

REGISTRARS AND JUDICIAL REGISTRARS

This fact sheet is about the role of registrars and judicial registrars at the County Court. They both provide essential administrative and judicial support to County Court judges in their role in the Victorian justice system.

REGISTRARS

The Registrar is the chief administrator in charge of the Court's Registry. The Registrar is responsible for a range of tasks that assist in the running of the Court, including receiving and processing documents required for court cases, maintaining a list of cases before the Court, and keeping an official record of the outcome of cases.

Division 4 of Part I of the *County Court Act 1958 (Vic)* sets out the process for appointing Registrars and outlines the duties of the role. Registrars and deputy registrars are appointed subject to the *Public Administration Act 2004 (Vic)*. There is only one Registrar of the County Court (the Principal Registrar); however, multiple deputy registrars may be appointed as necessary so that at every court location there will be one or more deputy registrars. Registrars are subject to the directions of the Chief Judge in the exercise of their powers and performance of their functions.

JUDICIAL REGISTRARS

A judicial registrar is a judicial form of the registrar who manages both administrative and judicial aspects of the hearing and progress of matters in the court. A judicial registrar can make some judicial decisions in **interlocutory** hearings to address procedural or substantive issues along the way towards the trial of the matter. They also assist in the case management through the various steps that a matter takes before trial. Interlocutory means relating to any issues or matters that occur before the commencement of the trial (where the main hearing of the issues in dispute occurs).

Division 3B of Part I of the *County Court Act 1958 (Vic)* sets out the process for appointing judicial registrars. The Chief Judge makes recommendations to the Attorney-General for appointments as judicial registrars. The Attorney-General in turn recommends appointments on this basis to the Governor in Council. The Governor is the Queen's representative and exercises constitutional power of Head of State in Victoria.

The Governor in Council means the Governor making a decision with the advice of the Executive Council, being the Ministers in the Victorian Parliament. The Chief Judge can develop guidelines around the appointment of judicial registrars, and he or she can assign duties to the judicial registrar; however, a judicial registrar is not subject to the directions or control of the Chief Judge or any person or body in the performance of his or her duties. Therefore, as with other judicial officer positions, the position is independent, and a judicial registrar is subject to the same protection and immunity as a judge.

The County Court has judicial registrars in the Commercial Division and Common Law Division of its civil jurisdiction. In the Commercial Division, the appointment of two judicial registrars was part of a targeted approach to case management of commercial cases and the provision of alternative dispute resolution services (see Fact Sheet 10).

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The Commercial Division has a very high volume of cases. For example, 2,150 cases were initiated in the financial year 2015–16. The rules about the procedure that must be followed in civil proceedings before the court are set out in the *Civil Procedure Act 2010* (Vic), which has as its overarching purpose ‘to facilitate the just, efficient, timely and cost-effective resolution of the real issues in dispute’.¹ *The County Court Civil Procedure Rules 2008* (Vic) contains specific procedural rules for civil cases in the County Court. The appointments of the judicial registrars are aimed at increasing the capacity of the Commercial Division of the County Court to ‘provide targeted case management, free up judicial resources and renew its focus on the provision of appropriate dispute resolution’.² A [2016 article in the Law Institute Journal](#) explains how the judicial registrar positions achieve these three outcomes.

REDUCED NEED FOR COURT APPEARANCES	HEARING AND MAKING DECISIONS IN INTERLOCUTORY MATTERS	APPROPRIATE DISPUTE RESOLUTION THROUGH JUDICIAL RESOLUTION CONFERENCES (JRC)
<p>Court appearances are expensive. The County Court has procedures before the trial which allow decisions to be made on the papers. This means that written arguments and requests for orders are submitted and if both parties agree, the judge or judicial registrar can make a decision on that basis rather than the parties coming to court to make oral applications. Judicial registrars have the power to make these decisions on a range of interlocutory matters. One such procedure is called an administrative mention procedure. After a defendant has filed a defence, consent orders are filed by both parties setting out the agreed conduct of the trial, such as the trial date and key milestones (see Fact Sheet 13). The judicial registrar can then make a decision on the papers and make orders sought by the parties.</p>	<p>If there are interlocutory matters that cannot be dealt with on the papers by consent (i.e. by both parties to the dispute agreeing), the County Court has procedures that allow judicial registrars to make decisions in most matters.</p> <p>Interlocutory matters that require a hearing may be listed before one of the judges or judicial registrars of the Commercial Division. Matters that can be listed before a judicial registrar include:</p> <ul style="list-style-type: none"> ◦ directions hearings listed because of timetable issues ◦ applications for judgment pursuant to terms of settlement ◦ assessments of damages ◦ applications for enforcement of judgments and orders. <p>This frees up judges to concentrate on hearing and determining the actual trials rather than the matters leading up to it.</p>	<p>The judicial registrar role is also aimed at increasing the availability of appropriate dispute resolution through Judicial Resolution Conferences (JRC). Appropriate dispute resolution is aimed at assisting the parties to negotiate a settlement of the dispute or narrowing the issues in dispute (see Fact Sheet 10).</p> <p>Judicial registrars are trained mediators. Mediation through a JRC is different to other mediations that the judge can order.</p> <p>Having a judicial officer presiding over the mediation has benefits. The timing is also more flexible than court-ordered mediation. JRCs can be particularly good for self-represented litigants due to the difficulties faced in the usual County Court process. JRCs are less formal and the self-represented litigant has the ability to negotiate with the assistance of a judicial officer. Even if an agreement can't be reached, the issues can be narrowed in preparation for the trial.</p>

FOOTNOTES

1 *Civil Procedure Act 2010* (Vic) s 7(1).

2 Justice Maree Kennedy, Sharon Burchell and My Anh Tran, Law Institute Journal, *Working Towards a Faster Resolution* (1 July 2016) < <https://www.liv.asn.au/Staying-Informed/LIJ/LIJ/July-2016/Working-towards-a-faster-resolution>>.