukhtar  
Associate Justice Ierodiaconou  
Associate Justice Heteyey  
Associate Justice Irving  
Associate Justice Steffensen  
Associate Justice Barrett

### RESERVE ASSOCIATE JUDGE

Associate Justice Efthim  
Associate Justice Derham  
(1 March 2023 to 6 June 2023)

### JUDICIAL REGISTRARS

Judicial Registrar Englefield  
Judicial Registrar Caporale  
Judicial Registrar Conidi  
Judicial Registrar Woronczak  
Judicial Registrar Gitsham

## Overview

During 2022-23 associate judges and judicial registrars heard matters in the following specialist lists:

- ▶ Corporations List (including shareholder oppression matters and the winding up of corporations)
- ▶ Employment and Industrial List
- ▶ Judicial Review and Appeals List
- ▶ Personal Injuries List
- ▶ Dust Diseases List
- ▶ Civil Circuit List
- ▶ Institutional Liability List
- ▶ Property List
- ▶ Mortgage Recovery List
- ▶ Testator Family Maintenance List
- ▶ Professional Liability List
- ▶ Major Torts List.

Associate judges preside over the Associate Judges' Practice Court about four days per week. Listings have consistently increased, but more significant is the increase in the complexity of matters appearing before judicial officers in the Associate Judges' Chambers.

Special Fixtures refer to hearings that occur outside of the Associate Judges' Practice Court and specialist lists. They are complex hearings longer than two hours, or urgent matters that need to be heard outside of Associate Judges' Practice Court allocation.

From 2022-23, associate judges experienced an increase in complex applications and volume of applications per matter, evidenced by the data below.

### Associate Judges' Chambers hearings

|                                     | 2021-22 | 2022-23 | Variance |
|-------------------------------------|---------|---------|----------|
| Practice Court and Specialist Lists | 6,068   | 6,390   | 5.17%    |
| Special Fixtures                    | 59      | 215     | 113.87%  |

## Commercial Court List – Associate Judges’ Chambers

### Commercial Court Lists

|                  | 2021-22 | 2022-23 | Variance |
|------------------|---------|---------|----------|
| Hearings listed  | 289     | 279     | <-0.35%  |
| Special Fixtures | 18      | 84      | 129.41%  |

#### ASSOCIATE JUDGES

Associate Justice Gardiner  
Associate Justice Hetyey  
Associate Justice Matthews  
(until 13 June)  
Associate Justice Irving  
Associate Justice Steffensen  
Associate Justice Barrett

#### RESERVE ASSOCIATE JUDGE

Associate Justice Efthim

## Corporations List

### Corporations List

|                  | 2021-22 | 2022-23 | Variance |
|------------------|---------|---------|----------|
| Hearings listed  | 2758    | 3085    | 11.19%   |
| Special Fixtures | 6       | 17      | 95.65%   |

#### ASSOCIATE JUDGES

Associate Justice Gardiner  
Associate Justice Hetyey  
Associate Justice Matthews  
(until 14 June 2023)  
Associate Justice Steffensen  
Associate Justice Barrett

#### RESERVE ASSOCIATE JUDGE

Associate Justice Efthim  
Associate Justice Derham  
(1 March 2023 to 6 June 2023)

#### JUDICIAL REGISTRAR

Judicial Registrar Gitsham

## Common Law Division – Associate Judges’ Chambers

### Common Law Division

|                  | 2021-22 | 2022-23 | Variance |
|------------------|---------|---------|----------|
| Hearings listed  | 2,523   | 2,521   | <-0.79%  |
| Special Fixtures | 53      | 198     | 115.54%  |

#### ASSOCIATE JUDGES

Associate Justice Daly  
Associate Justice Mukhtar  
Associate Justice Ierodionou  
Associate Justice Matthews  
(until 13 June 2023)  
Associate Justice Irving

#### RESERVE ASSOCIATE JUDGE

Associate Justice Derham  
(1 March 2023 to 6 June 2023)

## Associate Judges’ Practice Court

### Practice Court List

|                 | 2021-22           | 2022-23 | Variance |
|-----------------|-------------------|---------|----------|
| Hearings listed | 787 <sup>32</sup> | 784     | <-0.01%  |

#### ASSOCIATE JUDGES

Associate Justice Ierodionou  
Associate Justice Hetyey  
Associate Justice Matthews  
(until 14 June 2023)  
Associate Justice Irving  
Associate Justice Steffensen  
Associate Justice Barrett

#### RESERVE ASSOCIATE JUDGE

Associate Justice Efthim  
Associate Justice Derham  
(1 March 2023 to 6 June 2023)

#### JUDICIAL REGISTRAR

Judicial Registrar Caporale

<sup>32</sup> The figure reported in the 2021-22 annual report excluded Directions Hearings held in the Associate Justices’ Practice Court. This report retroactively includes all hearings listed, to more accurately represent the workload of the associate judges and judicial registrars within the Practice Court.

# Judicial Mediation

## ABOUT JUDICIAL MEDIATION

The Court's focus on mediation reflects a commitment to resolving disputes in a timely and cost-efficient manner.

Mediation is a confidential discussion between the parties and a skilled, experienced and neutral mediator. The mediator provides a forum for parties to discuss issues, identify solutions and reach agreement. Mediation delivers significant time and cost savings to parties and the Court.

Judicial mediations are conducted by associate judges and judicial registrars. Court-annexed mediations are also conducted by the Appropriate Dispute Resolution (ADR) registrar, ADR deputy registrar and other deputy prothonotaries.

### Key points

## 1

Mediations were conducted online, in person or via a hybrid of the two; 559 cases were referred for mediation and 338 mediations were completed.

## 2

The new SCV Mediation Centre opened in the William Cooper Justice Centre in May 2023 enabling the Court to resume in-person mediations. The new facilities also support hybrid mediations with a mixture of in-person and online attendance. Fully online mediations remain an option.

## 3

Settling matters at mediation saved approximately 1,043 trial days and millions of dollars in legal costs for litigants. Costs Court mediations saved an approximate further 475 hearing days.

## Overview

During the reporting period 61% of cases were resolved (or part resolved) on the day of mediation. Even when cases do not resolve at mediation, parties have the benefit of hearing other perspectives and opinions, narrowing the issues in dispute. This can help the parties resolve their disputes after the mediation and often reduces trial days on those matters that do not resolve.

Cases can be referred to mediation at any stage of the litigation. A growing feature of the Court's mediation program has been mediation referrals at, or just before, the beginning of trial. At this stage of the litigation parties are well equipped to fully assess not only their case, but also the case of the other side, and mediation has often resolved matters just before a trial commences.

Mediation is an especially important part of the case management of shareholder oppression matters. Early mediation of these matters has seen many resolve before substantial costs are incurred.

Additionally, the ADR Centre continued to successfully manage the Court's mediation program under the guidance of Judicial Registrar Caporale and ADR Registrar Day.

The ADR Centre continued to join with the County Court of Victoria in delivering a monthly professional development program for mediators from both the Supreme and County Court. The Centre's work was overseen by the ADR Committee, chaired by Justice Keogh.



**JUDGES**

Justice Matthews

**ASSOCIATE JUDGES**

Associate Justice Heteyey  
 Associate Justice Irving  
 Associate Justice Steffensen  
 Associate Justice Barrett

**RESERVE ASSOCIATE JUDGES**

Associate Justice Efthim

**JUDICIAL REGISTRARS**

Judicial Registrar Englefield  
 Judicial Registrar Baker  
 Judicial Registrar Keith  
 Judicial Registrar Woronczak  
 Judicial Registrar Caporale  
 Judicial Registrar Conidi  
 Judicial Registrar McCann  
 Judicial Registrar Gitsham

**ADR REGISTRAR**

ADR Registrar Day

**ADR DEPUTY REGISTRAR**

ADR Deputy Registrar Marengo

**DEPUTY PROTHONOTARIES**

Benjamin Calvitto  
 Kate Price  
 Kate Clark

**Mediation activity**

|   | 2021-22 | 2022-23 | Variance |
|---|---------|---------|----------|
| Cases referred for mediation                                      | 647     | 559     | -13.6%   |
| Mediations completed  | 370     | 338     | -8.6%    |
| Cases resolved on day of mediation                                | 220     | 198     | -10.0%   |
| Cases part resolved on day of mediation                           | 4       | 9       | 125.0%   |
| Percentage of cases resolved or part resolved on day of mediation | 61%     | 61%     | 0%       |
| Hearing days saved by cases being resolved at mediation           | 1,035   | 1,043   | 0.8%     |

# Costs Court

## ABOUT THE COSTS COURT

The Costs Court hears costs disputes between litigants arising from court proceedings in all jurisdictions in Victoria (party/party disputes) and those between legal practitioners and their clients, usually over the solicitor's bill (solicitor/client disputes).

The Costs Court focuses on resolving disputes by mediation and 'assessments in chambers'<sup>33</sup>, resulting in significant costs savings for litigants and a more efficient use of Court resources. Taxations now form a very small part of the Costs Court's work.<sup>34</sup>

### Key points

## 1

Substantial work has been undertaken on the transition from the current basis of party/party costs recovery on scale<sup>35</sup> to a time-based costing regime, giving effect to the recommendations of the *Litigious Costs Review (2022)*. The new model is intended to promote greater transparency and reduce costs of party/party taxations.

## 2

The guide for self-represented litigants seeking to challenge their solicitor's bill was substantially revised. It provides a detailed explanation of the applicable legislation and procedures in solicitor/client assessments, enhancing access to justice for people unable to afford legal representation.

## 3

Costs registrars provided training to deputy prothonotaries, staff in the Principal Registry and other areas of the Supreme Court who regularly interact with the Costs Court.

## Overview

A total of 378 new summonses were initiated in the Costs Court; a 10% increase from 2021-22. Solicitor/client summonses continue to rise, from 27% of all summonses in 2020-21 to 32% in 2021-22 and 35% in 2022-23. Referrals from the Supreme Court (Testator's Family Maintenance List) and County Court (pursuant to workplace injury and compensation legislation) accounted for approximately 35% of all solicitor/client summonses.

Summonses in party/party disputes now constitute 65% of the Costs Court work, with 59% of those arising from Supreme Court proceedings. Generally, these matters do not require the same level of case management as solicitor/client disputes. Most party/party summonses are listed within six weeks of filing, either for mediation or assessment in chambers.

Despite the increased number of summonses and complexity of issues before the Costs Court, it has maintained a strong performance with respect to case finalisations. In 2022-23, 352 matters were finalised; a 9% increase on 2021-22.

## Mediations

All party/party disputes over \$100,000 are mediated. Directions hearings, held monthly, are followed by a listing of solicitor/client disputes for mediation. Mediations continue to be the most time and cost-efficient means of resolving costs disputes. The Costs Court facilitated 87 mediations, of which 59 (68%) resolved on the day of mediation. Unresolved matters are listed for an assessment in chambers, although many resolve post-mediation without further intervention by the Costs Court. Had the 59 resolved matters proceeded to taxation, it is estimated that 475 days of Costs Court time would have been needed. This translates to a cost saving to the parties of approximately \$2.7 million in appearance fees<sup>36</sup> alone.

The success of the mediation program is most notable with respect to more complex matters with larger costs claims. For example, a costs registrar mediated a solicitor/client dispute involving total costs of approximately \$3.5 million, saving the parties in excess of \$340,000 in potential legal costs had the matter proceeded to an estimated 60 days of taxation.

<sup>33</sup> Pursuant to Part 8 of the *Supreme Court (General Civil Procedure) Rules 2015* ("the rules"). Assessments are done on written material and without an oral hearing.

<sup>34</sup> A formal hearing by the Costs court, requiring the attendance of the parties, to quantify legal costs.

<sup>35</sup> Supreme Court Scale of Costs, Appendix A of the rules.

<sup>36</sup> Figure does not account for fees associated with costs of mediation.

## Assessments in chambers

Assessments in chambers are made on all claims under \$100,000, matters that failed to resolve at mediation irrespective of the amount of the claim, and referrals from the Testators Family Maintenance List and the County Court.

In 2022-23 the Costs Court completed 201 assessments (with an acceptance rate of 83.1%), up from 151 in 2021-22. Claims ranged from under \$50,000 to more than \$600,000. In most cases, the assessment procedure itself is cost neutral and an effective alternative to taxation as assessments are done on the material filed up to the point of assessment. Of note, 24 assessments were applications by law firms for the retention of solicitor/client costs in workplace injury matters referred by the County Court. In those matters, detailed written assessments (similar to written rulings) were provided to the parties and the County Court for consideration. The one objection to that tranche of assessments was withdrawn before taxation.

## Taxations

The Costs Court taxed 14 matters in 2022-23, either in part or to conclusion over a period of 32 days, constituting a very small component of the Costs Court's work.

The transition from taxations to more innovative and cost-effective means of resolving costs disputes continues to be a significant achievement for the Costs Court, providing considerable benefits to litigants.

The more efficient use of Court resources has enabled Judicial Registrar Conidi to conduct weekly mediations in the Commercial Court, Common Law Division and under Part IV of the *Administration and Probate Act 1958*.

### Judicial officers who served in the Costs Court

#### JUDICIAL REGISTRAR

Judicial Registrar Conidi

#### COSTS REGISTRARS

Costs Registrar Walton  
Costs Registrar Van den Berg

## Initiations

|                                  | 2021-22    | 2022-23    | Variance    |
|----------------------------------|------------|------------|-------------|
| Party-party (Supreme Court)      | 147        | 145        | -1.4%       |
| Party-party (County Court)       | 63         | 69         | 9.5%        |
| Party-party (Magistrates' Court) | 12         | 17         | 41.6%       |
| Party-party (VCAT)               | 13         | 15         | 15.4%       |
| Solicitor-client taxation        | 109        | 132        | 21.1%       |
| <b>Total</b>                     | <b>344</b> | <b>378</b> | <b>9.9%</b> |

## Finalisations

|                                  | 2021-22    | 2022-23    | Variance    |
|----------------------------------|------------|------------|-------------|
| Party-party (Supreme Court)      | 135        | 134        | -0.7%       |
| Party-party (County Court)       | 65         | 68         | 4.6%        |
| Party-party (Magistrates' Court) | 11         | 21         | 90.9%       |
| Party-party (VCAT)               | 15         | 15         | 0%          |
| Solicitor-client taxation        | 98         | 114        | 16.3%       |
| <b>Total</b>                     | <b>324</b> | <b>352</b> | <b>8.7%</b> |

# Registry and Court Support Services

## ABOUT REGISTRY AND COURT SUPPORT SERVICES

Registry Services provides front-line services to Court users and specialist legal, case management, policy and administrative support to the judges of each division. Registry services are provided under the direction of judicial registrars and the director.

Court support services include the work of the Digital Litigation and Business Intelligence teams. The Probate Office is managed separately by the Registrar of Probates (see page 39).

### Key points

## 1

An enhanced call queue and data analytics system was introduced to improve the experience of people contacting the Court.

## 2

Initiatives under Year 1 of the Court's Access to Justice Roadmap were delivered.

## 3

An internal data warehouse was developed and delivered, supporting the Court's capacity to deliver data-driven insights.

## Overview

### Registry Services

#### COURT OF APPEAL REGISTRY

The Court of Appeal Registry continued to support the Judges of Appeal with the preparation of management of cases heard by the Court of Appeal. The Court of Appeal Registry continued to facilitate live streaming of hearings, via a publicly accessible link on the website or via links provided on request, depending on the nature of the matter.

The registry coordinated a ceremonial sitting of the Court at the new Bendigo Law Courts upon its opening and the creation of an educational video to facilitate engagement opportunities with tertiary students. The Court's website was updated with resources to assist practitioners and the public with navigating the appeals process.

For further information about the Court of Appeal, see page 13.

#### CRIMINAL DIVISION REGISTRY

The Criminal Division Registry continued to provide high-quality support to the division's judicial officers in hearing criminal applications. In addition to criminal trials and pleas, the division hears a wide range of covert and regular applications, which can involve delicate considerations of risk assessment, voluminous filed material, urgency, and novel questions of statutory interpretation and process. Flexible and

efficient support to hear these applications enables judicial officers to hear them without affecting their availability to continue hearing trials and pleas.

The Criminal Division Registry made full use of the 2021-22 expansion. With the judicial registrar and two dedicated case management lawyers coming on board in 2021-22, the Criminal Division Registry was able to support judicial officers in the division as the Court returned to full trial listing capacity post-pandemic. This included supporting fast-track matters, which represented almost half the matters committed to the division.

For further information about the Criminal Division, see page 15.

#### COMMERCIAL COURT REGISTRY

The Commercial Court Registry (CCR) continued to adapt to meet the changing needs of the judiciary and court users. During 2022-23, the Registry:

- ▶ developed enhanced procedures for processing and managing the increased number of Group Proceedings (including providing additional support to chambers).
- ▶ managed the rise in the number of matters referred to the Supreme Court of Victoria pursuant to section 77 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), as a result of the judgment in *Thurin v Krongold Constructions (Aust) Pty Ltd* [2022] VSCA 226.

- ▶ reviewed and improved processes and documentation for dealing with urgent applications, to ensure a more consistent service to court users.

For further information about the Commercial Court, see page 19.

### PRINCIPAL REGISTRY

The Principal Registry includes the Office of the Prothonotary (see page 38) and provides services for the Common Law Division (see page 24), the Costs Court (see page 34) and certain cases within the Commercial Court.

As the front-line service delivery team for the Court, the focus in 2022-23 was on:

- ▶ reintroducing and improving the concierge service desk located in the Trial Division building. This is an extension of the service provided at the Registry's Service Centre provided for at the busiest times of the day. There were 1,226 face-to-face enquiries recorded in the reporting period.
- ▶ working closely with Court Network to ensure a sense of single purpose regarding assisting court users.
- ▶ providing an additional layer of support to self-represented litigants by giving timely procedural advice and, where necessary, providing detailed information about why documents may not comply with the Supreme Court Rules or an order.
- ▶ supporting the Victorian community by providing a full team of staff to give assistance and advice to court users at the Service Centre located in the Old High Court building at 450 Little Bourke Street. This includes better utilising interview rooms to give support to Court users who do not have adequate technological resources to conduct hearings.

### Court Support Services

#### DIGITAL LITIGATION TEAM

The Digital Litigation team supports the judiciary, associates, practitioners and Court users to engage with pre-trial processes and court hearings, supporting the Court's values of transparency, accessibility and integrity through the coordination of public and private livestreaming of proceedings.

Notwithstanding the six-fold increase in the number of in-person hearings since 2021-22, the Court's digital practices and services continue to be integrated into supporting almost every hearing before the Court. Nearly all matters

(hearings and mediations) involved a digital element, such as use of eCourt technology, livestreaming, remote or hybrid hearing arrangements.

In 2022-23, 2,566 hearings were made accessible via a livestream whether by link on the website or link provided upon request, a 20% increase on 2021-22. Livestreaming of court hearings enhances the Victorian community's access to hearings even when parties or public viewers are not at the Court.

### BUSINESS INTELLIGENCE TEAM

The Business Intelligence (BI) team is responsible for the data management, analysis and reporting elements of the Court's operations, supporting the information requirements of the Court and external stakeholders.

In 2022-23, the BI team continued with the analysis of the effect of COVID-19 and recovery initiatives on the Court's activity. The BI team also:

- ▶ developed and delivered activity dashboards to assist divisions with analysing and reporting on their performance
- ▶ developed and delivered a data warehouse, which will improve the Court's ability to meet future demand for data
- ▶ continued to implement the court's Data Governance Framework through the development of data sharing and data breach policies.

### Business improvement initiatives

#### REIMAGINING REGISTRY SERVICES

The Court continued implementation of the Reimagining Registry Services program.

In 2022-23, the 'touchpoint' project was delivered under the 'We use data to improve service' reform direction. This project allowed the Court to better manage resourcing of call queues and better understand the information needs of callers, by using data to forecast trends in demand for registry service support.

The Court began a Business Process Redesign and Automation program, under the 'We use technology to work efficiently' reform direction. The program will deliver efficiencies in the management of opt-out notices for group proceedings, the production of Court orders, the management of appearance information, virtual hearing bookings and auto-acceptance of certain categories of filed documents.

The Court delivered initiatives under Year 1 of the Access to Justice Roadmap, in line with the 'We are accessible' reform direction. Key initiatives included:

- ▶ A new landing page for initiating process and filing of subsequent documents with the Court, which includes ready access to new and improved guidance material for Court users.
- ▶ Working with VCAT, information about appealing a decision of VCAT to the Supreme Court has been improved across both jurisdiction's websites to help Court users better understand the processes involved.
- ▶ Access to all instructional videos for Self-Represented Litigants (SRLs) was consolidated, with better links between relevant information resources on the website.
- ▶ A visual representation of the steps associated with lists involving the greatest number of self-represented litigants was developed. These materials were produced in response to feedback from SRLs and are intended to help Court users unfamiliar with court process.
- ▶ A cross-jurisdictional Access to Justice Community of Practice was introduced, involving senior operational managers and SRL specialist staff from all Victorian state courts and VCAT.
- ▶ SRLs were assisted via the Court's dedicated coordinators who provide information, procedural advice, links to legal services and referrals. In 2022-23, SRL coordinators responded to 8,594 individual enquiries from SRLs or potential SRLs.
- ▶ Our engagement with the following organisations continued:
  - Justice Connect for the delivery of unbundled legal information and advice to SRLs who meet established criteria.
  - the Victorian Bar for the delivery of pro bono services via an agreed referral protocol; in 2022-23, the Court issued 41 referrals to the scheme.

Another focus was on the development of initiatives under the 'We work as one court' reform direction. The aim is to develop programs to increase staff awareness of broader court operations and facilitate a smooth transition for cross-divisional roles.

# Office of the Prothonotary

## Overview

The Prothonotary is an officer of the Court under the *Supreme Court Act 1986* invested with a range of powers under the Rules of Court. The Prothonotary is supported by a number of deputies and has responsibility across all lists and divisions.

The Office of the Prothonotary provides key services including authenticating orders, issuing default judgments and warrants, fee waivers, file searches, coordinating subpoenaed materials and supporting admissions of lawyers to practise. Other services include managing file transfers between jurisdictions, coordinating service of proceedings outside Australia and administering bails.

### Orders

Civil orders are signed by either a judge or judicial registrar, or authenticated by the prothonotary. Of the 2,179 civil orders authenticated by the prothonotary in 2022-23, 1,035 were Corporations List orders issued on the same day the order was made (up 3% from 2021-22).

### Default judgments and warrants

The Office of the Prothonotary is responsible for issuing default judgments where a party fails to defend a claim. The prothonotary is also responsible for issuing warrants of possession of property and warrants of seizure and sale of property. In both cases, the prothonotary must be satisfied that the requirements of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) are met.

In 2022-23, 831 default judgments and warrants were issued, up 15% from 2021-22. Numbers of default judgments and warrants have been steadily increasing since the height of pandemic restrictions in 2020-21. There were 340 default judgments (up 4%) and 229 warrants of possession (up 10%) issued, as well as 262 warrants of seizure and sale (up 40%). Despite this increase, numbers have not returned to pre-COVID levels, and are still 21% lower than in 2019-20.

### Fees and fee waivers

Fees payable to the Court are provided for by the *Supreme Court (Fees) Regulations 2018* (Vic). Court fees are charged under three categories: corporate, standard and concession. Fees may be waived by the prothonotary in instances of financial hardship or when certain automatic fee waiver criteria are met. The prothonotary collects supporting evidence where 'standard' or 'concession' fees are applied for, or the automatic waiver provisions apply (for example, if the applicant is represented under certain pro bono schemes, granted legal aid, serving a sentence of imprisonment or where the applicant is a minor). Where granted, waivers apply for the duration of the proceeding subject to a change in financial circumstances.

In 2022-23, 240 financial hardship waiver applications were granted, waiving fees totalling \$192,932.70; 26 applications were refused, seeking waiver of fees totalling \$27,828.40.

### File searches and subpoena coordination

The Office of the Prothonotary oversees requests by non-parties, including media organisations, to inspect court files. It also manages subpoenas requiring the production of documents and other materials in preparation for court proceedings.

In 2022-23, 2,319 inspection requests were received electronically, along with 2,639 subpoena inspection payments.

### Admissions as an Australian lawyer

In conjunction with the Chief Justice's chambers, the Office of the Prothonotary supports the process for applicants gaining admission as Australian lawyers and as officers of the Supreme Court of Victoria. During 2022-23, 1,838 individuals were admitted, an 8.8% decrease from 2021-22.

The Office of the Prothonotary issued 130 certificates of good standing and 78 duplicate admission orders (certificates), both predominantly supporting admitted Australian lawyers seeking to practise in foreign jurisdictions.

# Probate Office

## ABOUT THE PROBATE OFFICE

Probate is the process by which the Court finds that a will is valid and can be acted upon by the executor/s. The Court has exclusive authority to make orders about the validity of wills, appointment of administrators of deceased estates and administration of deceased estates.

The Probate Office manages all applications for grants of probate and administration. It maintains a register of all grants issued by the Court and wills deposited with the Court for safekeeping.

### Key points

## 1

The Probate Office, in collaboration with the Archives and Records team, transferred 75,963 files to Public Record Office Victoria, allowing free access to members of the public to search these files.

## 2

More than \$30 billion of Victorian assets of deceased estates were disclosed in applications. The issuing of grants by the Probate Office enabled these assets to be sold or distributed according to either the will or the laws of intestacy<sup>37</sup>.

## 3

The Probate Office finalised preparatory work on a project to update the Probate Online Advertising System (POAS) with a focus on ensuring a more user-friendly experience. Approximately 30,000 advertisements are placed annually on POAS.

## Overview

The volume of applications for probate and administration filed continued to increase, with 26,660 applications filed during the year, 2,208 more than in 2021-22. This is the largest single year-on-year increase the Probate Office has experienced, likely attributable to the higher-than-usual mortality rates in recent years and an ageing population. As a result, processing of applications took longer overall. However, with the benefit of online lodgement and processing through RedCrest-Probate, individual application processing time continued to be faster than prior to 2020-21. In 2022-23, the average time between filing and obtaining a grant was eight days, with a median of three days.

With the Public Record Office Victoria (PROV) resuming receiving transfers, a significant project was undertaken by the Probate Office, in collaboration with the Archives and Records Team, to transfer all remaining paper-based files held by the Probate Office. All finalised applications filed between 1 January 2017 and 30 June 2020 (75,963 files) were transferred to PROV's permanent collection. The files are now freely available at PROV to members of the public.

During the year the Probate Office continued to work on initiatives aimed at providing better legal information and more accessible options for people who can't afford legal representation. Preliminary work on an online feature to be made available to solicitors and members of the public was completed. This feature, currently planned for the SCV website, assists with determining who is entitled to share in a deceased's estate where a person dies intestate. Currently, 56% of these types of applications require further affidavit evidence before a grant is issued. The new feature will aim to address common issues, which will be particularly important in the future as more applications for administration upon intestacy are being filed than before (11.3% of applications in 2022-23).

The Probate Office continued work on a significant project to update the Probate Online Advertising System (POAS). All discovery and preliminary work was completed during 2022-23.

<sup>37</sup> The laws concerned with how an estate is distributed in the absence of a will.

## Applications filed

|  | 2021-22                      | 2022-23        | Variance    |
|--|------------------------------|----------------|-------------|
| Probate  | 21,059 (86.1%) <sup>38</sup> | 22,794 (85.5%) | 8.2%        |
| Administration upon intestacy                    | 2,656 (10.9%)                | 3,007 (11.3%)  | 13.2%       |
| Administration with the will annexed (attached)  | 512 (2.1%)                   | 584 (2.2%)     | 14.1%       |
| Reseals of foreign grants                        | 179 (0.7%)                   | 235 (0.9%)     | 31.3%       |
| Other applications, including for limited grants | 46 (0.2%)                    | 40 (0.2%)      | -13.0%      |
| <b>Total applications filed</b>                  | <b>24,452</b>                | <b>26,660</b>  | <b>9.0%</b> |

## Probate Office activities

|  | 2021-22              | 2022-23      | Variance |
|--|----------------------|--------------|----------|
| Applications made by people without legal representation             | 2,252 (9.2%)         | 2,231 (8.4%) | -1.0%    |
| Grants issued through the small estates service                      | 87                   | 155          | 78.2%    |
| Caveats filed  | 291                  | 302          | 3.8%     |
| Probate Office files pending in the Trusts, Equity and Probate List  | 112                  | 109          | -2.7%    |
| Advertisements published on Probate Online Advertising System (POAS) | 29,166               | 31,672       | 8.6%     |
| Visits to Probate section of the Court's website                     | 818,767              | 1,015,617    | 24%      |
| Emails responded to by the Probate Office                            | 10,543 <sup>39</sup> | 10,991       | 4.2%     |
| Wills deposited with Probate Office for safekeeping                  | 336                  | 413          | 2.9%     |
| Searches of Probate Office files                                     | 1,586                | 1,652        | 4.2%     |

<sup>38</sup> The percentage of overall applications filed during the period.

<sup>39</sup> The volume reported in the 2021-22 annual report has been adjusted due to a correction in calculations.



# Corporate Services

## ABOUT CORPORATE SERVICES

Corporate Services is made up of a number of teams including People, Wellbeing & Culture; Finance Services; IT & Digital Support; Security & Assets; Archives & Records; and Communications & Engagement under the guidance of the chief executive officer to support the work of the Court.

## Overview

Corporate Services supported judicial officers, staff and Court users while also delivering a number of key upgrades and projects.

**People, Wellbeing & Culture** led the transition to hybrid working, enhancing the Court's attraction and retention strategy while maintaining staff health and public safety. An increased focus on diversity, inclusion and psychosocial safety saw the team establish the Pride and adaptAbility working groups chaired by Associate Justice Ierodiaconou. With members from across the Court, the working groups will play an integral role in making the Court a safe and inclusive workplace for all.

The **Security & Assets** team were involved in the design and planning for the upcoming delivery of several substantial projects across the Court, including new heating and air-conditioning systems, Youth Justice holding rooms, upgraded lifts and improved public entrances in the Trial Division building.

The **Finance** team provided 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. These services included the monitoring and reporting of financial performance, providing timely advice and analysis to internal stakeholders, and supporting court staff on a range of financial considerations, procurement of goods

and services and travel assistance.

**IT & Digital Support** supported technical aspects of more than 9,000 remote and on-site hearings including livestreams. Additionally, more than 130 IT changes were implemented, including commissioning fit-for-purpose office spaces and the new SCV Mediation Centre within the William Cooper Justice Centre building.

**Archives & Records** undertook a number of projects in 2022-23. Physical civil records from 2017 were processed and are now in off-site storage. Work commenced on historical regional divorce records and 1992 civil files. These records are being prepared for transfer to the Public Records Office Victoria. The Archives and Records team also assisted with locating historical court files for registries, the legal profession and the general public.

The **Communications & Engagement** team assisted with connecting journalists to more than 800 hearings via video links, Zoom and over the phone. In total, the team facilitated more than 1,900 connections for media to remotely access Court hearings.

In 2022-23, the Court's website had 1,660,338 website sessions<sup>40</sup> and 63 news items and media releases were published, garnering 102,607 unique visits.

A range of resources were published in the community Virtual Information Hub, among them explainers about the Court of Appeal and 'Who is who in a criminal courtroom?'. Interest in the Court's award-winning Gertie's Law podcast continued, with nearly 30,000 downloads, bringing the total number of downloads to 433,063 since its launch.

The team launched an email newsletter to highlight practice updates, Court announcements and news to the legal fraternity and Court users. The Court's education program hosted more than 750 Victorian students from 32 schools in online sessions, and 1,300 students from 57 schools in the on-site program. Six events were also held during Law Week with VCE Legal Studies students from 11 schools meeting with judicial officers and learning about the Court.

<sup>40</sup> The number of times users have visited the website within a given period.

# ADDITIONAL COURT SERVICES



# Funds in Court

## ABOUT FUNDS IN COURT

The *Supreme Court Act 1986* provides that all money paid into court pursuant to orders of Victorian courts and legislation is held by the Senior Master. Funds in Court (FIC) assists the Associate Judge who is the Senior Master to administer these funds.

The Senior Master holds and administers funds awarded to people who are unable to manage their own affairs due to a legal disability (beneficiaries). FIC works with beneficiaries to ensure their money is invested and spent wisely and in a manner that respects their wishes and needs. FIC strives to enhance beneficiaries' lives through compassion and superior service provided at the lowest cost.

The Senior Master also manages funds paid into Court as security for costs of a party to a Court proceeding, and dispute moneys paid pending the outcome of a proceeding or application (Non-Award Funds).<sup>41</sup>

### Key points

## 1

Managed funds and assets valued at \$2.19 billion in 2022–23 at low cost, achieving competitive investment returns for beneficiaries in the face of unprecedented market conditions. Cash and fixed interest funds exceeded benchmarks.

## 2

Active support was provided to 6,582 beneficiaries, with 4,940 orders to release money to beneficiaries and a total of 120,091 payments made. All service delivery key performance indicators were either met or exceeded.

## 3

More than 80% of respondents to the beneficiary service delivery survey indicated that FIC met their overall expectations, including their expectations of FIC's staff, communications and service delivery, and that they feel safe knowing their funds are with FIC.

## 4

The 2023 'Embrace' event showcased the talents of our beneficiaries with ceramics, paintings, sketches, models, textiles and musical performances, including original poems and songs. 'Embrace' is typically held every two years and 2023 was FIC's best-attended event.

## 5

The FIC Human Rights Advisory Committee was awarded the 2022 Office of the Public Advocate Award for its outstanding contribution to improving the life of, and outcomes for, people with disability.

<sup>41</sup> For more details about FIC and its operations see <https://fundsincourt.vic.gov.au/>.

### Judicial officers who served in Funds in Court

#### SENIOR MASTER

Associate Justice Steffensen  
Associate Justice Ierodionou  
(acting)

#### JUDICIAL REGISTRARS

Judicial Registrar Woronczak  
Judicial Registrar Englefield  
(acting)

## Beneficiary services

FIC provides a range of services to beneficiaries.

Every beneficiary is assigned a trust officer as their primary contact. **Trust officers** help beneficiaries access their funds to buy goods, services, property and for daily living expenses.

**Client liaison officers** visit beneficiaries and their caregivers (in person or online) and assist with complex applications for payments. Client liaison officers conducted 541 meetings in 2022-23 (487 in 2021-22).

### Legal and Tax services

**Legal officers** provide legal advice relevant to the use of beneficiary funds, including advice on contracts, debts, property law, trusts, wills and estates, and capacity. They prepare complex Court orders and assist beneficiaries in dealing with the National Disability Insurance Agency, the Transport Accident Commission and other statutory bodies.

The **Legal Costs team** reviews and analyses applications for the release of beneficiaries' funds for payment of legal costs. In 2022-23, 142 applications for legal costs were resolved, totalling \$7,871,474 (95 claims totalling \$5,717,588 in 2021-22).

Annual trust tax returns were lodged with the Australian Taxation Office for each beneficiary account.

### Number of orders, supporting memoranda and payments made

Trust officers, client liaison officers and legal officers prepare memoranda which address proposed use of funds for consideration by the judicial officers. Payments are made pursuant to Court orders made by the Senior Master or Judicial Registrar.

### Beneficiary service delivery

All key performance indicators were met or exceeded during the reporting period, including:

- ▶ 94.6% of one-off payment requests<sup>42</sup> processed within five days; and
- ▶ 93.12% of the 43,249 telephone calls received were answered within 60 seconds.

FIC welcomes feedback and treats complaints seriously. From 1 July 2022, FIC enhanced its complaints handling procedures and appointed a dedicated Complaints Officer. During 2022-23, 59 complaints were recorded (27 in 2021-22).

### Number of orders, supporting memoranda and payments made

|                               | 2021-22 | 2022-23 | Variance |
|-------------------------------|---------|---------|----------|
| Orders                        | 4,018   | 4,944   | 23.05%   |
| Supporting memoranda prepared | 18,323  | 21,475  | 17.20%   |
| Payments made                 | 121,318 | 120,091 | -1.01%   |

<sup>42</sup> Payments are referred to as 'one-off' to distinguish them from the regular payments FIC makes for living expenses, utilities, insurances etc.

## Funds held

The total value of funds under administration, including direct investment in real estate and other assets was \$2.19 billion on 30 June 2023 (\$2 billion in 2021–22).

Funds paid into Court are held in Common Fund No. 1 (Non-Award Funds), Common Funds No. 2 and No. 3 (beneficiary funds), the Guarantee and Reserve Account and real estate.<sup>43</sup>

The Victorian Auditor-General has concluded that FIC's 2022–23 financial report is presented fairly and has issued an unmodified audit opinion.<sup>44</sup>

### Common Funds and property (\$ millions)

|                               | 2021–22   | 2022–23   | Variance |
|-------------------------------|-----------|-----------|----------|
| Common Fund No. 1             | \$64,221  | \$51,586  | -19.67%  |
| Common Fund No. 2             | \$949,082 | \$957,014 | 0.84%    |
| Common Fund No. 3             | \$683,972 | \$746,168 | 9.09%    |
| Guarantee and Reserve Account | \$65,753  | \$65,549  | -0.31%   |
| Real estate                   | \$370,090 | \$368,710 | -0.37%   |
| Number of properties          | 521       | 515       | -1.15%   |

### Money paid into/out of Court (\$ millions)

|                                       | 2021–22   | 2022–23   | Variance |
|---------------------------------------|-----------|-----------|----------|
| <b>Paid into Court</b>                |           |           |          |
| Common Fund No. 1                     | \$59,741  | \$75,920  | 27.08%   |
| Common Fund No. 2                     | \$159,162 | \$137,731 | -13.46%  |
| <b>Paid out of Court<sup>45</sup></b> |           |           |          |
| Common Fund No. 1                     | \$30,818  | \$88,575  | 187.41%  |
| Common Fund No. 2                     | \$75,920  | \$62,554  | -17.61%  |

### New beneficiary accounts opened

|  | 2021–22    | 2022–23    | Variance      |
|--|------------|------------|---------------|
| Supreme Court order                                | 257        | 196        | -23.74%       |
| County Court order                                 | 86         | 80         | -6.98%        |
| Magistrates' Court order                           | 1          | 0          | -100.00%      |
| Victims of Crime Assistance Tribunal (VoCAT) order | 375        | 516        | 37.60%        |
| <b>Total</b>                                       | <b>719</b> | <b>792</b> | <b>10.15%</b> |

### New Non-Award accounts opened

|                    | 2021–22 | 2022–23 | Variance |
|--------------------|---------|---------|----------|
| Non-Award accounts | 79      | 92      | 16.46%   |

<sup>43</sup> The real estate held on trust mostly comprises residential properties in which beneficiaries live.

<sup>44</sup> Reports are available at [www.fundsincourt.vic.gov.au/reports/fic-financial-reports/](http://www.fundsincourt.vic.gov.au/reports/fic-financial-reports/).

<sup>45</sup> The payment out of Court figures printed in last year's Annual Report were incorrect and have been corrected. The correct figures were published in the Senior Master's financial reports for 2021–22.

## Investments<sup>46</sup>

Investment Services considers and implements investment advice provided by consultants engaged by the Senior Master. The performance of each of the Common Funds continues to meet or exceed relevant benchmarks over the longer term.

The objective of **Common Fund No. 1** is to provide a secure return on liquid investments through cash and fixed interest investments.

The objective of investments made from **Common Fund No. 2** is to provide the maximum return achievable consistent with investment in approved cash and fixed interest securities. FIC's investment strategy is of a medium to long-term nature with an emphasis on maximum income while preserving capital and providing sufficient liquidity to enable payments to beneficiaries.

**Common Fund No. 3** aims to provide beneficiaries with capital growth and dividend income over an investment timeframe of at least six years. It invests in Australian shares and cash.

The core purpose of the **Guarantee and Reserve Account** is to provide for FIC's administrative expenses and to provide a statutory reserve of 1% of the combined value of the total assets of Common Funds No. 1 and No. 2.<sup>47</sup> The fund is invested to provide a secure return on liquid investments.

The Investment Compliance Committee monitors compliance with FIC's asset management policy and the *Supreme Court Act 1986* (Vic). No breaches were reported in 2022-23.

## Operating expenses and investment returns to beneficiaries<sup>48</sup>

FIC benchmarks its operating expenses via its **administration expense ratio**, which represents the total cost to beneficiaries of managing their funds<sup>49</sup>. It was 0.64% for 2022-23 (0.62% in 2021-22).

FIC is a self-funded, not-for-profit division of the Court. No direct fees are charged for the services provided, but investment returns, less FIC's operating expenses, are credited to beneficiary accounts by way of interest rates, which are declared annually.<sup>50</sup>

### Declared Interest Rate

|   | 2021-22 | 2022-23 | Variance |
|---|---------|---------|----------|
| Common Fund No. 2                                     | 1.65%   | 2.25%   | 36.36%   |
| Common Fund No. 2 and Common Fund No. 3 <sup>51</sup> | 1.45%   | 2.05%   | 41.38%   |

## Corporate governance

FIC's governance and assurance structure includes committees of independent industry experts addressing audit, risk, investment, information technology, executive remuneration and beneficiary services.<sup>52</sup>

46 For more details about FIC's investment management, including fact sheets about the performance of Common Funds No. 2 and No. 3, see <https://fundsincourt.vic.gov.au/about-us/how-funds-are-managed-and-invested/>.

47 *Supreme Court Act 1986*, ss. 113(20)-(21).

48 For more details about how FIC's interest rates are determined and FIC's operational costs, see <https://fundsincourt.vic.gov.au/wp-content/uploads/2022-2023-Interest-Rates-and-Operational-Costs.pdf>

49 The administration expense ratio 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).

50 In addition, 0.05% interest was credited to Non-Award Funds in Common Fund No. 1 (no variance to 2021-22).

51 That is, the rates credited where a beneficiary has funds in both Common Fund No. 2 and Common Fund No. 3.

52 For more information regarding corporate governance, visit <https://fundsincourt.vic.gov.au/about-us/governance/>.

# Juries Victoria

## ABOUT JURIES VICTORIA

Juries Victoria summons citizens to serve as jurors on Supreme and County Court trials across the state. Juries are made up of a cross-section of Victorian citizens, each bringing their own experiences and expectations into the courtroom. Every jury reflects the community from which it is drawn and represents the values and standards of that community.

### Key points

1

More than 300,000 randomly selected Victorians were assessed for jury service based on their eligibility, availability and personal circumstances.

2

More than 20,000 people attended court for jury service across the state as a result of the increase in trial listings, particularly in Melbourne.

3

The practice of selecting and summoning higher numbers of individuals to accommodate for a higher attrition rate during the pandemic was ended with the removal of COVID-19 restrictions.

## Overview

Juries Victoria continued the strong collaboration with staff and judiciary across the courts as pandemic restrictions were relaxed and ultimately removed. Processes and practices introduced during the pandemic were scaled back and removed in line with restrictions, largely returning jury operations to their pre-pandemic settings.

The end of the practice of selecting and summoning higher numbers of individuals for jury service, introduced to

accommodate the higher attrition rate caused by COVID-19 restrictions, was reflected in fewer people being randomly selected for jury service compared to the previous period. Although the number of Victorians summoned for jury service increased overall, it was significantly smaller relative to the increase in both jury trials and those attending for jury service, representing the improved efficiency in juror utilisation.

## Jury activity

### Citizens randomly selected

|                   | 2021-22        | 2022-23        | Variance     |
|-------------------|----------------|----------------|--------------|
| Melbourne         | 88,903         | 76,991         | -13.4%       |
| Regional Victoria | 239,232        | 245,981        | 2.8%         |
| <b>Total</b>      | <b>328,135</b> | <b>322,972</b> | <b>-1.6%</b> |

### Citizens summoned

|                   | 2021-22        | 2022-23        | Variance     |
|-------------------|----------------|----------------|--------------|
| Melbourne         | 35,024         | 42,754         | 22.1%        |
| Regional Victoria | 77,334         | 82,685         | 6.9%         |
| <b>Total</b>      | <b>112,358</b> | <b>125,439</b> | <b>11.6%</b> |

Citizens attended<sup>53</sup>

|                   | 2021-22       | 2022-23       | Variance     |
|-------------------|---------------|---------------|--------------|
| Melbourne         | 8,309         | 13,946        | 67.8%        |
| Regional Victoria | 7,813         | 7,548         | -3.4%        |
| <b>Total</b>      | <b>16,122</b> | <b>21,494</b> | <b>33.3%</b> |

## Jury trials

## Supreme Court

|                              | 2021-22   | 2022-23   | Variance      |
|------------------------------|-----------|-----------|---------------|
| Civil - Melbourne            | 2         | 9         | 350.0%        |
| Civil - Regional Victoria    | 0         | 2         | -             |
| Criminal - Melbourne         | 19        | 38        | 100.0%        |
| Criminal - Regional Victoria | 5         | 4         | -20.0%        |
| <b>Total</b>                 | <b>26</b> | <b>53</b> | <b>103.9%</b> |

## County Court

|  | 2021-22    | 2022-23    | Variance     |
|--|------------|------------|--------------|
| Civil - Melbourne                      | 14         | 41         | 192.9%       |
| Civil - Regional Victoria              | 2          | 3          | 50.0%        |
| Criminal - Melbourne                   | 219        | 354        | 61.6%        |
| Criminal - Regional Victoria           | 108        | 111        | 2.8%         |
| <b>Total</b>                           | <b>343</b> | <b>509</b> | <b>48.4%</b> |
| <b>Total across both jurisdictions</b> | <b>369</b> | <b>562</b> | <b>52.3%</b> |

<sup>53</sup> Not all individuals summoned are required to attend.



# Law Library Victoria

## ABOUT LAW LIBRARY VICTORIA

Law Library Victoria supports the administration of, and access to, justice and the practice of law by providing comprehensive and authoritative legal information to judicial officers, the profession and the Victorian community.

The Supreme Court Library Committee, chaired by Justice Garde, is augmented by three representatives from other Victorian jurisdictions to form the Law Library Victoria Committee, which manages the library and oversees its strategic direction. The Library’s Director is Supreme Court Librarian Laurie Atkinson.

### Key points

1

The Library website received a high volume of traffic, with an average of 8,179 visitors per month. Access to the digital collection remained high, with resources accessed an average of 6,976 times per day.

2

Engagement with the Library through events, training, and research support remained high, with 6,700 in-person and online enquiries. Over 360 events were attended by more than 2,600 people from around Australia and overseas. There were more than 3,400 visits to the Library’s online learning units.

3

Open Athens, an authentication and identity management service, was implemented in early 2023. This service enables users to access the Library’s online subscription resources securely and anonymously using single sign-on authentication, both on-site and remotely.

## Overview

Post-pandemic, the Law Library has seen a steady increase in on-site visitors for study and research, as well as legal admission ceremonies and cultural events. The Library continues to provide the legal profession opportunities to collaborate and engage through training, tours and events.

New contracts with legal publishers were finalised, with a focus on improving value. The Library and Court Services Victoria built a new focus on social procurement into these contracts.

A social procurement focus requires activity and reporting in the areas of women’s equality, Aboriginal perspectives in legal commentary, and environmentally sustainable business practices.

The Library began development of a new website, due to be launched in late 2023. Planning and design stages have been completed, including the implementation of Open Athens.

### Library snapshot

|  | 2021-22   | 2022-23                 |
|--|-----------|-------------------------|
| Queries, updates, tours and training attendees | 103,071   | 134,008                 |
| Combined website visits and database usage     | 2,751,581 | 1,542,409 <sup>54</sup> |
| Judgments published on the Library website     | 1,181     | 1,134                   |

<sup>54</sup> Due to changes in the website traffic tracker platform, complete library website usage figures were unavailable during certain periods of the year. Additionally, changes to reporting methods for resource database usage have also affected the overall figure.

## Research support

On-site and digital research support is provided by the Law Library's expert librarians. The Library provides a dedicated librarian for each court, VCAT, and the Victorian Bar, while legal practitioners are supported by the virtual and physical reference desk.

Research requests and general enquiries range from straightforward to complex.

In 2022-23 the Library responded to 6,700 enquiries across all service points.

The fortnightly *Library Bulletin* provides the legal community with a free and convenient update on Victorian legislative developments and unreported judgments. In 2022-23 it was distributed to an average of 7,800 recipients every month.

## Digital Library

The Library website is the central portal for library services and resources, with daily activity averaging 1,872 interactions. During 2022-23 there was 98,148 visits to the website. The number of legal practitioners registering to use the website increased by 23%.

The Digital Library provides an authoritative and comprehensive digital collection, curated especially for the Victorian legal profession, regardless of their location. The collections utilise the combined knowledge of the Library's expert staff to provide a quick and easy avenue of research.

The Library provides a publishing service to the Supreme Court on behalf of the Council of Law Reporting in Victoria. Court judgments are processed and published to the Library catalogue, and sent to external publishers, with a Library website feed and Twitter alerts providing timely updates. In 2022-23 the Library published 1,134 judgments.

## Engagement

To increase the awareness and reach of services, the Library engages stakeholders via events, sponsorship, training and communications. In 2022-23 the Library presented and participated in more than 360 events and activities that engaged the legal profession, tertiary students, the public and court staff, providing legal research training and cultural experiences.

Standout events included Victorian Law Week, Leo Cussen graduate student training, Monash and Swinburne University Master Classes, Lyrical Lunchtimes, and Shakespeare's Villains. In total, more than 2,600 people from across Australia and overseas attended events held by the Library.

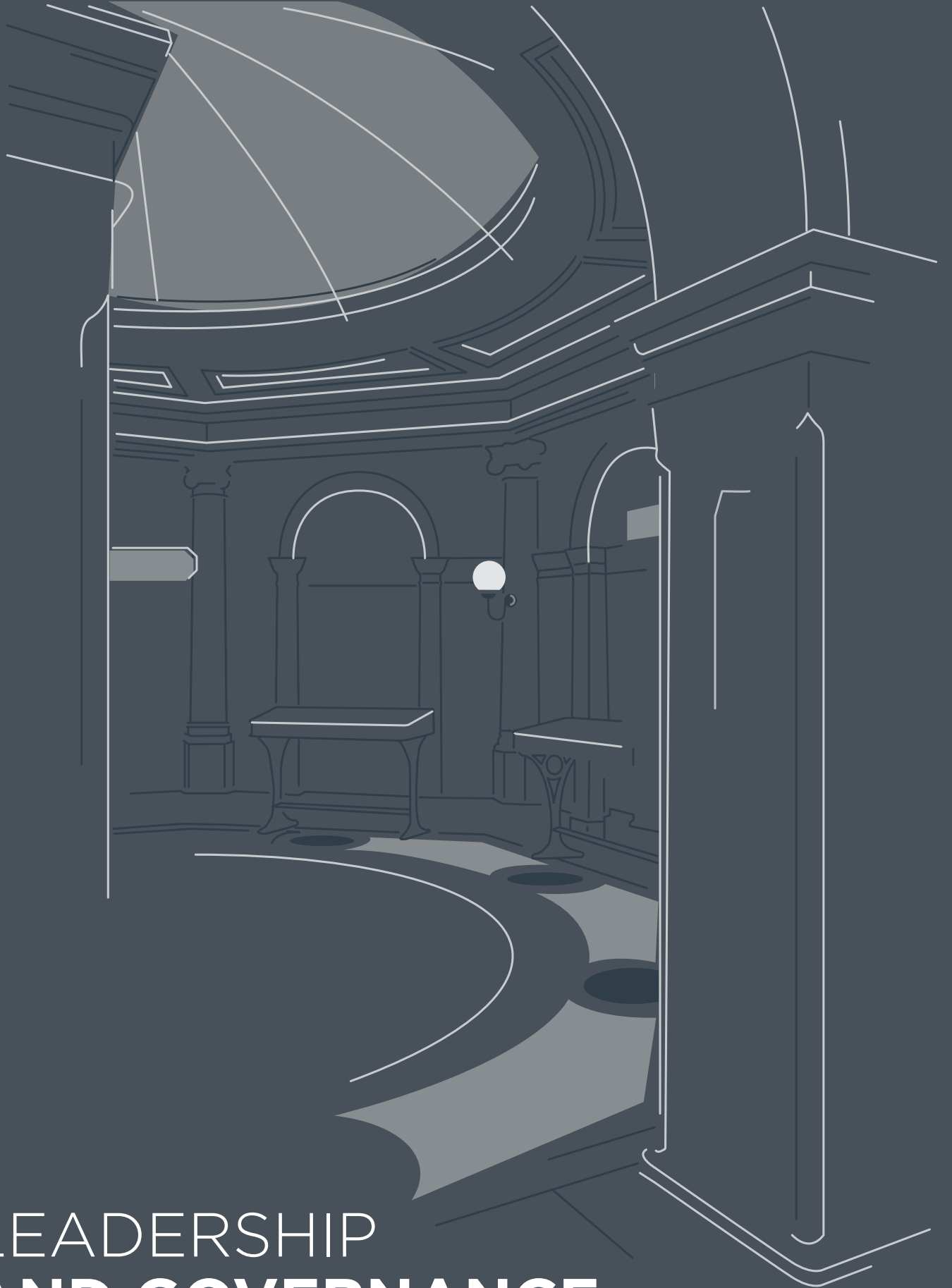
The Library partnered with the Victorian Bar to contribute to continuing professional development opportunities for barristers. This included tours, a research strategy panel, and the Bar Reader's Course.

A new initiative between the Library and the Leo Cussen Centre for Law began in early 2023. As part of the agreement, the Law Library extended access to research resources and training for Leo Cussen graduate students.

Content on the Library's professional development site continues to expand, with new videos and modules added. The Library's legal research units were visited more than 3,400 times in 2022-23.

The Library actively connects with the legal profession online, engaging social media followers with quality research content and timely legal information. The Library LinkedIn page continued to grow, with a 201% increase in followers in 2022-23.

Published the moment that judgments are ready for online distribution, judgment alerts are the most engaging content on the Library's Twitter account and is greatly valued by the profession. This was demonstrated through a 21% increase in Twitter engagement in 2022-23 for judgment alerts.



# LEADERSHIP **AND GOVERNANCE**

## ABOUT LEADERSHIP AND GOVERNANCE

The Supreme Court of Victoria was established in its present form under section 75 of the *Constitution Act 1975* (Vic). The Court's governance structures are prescribed in the *Supreme Court Act 1986* (Vic).

## Overview

The Chief Justice, as the head of the Supreme Court, is responsible for the effective, orderly and efficient execution of the business of the Court while the chief executive officer (CEO) oversees the administrative functions, including ensuring the judiciary are supported to do their work and that Court users have information and guidance on Court process.

Funds in Court is recognised as a support function of the Court and operates as a discrete division under the direction of the Senior Master.

## Governance established by law

### Council of Judges

The Council of Judges, also established under the *Supreme Court Act 1986* (Vic) and chaired by the Chief Justice, considers the operation of the Court in compliance with statutory requirements and makes Rules of the Court.

### Court Services Victoria

The *Court Services Victoria Act 2014* (Vic) established Court Services Victoria (CSV) as an independent statutory body corporate to provide services and facilities to Victoria's courts, Victorian Civil and Administrative Tribunal, the Judicial College of Victoria and the Judicial Commission of Victoria. CSV was formed to strengthen the independence of Victoria's courts and tribunals, and to put court administration into the hands of an entity directed by the judiciary.

## Internal governance

### Judicial Leadership Group

A leadership Group provides strategic advice to the Chief Justice on the effective execution of the Court's business. Its members in the reporting period were:

#### CHIEF JUSTICE

Chief Justice Ferguson

#### PRESIDENT OF THE COURT OF APPEAL

Justice Emerton

#### PRINCIPAL JUDGE OF THE CRIMINAL DIVISION

Justice Hollingworth  
(to 31 December 2022)

Justice Jane Dixon  
(from 1 January 2023)

#### PRINCIPAL JUDGE OF THE COMMON LAW DIVISION

Justice John Dixon

#### PRINCIPAL JUDGE OF THE COMMERCIAL COURT

Justice Riordan  
(to 19 December 2022)

Justice Delany  
(from 20 December 2022)

#### PRINCIPAL ASSOCIATE JUDGE

Associate Justice Matthews  
(to 13 June 2023)

Associate Justice Ierodiaconou  
(from 14 June 2023)

#### CHIEF EXECUTIVE OFFICER

Matt Hall PSM

Michael Carroll  
(acting from 10 May 2023)

#### Administrative Leadership Group

The Administrative Leadership Group, led by the CEO, supports the administrative functions of the Court, including operations and administration, policy and planning, communications, as well as judicial support and registry services.



# APPENDIX

# Financial Information

The Supreme Court's financial accounts are published as part of the audited financial accounts of Court Services Victoria (CSV). This information is available in CSV's annual report, by visiting [www.courts.vic.gov.au](http://www.courts.vic.gov.au).

Comprehensive operating statement for the financial year ending 30 June 2023.

## Controlled Items

|  | 2021-22*<br>\$'000 | 2022-23<br>\$'000 |
|--|--------------------|-------------------|
| <b>Income from transactions</b>  |                    |                   |
| Output appropriations  | 42,569             | 42,217            |
| Special appropriations   | 42,173             | 44,280            |
| Grants   | 0                  | 45                |
| Other income   | 0                  | 0                 |
| <b>Total income from transactions</b>  | <b>84,741</b>      | <b>86,542</b>     |
| <b>Expenses from transactions</b>  |                    |                   |
| Employee expenses and judicial officer remuneration  | 65,893             | 73,565            |
| Depreciation and amortisation  | 0                  | 0                 |
| Interest expense   | 55                 | 63                |
| Grants and other transfers   | 600                | 600               |
| Capital asset charge   | 0                  | 0                 |
| Supplies and services  | 20,707             | 17,725            |
| Compensation payment   | 0                  | 0                 |
| <b>Total expenses from transactions</b>  | <b>87,255</b>      | <b>91,954</b>     |
| <b>Net result from transactions (net operating balance)</b>  | <b>(2,514)</b>     | <b>(5,412)</b>    |
| <b>Other economic flows included in net result</b>   |                    |                   |
| Net gain/(loss) on revaluation of buildings  | 0                  | 0                 |
| Net gain/(loss) on non-financial assets  | (884)              | 0                 |
| Net gain/(loss) on financial instruments   | 0                  | 0                 |
| Other gains/(losses) from other economic flows   | 1,373              | (154)             |
| <b>Total other economic flows included in net result</b>   | <b>488</b>         | <b>(154)</b>      |
| <b>Net result from continuing operations</b>   | <b>(2,025)</b>     | <b>(5,566)</b>    |
| <b>Other economic flows – other comprehensive income<br/>Items that will not be reclassified to net result</b> |                    |                   |
| Changes in physical asset revaluation reserve  | 0                  | 0                 |
| <b>Total other economic flows – other comprehensive income</b>   | <b>0</b>           | <b>0</b>          |
| <b>Comprehensive result</b>  | <b>(2,025)</b>     | <b>(5,566)</b>    |

\* The prior year revenue and expenditure items in the Supreme Court of Victoria's comprehensive operating statement have been regrouped for comparability to the current financial year. The revised disclosure is due to the centralisation of depreciation and amortisation within CSV Corporate Services, in addition to other minor reclassifications.



### MORE INFORMATION

The Supreme Court hears matters both online, and on-site in Melbourne and in 12 locations in regional Victoria.

A list of judicial officers who served at the Court during 2022-23, and the Court's contact details can be found online at [supremecourt.vic.gov.au](https://supremecourt.vic.gov.au).

# SUPREME COURT OF VICTORIA

Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

[supremecourt.vic.gov.au](http://supremecourt.vic.gov.au)