

County Court of Victoria

*2014–15
Annual Report*



Vision, Values and Objectives

Our Vision

To be a leader in court excellence, delivering the highest standard of justice to the community we serve and inspiring public confidence in the rule of law.

Our Values

- Respect:** Work cooperatively as a whole of Court.
Treat people well.
- Integrity:** Honest ethical and reasonable behaviour.
- Fairness:** Treat people equally and impartially.
- Transparency:** Open and reasoned decision-making.
Clear, understandable processes.
- Timeliness:** Responsive and focused on delivering quality service.
- Professionalism:** Competent, capable and proficient.
Continuous review and improvement.

Our Objectives

Court leadership and management

Provide strong leadership that promotes a proactive and professional management culture, pursues innovation and is accountable and open.

Court planning and policies

Develop, implement and review policies and plans that focus on realising the vision and objectives of the Court and improving Court performance and quality.

Court processes and proceedings

Ensure the Court's proceedings and dispute resolution services are fair, effective and efficient.

Public trust and confidence

Maintain and reinforce public trust and confidence in the Court and the administration of justice.

User satisfaction

Understand and take into account the needs and perceptions of its users relating to the Court's vision and objectives.

Court resources

Manage the Court's human, material and financial resources effectively and proactively.

Affordable and accessible court services

Provide practical and affordable access to information, court processes and services.

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“It’s a very exciting time to be at the Court and it’s clear the administration and staff are doing an outstanding job. They are committed to excellence and innovation, and they have helped, and will continue to help drive improvements across all aspects of the Court.”

Chief Judge Peter Kidd
County Court of Victoria

Report of the Chief Judge

As the new Chief Judge, I would like to express my gratitude for the welcome I've been given, the assistance I've received and the kindness I've encountered since my appointment in September 2015.

A year of achievement

Whilst I was not at the Court during the 2014–15 reporting period, it's very clear it was a year of considerable progress and achievement. It also marked the end of a challenging period for the Court, with the retirement of Michael Rozenes as Chief Judge. There is deep affection for His Honour and widespread recognition of his very significant achievements.

Increasing complexity in workload

Primary amongst the challenges facing the Court is the increasing demand on its resources due to the greater complexity of matters coming before the Court. There is also the changing nature of those proceedings, including the expansion of judicial function in areas covering post-sentence supervision, monitoring and review of orders. To address these and other challenges, the Court continued to work diligently to reduce delay, increase efficiencies and promote judicial resilience in the face of heavy workloads and limited resources.

Increased efficiency in the Criminal Division

With an intense focus on optimising listings during the reporting period, the Criminal Division saw the lowest number of not reached trials in five years. The Division's pending caseload has also been reduced by over 10 per cent, and the number of cases disposed of outside of 12 months has decreased. Impressively, the time to trial for all trial durations was reduced, particularly in relation to custody trials.

Growth for the Commercial Division

During 2014–15 the Commercial Division continued to grow, with almost 2800 initiations constituting an 11 per cent increase in initiations from the previous financial year. 2539 cases were also finalised. Despite this growth, the Division continued to offer early trial dates set within six months from the entry of an appearance. These and other results are a testament to the hard work and commitment of the judges, associates and registry staff of the Commercial Division.

Increase in finalised matters in the Common Law Division

The Division accounts for one third of all initiations within the Court and has seen a reduction (3.6 per cent) from the 2013–14 year in the number of matters commenced. Importantly, the Division has recorded an increase (3.0 per cent) in matters finalised. From 1 January 2015, the Court increased listings in Melbourne by 35 per cent. This has reduced the number of pending cases in the Division from 4740 in the last reporting period to 4318 this year. In excess of 80 per cent of trials in the General List are completed within 10 days, with 45 per cent of those completed within five days.

Criminal cases on circuit

Whilst the overall number of cases initiated in the 2014–15 period has not altered dramatically, the timeliness of case finalisation continues to improve. The Court has demonstrated its commitment to ensuring cases are heard within a reasonable time from committal, with dedicated resources provided to those regional locations with growing lists. Due to the improved finalisation of criminal trials, pleas and appeals on circuit, justice is being delivered more swiftly for victims, accused persons and regional communities more broadly.

Looking forward

My strategy for the Court is to achieve greater public understanding about what we do, how we do it, and why. In particular, I want clarity around sentencing. Overall, my approach to the new role in this 21st century is to try to effectively communicate our work to the public. I am looking at better ways of communicating, and technology will play a significant role in this. My aim is for the Court to be even better connected to the community.

It's a very exciting time to be at the Court and it's clear the administration and staff are doing an outstanding job. They are committed to excellence and innovation, and they have helped, and will continue to help drive improvements across all aspects of the Court.

Again, I would like to thank you for welcoming me as Chief Judge, and for being so generous with your time, advice, assistance and understanding.

Chief Judge Peter Kidd
County Court of Victoria



“The success of these projects highlighted our ability to listen to our judges, harness the knowledge of our staff and work with stakeholders – including court users – to improve access to the Court through the innovative use of technology.”

Fiona Chamberlain
CEO, County Court of Victoria

Report of the Chief Executive Officer

From the past to the future

In 2015 we said farewell to His Honour Michael Rozenes. His Honour was an inspiration to me personally and I am very grateful to have worked so closely with him to strengthen the Court's governance, deliver better support to the Court and develop a clear plan to achieve Court Excellence.

I wish to acknowledge the sound leadership and direction provided by Judge McInerney in his role as Acting Chief Judge through the majority of 2015.

In October 2015, we welcomed Chief Judge Peter Kidd. With this appointment we now move into a new era with renewed commitment and energy to bring the Court firmly into the 21st century and to address all the challenges that presents.

Strong governance, strong results

The new governance arrangements implemented in October 2014 have empowered the Court's new Division Heads and the Head of Circuits (all of whom are judges) allowing them to identify, lead and drive improvements in the design of the Court's work. This annual report illustrates the strong performance of the Court under the new arrangements. Improved performance reporting is supporting this work however there is still much to do. Our challenge is to ensure we continue to build capability within the Court Administration to support the judges in their work, and reform agendas for the Court.

Working as one court

With the establishment of Court Services Victoria and the independence of the courts firmly established, the collective focus at the County Court remains on working together to achieve significant improvements and reform.

Building capability is a priority and, as we respond to this challenge, we continue to build the know-how of our people across the Court – judges and staff alike.

More than 40 staff and managers and eight judges have so far participated in the Court's Working Together program. Designed specifically for the County Court, this program is delivering a tailored leadership approach, and aims to strengthen the foundation of capability, foster the desired culture of collaboration and teamwork, and support the implementation of improvements across the Court.

Engaging our people

The inaugural Staff Survey and direct engagement forums were undertaken during the year, providing valuable insights into the experience and views of staff across the Court. Collated results were presented to staff and an action plan endorsed that will address a range of opportunities for improvement over the coming year.

Work-life balance and wellbeing

In October 2014 the Court commenced the pilot of its judge-led Supporting Judicial Resilience program to support the wellbeing of judges. The program is recognition of the unique environment in which judges operate, and it creates opportunities to enhance their existing capacity to manage stress and exposure to vicarious trauma. Following an evaluation, the pilot was assessed as successful and a new Reflective Practice program will be implemented for all judges in 2016. The Court continues to provide onsite counselling for all staff who are subject to stressful or traumatic circumstances as part of their work in the Court. The Court's commitment to supporting the health and wellbeing of its judiciary and staff is acknowledged in the Court's Health and Wellbeing Strategy, which was launched in June 2015 and outlines a range of activities and programs designed to address health and wellbeing needs.

Financial sustainability

The Court operates in an increasingly constrained fiscal environment. Demand for court services continues to increase, partly due to the greater complexity of matters that come before the Court. Significant and concerning structural funding issues linked to the establishment of Court Services Victoria also need to be resolved. The Court is committed to addressing these issues, and will continue to place a strong emphasis on improving the way we do our work, improving our services, and establishing a sustainable financial base into the future.

Technology

This year the Court stabilised its ageing case management system. The Court is now engaged in a longer-term project to develop a case flow system that supports the high volume operations of a modern and efficient court, and lends itself to the production of relevant, accurate and timely performance data.

Improving systems and technology in all areas will remain a high priority for the Court in coming years.

Achieving court excellence

This year the Court completed a number of significant projects, most importantly the implementation of iManage and eLodgement for Crime. The success of these projects highlighted our ability to listen to our judges, harness the knowledge of our staff and work with stakeholders – including court users – to improve access to the Court through the innovative use of technology.

Looking forward

The Court's Administration is committed to supporting Chief Judge Kidd, together with all the judges of the Court, as we strive to continuously improve the way we deliver modern court services in the 21st century.

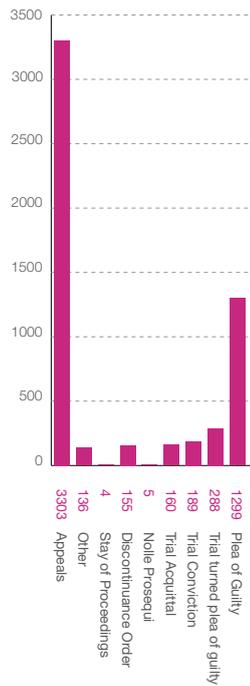
Fiona Chamberlain

Chief Executive Officer

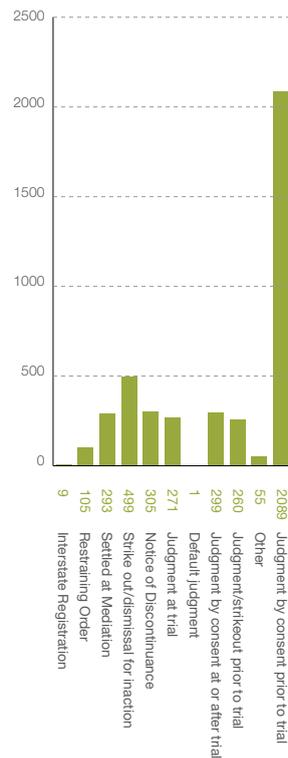
Year at a glance

The number of cases finalised by the County Court has increased in this financial year from 11,869 in 2013–14 to 12,264 in 2014–15.

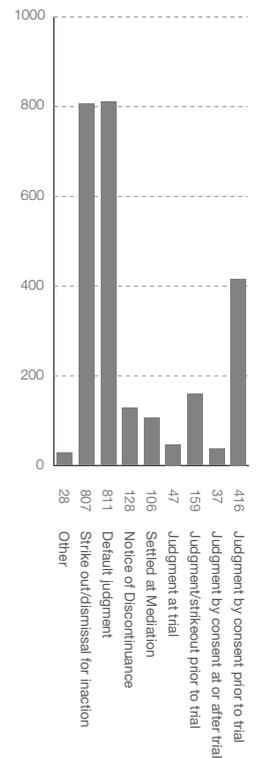
CRIMINAL DIVISION METHODS OF FINALISATION



COMMON LAW DIVISION METHODS OF FINALISATION



COMMERCIAL DIVISION METHODS OF FINALISATION



INITIATED

Number of cases committed or direct indicted during the reporting period (including supervision order cases).

FINALISED

Number of cases completed during the reporting period or cases no longer active.

PENDING

Number of active/open cases as at the end of the reporting period.

	2013-14	2014-15	% change
TOTAL COUNTY COURT CASES			
Initiated	11,793	11,863	0.6%
Finalised	11,869	12,264	3.3%
Pending	10,445	9928	-4.9%
Overall County Court Clearance Ratio (%)	101%	103%	
% disposed within 12 months	69%	63%	
TOTAL CRIMINAL CASES (INCLUDING APPEALS)			
Initiated	5354	5291	-1.2%
Finalised	5422	5539	2.2%
Pending	2645	2342	-11.5%
Overall Criminal Clearance Ratio (%)	101%	105%	
% disposed within 12 months	87%	83%	
CRIMINAL TRIALS AND PLEAS			
Initiated	2350	2120	-9.8%
Finalised	2361	2236	-5.3%
Pending	1591	1427	-10.3%
Trials and Pleas Clearance Ratio (%)	101%	105%	
% disposed within 12 months	70%	72%	
CRIMINAL APPEALS			
Initiated	3004	3171	5.6%
Finalised	3061	3303	7.9%
Pending	1054	915	-13.2%
Appeals Clearance Ratio (%)	102%	104%	
% disposed within 12 months	97%	94%	
TOTAL COMMON LAW DIVISION			
Initiated	3892	3752	-3.6%
Finalised	4063	4186	3.0%
Pending	5329	4866	-8.7%
Overall Civil Clearance Ratio (%)	104%	112%	
% disposed within 12 months	24%	36%	
TOTAL ADOPTION CASES			
Applications Considered	46	54	17.4%
Adoption Orders Made	39	55	41.0%
Applications Pending	4	6	50.0%
TOTAL COMMERCIAL JURISDICTION			
Initiated	2547	2820	10.7%
Finalised	2384	2539	6.5%
Pending	2471	2720	10.1%
Overall Civil Clearance Ratio (%)	94%	90%	
% disposed within 12 months	23%	57%	

Highlights and Challenges

The introduction of the eLodgement and iManage systems, a detailed review of internal governance arrangements and the implementation of a pilot program to support the wellbeing of judges were highlights of a year of significant achievement for the Court.

Governance changes

Throughout 2014 the Court considered critical issues relating to its governance. This was considered necessary due to the greater responsibilities the Court must accept with the establishment of Court Services Victoria and the Court's commitment to the successful implementation of the International Framework for Court Excellence.

In 2014, the Council of Judges endorsed proposed strengthened internal governance arrangements for the Court including:

- the creation of three Divisions (Criminal Division, Common Law Division, Commercial Division) and Circuits
- the roles and responsibilities of the Heads of Divisions and the Head of Circuits
- the appointment by the Chief Judge of Division Heads and a Head of Circuits
- the establishment of a Board of Management (consisting of the Chief Judge and Division Heads, the Head of Circuits, the Chief Executive Officer and judicial representatives on Court Services Victoria Portfolio Committees) through which judges will set the Court's direction and manage its resources under the leadership of the Chief Judge and subject to regular reporting to the Council of Judges.

eLodgement and iManage

A significant highlight during the reporting period was the introduction of the eLodgement and iManage systems. The systems successfully went 'live' for the Criminal Division on 13 April 2015, allowing legal practitioners to lodge criminal case documents online for the first time in the Court's history.

Under eLodgement, manual handling and delivery of many documents is no longer required. Instead, legal practitioners are lodging documents directly from their offices through the eLodgement portal.

More than 100 legal practitioners created eLodgement accounts and lodged 400 documents in its first two weeks of operation. These figures have continued to rise with a total of 235 accounts created and almost 3000 documents lodged by the close of the reporting period.

Court records show practitioners are lodging documents as early as 8am in the morning and as late as 11pm at night, greatly increasing accessibility to the Court.

Once documents are lodged, they attach to the Court's new electronic document management system iManage.

This system allows judges and associates to view electronic court files in real-time within the courtroom, in chambers and on circuit. Judges and associates underwent significant iManage training in March and April 2015 in preparation for the launch of the new systems, both of which have been a resounding success.

The eLodgement and iManage launch is the realisation of a long held aspiration of Chief Judge Rozenes who first advocated for these innovative changes four years ago and championed the work through to implementation.

Appointment of new judges

Judge Sara Hinchey and Judge Amanda Chambers were formally welcomed to the Court on 4 and 10 June 2015, respectively.

Judge Hinchey has more than 19 years of legal experience as a trial and appellate barrister and fills a vacancy created by the retirement of Judge John Bowman in May 2015. Her Honour was previously involved in the Royal Commission into Institutional Responses to Child Sexual Abuse and the 2009 Victorian Bushfires Royal Commission.

Judge Chambers has more than 25 years legal experience and was appointed as the new President of the Children's Court and a Judge of the County Court. Her Honour previously served as a magistrate and part-time Commissioner of the Victorian Law Reform Commission.

Appointment of Judicial Registrars

The Governor in Council, on the recommendation of the Attorney-General, Martin Pakula, appointed a Judicial Registrar position to the Court's Commercial Division in May 2015.

Sharon Burchell and My Anh Tran were officially sworn in at a ceremony at the Court on 5 May 2015. Ms Burchell and Ms Tran will work-share the position. Under the arrangement, Ms Burchell will work three days per week and Ms Tran the remaining two. The appointment is for three years.

The Judicial Registrar's role is an innovative position which will help expedite the completion of the pre-trial processes and allow for the expansion of alternative dispute resolution for commercial disputes. The appointment highlights the Court's determination to provide timely case management for the growing demands of the Commercial Division.

New custody lifts

In April 2015 work was completed on a new custody lift at the County Court in Melbourne. This work will allow Magistrates to continue to sit in the County Court building and it also ensures the safety of prisoners and Corrections Victoria staff.

Work on the custody lift was completed with minimal disruption. The success of this project was the result of a concerted joint effort between the County Court, Jurisdiction Services Asset Planning and Management Branch, the Magistrates' Court, Corrections Victoria, The Liberty Group Consortium and Honeywell.

National jury study

In November 2014, the County Court Research Committee approved the Court's participation in a national jury research study exploring the opinions of jurors in sentencing of sexual offence and serious assault matters.

The study, led by Emeritus Professor Kate Warner of the University of Tasmania, aimed to provide informed public opinion for policy makers and judges, as distinct from the opinions expressed by media organisations, in relation to sentencing for sexual offences and serious assault matters.

The Court participated in a similar Victorian study conducted between May 2013 and May 2014, where jurors were surveyed to ascertain public attitudes towards sentences imposed by the courts. A total of 129 trials, all of which had resulted in a guilty verdict, were used in the study. The survey results showed when surveyed, 65 per cent of jurors suggested a sentence that was more lenient than that imposed by the judge.

The new national study uses the same basic methodology as the Victorian sentencing study but has been expanded to include other states and surveys relating only to sexual offence and serious assault cases.

The study is funded by the Australian Research Council with partners including the Australasian Institute of Judicial Administration and the Victorian Sentencing Advisory Council.

Challenges

Increasing complexity in workload

Primary amongst the challenges facing the Court is the increasing demand on its resources due to the greater complexity of matters coming before the Court and the changing nature of those proceedings, including the expansion of judicial function in some areas including post sentence supervision, monitoring and review of orders. To address these and other challenges, the Court is working diligently to reduce delay, increase efficiencies and promote judicial resilience in the face of heavy workloads and limited resources. The Court is also working to be able to better measure complexity in its workload and to improve its understanding of the resource impact of Self Represented Litigants across the Court.

Ageing case management system

A significant challenge for the Court remains the redevelopment of its ageing case management system. The current limitations of the case management system restrict the Court's ability to manage risk and improve productivity. In addition, the case management system does not easily lend itself to the production of accurate and meaningful performance data. In 2014, the Court worked hard to stabilise the case management system but significant further work is required to improve the case management system's capabilities so it operates as a proper case flow system supporting the high volume operations of a modern and efficient court.

Divisions and Circuits

The County Court is the principal trial court in Victoria, providing fair, affordable and effective access to justice for the Victorian community.

The Court's 64 judges and its operations are supported by approximately 240 staff. Four County Court judges sit in other jurisdictions, including the Children's Court, the Coroners Court and the Victorian Civil and Administrative Tribunal. In addition to proceedings in Melbourne, judges also hear cases at circuit courts in 12 regional centres.

Judges in the County Court sit in three divisions:

- **Criminal Division:** the Court deals with a broad range of criminal matters under both Victorian and Commonwealth legislation – including serious theft, armed robbery, drug trafficking, sexual offences, fraud and dishonesty offences, culpable driving, serious assault and income and sales tax offences. The Court hears appeals that arise from the Magistrates' Court or from the Children's Court in respect of criminal and quasi-criminal matters. Appeals are also heard from the Family division of the Children's Court.
- **Common Law Division:** the Court has unlimited monetary jurisdiction in damages matters relating to medical negligence, defamation and damages arising from a wide range of incidents, including those that occur in the workplace. The Court also has jurisdiction to make orders in relation to adoption and parentage matters.
- **Commercial Division:** the Court has an unlimited monetary jurisdiction in commercial matters. Cases heard in this Division include general commercial matters, building disputes and banking and finance disputes.

HEAD OF CRIMINAL DIVISION JUDGE HANNAN	HEAD OF COMMON LAW DIVISION JUDGE O'NEILL	HEAD OF COMMERCIAL DIVISION JUDGE KENNEDY
JUDGE IN CHARGE OF GENERAL CRIME LIST JUDGE HANNAN	JUDGE IN CHARGE OF APPLICATIONS LIST JUDGE O'NEILL	JUDGE IN CHARGE OF BANKING & FINANCE LIST JUDGE COSGRAVE
JUDGE IN CHARGE OF SEXUAL OFFENCES LIST JUDGE SEXTON	JUDGE IN CHARGE OF DEFAMATION LIST JUDGE SMITH	JUDGE IN CHARGE OF BUILDING CASES LIST JUDGE ANDERSON
JUDGE IN CHARGE OF THE KOORI COURT JUDGE SMALLWOOD	JUDGE IN CHARGE OF GENERAL LIST JUDGE O'NEILL	JUDGE IN CHARGE OF EXPEDITED CASES LIST JUDGE KENNEDY
	JUDGE IN CHARGE OF FAMILY PROPERTY LIST JUDGE KINGS	JUDGE IN CHARGE OF GENERAL LIST JUDGE KENNEDY
	JUDGE IN CHARGE OF MEDICAL LIST AND SELF-REPRESENTED LITIGANTS LIST JUDGE SACCARDO	
	JUDGE IN CHARGE OF SERIOUS INJURY LIST JUDGE O'NEILL	
	JUDGE IN CHARGE OF THE WORKCOVER LIST JUDGE WISCHUSEN	
	JUDGE IN CHARGE OF THE CONFISCATION LIST JUDGE MURPHY	
	JUDGE IN CHARGE OF ADOPTION & SUBSTITUTE PARENTAGE LIST JUDGE HAMPEL & JUDGE PULLEN	
HEAD OF CIRCUITS JUDGE MULLALLY		



“His Honour made a most exemplary contribution to the Victorian community during his 12 years as Chief Judge of the County Court. His Honour has been an esteemed leader and much respected by all judges of the Court”

His Honour Judge Michael McInerney
Acting Chief Judge (April to September 2015)

**His Honour
Michael Rozenes AO QC
Chief Judge
County Court of Victoria
2002–15**

Following 12 years of outstanding leadership of the Court, His Honour Michael Rozenes AO QC resigned as Chief Judge of the County Court in June 2015 as a result of illness.

A respected champion of justice

Over the course of his tenure, His Honour forged a reputation as a reformer, an innovator and a champion of open and accessible justice.

His Honour's early retirement was met with great sadness by the Court, the legal sector and the community more broadly, having been a much loved and respected head of jurisdiction.

An exceptional early career

His Honour was admitted to practice in 1971, signed the Bar Roll in 1972 and took silk in 1986.

Over the course of the 1970s and 80s His Honour established himself as an exceptional and much sought after advocate, specialising in tax fraud, commercial and appellate criminal cases.

From 1992 to 1997 His Honour held the position of Commonwealth Director of Public Prosecutions, and returned to the Bar before being appointed Chief Judge of the County Court in November 2002.

A reformer of the County Court

Under His Honour's leadership, the County Court introduced a raft of significant reforms. This included the establishment of a Koori Court in 2008. The County Koori Court was the first in Australia to operate in a higher jurisdiction and it has since succeeded in providing Aboriginal offenders with improved access to fair, culturally relevant and appropriate justice.

In 2006 a specialist Sexual Offences List was established. This has made the trial process more efficient and more responsive to the needs of all participants, with a particular focus on the needs of complainants.

Over the course of his 12 years as Chief Judge, His Honour embraced the potential of new technology to improve the efficiency of the Court, reduce cost and delay, and enhance access.

Reforms in this regard included the introduction of eLodgement, which allows legal practitioners to lodge a wide range of forms and documents online. This has significantly reduced the need for the manual handling of documents, thereby improving efficiency as well as the potential for errors to occur.

His Honour also oversaw the introduction of iManage, a sophisticated document management system which has made the idea of the electronic court file a reality.

Following the establishment of Court Services Victoria (CSV) in July 2014, His Honour chaired the cross-jurisdiction Information Technology Portfolio Committee, and through this committee he sought to improve the operation of all courts.

His Honour was in fact instrumental in the establishment of CSV, which was formed to strengthen the independence of Victoria's courts and tribunal, and to put court administration into the hands of an organisation directed by the judiciary.

A year after it was established, CSV is on track to achieve significant success in the future.

A compassionate leader

Consistent with his concern for the health and welfare of judges, in 2014 His Honour established a pilot resilience and well-being program at the Court. The pilot program, which involved 20 volunteer judges, recognised the unique environment in which judges work, aiming to enhance their capacity to manage stress and exposure to vicarious trauma. The pilot was deemed a success and the program has now been established on an on-going basis.

A distinguished contributor

In 2010, His Honour was made an Officer of the Order of Australia for 'distinguished service to the judiciary, particularly as Chief Judge of the County Court of Victoria and the Commonwealth Director of Public Prosecutions, and through contributions to law reform and legal education'.

During his time at the Bar, His Honour had been a member of the Victorian Bar Council and the Victorian Bar Ethics Committee. He was also Chair of the Criminal Bar Association.

Judge McInerney, who was Acting Chief Judge following His Honour's illness, captured the mood of the Court when he said that His Honour has been an esteemed leader and much respected by all judges of the Court.

"His Honour made a most exemplary contribution to the Victorian community during his 12 years as Chief Judge of the County Court," he said.



“The professional development program takes a holistic approach to judicial professional development, incorporating both sessions aimed at keeping up to date with legal developments and other activities focussed on promoting judicial excellence.”

Judge Gucciardo

Report of the Chair of the Professional Development Committee Judge Gucciardo

The work of the Professional Development Committee centres around the delivery of an annual judges’ conference and an in-house program of professional development seminars held throughout the year to assist the judiciary with keeping abreast of the latest legal developments.

23rd Biennial Conference of District and County Court Judges

The highlight of the Professional Development Committee calendar over the reporting period was hosting the 23rd Biennial Conference of District and County Court Judges.

Every two years, an Australian or New Zealand District or County Court has the privilege of hosting the National Judges' Professional Development Conference in its state or territory. The purpose of the Conference is to promote the advancement of professional development education and best practice in law for District and County Court Judges. In 2015, our County Court had the pleasure of hosting the Conference in Melbourne in April.

The Conference was well attended with 152 judges from around Australia and New Zealand participating in a program delivered by legal leaders, academics and journalists to the theme of 'Judging for the Future'.

The three day conference featured a focus on three themes:

- judging in the media spotlight
- the future of decision-making; evidence based law
- judicial wellbeing and resilience.

The conference concluded with the session *Future Shock: Looking Forward Looking Back*. Former South Australian Justice John Doyle reflected on his 2003 paper, *Future Shock*, in which he speculated on what the legal and broader societal landscape might look like 10 years into the future.

Chief Justice Doyle was joined by a group of students from the Victorian Progressive Law Students' Network which was formed at Monash University in 2010 by a passionate group of law students.

New in-house learning program

With the support of a new team, the Professional Development Committee rolled out a new in-house learning program this year. The professional development program takes a holistic approach to judicial professional development, incorporating both sessions aimed at keeping up to date with legal developments and other activities focussed on promoting judicial excellence.

During the year the Committee ran sessions examining:

- changes to the *Courts Security Act* introduced by the *Courts Legislation Miscellaneous Amendment Act 2014*, including the exemption made for journalists and lawyers to record court proceedings
- the significant changes to the law of complicity and self-defence, introduced through the *Crimes Amendment (Abolition of Defensive Homicide) Act 2014*
- an interactive discussion forum with the Corrections Commissioner, Jan Shuard, about the delivery of services for offenders on Community Correction Orders.

The Professional Development Committee has also facilitated judicial tours of the Registry area, as well as information sessions with expert physiotherapists about back care.

A future focus for professional development in the Court will be on trauma informed practice and improving the experience of complainants and victims in the Court process.

Judicial College of Victoria partnership

The Committee has continued to work collaboratively with the Judicial College of Victoria, delivering a number of targeted in-house professional development sessions for County Court judges. Sessions included:

- *Open Courts Act 2013* and changes to suppression orders
- an advanced judgment writing refresher course for Commercial and Common Law Division judges with renowned international expert, Professor James Raymond
- a discussion with the Court of Appeal on tendency and coincidence evidence
- the launch of the Serious Injury Bench Manual.

The Committee will continue to work with the College to deliver targeted sessions for County Court Judges. Proposed session topics include: the new *Jury Directions Act*; changes to sexual offences introduced by the *Crimes Amendment (Sexual Offences) Act*; and cost issues in the Common Law Division.



Report from the Head of the Criminal Division Judge Hannan

New Criminal Division Executive Committee

A new Criminal Division Executive Committee was established in February. Chaired by the Division Head, the Committee comprises: the Judges-in-Charge of the General List, the Sexual Offences List, and the Koori Court; the Head of Circuit; and the Division Senior Administrator.

The purposes of the Division Executive Committee are to:

- report on the performance and provide advice regarding each member's respective area of responsibility
- support the Division Head in discharging the responsibility conferred upon them by the Council of Judges
- drive innovation and reform of practices and processes within the Criminal Division.

During the year the Committee has overseen significant reform in how the Division conducts its business and how it interacts with the profession and the wider community.

Effective and efficient operations

In order to ensure the Division is operating efficiently and effectively there has been an intense focus on optimising listings.

As a result of this focus, the reporting period has seen the lowest number of not reached trials in the last five years. The Division's pending caseload has also been reduced by over 10 per cent, and the number of cases disposed of outside of 12 months has decreased.

The time to trial for all trial durations has been reduced, particularly in relation to custody trials. This achievement is a testament to the hard work of judges and staff. It also demonstrates more efficient and effective listing and ensuring matters are finalised in a timely fashion. Our Criminal Registry team are to be commended for their work in this area.

Whilst the statistics in this report provide some guidance as to the work of the Criminal Division, it is important to recognise the significant limitations upon the conclusions that may be drawn from the figures. A primary limitation stems from the fact that the number of appeals, pleas and trials finalised has no correlation to the amount of judicial resourcing that is applied in order to finalise these cases. Whilst 3303 appeals from the Magistrates' Court and 259 trials were finalised, on average a judge would spend around 68 per cent of their time hearing trials and only 8 per cent hearing appeals.

Most judges in the Division primarily hear criminal trials and just under half of the trials which run to verdict are sexual offence trials. Process and case management is used to ensure the trauma experienced by complainants, witnesses and the accused is minimised by reducing the delay in hearing these matters. The impact of this work on judges and their staff cannot be underestimated.

A key priority for the Division is to ensure that judges and staff are exposed to a range of work so that the potential for vicarious trauma is minimised. To this end, the Division has implemented a new system in the allocation of trials to ensure there is a more balanced distribution of work across the judges of the Division.

Division major projects

Thanks to the introduction of electronic filing (eLodgement), this last year saw the most significant change in over a decade to the way in which the Criminal Division and the profession conduct their work. eLodgement allows practitioners to file directly into the electronic criminal court file (iManage). Both projects have realised the vision of former Chief Judge Rozenes and are major steps along the road to becoming a truly paperless court.

The year has also seen a significant revision of the Criminal Division Practice Note (PNCR 1-2015) so that it is structured around the life of a file in the County Court. This revision was completed in collaboration with the profession who have embraced this change.

The Division has continued to leverage technology to reduce delay by recording evidence in a format which allows it to be played upon any re-trial to avoid the significant cost and inconvenience of having witnesses attend court for a second time.

The Division is also in the process of conducting a review of in-court technology with a view to enabling the profession to 'plug-and-play' their own media during hearings. This will ensure that delays caused by media incompatibility are significantly reduced.

In advancing the good work of the Royal Commission into Family Violence, the Division has examined its own process and procedure to ensure a best practice model is being effected.

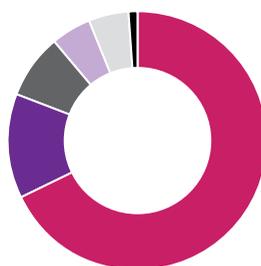
To that end, the Division has implemented a new family violence checklist, flagging all files with allegations of family violence. This assists staff and judges to ensure that best practice is achieved and trauma as a result of the court process is minimised.

Commitment to excellence and collaboration

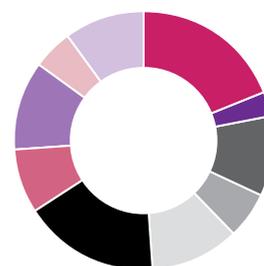
The Division has continued to pursue its commitment to the *International Framework for Court Excellence*. As a mark of openness and accountability, it commenced publication of time to trial data and the number of not reached trials for the year on the County Court website. This data provides the community and the profession with accurate information as to when a trial is likely to be reached.

Working in collaboration with the profession, the Division has established user groups for the Sexual Offences List and the Koori Court as well as continuing the work of our Criminal User Group and regular stakeholder meetings. The open exchanges of views has enabled the Division to construct processes and procedures that facilitate the work of both the court and the profession.

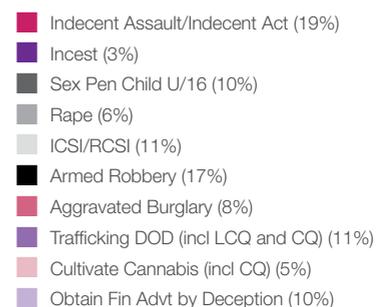
This collaborative approach has extended to increased engagement with the community through the Victoria Law Foundation. The Division successfully contributed to the Court's Open Day 2015 with 'A Day in the Life of an Accused' experience. Contributions have also been made to articles and interviews on topics including general deterrence and culpable driving.

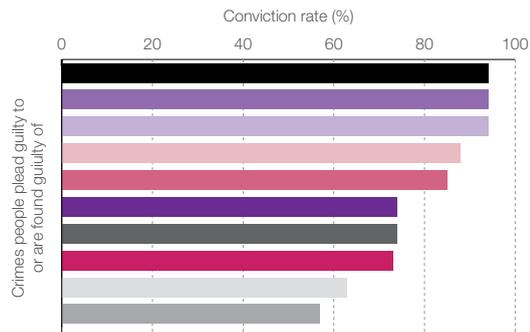


Average workload of a judge in 2014-15



Crimes that sentences were imposed in 2014-15





**Conviction rate by crime
2014–15**

- Armed Robbery (94%)
- Trafficking DOD (incl LCQ and CQ) (94%)
- Obtain Fin Advt by Deception (94%)
- Cultivate Cannabis (incl CQ) (88%)
- Aggravated Burglary (85%)
- Incest (74%)
- Sex Pen Child U/16 (74%)
- Indecent Assault/Indecent Act (73%)
- ICSI/RCSI (63%)
- Rape (57%)

“We believe that an informed community is a supportive community.”

Judge Hannan

Division challenges

The last 12 months have seen significant change to the sentencing landscape.

The number of Community Correction Orders that the Court has imposed and resultant breach proceedings has increased over the last year following the decision in *Boulton & Ors*.

At the same time there has been increasing concern about the implementation and management of court imposed rehabilitative conditions. Corrections Victoria has responded to these concerns by providing information about the management of these orders and the Division has been grateful for their assistance in this regard. A concern remains regarding the future management of offenders with mental health issues - cases that are increasing.

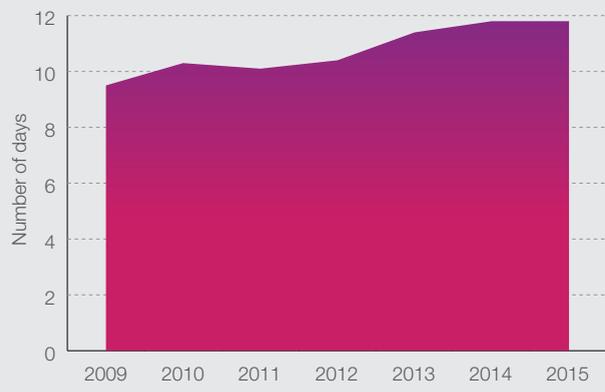
A continuing challenge in the Criminal Division is the increased workload in areas that are not widely publicised, such as applications under the *Serious Sex Offenders (Detention and Supervision) Act 2009*. The volume of these matters has continued to rise during the last five years - particularly in the last year with numerous late listed urgent applications which have required the marshalling of judicial and other resources. Other areas include reviews of Supervision orders under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* and judicial monitoring pursuant to Community Correction Orders.

An ongoing significant issue for the Criminal Division concerns the admissibility of tendency and coincidence evidence and complexity of the law. This area continues to contribute to increased hearing time for both pre-trial hearings and the average length of a trial, particularly where severance is ordered. Management of this area is crucial to the Division’s ability to meet its obligations to the community and to reduce the negative impact of delay on complainants and accused, particularly in sexual offences matters.

The next year heralds an exciting agenda of continued reform as the Practice Note continues to be expanded in consultation with the profession to cover all aspects of the work of a practitioner appearing in any matter in the Criminal Division.

As the Division improves data quality it continues to examine measures upon which it can report to the community around timeliness and the use of resources - believing that an informed community is a supportive community.

The Division’s major project for 2015–16 will centre around the reduction of delay from charge to finalisation in the County Court and it will involve a ground-up review of listings practice. This is an important priority, and one that the Division intends to pursue collaboratively. Where and when the limited resources of the criminal justice system can be most effectively employed will be examined, as will whether the Division can list cases in more efficient and effective ways to ensure the community is best served.

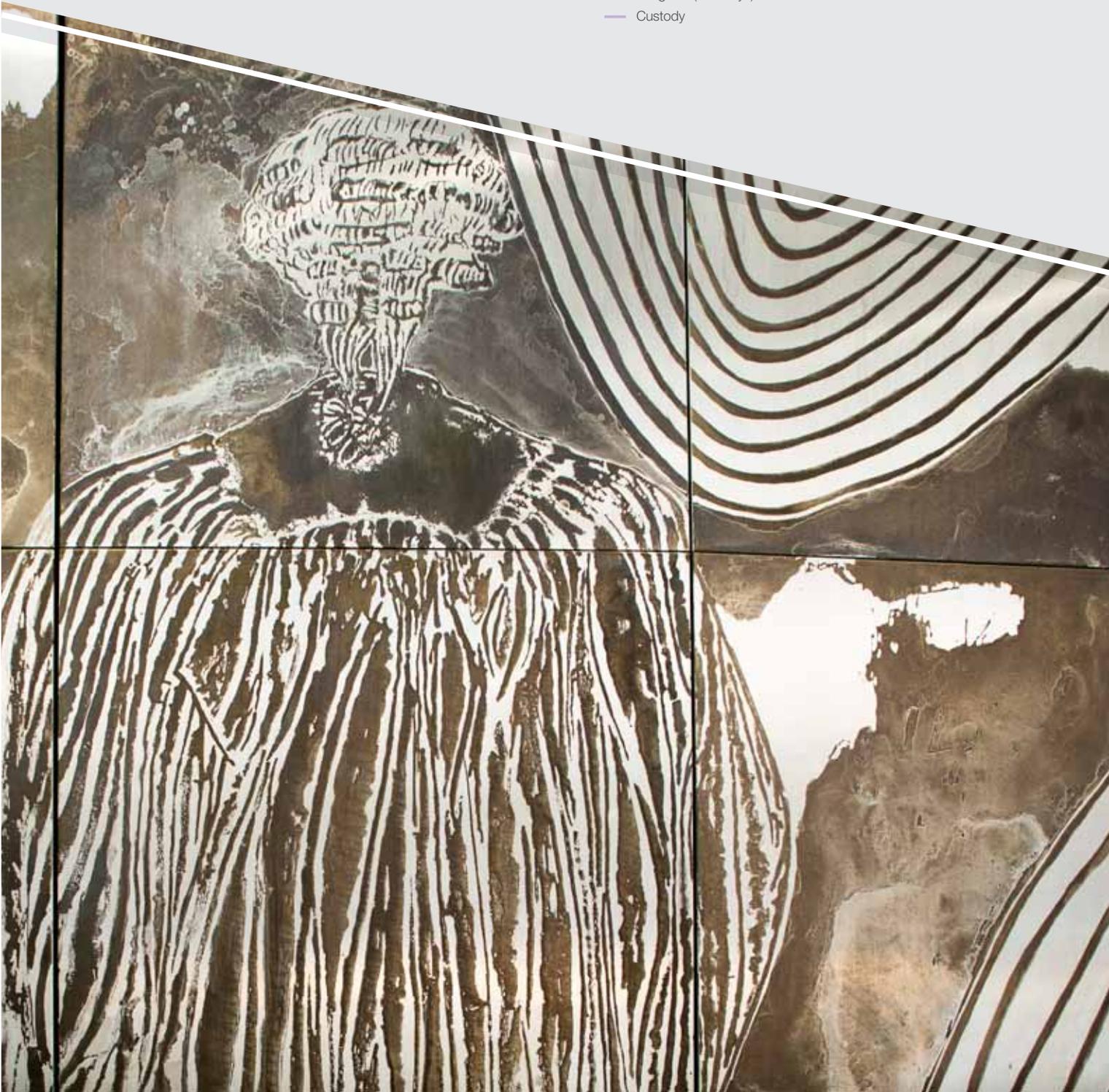


Average trial length



Trial waiting period

- 5 day trial
- 10 day trial
- 15 day trial
- Long trial (25+ days)
- Custody



Report from the Judge in Charge of the General Crime List

Judge Hannan

The purpose of the List Court is to ensure the effective and efficient case management of matters which potentially may proceed as trials. The Initial Directions Hearing process is designed to identify which matters will proceed as a trial, and which have the potential to resolve, and to allow for accurate listing of trials and identification of issues.

List judges

This year, the List was overseen by former Chief Judge Rozenes and Judges Hannan, Cotterell, Maidment, Taft and Chettle.

Process success

This Initial Directions Hearing process has been largely successful over the reporting period owing to two factors. The first factor relates to the commitment to having trial judges manage the list courts. List judges bring a wealth of collective experience to bear in making realistic and timely assessments of matters that require judicial case management, either to resolve them or manage the trial.

The profession continue to work collaboratively with List judges in ensuring that detailed and accurate information is provided to the Court to make the best assessment as to where limited resources should be allocated to ensure the timely disposition of cases. Without the cooperation of the profession providing more accurate estimates of trial length, we would not have been able to achieve the record low number of 11 Not Reached Trials in the last financial year — none of which involved accused in custody.

Trial Management Table

The major initiative over the last year has been the creation of a 'Trial Management Table'. This table captures every matter committed for Initial Directions Hearing, from 2014 onwards, and tracks each case to finalisation. This accurate, complete, reliable and detailed database represents the very best of what the new Division structure can achieve.

“The General List continues to serve an important function in facilitating case management and early resolution which benefits all Victorians.”

Judge Hannan

This project was borne out of frustration with the ageing case management system (CLMS) which could only provide high-level data after significant time was spent in extracting and quality checking it. The Trial Management Table is designed to enable a judge managing a List Court or a Division to have near instant access to reliable and detailed data, helping identify trends, emerging issues.

All of this was made possible through the Division structure where projects are judge-led, and implemented by staff who work within the Division. This small team has been able to create near real-time accurate data which can illustrate for the first time what happens to each case committed to this Court.

Over the next 12 months this data will continue to inform listings and case management, provide evidence to support and drive innovation and identify where additional resources are required.

Initial Directions Hearing (IDH) listings

Overall 712 matters were committed for trial and listed for Initial Directions Hearing (IDH) over the reporting period:

- 74 per cent of matters listed for IDH were heard in the General List, 26 per cent were heard in the Sexual Offences List. Of note is that 39 per cent of cases committed to the Sexual Offences List involved a child or cognitively impaired witness
- 71 per cent of accused committed for trial were on bail at IDH, 28 per cent were in custody and 1 per cent of matters involved companies who were facing criminal charges
- 91 per cent of matters listed for IDH were prosecuted by the Office of Public Prosecutions and 9 per cent were prosecuted by the Commonwealth Director of Public Prosecutions.

Who went to trial

- Only 22 per cent of matters listed for IDH ultimately proceeded to verdict. This was higher in relation to sexual offences where 42 per cent of matters listed for IDH proceeded to verdict, whereas only 15 per cent of other matters proceeded to verdict.
- Of all matters that proceeded to verdict, 61 per cent of accused were found guilty by a jury and 39 per cent were acquitted. The conviction rate was higher for General List matters (65 per cent) compared to Sexual Offence List matters (56 per cent).

Resolution

- Of the 712 matters listed for IDH over the reporting period, 427 have been finalised. Of these, 256 (60 per cent) resolved into a plea of guilty. The resolution rate was higher for General List matters (73 per cent) compared to Sexual Offence List matters (40 per cent).

Trial Estimation

For the matters where the trial estimate was recorded:

- only 15 per cent of trials ran for the exact duration that was estimated at IDH
- 44 per cent of trials ran over/under within 1 day of the estimate
- 59 per cent of trials ran over/under within 2 days of the estimate.

Funding and Representation

- Victoria Legal Aid funded 58 per cent of matters listed for IDH, 38 per cent of matters were privately funded and only 4 per cent involved self-represented accused as at the time of the IDH (where funding was recorded).
- There was little difference in which matters proceeded to verdict or resolved based on whether it was funded by Victoria Legal Aid or privately funded.
- There was also minimal difference in which matters proceeded to verdict or resolved based on whether Victoria Legal Aid were instructing or a private firm was instructing in a matter.

The General List continues to serve an important function in facilitating case management and early resolution which benefits all Victorians.



The County Court's dedicated Sexual Offences List manages all cases that involve sexual offences. Cases are managed from the Initial Directions Hearing stage.

Report from the Judge in Charge of the Sexual Offences List Judge Sexton

List Movements

At the end of 2014, Judge Cannon completed her term as Judge in Charge of the List and the Court thanks her for her excellent service in this position.

The list continued to have the support of a number of judges and their staff sitting on a rostered basis - including Judges Cannon, Sexton, Pullen, Patrick, Quin, Grant, Meredith, Taft and Hannan.

Sexual Offences List Activity 2014–15

During the reporting period, 487 sexual offences cases were initiated. Overall, sexual offences accounted for 23 per cent of criminal initiations, and 40 per cent of criminal trials. Of the sexual offences cases, 150 involved a child complainant or witness, and 18 involved a cognitively impaired complainant or witness.

iManage introduction

Given the number of cases to be handled on a daily basis, the introduction in April 2015 of the electronic file management system, iManage, has been a most welcome innovation. Files can now be accessed electronically in court, in chambers, and on the judge's laptop at any time.

New filing timetable

A pressing issue is the late filing of applications for access to confidential communications.

A party can make an application under s.32C of the Evidence (Miscellaneous Provisions) Act 1958 for access to a confidential communication. A confidential communication is something said to a doctor or counsellor in the course of being treated by them.

The accused's lawyer may wish to see the notes of a counsellor or doctor who has been treating the complainant to check the veracity and consistency of their complaint.

Firstly, the applicant must give notice to the other party, the doctor or counsellor and the police of their intention to seek production of the confidential communication. Secondly, if the Court grants leave to issue a subpoena to the relevant doctor or counsellor, the subpoena is issued. The material/notes are then provided to the Court under subpoena. The Judge will inspect the documents and may release part or all of the material to the parties for inspection.

Orders made by the Court for filing are designed to allow time before trial for at least two of the three stages of the process, which has 14 day notice requirements for each of the stages. The periods leading up to Easter and Christmas are notorious for late filings for those trials that are due to commence after the break - leading to an unacceptable workload on the List judge. The workload arises because the legislation provides that only the judge can inspect the protected evidence in deciding whether to grant leave at each stage.

Because of the need to balance the competing interests of privacy arising from the prohibition on releasing material and the interests of providing an accused person with the material required to make a full defence, List judges may spend many hours carefully reading voluminous material to determine what meets the test and what should be released, in redacted form if necessary. Redaction is another time consuming task, particularly for the many handwritten documents produced.

In an attempt to help reduce the problem of late filing, the timetable set by the List judge at the Initial Directions Hearing now provides for applications to be filed within 8 weeks of committal - rather than 8 weeks before trial as in the past. This new timetable will be monitored over busy periods and further steps taken to deal with the issue as necessary.

List User Group

The Sexual Offences List User Group comprises sex offence judges, solicitors from the Office of Public Prosecutions, Victoria Legal Aid, the Victorian Government Solicitor's Office, the Office of the Commonwealth Director of Public Prosecutions, representatives from the Criminal Bar Association, Child Witness Service and the Law Institute of Victoria.

The Group meets three times a year and provides an opportunity to discuss issues particular to sex offence cases, implementing changes to practice and procedure where appropriate. The Group continues to be a source of helpful feedback and suggestions, as well as providing an avenue for dissemination of information from the List.

A day in the life of the Sexual Offences List

Sexual offences trials all begin life in the County Court in the 9am Sexual Offences List. List judges attempt to refine the issues for the information of trial judges, and make orders for the timely conduct of the cases.

Included in the work of the List are 10.30 matters - such as pleas of guilty in sexual offence cases, applications for access to confidential communications under *Evidence (Miscellaneous Provisions) Act 1958*, applications under *Serious Sex Offender (Detention and Supervision) Act 2009*, and bail and other applications associated with sexual offences cases.

Where urgent hearings are required, the List judge conducts a pre-recording of evidence and, on occasion, this requires hearing legal argument and making pre-trial rulings in a very short time frame.



Report from the Judge in Charge of the Koori Court Judge Smallwood

The County Koori Court is the first sentencing court for Aboriginal accused in the higher jurisdiction in Australia. The Court sits weekly in Melbourne and on circuit six weeks each year in the La Trobe Valley. The County Koori Court is overseen by Judge Smallwood, the Judge in Charge and there are currently seven other judges available to sit in the Court.

Dealing with Koori Court matters

The County Koori Court currently has a pool of 15 Aboriginal Elders and Respected Persons - seven sitting in the Latrobe Valley Koori Court and eight sitting in the Melbourne Koori Court. Each individual Elder and Respected Person has a strong cultural connection and knowledge of the regions in which they sit.

The Koori Court is supported by Terrie Stewart, the Koori Court Coordinator, and Bronwyn Mongta, the Koori Court Officer in Morwell.

The Koori Court does not deal with customary law or traditional punishment. Instead it is about ensuring greater participation of the Aboriginal Community in the sentencing process of the County Court. The participation of Aboriginal Elders in the Koori Court process is essential to this objective.

To enter the County Koori Court the accused must plead guilty. Following the plea, Elders or Respected Persons begin a sentencing conversation. A sentencing conversation is a conversation that takes place between the accused, the Elders, the Judge and the Koori Court Officer.

This process is designed to engage the accused in a conversation where Elders will speak with them about their offending behaviour and the impact this has had on victims, families and communities. Elders also remind them of their place in the community, their personal responsibility and encourage and assist them to make change in their lives. The conversation is extremely powerful and deeply personal.

The sentence itself is handed down by the presiding judge, in accordance with the same sentencing rules that apply in the mainstream County Court. Elders have no input into the actual sentence passed.

Koori Court activity 2014–15

Over the last 12 months, the Latrobe Valley Koori Court has heard 18 new cases with Melbourne hearing 32 new cases. The court has also seen an increase in the number of appeals being heard in the County Koori Court during this period.

The reoffending rate for people appearing in the County Koori Court is still very low and compliance with orders has increased. Judicial monitoring is also working particularly well for Koori people appearing in this jurisdiction.

One young man's experience with the Koori Court

During the year, the Koori Court dealt with the armed robbery charge of a 19-year-old Aboriginal male.

The young man's cultural heritage was from the Northern Territory on his father's side, yet he had very little connection or knowledge of his cultural background and was struggling with his cultural identity.

He had come from a disadvantaged background with limited education due to bullying and substance abuse issues, and had little to no sustained adult guidance during his formative years.

The man was subject to physical violence from his father as a young child and, as a result, suffered significant trauma with child protection service intervention.

At the age of 15, his life started to unravel, with frequent bouts of homelessness, couch surfing and sleeping rough. He started drinking and smoking cannabis on a daily basis and was unable to go home due to friction with his mother and now step-father.

His first contact with the criminal justice system was at aged 17. He had one previous appearance in the Children's Court and one previous appearance in the Magistrates' Court. Youth Justice became involved as a result of these two court appearances.

During the year the young man appeared in the County Koori Court on an armed robbery charge. The matter involved an armed robbery. As a result of the offence, the young man spent 130 days on remand in adult custody.

A sentencing conversation was held where Aboriginal Elders spoke to the young man about his offending and how such behaviour was unacceptable and not condoned or tolerated within the Aboriginal community. They also spoke with him about the negative impact this type of behaviour has on the Aboriginal Community in general. The man apologised to the Elders for the shame that he caused to the Aboriginal community.

They also spoke to him about the victim in this matter and how this type of offending had affected the victim and his family, highlighting the fact that the community has a right to feel safe and protected from this type of behaviour.

The man became visibly distressed and upset during the sentencing conversation and showed genuine remorse for his actions. He acknowledged the trauma this offending had caused to his victim and advised the Elders that he would do everything he could to turn his life around.

The Aboriginal Elders also acknowledged the man's background and upbringing and offered him assistance in linking him into cultural specific services and programs, such as drug and alcohol counselling services and rehabilitation centres.

Youth Justice Officers and a local Indigenous Youth Worker were also involved in the hearing to offer advice and assistance to the Court. These support services were able to put in place a referral to the Koori Youth Alcohol and Drug Healing service where his substance abuse issues, housing and identity issues could be addressed in a culturally supportive environment.

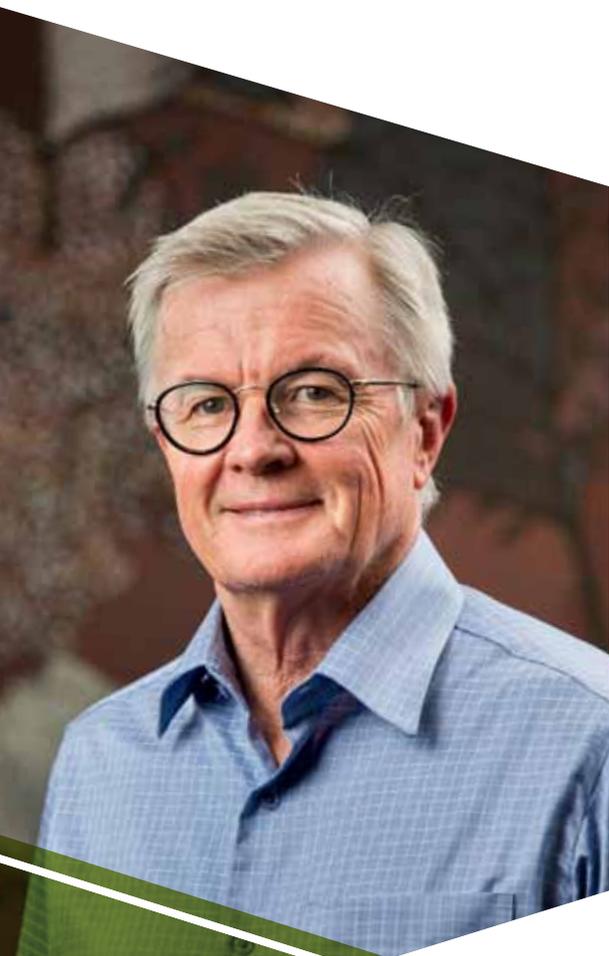
The young man was assessed as suitable for a Community Corrections Order. He was placed on this order with a condition that he reside and engage with all services offered by the Koori Youth Alcohol and Drug Healing service.

At the time of writing, the Koori Court Officer advised that the young man is still participating in the service and is engaging very well with the programs on offer.



“The reoffending rate for people appearing in the County Koori Court is still very low and compliance with orders has increased.”

Judge Smallwood



Report from the Head of the Common Law Division

Judge O'Neill

New Governance Structure

In October 2014, the Council of Judges determined that a new Governance Structure would commence within the County Court. The Damages and Compensation Division became the Common Law Division and together with the Criminal and Commercial Divisions formed the three Divisions within the Court.

The Common Law List is divided into:

- the General, Applications and Serious Injury Lists managed by Judge O'Neill
- the Defamation List managed by Judge Richard Smith
- the Medical List and Self-Represented Litigants managed by Judge Frank Saccardo
- the WorkCover List managed by Judge Peter Wischusen
- the Family Property List managed by Judge Kathy Kings
- the Confiscation List managed by Judge Damian Murphy.

In addition, Judge Katherine Bourke has responsibility for the approval of all Infant and other Compromises.

Increase in finalised matters

The Division accounts for one third of all initiations within the Court and 2014–15 has seen a reduction (4.4 per cent) from the 2013–14 year in the numbers of matters commenced. Importantly though, the Division has recorded an increase (5.4 per cent) in matters finalised.

From 1 January 2015, the Court increased listings by 35 per cent. This has reduced the number of pending cases in the Division from 4740 in the last reporting period to 4318 this year.

The Court's ability to do this is, in large part, due to a change in the attitude taken by the Victorian WorkCover Authority (Worksafe) and the Transport Accident Commission to the resolution of serious injury applications and trials. This is a significant forward step in the handling of injury claims in the Division, and has resulted in more matters being listed and those matters being listed at an earlier time.

The Court and the Division's commitment to the International Framework of Court Excellence and the overarching obligations of the *Civil Procedure Act 2010* has been enhanced as a result.

Mediation plays a significant role in the management of cases in the List. All trials are the subject of mediation through the administrative orders made by the Court. In addition, judges often require the parties to mediate further at the start of a trial.

Not reached matters

Notwithstanding the increase in listings, only 14 matters were marked as not reached over the last year. This figure has been as high as 146 in 2012–13 and is down from 79 in 2013–14.

The Division is acutely aware of the impact upon the parties of matters not being reached and will continue to keep this as an area of focus. Further, when a matter is 'not reached', every effort is made to ensure it is listed again for hearing within three months.

Directions Group outcomes

Over the course of the year, in excess of 15,000 pieces of correspondence relating to civil matters (both Common Law and Commercial Divisions) were received, and in excess of 4800 Civil Orders - including serious injury timetabling orders - were generated in the Directions Group.

The automated listing and timetabling process for serious injury applications introduced in January 2013 has continued to provide benefits to court users with 1425 timetabling orders produced within 24-hours of submission to the Directions Group.

Subpoena Records Group outcomes

In excess of 8000 subpoenas were issued through the Subpoena Records Group over the last 12 months (both Common Law and Commercial Divisions). In addition, in excess of 300 appointments were made to inspect records returned under subpoena.

Report from the Judge in Charge of the General List

Judge O'Neill

The General List comprises the largest proportion of cases in the Common Law Division, and primarily contains damages trials. The trials are heard either by a judge and jury of six, or a judge sitting alone.

General List activity 2014–15

During the 12 month period, 1433 matters were initiated, with juries returning verdicts in 22 matters and verdicts in favour of the plaintiff in 63 per cent of those trials. 29 matters were determined by a judge, with plaintiffs succeeding in 60 per cent of those matters.

Trial length

In excess of 80 per cent of trials in the General List are completed within 10 days, with 45 per cent of those completed within five days.

Of the balance, 15 per cent were trials of between 11 and 15 days duration and 5 per cent were longer than 15 days.

Ten trials commenced before a jury however, in the course of the trial, reverted either for determination by a judge (as a cause) or resulted in a settlement between the parties.

Work is underway to make jury trials as efficient as possible and to ensure jurors understand the directions given by the trial judge. As an example of this work, a PowerPoint presentation can now be used for introductory comments and, in the future, for the judge's charge to the jury.

Report from the Judge in Charge of the Serious Injury List

Judge O'Neill

“The completion of the Serious Injury Manual – a collaboration between the Judicial College of Victoria and the judges of the Court – has proved a valuable resource for the Division.”

Judge O'Neill

The Serious Injury List determines applications for leave to bring Common Law proceedings under the provisions of the *Accident Compensation Act 1985*, the *Workplace Injury, Rehabilitation and Compensation Act 2013* and the *Transport Accident Act 1986*. The Serious Injury List comprises 38 per cent of matters initiated in the Common Law Division.

Serious Injury List activity 2014–15

Initiations

The number of Initiations in the Serious Injury List over the last 12 months reduced by 8.3 per cent from the last reporting period. Finalisations in the List were increased by 10.5 per cent. This increase was primarily due to an increase in the grant rate of serious injury certificates by both the Victorian WorkCover Authority (Worksafe) (VWA) and the Transport Accident Commission (TAC).

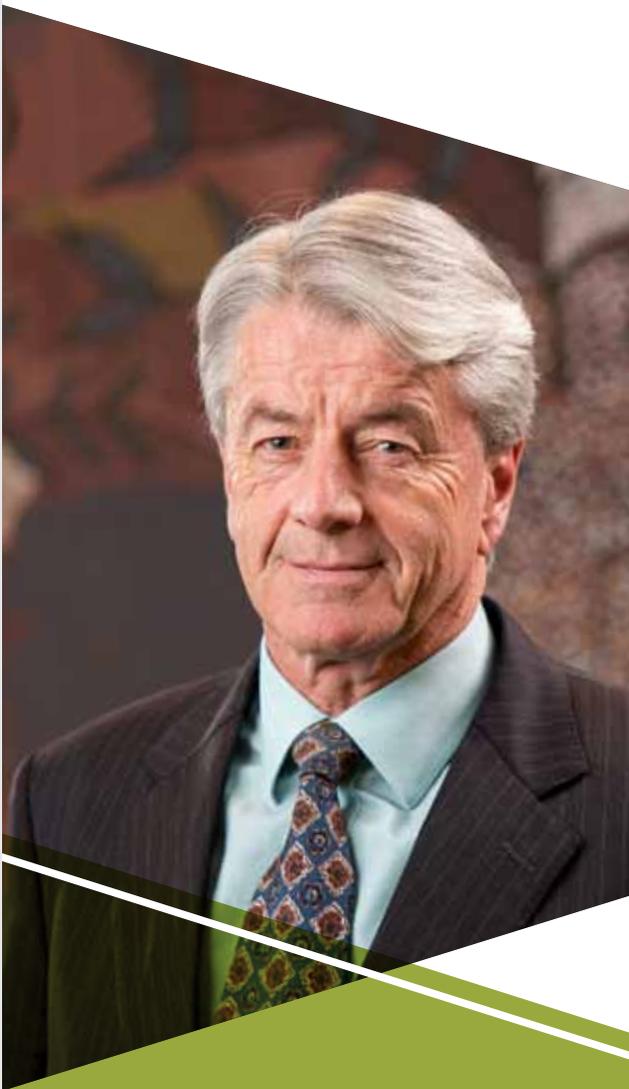
In the past three years, resolution of serious injury matters by consent of the parties prior to trial have increased from 572 in 2012–13 to 1040 in this reporting period. The effect of this change has had an impact on the workload of the judges in the Division. The Court acknowledges the work of the VWA and the TAC together with the Plaintiff's practitioners, in resolving these matters prior to trial.

Judgments

Over the last 12 months, the Division judge delivered 275 written judgments and rulings. 65 per cent of the judgments were provided within 30 days of the judgment being reserved and 85 per cent within 90 days.

In this current calendar year, plaintiffs succeeded in 70 per cent of judgments. In TAC matters, voluntary protocol conferences between the plaintiffs and defendants have had a dramatic effect in Serious Injury proceedings. A total of 98 TAC matters were listed before Division judges in this reporting period. Twenty of these matters were adjourned to a future date, 11 resolved on the day of hearing and 57 matters were required to be determined by judges.

Plaintiffs succeeded in 52 per cent of TAC proceedings determined by a judge – a significant reduction from previous years. The VWA and the TAC are to be commended for taking a more realistic attitude to the litigation of these applications.



Report from the Judge in Charge of the Defamation List Judge Smith

The Defamation List represents a relatively small proportion of the overall matters dealt with by the Common Law Division.

As is the case with nearly all civil litigation, parties to defamation proceedings are generally directed to mediate their dispute and the rate of resolution at mediation is high.

Having a Judge in Charge of defamation proceedings brings a consistency of approach for the parties in these often complex and emotional matters.

Defamation List activity 2014–15

Over the last 12 months, 22 cases were issued in the Defamation List. This represents a 45.5 per cent increase in the number of initiations from the previous reporting period. The number of finalisations remained stable.

There were no defamation cases requiring finalisation by way of a judgment from a judge following a trial during the year. Notwithstanding, a number of interlocutory applications were heard and determined by the Court. With the exception of two matters that were transferred to other jurisdictions, all proceedings were resolved between the parties during the pre-trial phase.



Report from the Judge in Charge of the Confiscation List Judge Murphy

Victoria is the only Australian jurisdiction to have a specialist list to manage applications by prosecuting agencies – both State and Federal – to restrain and confiscate assets connected with criminal activity.

“There is an increasing number of applications as agencies seek to restrain assets alleged to be the proceeds of criminal activity, instruments of crime, unexplained wealth, or to meet possible compensation applications under s 85 of the Sentencing Act 1991, particularly in historical sexual abuse cases.”

Judge Murphy

Confiscation List activity 2014–15

In the 2014–15 reporting period, there were 126 proceedings issued, and 121 cases finalised in the Confiscation List. This represents a 54 per cent increase on 2013–14 activity.

A restraining order is often the first step in a process which may involve a number of further applications and hearings prior to the proceeding finally being resolved. Over the course of the year, restraining orders were made in 105 proceedings and 16 matters were determined by a judge without an adjudication on the merits.

Judges were required to make formal orders for the exclusion of restrained property in only a limited number of proceedings.



Report from the Judge in Charge of the Family Property List Judge Kings

The Family Property List manages claims in:

- Testators Family Maintenance proceedings pursuant to Part IV of the *Administration and Probate Act 1958*, as amended by the *Justice Legislation Amendment (Succession and Surrogacy) Act 2014*
- Domestic Partnership proceedings pursuant to the *Relationships Act 2008*.

“The aim of the List is to resolve all cases quickly and cost-effectively, consistent with the demands of justice and the requirements of the Civil Procedure Act 2010.”

Judge Kings

The Family Property List represents a relatively small proportion of the overall matters dealt with by the Common Law Division.

Claims under Part IV of the *Administration and Probate Act 1958* are also initiated and heard in the Supreme Court of Victoria. Claims under the *Relationships Act 2008* are rarely brought, as the limitation period on these claims has expired and parties require leave to proceed out of time. This area of law is now governed by more recent legislation.

Family Property List activity 2014–15

In the 2014–15 reporting period, 141 cases were issued in the Family Property List and 139 cases were disposed of.

There were two Family Property List cases finalised by way of a judgment following a trial held during the year. The vast majority of Family Property List cases are resolved prior to a formal trial.

All proceedings in the Family Property List are required to either be mediated or, as is more often the case, be the subject of a Judicial Settlement Conference. The Judicial Settlement Conference is held prior to the proceeding being given a trial date and is a highly successful form of Appropriate Dispute Resolution in this particular List. During the year, 39 Judicial Settlement Conferences were held under the management of Judge Kings. In 38 of these matters the Judicial Settlement Conference resulted in resolution of the proceeding. In the one remaining matter, the proceeding did not resolve at the settlement conference but did resolve prior to trial.



Report from the Judge in Charge of the Medical List Judge Saccardo

The Medical List is a managed list within the Common Law Division and represents the third largest proportion of the overall matters dealt with by the Division.

A managed list requires the Judge in Charge to closely monitor each proceeding to ensure it is ready to proceed on the listed trial date and typically involves highly professional and skilled practitioners who cooperate in the preparation of medical negligence matters.

The types of matters issued in the Medical List can be very complex and more often than not involve international and interstate medical experts engaged by the parties. The skill of the practitioners involved in these proceedings is crucial to the high rates of resolution before trial.

Medical List activity 2014–15

In the 2014–15 reporting period, there were 211 cases issued in the Medical List. This represents a 28.7 per cent increase in the number of initiations from the previous reporting period.



Report from the Judge in Charge of the WorkCover List Judge Wischusen

The WorkCover List comprises claims relating to statutory benefits under the *Workers Compensation Act 1958*, the *Accident Compensation Act 1985* and now the *Workplace Injury Rehabilitation and Compensation Act 2013*.

The numbers in the List have been reducing steadily in past years, with more applications relating to statutory benefit claims being made in the Magistrates' Court. In relation to the 1985 and 2013 Acts, the Magistrates' Court has 'mirror image' jurisdiction.

A significant proportion of the cases in this Court are dependency claims, where statutory benefits often exceed \$500,000.

WorkCover List activity 2014–15

The WorkCover List is one of the smallest Lists in the Common Law Division with 35 matters initiated in this reporting period.

The vast majority of matters resolved by consent between the parties without the need for determination by a judge. Only a limited number of matters proceeded to trial.



Report from the Judges in Charge of the Adoption and Substitute Parentage List

Judge Pullen and Judge Hampel

The Adoption and Substitute Parentage List is charged with the responsibility of hearing applications for adoptions, discharge of previous adoption orders, substitute parentage orders and parenting orders.

Applications are heard by a number of judges with 15 judges supporting the Adoption and Suitable Parentage List during the 2014–15 reporting period.

Managing applications under the Adoption and Substitute Parentage List

Under the *Adoption Act 1984*, List judges may hear applications for adoption. The making of an adoption order legally recognises the adopted person/child as the child of the adoptive parent(s), and the adoptive parent(s) are treated in law as the parent(s) of the child.

The Act also enables judges to hear applications to discharge past adoption orders. Applications to discharge adoption orders may be made if the adoption order was obtained by fraud, duress or other improper means or if special circumstances exist why the adoption order should be discharged.

Similarly, applications to provide information about birth parents and their background may be granted.

Under the *Status of Children Act 1974*, List judges are also able to make Substitute Parentage Orders in respect of children born as a result of an approved surrogacy arrangement under the *Assisted Reproductive Treatment Act 2008*. The granting of such an order legally recognises the child as the child of the commissioning parent(s), not as the child of the birth mother.

Under the same Act, List judges may also grant Parentage Orders. The granting of a Parentage Order legally recognises the female partner of a woman who used donor sperm to conceive a child as a parent of that child. This provides same sex couples whose children were donor conceived with the same legal recognition as heterosexual parents of donor conceived children.

Adoption and Substitute Parentage List activity 2014–15

Over the last 12 months, a total of 54 applications were considered by judges in the List. This included 46 adoption and eight substitute parentage applications.

At the close of the reporting period, there were six pending adoption and substitute parentage applications.

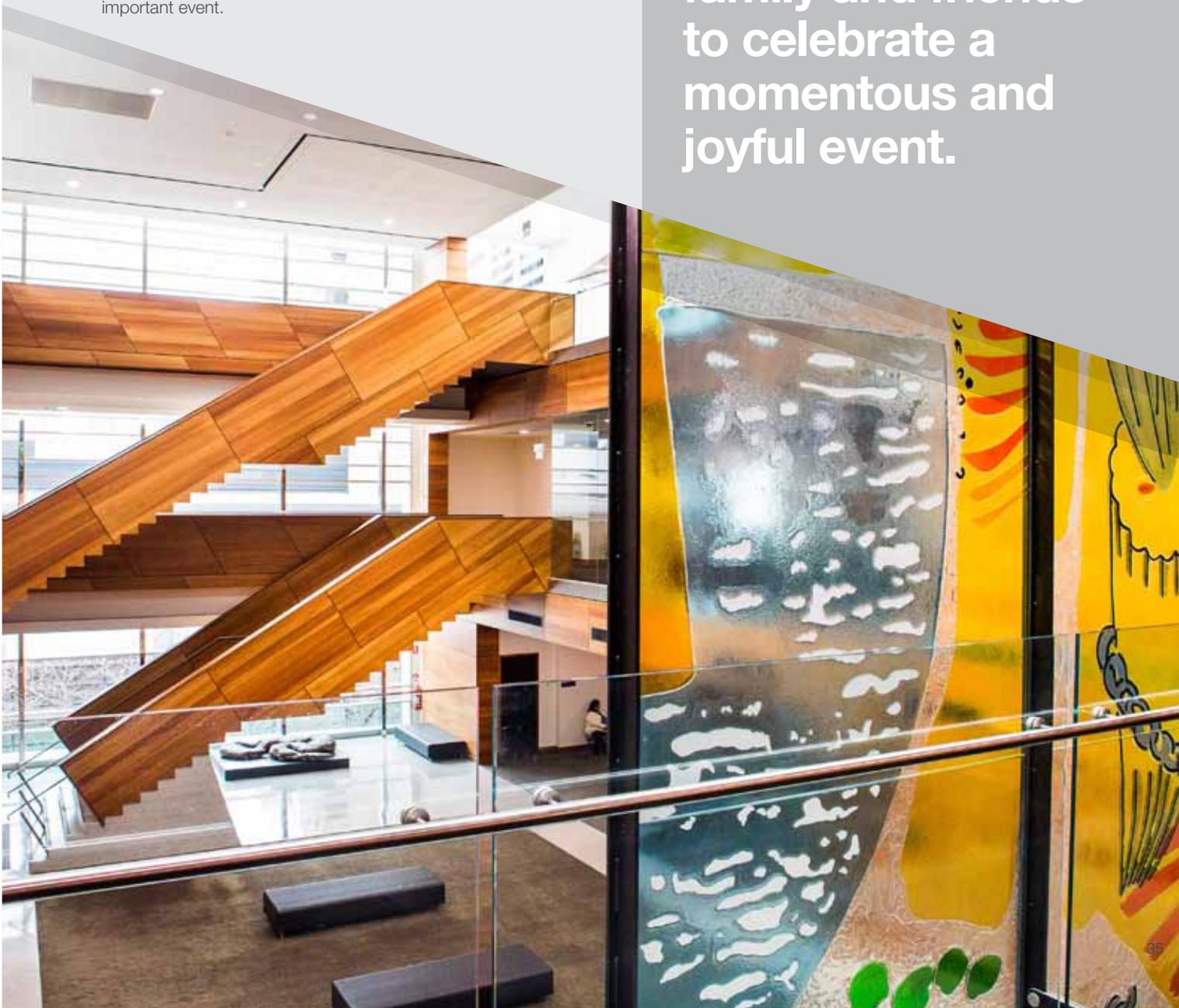
A total of 55 orders were made during the reporting period. This included 44 adoptions and seven substitute parentage orders initiated in 2014–15, and four adoptions pending from the 2013–14 period.

Thank you Lions Australia

Adoption and Substitute Parentage List cases afford an opportunity for family and friends to celebrate a momentous and joyful event.

These occasions are marked by the gift of a Lions Australia teddy bear to the child. The Court extends its thanks and appreciation to Lions Australia for ensuring that each child receives one of these delightful teddy bears to symbolise this important event.

Adoption and Substitute Parentage List cases afford an opportunity for family and friends to celebrate a momentous and joyful event.





Report from the Head of the Commercial Division and the Judge in Charge of the General and Expedited Cases Lists Judge Kennedy

2014–15 growth

During 2014–15 the Commercial Division continued to grow, with almost 2800 initiations constituting an 11 per cent increase in initiations from the previous financial year. 2507 cases were also finalised.

Despite this growth, the Division continued to offer early trial dates set within six months from the entry of an appearance. It further provided 'trial certainty' to litigants, with only six trials marked 'not reached' over the course of the financial year.

These results are a testament to the hard work and commitment of the judges, associates and registry staff of the Commercial Division.

Highlights and challenges

A number of reforms were effected during the year including: the allocation of five judges to sit full-time in the Commercial Division throughout the year; the appointment of two Judicial Registrars; and the appointment of a Commercial Division Coordinator.

From January 2015, Judge Macnamara was appointed to sit as a full-time Commercial judge throughout the entire year. There are now four judges sitting full-time in the Commercial Division: Judge Anderson; Judge Kennedy; Judge Cosgrave; and Judge Macnamara. Judge Lewitan and Judge Lacava also each sit for six months as Commercial judges.

In May 2015, Judicial Registrar Sharon Burchell and Judicial Registrar My Anh Tran were appointed under an innovative work share arrangement. Through this appointment, the Commercial Division aims to increase its capacity to provide targeted case management, free up judicial resources and renew its focus on the provision of Appropriate Dispute Resolution.

Examples of the matters for which the Judicial Registrars are now responsible include almost all orders made 'on the papers', directions hearings for timetabling of interlocutory steps, trial assessments of damages and Judicial Resolution Conferences (mediations).

In December 2014, we also welcomed Christina Giardina as our first Commercial Division Coordinator. Given the size and specialist nature of commercial work in the Court, such a position was necessary to provide a central point of contact for Commercial Division Registry enquiries and to assist in relation to Commercial Division listings and allocations.



Judicial Registrars Sharon Burchell (left) My Anh Tran (right)

Cases of the Commercial Division

Most of the cases in the Commercial Division are issued in the General List which constitutes the largest list in the Division. However, practitioners may also choose to issue in the other specialist lists: the Banking and Finance List; the Building Cases List; and the Expedited Cases List. Cases in the Expedited List are generally subject to more intensive case management and are usually given trial dates within four months of a first directions hearing. The Building Cases List and the Banking and Finance List are the subject of separate reports by the judges in charge of those Lists (Judge Anderson and Judge Cosgrave).

Consistent with its unlimited jurisdiction, the Division manages cases which raise factually and legally complex issues. Although senior barristers regularly appear in the Division, self-represented litigants also continue to provide significant challenges. Approximately 70 per cent of contacts with the Self-Represented Litigants Coordinator at the Court relate to Commercial Division proceedings.

A review of example cases dealt with during the year demonstrates not only the efficient operation of the Division but the wide variety of matters heard.

“Notwithstanding its humble beginnings as a ‘pilot’ in 2006, the Commercial Division now constitutes 46 per cent of all civil initiations in Melbourne and nearly 30 per cent of all initiations in the County Court in Melbourne.”

Judge Kennedy

Case A

In a case heard in the General List, trustees brought an action on behalf of a man who suffered a permanent brain injury, alleging maladministration of his estate by the man’s brother. The defendant in that case was unrepresented and filed a notice of appearance in January 2014. The trial was heard by a judge in October 2014 and the judgment was delivered less than three weeks later. In finding that the defendant had breached various fiduciary and other obligations, the judge made an order of over \$180,000 in favour of the plaintiff.

Case B

In a complex case heard in the Expedited Cases List, the plaintiff sought various termination entitlements under a series of project management agreements which were terminated in a telephone call. The defendant alleged that it was entitled to summarily terminate by reason of misconduct and/or because the services performed under the contracts were “unsatisfactory.” It also counterclaimed for loss suffered as a result of the plaintiff’s use of an iPhone post termination. The case was initially heard over 13 days in October 2014. It was then adjourned until mid-March 2015 pending the delivery of a significant decision of the Full Federal Court. In a judgment delivered in April 2015, the judge made an order of over \$265,000 in favour of the plaintiff for breach of contract. Judgment on the Counterclaim was also made, with an order of over \$160,000 for restitution.

Case C

In another case heard in the Expedited List, a financial institution sued an unrepresented defendant for possession of a property, together with payment of an amount over \$2.4 million plus interest pursuant to a loan agreement. The case initially commenced in the Banking and Finance List in April 2013 but the unrepresented defendant had been unable to file a defence that complied with the Rules. The judge thereafter conducted a number of Directions hearings where she transferred the proceeding to the Expedited List, gave it an expedited trial date of 6 June 2014 and ordered that the affidavits filed to date (on a summary judgment application) would stand as examination-in-chief. At one of these directions hearings the parties were able to reach agreement in principle in relation to the three main issues in dispute, which turned on whether there had been a breach of the *National Consumer Credit Protection Act 2009* and/or the *National Credit Code*. The parties were directed to file a statement of issues pursuant to s50 of the *Civil Procedure Act 2010*. The judge then heard the trial over the course of five days in June 2014 and gave judgment in July for the plaintiff which finalised the proceeding.

Commercial Division activity 2014–15

For some 7 years the County Court has consistently provided 6 month trial dates and low numbers of “not reached” cases in commercial matters of unlimited jurisdiction.

In 2014–15 the Court has continued to provide litigants with a specialised, cost-effective alternative for the resolution of commercial disputes.

Initiations in the Commercial Division made up 46 per cent of initiations in Melbourne civil cases in 2014–15

Initiations by List

There were 2790 initiations in the Commercial Division in 2014–15. This was an 11 per cent increase on initiations since 2013–14 and represents 46 per cent of all civil initiations in Melbourne.

Finalisations by List

There were 2507 finalisations in the Commercial Division during the reporting period. This was a 7 per cent increase on finalisations since 2013–14 and represents 41 per cent of all civil cases finalised in Melbourne.

Age of Pending

As at June 2015, over 74 per cent of current proceedings were proceedings where the notice of appearance had been filed within the last 12 months. Note: in previous years the Age of Pending was calculated from the date of filing of the writ by the plaintiff. Given this might not be served for 12 months, it therefore did not reflect the speed of Court procedures.

Quantum of claims by List

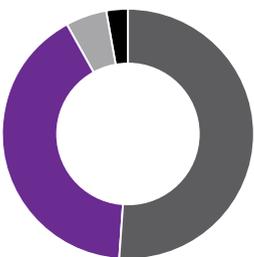
There is no monetary limit on the Court's jurisdiction. Most cases have a quantum between \$100,000 and \$500,000. There are, however, a significant number of cases with a quantum over \$1million.

Commercial Division and Common Law Division initiations

Initiations in the Commercial Division made up 46 per cent of initiations in civil cases over the reporting period.

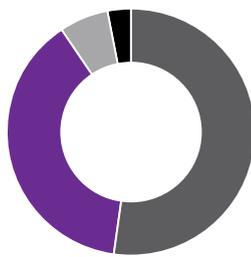
Initiations across all Divisions

Initiations in the Commercial Division made up 28 per cent of initiations in all Divisions over the reporting period.



**Initiations by List
2014–15**

- General List (1429)
- Banking & Finance List (1140)
- Expedited List (144)
- Building Cases List (77)



**Finalisations by List
2014–15**

- General List (1311)
- Banking & Finance List (960)
- Expedited List (165)
- Building Cases List (71)



**Age of Pending
2014–15**

- 0–12 months (806)
- 12–24 months (156)
- 24 months and greater (127)



**Initiations across all
Divisions 2014–15**

- Commercial (2790)
- Criminal (3891)
- Common Law (3244)



Report from the Judge in Charge of the Banking and Finance List

Judge Cosgrave

Proceedings commenced in the Banking and Finance List involve cases arising out of, concerning, or related to any transaction involving the provision of financial accommodation, including proceedings claiming possession of land.

Banking and Finance List activity 2014–15

The Banking and Finance List has seen a 29.7 per cent increase in initiations in Melbourne in 2014–15, with 1140 cases entered. The past 12 months has seen 960 finalisations (up 10.0 per cent).

There were 343 matters filed in the Court in 2014–15 related to the collapse of the Timbercorp forestry, olives and almonds investment scheme. As at the end of June 2015, defendants had filed a notice of appearance in 48.25 per cent of those matters and 17.73 per cent of matters had been finalised. Of those matters:

- 19 were finalised by consent
- 39 were finalised by way of default judgment
- 1 was finalised by way of discontinuance.

Case D

Some of the typical challenges faced by the Banking and Finance List in applying the law in claims for possession and debt were illustrated in this case. The defendants were a husband and wife who had entered into a binding financial agreement under the *Family Law Act 1975* (Cth). Under the agreement, the husband was to provide a house for the wife, he was to be responsible for paying the mortgage and he was not to increase the debt over the property. The wife claimed that the husband had engaged in fraudulent activity in contriving to appear bankrupt when he had assets and a business. He had also used her property as security in contravention of the agreement and third parties lodged caveats over the property. Although the wife had done nothing wrong and the husband had breached his obligations under the agreement, the wife's claims did not affect the plaintiff's position. The plaintiff was entitled to possession and an order for the outstanding debt.

Case E

The advantages of a Specialist List to finalise proceedings were demonstrated in this case. The plaintiff entered default judgment against the defendant in 2012. Using a power of attorney, the defendant's representative applied to set aside the default judgment after a lapse of two years. The defendant sought a two week adjournment to challenge the plaintiff's application to issue a further warrant, commanding the sheriff to enter the defendant's land and cause the plaintiff to have possession of it. The defendant made various assertions:

- the notice of appearance purportedly filed on his behalf was suspicious and possibly forged
- he had not retained the named firm of solicitors
- he had not been served with the court documents despite the plaintiff's affidavit of service
- the warrant addressed to the sheriff had expired.

It was held that there was no basis for an adjournment in circumstances where the defendant had ample opportunity to raise a defence, provide sworn affidavit material and had been legally represented on previous occasions. The Court also issued a warrant for the arrest of the defendant for contempt of court and ordered costs on an indemnity basis.



“The building and construction industry in Victoria is a multi-billion dollar industry and one of the largest in the State. It is important, therefore, that the courts of the State make available appropriate processes for the efficient and just resolution of disputes which arise in the industry”

Mr John Permewen
Architect, member of the Building Cases List Users Group and representative of the Building Disputes Practitioners Society.

Report from the Judge in Charge of the Building Cases List Judge Anderson

The Building Cases List is a very significant forum for the resolution of disputes in the building and construction industry.

Building disputes are inherently complex, often involving issues of a significant technical nature and requiring expert evidence with many experts from more than one discipline. Building disputes also often involve numerous parties and multiple claims and cross claims that usually require the apportionment of liability between many concurrent wrongdoers.

The resolution of the disputes generally involves more substantial and innovatory interlocutory processes and longer trial time than most other Commercial Division disputes. As a result, there is a greater use of judicial resources in the management of building cases leading up to trial and, if cases do not resolve, at the trial itself.

Since January 2007, the County Court has had unlimited financial jurisdiction and concurrent jurisdiction with the Supreme Court of Victoria in the determination of building and construction disputes that are justiciable before the courts.

Resolving disputes in the Building Cases List

The Building Cases List strives to ensure that building disputes are resolved justly, speedily and at less cost to the litigants. The methods by which this is done include:

- **Listing early trial dates:** from the entry of an appearance (indicating that the proceeding is defended), trial dates are set within six months for trials estimated at less than 10 days, and after approximately nine months for longer trials.
- **Ensuring trial certainty:** in 2014–15, no building case trials were ‘not reached’. Across the Commercial Division, there were only six such cases.
- **Providing specialist judges:** all building cases are listed before a judge of the Commercial Division. All cases estimated for a trial of 10 days or longer are fixed for hearing before the judge in charge of the Building Cases List.
- **Managing expert witnesses:** the List judge frequently orders the experts to meet before trial and to prepare a joint report for the Court, setting out the common ground and any remaining disputed matters. At trial, experts are ‘hot tubbed’ to ensure that the best and most objective evidence is efficiently obtained.
- **Utilising experience with substantial claims:** the County Court often deals with cases where the monetary amount in dispute exceeds \$1 million and, on occasions, many millions of dollars.
- **Making use of direction hearings:** the Building Cases List offers directions hearings on approximately 44 Fridays each year. Interlocutory matters requiring determination are usually listed for hearing on the following Friday. Practitioners are required to file a running sheet prior to trial with each Counsel’s best estimate for each opening and closing submission and the evidence in chief and cross examination of each witness.

Building Cases List activity 2014–15

Over the course of the year, 77 cases were issued in the list and 71 cases were disposed of. These figures represent an increase of 22.2 per cent in the number of initiations from the previous reporting period. The number of disposals, however, decreased by 9.0 per cent.

The time to finalisation - calculated from the ‘Notice of Appearance’ filed date - decreased in the 6–12 months, 12–18 months and 24 months and longer categories. Increases recorded in the 0–3 months and 3–6 months categories are indicative of the overall increases in initiations during the reporting period. There was also a slight increase recorded in the 18–24 month category, rising from three cases in 2013–14 to four cases in 2014–15.

Cases in the Building Cases List

Cases with an estimated trial length of more than 10 days were listed for hearing before the judge in charge of the list. Other trials were placed “on reserve” and were offered an advanced hearing date once the earlier listed case settled or the trial date was vacated.

A review of example cases dealt with during the year demonstrate the operational features of the list.

Case F

This case concerned the design and construction of a suburban aquatic centre, erected at a cost of about \$42 million, and involved the cracking and leaking of the concrete structure. To resolve an interlocutory dispute over the articulation of the plaintiff’s claim, the judge conducted an on-site view the following week, attended by approximately 24 representatives from the four parties. Later, a conference of the experts on issues of liability involved a meeting of 12 engineers with a facilitator appointed by the parties. The facilitator assisted the experts in their discussions and in the preparation of a joint report for the Court setting out the common ground reached by them. The case settled before trial.

Case G

A substantial defective domestic renovation resulted in a case between house owners and a builder. Fire damage, repaired at a cost of about \$5m, was attributed to installation of the surrounds of a heater carried out during the renovations. The house owners sued the builder and, at a later date, seven other parties were added as defendants - including two sets of architects, three partners of the joinery sub-contractor, and the plumber who installed the heater. The pleadings were extremely complicated, particularly the claims for apportionment pursuant to the Part IVA of the *Wrongs Act 1958*. As an example of the complexity, the joinery sub-contractor claimed that there were five other parties who were concurrent wrongdoers in respect of the third party claim by the builder against the sub-contractor. The dispute was finally resolved at a judicial resolution conference conducted by the judge in charge of the List in a closed session.

Case H

Although not a building dispute, the Judge in Charge of the Building Cases List heard a case in 2014 that involved the failure of the connection between the tipping mechanism and the tray of a vehicle (weighing approximately 13 tonnes with a load capacity of approximately 30 tonnes). The vehicle was used for carrying the bi-products of a power generating facility in the Blue Mountains in New South Wales. The dispute involved the owner of the vehicle, the seller and the manufacturer of the trailer and connecting mechanism. The trial took 10 sitting days and included the ‘hot tubbing’ of four mechanical, structural and materials engineers relating to the cause of failure. A judgment of 77 pages was delivered 16 days after the completion of the trial. The example illustrates a case involving technical issues, innovative receipt of expert evidence and a speedy judgment.



Report from the Head of the Circuits Judge Mullaly

The County Court Circuits undertake the critical function of delivering justice to regional Victorian communities.

The work of the Circuits covers the entire jurisdiction of the Court, enabling the hearing of criminal, civil and appeal matters in 12 major regional centres.

Judges are supported on circuit by their Associate, Tipstaff and the registry staff at each regional court.

Criminal cases on circuit

Results achieved in the 2014–15 reporting period have consolidated the fact that criminal trials, pleas and appeals are now being finalised quicker on circuit than in metropolitan Melbourne - delivering swifter justice for victims, the accused and the regional communities.

Whilst the overall number of cases initiated in the 2014–15 period has not altered dramatically, significant positive activity has been reported in a number of key areas. Importantly, the timeliness of case finalisation continues to improve.

The County Court is committed to ensuring cases are heard within a reasonable time from committal and will continue to dedicate resources to any regional location with growing lists. Thanks to dedicated effort from judges and staff over the year, the previously delayed lists in Bendigo are now shorter than those of other large regional courts.

Efficiency of the circuit courts is such that cases involving child witnesses have been able to be listed within a month of the committal. Many cases were dealt with within a two to three month period and most cases were listed within five to six months of committal.

A new circuit management system involving a dedicated Circuit Administrator has ensured all cases with a plea of not guilty are carefully managed, with the prosecution and the defence alerted to the need to be prepared well in advance. Such enhanced case management has seen resolution of cases at an earlier point and increased efficiency in the justice system.

“The significant improvements and advances made in the circuit lists in recent years continued in 2014–15.”

Judge Mullaly

Thanks to the new system, cases can be appropriately assessed with a greater level of sensitivity to decide where they should be heard. As is often the case with historical sexual offence cases, parties may have relocated from the region where the alleged offending occurred and may be reluctant to return. In certain instances, the Court can now make a proper adjustment to the rule that a trial is to be heard in the place where the alleged offending occurred.

Appeals from the Magistrates’ Court and Children’s Court accounted for a significant proportion of all matters heard on circuit, representing 46 per cent of the total number of cases finalised during 2014–15. The number of appeals initiated in the reporting period increased slightly. However, through intense management, the number of finalised appeals increased significantly - resulting in a 16.6 per cent reduction in pending appeal cases. In addition, the delay from the time of lodgement of an appeal to finalisation has also been reduced. This reduction has been especially evident in the case of conviction appeals which are now being reached earlier through the provision of fixed hearing dates.

Civil circuit activity 2014–15

The work of the civil jurisdiction on circuit is critical in ensuring litigants with claims in regional Victoria have the same access to justice as they would in Melbourne, and that these claims are dealt with in a timely manner.

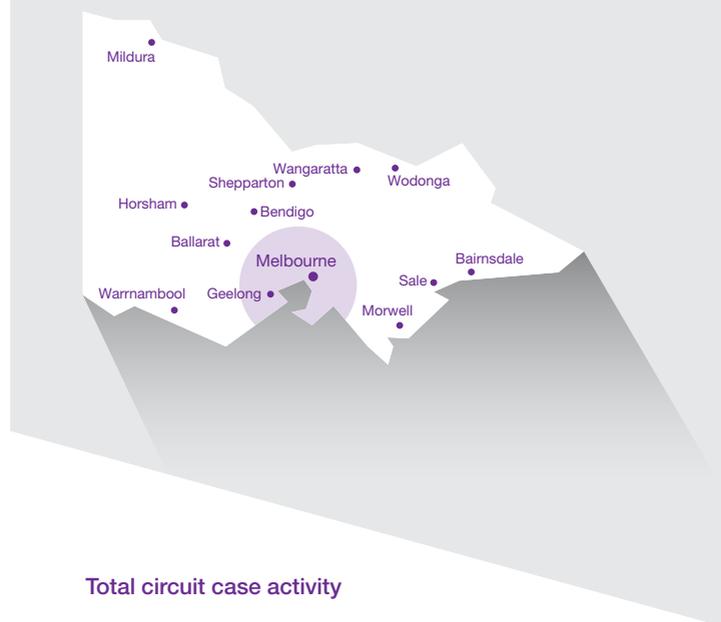
Civil cases represent a significant portion of the workload of the circuit courts - accounting for 28 per cent of all the matters initiated and finalised during the reporting period.

The 12 month period also saw a steady resolution of civil claims. The Court has reduced the overall number of pending matters throughout the reporting period to 580 civil cases at the close of the 2014–15 financial year, representing a 6.5 per cent decrease from the previous reporting period.

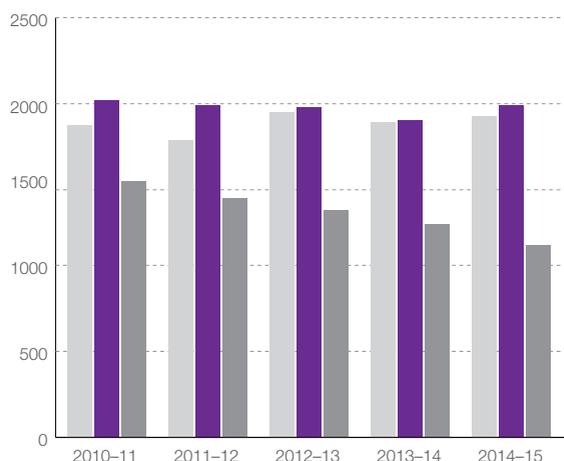
The future of circuits

During the year, the County Court welcomed the announcement of and planning for the redevelopment of the Shepparton Law Courts by Court Services Victoria. The \$73 million project will deliver modern, expanded court facilities, a regional headquarters for the Hume/Goulburn region and a Courts Centre of Excellence for Victoria’s north. With the inclusion of two higher jurisdiction courts, the County Court will be able to run two jury trials simultaneously. The new building will also include modern facilities for vulnerable witnesses.

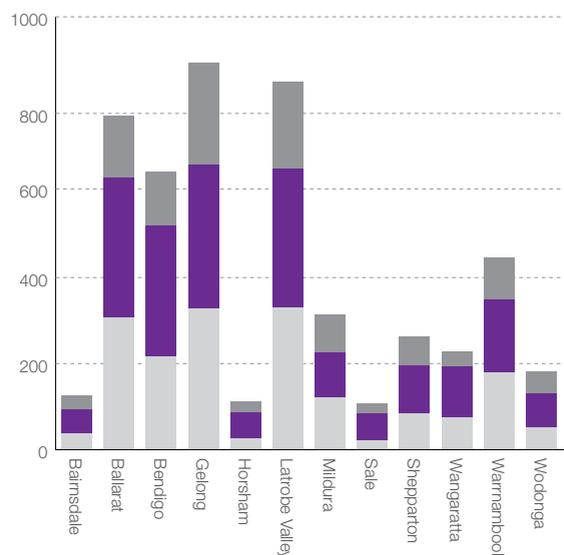
Circuit locations



Total circuit case activity



Circuit case activity by location





Report of the Principal Registrar Kate Spillane

The Principal Registrar is responsible for the management and oversight of registry services across all County Court locations in Victoria.

eLodgement and iManage

During the year, the County Court implemented the historically significant and complex initiative of introducing an electronic court file (iManage) and an on-line lodgement portal (eLodgement) for its criminal cases.

The electronic court file has replaced the paper file and the eLodgement system allows legal practitioners to electronically lodge a number of documents on-line that connect directly to the electronic file.

The Criminal Registry led the implementation of system requirements for eLodgement. This included the design, functionality and rigorous user acceptance testing, ensuring that the system met the specific requirements of all internal and external users. The Criminal Registry also provided design requirements so that the iManage system, previously released in regional locations, was adapted for Melbourne cases.

A process mapping exercise was conducted over several days to document the current process of paper files in order to review, enhance and align our processes to support the new systems. The Criminal Registry and the Circuit Coordinator then implemented a number of changes to operating procedures and realigned roles and responsibilities.

Training was undertaken throughout February and March 2015 with the systems being rolled out in April 2015.

To ensure a seamless transition to the new environment, the Criminal Registry also undertook a back-scanning exercise with over 400 paper court files scanned into the new electronic file format prior to implementation.

The benefits of both systems is wide ranging with our judges and administrative staff having instant access to all cases, enhanced document handling procedures and streamlined processes – all leading toward a more productive and efficient way of doing business.

eFiling enhancements

The Civil Registry has been working in partnership with CITEC Confirm - the Court's eFiling provider - to improve the quality of eFiled documents and implement a number of enhancements. Focus has now turned to the implementation of high volume documents, such as Writs and Originating Motions, which will soon be eFiled using legislative compliant templates rather than free text PDF or word documents. These enhancements will reduce the number of documents refused by the Registry due to legislative non-compliance and will improve case flow in the civil jurisdiction.

Business Continuity Plan

A Business Continuity Plan and accompanying procedures were developed and implemented over the course of the year. The Plan and associated procedures will allow the Court to continue to provide un-interrupted operational services in the event of a failure of the Case and List Management System.

Cash Office Modernisation

The Cash Office Modernisation project has transferred the Cash Office's previous manual cash processes into electronic format. As part of the modernisation:

- outdated cash books have been replaced
- beneficiaries of court orders can elect to receive funds by direct deposit
- one-off payments of court fines are able to be paid directly from a debit or credit card.

Further enhancements will be implemented in late 2015, allowing automatic payments of instalment orders from a debit or credit card.

Pro bono scheme

The Court has been investigating a scheme that will provide pro bono assistance and advice for self-represented litigants in civil cases.

The scheme may include assistance in the correct completion of critical pleadings and other documentation. Such requests would come via the presiding judge and follow a specific criteria.

The success of the scheme will lead to self-represented litigants being better prepared for their civil proceedings and judges having confidence that they have received legal advice when needed.

Video links in hearings

The video link application process has been reviewed to improve access for all applicants. The revised procedures and application forms are now available on the County Court website along with the revised County Court Criminal Division Practice Note to ensure a clear process for those wishing to book video links at the Court.

New civil case file cover

An extensive review of the previous civil case file was undertaken in late 2014. As a result, the Court implemented a newly designed civil case file for both the Commercial and Common Law Division in Melbourne. The new case file folders have been customised to meet the case management needs of the judiciary when conducting court hearings. It is envisaged that the new look case files will provide greater ease of use for both court staff and litigants when undertaking searches of case files. The new case files will be implemented in regional locations in the January 2016.

Commercial Division Coordinator

In November 2014, Christy Giardina was appointed as the first Commercial Division Coordinator within the Registry. The role of the Coordinator is to support the Judge in Charge of the Commercial Division in the management and maintenance of the day-to-day operations of listings within the Commercial Division. The role works closely with the Judge in Charge of the Commercial Division on all matters relating to listing practices and procedures. The Coordinator role is also a critical contact point for litigants and the legal profession on Commercial Division practice and procedure.

Training program for Trainee Registrars

Over the last year, the Registry developed its own in-house training for Trainee Registrars. Trainee Registrars now complete a two-year program of face-to-face and on the job training, which is especially designed to equip them for the tasks and skills they need to become effective and efficient County Court Registrars.

Regional County Court achievements

There has been a significant restructure in the management of County Court Circuit Listings following the appointment of Judge Mullaly as the Head of Circuits in November 2014. The listing of cases in the twelve regional locations are now managed by one judge, the Head of Circuits. Judge Maidment was also appointed as the Deputy Head of Circuits in December 2014. To support this new arrangement, a Circuit Administrator role was introduced in February 2015.

The Senior and Circuit Registrars' Conference was held in February 2015 as an opportunity to formally introduce the Head of Circuits and Circuit Administrator. It also allowed for further development of a number of regional listing practices and introduced improved efficiencies for the Court.

A series of Regional County Court visits by the Principal Registrar and the Circuit Coordinator resulted in an agreed structure for future engagement with regional courts. The visits also provided the opportunity to examine all regional facilities, which led to the introduction of the Regional Courts Facilities and Issues Register.

The Head of Circuits, Principal Registrar and the Circuit Coordinator have been heavily involved in the Shepparton Law Courts Redevelopment Project, attending a series of workshops to support the project and design team.

The County Court Regional Registrar Induction Program continues to be a success. In May this year the program was coupled with systems training, including eLodgement, iManage and the Courts Case and List Management System.



Report from the Chair of the Media and Communications Committee

Judge Wilmoth

The County Court Media and Communications Committee was established in 2009 for the purpose of considering media and communication issues relevant to the Court. The Committee also assists the Court to better communicate its work to the broader community and court users.

The Committee meets every two to three months and comprises a number of judges and court staff. In 2014–15 the Committee included former Chief Judge Rozenes, Acting Chief Judge McInerney, Judge Wilmoth as Chair and Judges Mason, Gucciardo, Saccardo, Cohen, Hampel, Hogan and Patrick.

Access to court proceedings

The Court took significant steps to increase media access to court proceedings during 2014–15, including permitting the media to film the sentencing of an offender in May 2015. Judges of the Court also released audio recordings of their sentencing for the purpose of broadcast on three occasions during the reporting period.

Managing the Media on Circuit

The Committee developed a *County Court Guide to Managing the Media on Circuit*, which was disseminated to all judges in November 2014. The Guide aims to improve the accuracy of reporting in regional areas by providing a process to give judges timely access to unrevised sentencing marks. The Guide has been highly successful, with a number of judges choosing to provide unrevised sentencing remarks to media on the day of sentencing both in Melbourne and on circuit. Over the course of the year, judges provided unrevised sentencing remarks on 33 occasions.

Important amendments to the Court Security Act 1980

On 1 April 2015, the *Courts Legislation Miscellaneous Amendment Act 2014* inserted new offences into the *Courts Security Act 1980* prohibiting the recording and transmission of court proceedings without the permission of a relevant court.

The amendment also included a standing exemption to audio recordings (and the transmission of those audio recordings) made by journalists and lawyers in specified circumstances, subject to the direction of the presiding judicial officer.

For the purposes of preparing a media report, media are now permitted to audio record a court proceeding without prior written approval from a judge. To prevent a recording from taking place, a judge must issue a direction in court. Where the judge makes no direction, journalists may record the proceeding, but are not permitted to broadcast the recording. Requests to broadcast proceedings require the express permission of the presiding judge.

The Committee updated the *County Court Guidelines for the Media* in March 2015, to incorporate the new amendments. During the reporting period, however, the Court is aware of only one occasion where a journalist exercised their right under the Act since the amendment came into effect. The Committee encourages media to adopt greater use of this provision as a means of increasing overall accuracy of reports of court proceedings.

Trends in media reporting

In September 2014, a Media Requests Database was introduced allowing trends in media requests to the Court to be recorded for the first time. Recording these requests has allowed for the substantiation of a number of trends that the Court has observed anecdotally for some time.

During the 10 month period between 1 September 2014 and 30 June 2015, the Court recorded a 103.68 per cent increase in the overall number of media requests received, rising from an average of 48.8 to 99.4 requests per month.

The most frequent enquiry received by the Court from media outlets were requests for copies of sentencing remarks. In total, the Court received 205 requests from journalists seeking copies of sentencing remarks during the 10 month period. This represented a 95.89 per cent increase in the number of requests for sentencing remarks, rising from an average of 14.6 to 28.9 requests per month.

The Court also observed a 60 per cent increase in requests for case court dates and a 26 per cent increase relating to requests about the status of a proceeding. The most common reason provided by journalists seeking copies of sentencing remarks or updates on the status of a proceeding was because they were unable to attend in person, or had to leave the proceeding part way through in order to cover another matter.

Increasing demands upon court resources to assist the media to perform basic journalist functions is not sustainable long-term. The Committee will continue to investigate ways in which assistance can continue to be provided to journalists without overburdening its existing resources.

Access to court decisions

In August 2014, the Committee agreed to a request to allow the publishing of Court decisions on the JADE (Judgment and Decisions Enhanced) website, in addition to AustLII.

JADE currently has 245,370 published decisions from 71 jurisdictions, including the Court of Appeal, Supreme Court and Victorian Civil and Administrative Tribunal.

It is operated by BarNet, an internet and network services provider to the legal profession and general public.

Suppression orders

During the 2014–15 reporting period, 205 suppression orders were made by judges pursuant to relevant sections of three different Acts. This is an increase of 31 per cent compared with the 2013–14 period, in which 156 suppression orders were made.

Of the total number of orders made, 194 specified an end date or event and 11 were made 'until further order', which represents a 58 per cent increase and a 67 per cent decrease, respectively, from the previous reporting period. In the same period, 21 orders were revoked and 54 orders expired, representing a five per cent and 74 per cent increase, respectively, from the previous reporting period.

Although the number of suppression orders made during the current reporting period has increased compared with the previous reporting period, the ambiguity in the duration of the orders has decreased with more orders specifying a fixed or ascertainable period for the expiry of orders.

2014/2015 Financial Year	Until further order	End date/event	Revoked	Expired
<i>Open Courts Act 2013</i>	7	124	14	45
<i>Serious Sex Offenders (Detention and Supervision) Act 2009 s184</i>	0	50	1	5
<i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 s75</i>	4	20	2	1
<i>County Court Act 1958 s80</i>	0*	0*	4	3
Total	11	194	21	54

* The *Open Courts Act 2013* repealed s80 of the *County Court Act 1958*, which is why no new orders were made under this Act in the 2014–15 reporting period.

Opening of the Legal Year

The Opening of Legal year was marked by several events and celebrations during February, including the International Commission of Jurists Victoria's annual event at the County Court on 2 February.

The event acknowledged how the community and the legal system work together towards achieving a fair and just society, and also coincided with the 800th anniversary of the Magna Carta - the first charter to establish the fundamental principle of the rule of law.

Hosted by the International Commission of Jurists Victoria President, Justice Bromberg, the event's guest speakers included Aunty Annette Xiberras (who gave the Welcome to Country), Justice Mortimer (Federal Court of Australia), Julie Ly and David Vadori (secondary students sponsored by the Skyline Foundation) and Corinne Grant (comedian, writer and law student).

Guide to the *Open Courts Act 2013*

In March 2015, the Court released its *Open Courts Act 2013* – Practice and Procedure in the County Court Guide. The Guide provides detailed information for judges regarding their obligations under the Act and how these may be practically implemented. The Guide has served as a helpful reference document for judges who may only have had cause to make a small number of orders since the Act came into effect in December 2013.

Welcoming our visitors

On 15 April, the Court hosted chief crown prosecutors from Sri Lanka, Ms Nayomi Wickramasekera and Mr Wasantha Perera, who visited the Court as part of a national study tour of the Australian legal system.

The visitors were accompanied by Ms Felicity Blake, Senior Legal Officer from the Commonwealth Attorney-General's Department in Canberra, and Mr Greg Williams, Senior Federal Prosecutor from the Commonwealth Director of Public Prosecutions in Adelaide.

The group were taken on a tour of the County Court, including the custody cells and juries area. They also attended a presentation to learn about the work of the Court which was delivered by Acting Chief Judge Michael McInerney and the Head of the Criminal Division, Judge Lisa Hannan.

Courts Open Day

Courts Open Day is a key event in the Victoria Law Foundation's Law Week calendar and is aimed at educating the public about the Victorian justice system. On the Day, a number of courts opened their doors to the public and invited members of the community to participate in a range of educational events.

This year's event, held on 16 May, was highly successful and welcomed more than 600 people to participate in a range of activities including:

- 'A Day in the Life of an Accused' tours and the 'I Plead Guilty Your Honour!' mock hearings, presided over by the Head of the Criminal Division, Judge Lisa Hannan, Judge Mark Taft and Judge Meryl Sexton
- a 'Behind the Scenes' tours of the facility, led by associates
- a music performance by the Winded! trio, with Tipstaff Eric Andersen on oboe and bass clarinet
- wigs and gowns exhibition in Waldron Hall.

The traditional annual judicial fundraising BBQ in the County Court forecourt included Chief Magistrate Peter Lauritsen, State Coroner Judge Ian Gray, President of the Children's Court Judge Peter Couzens and Judge Lisa Hannan, raising \$800 for Berry Street.

Social Media

The Court continued to use Twitter as a way of alerting legal practitioners to the publication of new practice notes and other information on the Court website throughout the reporting period.

The Court also tweeted recent decisions published on the Court website and engaged Twitter as an additional means of promoting Court specific events, such as Courts Open Day or the Welcome Ceremony for a new judge.

The Court's use of social media continues to grow, with engagement across the legal profession, legal associations, media and general public.



Report from the Judge in Charge of the County Court Schools Program Judge Saccardo

The County Court Schools Program seeks to provide VCE Legal Studies students with a first-hand experience of the Victorian justice system. Students participating in the program are provided with a unique opportunity to meet and interact with a County Court judge and observe a proceeding before the Court.

Students engage with judges on a range of topics, including the role of the judge and jury, the right to a fair trial, the complexity of sentences and judgments and matters relevant to their legal studies curriculum. Approximately 30 County Court judges participated in the Schools Program during the reporting period.

The program offers sessions twice daily, from Monday to Thursday, and once daily on Fridays throughout the school term.

During the reporting period, 5153 students and 348 teachers from 184 different schools participated in the Schools Program. This represents a 19.8 per cent increase in the total number of visiting students to the County Court in 2013–14.

The popularity of the program is continuing to grow and is hopefully inspiring future generations of lawyers and judges to the Victorian legal system.

A team approach

The County Court Schools Program demands a dedicated team of people who devote their time and energy to deliver a program that is both exciting and educational. Led by Judge Saccardo, with support from his Associate Nicole Maher and Tipstaff Laurie Cochrane, the team coordinates a busy schedule to ensure that a judge is able to attend each session.

The contribution of the volunteering judges must also be recognised. Programs such as this would not be possible without the support of judges who regularly make time to speak to the students and explain the work of the Court.

Additionally, the Schools Program team thanks the many tipstaves who assist in guiding the groups through the Court building, ensuring minimal disturbance to the Court's other operations. Special thanks also to the staff at G4S Security front desk who, as often as twice a day, assist with the arrival of these large groups and their transfer through security.

Broader education and support

Judges of the Court participated in a range of educational activities to support university students and the legal profession throughout 2014–15:

Volunteering as a Legal Teacher in PNG

The Legal Training Institute of Papua New Guinea held its annual pre-admission advocacy skills workshop from 7–11 July in Port Moresby for 130 law graduates.

Judge O’Neill was one of 12 experienced advocates invited to teach practical advocacy to the group, which included examination, cross-examination, hearsay and moot exercises.

Past and present judges of the County Court have been involved in the workshop for a number of years. Past judges include Judge Kent (who established the program in 1990), Judge Morgan-Payler, Judge Crossley, Judge Curtain (now Justice Curtain) and, more recently, Judge Montgomery.

The program is funded by the Australian Agency for International Development (AusAID) and supported by the Papua New Guinea Law Institute.

Persuasive advocacy

In July, Judge Morrish presented to a group of 60 students visiting from the Australian National University on the topic of persuasive advocacy. The students are currently undertaking their Diploma of Legal Practice and enjoyed listening to Judge Morrish speak candidly about her experience at the Bar and on the Bench.

International students

Judge Howard presented to law students from Hong Kong’s City University on 10 June. The students, who were based at Monash University for two months, learnt about the work of the Court and were taken on a tour of the facilities by Tipstaff Robin Brown before heading over to the Supreme Court to learn more about Victoria’s legal system.

Jury trial workshop

On 9 August, the Australian Advocacy Institute conducted a jury trial workshop at the County Court for the Victorian Bar. The workshop gave 24 barristers the opportunity to take part in two mock trials before a judge and jury in a real court setting.

Judge Hampel, Judge Gucciardo and retired Supreme Court judge, Professor George Hampel, acted as the judges. Juror roles were filled by volunteers, family and friends of participants. Actors, forensic scientists and police played the roles of witnesses. At the end of each trial, the juries deliberated and delivered verdicts.

The barristers were given feedback on their performances by the experienced team of instructors, which included the judges and senior criminal barristers from Victoria and interstate. The mock jurors also gave participants their feedback, providing rare insights into the way jurors respond to the trial process, as well as to the advocacy of individual barristers.

The workshop is part of a new process being developed by Victoria Legal Aid and the Bar to provide training and accreditation to ensure counsel - who are briefed to undertake criminal trials at public expense - have the necessary expertise.

Journalism and the law

Judge Saccardo and the Communications Manager spoke to a group of visiting Melbourne University journalism students on 14 May about the implications of misreporting, ethics and the Court’s media guidelines. Following the discussion, the students observed a sentence handed down by Judge Sandra Davis for a man charged with multiple drug offences.

Newly appointed judges

Judge Sara Louise Hinchey

Judge Hinchey was appointed to the County Court on 26 May 2015. Judge Hinchey has more than 19 years of legal experience as a trial and appellate barrister and fills a vacancy created by the retirement of Judge John Bowman in May 2015. Her Honour was previously involved in the Royal Commission into Institutional Responses to Child Sexual Abuse and the 2009 Victorian Bushfires Royal Commission.

Judge Amanda Jane Chambers

Judge Chambers was appointed to the County Court on 9 June 2015 and has more than 25 years of legal experience. Judge Chambers was appointed as the new President of the Children’s Court and a Judge of the County Court, following the retirement of Judge Peter Couzens. Her Honour previously served as a magistrate and part-time Commissioner of the Victorian Law Reform Commission.



Judge Sara Louise Hinchey (left) and Judge Amanda Jane Chambers (right)

Judges of the County Court of Victoria

At the end of the reporting year, there were 64 judges of the County Court. The list below includes a reference to His Honour Michael Rozenes AO, the Chief Judge from 25 November 2002 until 22 June 2015. His Honour retired just eight days prior to the end of the reporting period. Chief Judge Kidd was appointed in September 2015.

JUDGE	Date appointed
His Honour Chief Judge Michael Rozenes AO	25 Nov 2002
His Honour Acting Chief Judge Michael Gerard McInerney	21 Jun 1994
Her Honour Judge Marilyn Blanche Harbison	5 Feb 1996
Her Honour Judge Carolyn Dianne Douglas	7 Oct 1997
His Honour Judge Graham Richard Anderson	17 Mar 1998
Her Honour Judge Pamela Dawn Jenkins	21 Apr 1999
Her Honour Judge Rachelle Ann Lewitan, AM	16 May 2001
His Honour Judge Graeme Geoffrey Hicks	20 Aug 2001
His Honour Judge John Arthur Smallwood	20 Aug 2001
Her Honour Judge Susan Michele Cohen	20 Aug 2001
Her Honour Judge Meryl Elizabeth Sexton	20 Aug 2001
Her Honour Judge Frances Elizabeth Hogan	2 Oct 2001
Her Honour Judge Irene Elizabeth Lawson	26 Mar 2002
His Honour Judge Michael Patrick Bourke	10 Sep 2002
Her Honour Judge Elizabeth (Liz) Mary Gaynor	10 Sep 2002
His Honour Judge Phillip James Coish	10 Sep 2002
Her Honour Judge Jane Anne Campton	22 Oct 2002
His Honour Judge Roy Francis Punshon	8 Apr 2003
Her Honour Judge Wendy Anne Wilmoth	8 Apr 2003
His Honour Judge Geoffrey (Geoff) Thomas Chettle	2 Dec 2003
Her Honour Judge Frances Millane	2 Dec 2003
Her Honour Judge Sandra Sabrina Davis	26 Oct 2004
Her Honour Judge Felicity Pia Hampel	9 Feb 2005
Her Honour Judge Jeanette Gita Morrish	9 Aug 2005
His Honour Judge Paul Douglas Grant	26 Apr 2006
His Honour Judge David Anthony Parsons	22 Aug 2006

Her Honour Judge Susan Elizabeth Pullen	22 Aug 2006
His Honour Judge Anthony (Tony) John Howard	3 Oct 2006
Her Honour Judge Lisa Anne Hannan	3 Oct 2006
His Honour Judge Michael Damian Murphy	24 Oct 2006
Her Honour Judge Maree Evelyn Kennedy	1 May 2007
His Honour Judge Christopher Miles O'Neill	24 Jul 2007
His Honour Judge Duncan Leslie Allen	21 Aug 2007
His Honour Judge Philip Gerard Misso	11 Dec 2007
Her Honour Judge Katherine Louise Bourke	11 Dec 2007
Her Honour Judge Jane Marie Josephine Patrick	15 Apr 2008
His Honour Judge Peter Michael Edward Wischusen	15 Apr 2008
His Honour Judge Paul Gregory Lacava	27 May 2008
His Honour Judge Frank Robert Gucciardo	27 May 2008
His Honour Judge Philip Mark Taft	29 Sep 2008
His Honour Judge Frank Saccardo	2 Feb 2009
His Honour Judge Mark Andrew Gamble	3 Feb 2009
His Honour Judge Howard Thomas Mason	3 Feb 2009
His Honour Judge Gerard Paul Mullaly	7 Apr 2009
Her Honour Judge Kathryn Elizabeth Kings	4 Nov 2009
His Honour Judge James Damian Montgomery	17 Nov 2009
His Honour Judge James Lloyd Parrish	17 Nov 2009
His Honour Judge Michael Harry Tinney	16 Mar 2010
Her Honour Judge Gabriele Therese Cannon	30 Mar 2010
His Honour Judge Mark Edward Dean	28 Sep 2010
His Honour Judge John Francis Carmody	7 Jun 2011
His Honour Judge Richard John Haylock Maidment	21 Jun 2011
His Honour Judge Richard Hunter Smith	22 Jul 2011
His Honour Judge Michael Francis Macnamara	7 Feb 2012
His Honour Judge William (Bill) Evan Stuart	28 Feb 2012
His Honour Judge David George Brookes	7 Aug 2012
His Honour Judge Ian Leslie Gray	29 Nov 2012
His Honour Judge John Anthony Jordan	1 Feb 2013
His Honour Judge Christopher James Ryan	26 Mar 2013
His Honour Judge Paul James Cosgrave	7 May 2013
His Honour Judge Gavan Frederick Meredith	28 May 2013
His Honour Judge Robert William Dyer	6 Nov 2013
Her Honour Judge Claire Marie Quin	25 Feb 2014
Her Honour Judge Sara Louise Hinchey	26 May 2015
Her Honour Judge Amanda Jane Chambers	9 June 2015

RESERVE JUDGES	Date appointed
His Honour Judge Lansell (Lance) David Pilgrim	7 Apr 1999
Her Honour Judge Barbara Cotterell	27 Nov 2012
His Honour Judge John Richard Bowman	4 May 2015

RETIREMENTS	Date retired
His Honour Judge John Richard Bowman	3 May 2015
His Honour Judge Peter Couzens	8 June 2015
His Honour Chief Judge Michael Rozenes AO	22 June 2015

REGISTRAR	Date appointed
Kate Spillane	14 April 2014

JUDICIAL REGISTRARS	Date appointed
Ms My Anh Tran	5 May 2015
Ms Sharon Burchell	5 May 2015



Juries Commissioner's Office

Juries are made up of a cross-section of Victorian citizens, with each juror bringing to the group his or her own values, experiences and opinions. As such, every jury is a reflection of the community from which it is drawn, bringing into the courtroom the standards and expectations of that community. In a very powerful way, juries are the voice of the community's conscience.

The Juries Commissioner's Office is responsible for ensuring that a sufficient number of citizens are available to serve on juries in County and Supreme Court trials. The Office is based in the County Court building and this year saw the vast majority (88 per cent) of jury trials in Victoria before a County Court judge.

Across the State, just over 24,000 people attended a court house as a prospective juror, with over 15,000 of those coming through the front doors of the County Court building in Melbourne.

Achievements

Over the last 12 months, the Juries Commissioner's Office:

- introduced the full functionality of its Juries Information and Reporting Portal - a sophisticated reporting tool that provides statistics and trends across all areas of jury management, to inform a more accurate prediction of jury demand
- strengthened its connections with the Court's Criminal Listings team and established a formal working relationship with the Circuit Team to better understand the demand for regional juries and to plan accordingly
- hosted its third annual Juries Conference and Workshop on the 8–9 April 2015, which brought together Office staff from across the State to look at ways of improving engagement with citizens and courts
- partnered with academics to support research into various aspects of jury management and juror experience.

Jury Activity

	2013–14*	2014–15	Difference	Variance
Jurors Empanelled				
Melbourne	5177	5423	246	5%
Circuit	1724	1550	-174	-11%
Total	6901	6973	72	1%
Jury Trials				
Melbourne	455	474	19	4%
Circuit	149	142	-7	-5%
Total	604	616	12	2%
Jury Trial Days	4275	4200	-75	-2%

* Some data reported in last year's annual report was inaccurate. The *JCO Information and Reporting Portal* has resolved this and the 2013–14 data above is correct.

Service Partners

Community engagement

In July 2014, the Juries Commissioner's Office confirmed its three-year strategic plan, which builds on achievements of the past several years and includes a strong focus on community engagement.

Over the last 12 months, the Office also participated in the Court Services Victoria School Talks Program, hosting a group of students weekly.

The Juries Commissioner participated in the Victorian Law Foundation Law Talks, both in Melbourne and in regional Victoria. As part of the County Court's contribution to the Victorian Law Foundation's Courts Open Day in May 2015, the Juries Commissioner's Office also opened its doors to the public and hosted tours.

Academic research

The Juries Commissioner's Office continued to support academic research into aspects of jury management and juror experience during the year. With the help of the Office, Professors Clough and Ogloff, of Monash and Swinburne Universities respectively, completed their observational field study to evaluate jurors' abilities to comprehend judges' directions. Their findings will be published in 2016.

The University of Tasmania began a national study to gauge informed public opinion on the sentencing of sex offenders. In support of this, the Office identified all County Court jury trials involving allegations of a sexual nature, and then invited jury members who delivered guilty verdicts to participate in this research project. The project's control group participants were drawn from the jury pool room, being citizens who attended but were not required for jury service.

The Office also facilitated access to participants for a study by Professor David Tait (University of Western Sydney) and Dr Karen Gelb entitled *Digital Evidence in the Jury Room: The Impact of Technology on the Jury Deliberations*. The first stage of this research aims to test in a simulated environment whether the use of tablets by jurors in their deliberations has an impact on those deliberations or their decision-making.

Victorian Government Reporting Service

The reporting and recording services provided by the Victorian Government Reporting Service (VGRS) are central to the operations of the courts, in addition to providing a valuable service to the community.

During the 2014–15 reporting period the VGRS transcribed over 10,000 court hearings, representing approximately 40 hearings – in total or part – per day. Signifying 62 per cent of the VGRS' total annual transcript production across criminal jurisdictions, this adds up to more than 274,000 transcript pages for the County Court and over 15,000 hours of recordings.

Over the last 12 months, the VGRS exceeded service delivery standards set for critical recording and reporting services. Collaborative partnerships were also formed to enhance shared systems and processes, delivering tangible benefits to the courts. For example, improvements in the collection and storage of audio visual court recordings resulted in enhanced data integrity.

The Court wishes to thank the VGRS for the dedicated service it provided throughout the year and the contribution it makes to the community and administration of justice in this State.

The Liberty Group

The County Court building in Melbourne is a leading venue for a wide range of uses due to its modern architecture – showcasing large indoor spaces, in-house audio-visual services and 54 courtrooms over 10 levels. The building is privately owned by The Liberty Group (TLG). The Court appreciates the outstanding service provided under this public private partnership by TLG in conjunction with Honeywell, G4S Security and Interform. TLG oversees building improvement projects and third-party bookings for legal, educational and other purposes.

Throughout the reporting period, the building's outdoor forecourt and indoor atrium, Waldron Hall, hosted a variety of events and functions, including:

- the International Commission of Jurists' Opening of the Legal Year event
- Justice Connect's Walk for Justice breakfast
- the Women's Domestic Violence Crisis Service's Annual General Meeting
- Victoria Law Foundation's Law Week launch event
- National Ride2Work Day breakfast.

TLG oversaw a number of successful building improvement projects during the year, benefitting County Court judges, staff and service partners, other courts and tribunals, Corrections Victoria and the general public. These projects included the construction of a Koori Elders' Room and the installation of a custody lift, four defibrillators and various other fit-outs.

Courtrooms were used 9737 times during the reporting period. Of these times, 8661 were for County Court matters, 75 were for Supreme Court of Victoria matters and 1001 were for third-party bookings. Third party bookings included those made by:

- the Magistrates' Court of Victoria
- WorkSafe Victoria
- the Independent Broad-based Anti-corruption Commission
- the Royal Commission into Institutional Responses to Child Sexual Abuse
- the Australian Football League's anti-doping tribunal involving Essendon Football Club and the Australian Sports Anti-doping Authority.

Thank you to Victorian citizens

The Juries Commissioner and Office staff across the State offer their sincere gratitude to the Victorian citizens who made themselves available for jury service. Without their generosity of spirit and attention to task, judges could not do the very important work the community asks of them.

Acknowledgement must also go to the wonderful and conscientious work of County Court judges and their staff when running jury trials. Their efforts to minimise the impact of jury service on citizens does not go without notice.



Financial Report for the year ended 30 June 2015

The County Court's financial position for the year ended 30 June 2015 is published as part of Court Service Victoria's (CSV) audited accounts in the Court Services Victoria Annual Report 2014–15. To view CSV's annual report, visit courts.vic.gov.au.

Following is an abridged version of CSV's annual financial reports that focuses on the County Court of Victoria operations.

Court Services Victoria was established on 1 July 2014 as an independent statutory body to provide administrative services and facilities to support Victorian courts – including the County Court of Victoria.

Victorian Government appropriation revenue of \$88.671 million in 2014–15 was received by CSV for the purposes of the County Court's functions, an increase of \$1.387 million or 1.59 per cent compared to the previous financial year. Financial reports for the year ending 30 June 2015 include a:

- Comprehensive Operating Statement for the year ended 30 June 2015
- Balance Sheet as at 30 June 2015
- Statement in Changes of Equity for the year ended 30 June 2015
- Cash Flow Statement for the year ended 30 June 2015.

Public Private Partnership County Court facility

The State of Victoria and the Liberty Group Consortium (Contractor) entered into the Court Services Agreement (CSA) in June 2000.

Under the CSA the Contractor was to:

- develop and construct the facility
- provide the County Court and court users with accommodation services at the facility
- Provide Court Services to the County Court and court users in connection with the management and operation of the facility.

Under the agreement, the Contractor paid for the construction of the facility. The Crown then leased the facility from the Contractor. This type of arrangement is often referred to as a Public Private Partnership (PPP) whereby private interests provide the capital to create an asset for the specific benefit of government. A key concept of the PPP is that the private capital providers bear the risks associated with the creation of the asset.

The duration of the contract is 20 years and billing commenced in June 2002, when the County Court took up residence in the newly constructed, purpose-built facility at 250 William Street, Melbourne. The contract will conclude in May 2022.

The minimum lease payments for the 20 year life of the contract amount to \$343,055,369. As at 30 June 2015, \$92.341 million remains to be paid. As the contract expiry term approaches, the principal payments increase whilst the Interest payments decrease.

In terms of accounting for the principal and interest, the principal payment component is treated as a capital expenditure amount whereas the Interest component is an operating amount.

Funding of the PPP comes from Annual Appropriations, however upon the establishment of Court Services Victoria (CSV) on 1 July 2014, the County Court of Victoria has been advocating that the Department of Justice and Regulation and/or the Department of Treasury and Finance should indemnify CSV (including the County Court) of all present and future public private partnership contract financial obligations.

Keith Kirkham

Director Corporate Services

Comprehensive Operating Statement for the year ended 30 June 2015

	Note	2014 \$'000	2015 \$'000
CONTINUING OPERATIONS			
Income from transactions			
Output appropriations	1	60,036	61,947
Special appropriations	2	27,248	26,724
Grants		-	2,908
Other income		901	3,453
Total income from transactions		88,185	95,032
Expenses from transactions			
Employee expenses	3	41,712	45,546
Depreciation and amortisation		6,297	6,471
Interest expense	4	9,808	9,014
Grants and other transfers		1	1,608
Capital asset charge	5	8,877	10,239
Supplies and services		20,681	21,839
Total expenses from transactions		87,376	94,717
Net result from transactions (Net Operating Balance)		809	315
OTHER ECONOMIC FLOWS INCLUDED IN NET RESULT			
Net gain/(loss) on non-financial assets		-	-
Net gain/(loss) on financial instruments		-	-
Other gains/(losses) from other economic flows		-	-
Total other economic flows included in net result		-	-
Net result		809	315

Balance Sheet as at 30 June 2015

	Note	2014 \$'000	2015 \$'000
FINANCIAL ASSETS			
Cash and deposits		1	1,305
Receivables		4	99
Total financial assets		5	1,404
NON-FINANCIAL ASSETS			
Non-financial physical assets classified as held for sale		-	-
Property, plant and equipment	6	260,931	212,499
Intangible assets		-	1,060
Prepayments		128	-
Total non-financial assets		261,059	213,559
Total assets		261,064	214,963
LIABILITIES			
Payables		4,908	3,708
Borrowings	7	100,914	94,071
Provisions	8	13,142	15,254
Total liabilities		118,964	113,033
Net assets		142,100	101,930
EQUITY			
Accumulated surplus/(deficit)		809	315
Contributed capital	9	141,291	101,615
Net worth		142,100	101,930

Statement of Changes in Equity for the year ended 30 June 2015

	Note	2014 \$'000	2015 \$'000
Balance as at 1 July 2014			
Balance as at 1 July 2014		-	142,100
Net result for the year		809	315
Transactions with the State in its capacity as owners	9	-	(40,485)
Administrative restructure - net assets received	9	141,291	-
Balance at 30 June 2015		142,100	101,930

Cash Flow Statement for the year ended 30 June 2015

	Note	2014 \$'000	2015 \$'000
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts			
Receipts from government			88,671
Receipts from other entities			6,266
Goods and services tax recovered from the ATO			-
Total receipts			94,937
PAYMENTS			
Payments to suppliers and employees			(67,313)
Payments of grants and other transfers			-
Capital assets charge payments			(10,239)
Interest and other costs of finance paid			(8,302)
Total payments			(85,854)
Net cash provided by/(used in) operating activities			9,083
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchases of non-financial assets			(1,608)
Proceeds from sales of non-financial assets			-
Net cash provided by/(used in) investing activities			(1,608)
CASH FLOWS FROM FINANCING ACTIVITIES			
Owner contributions by State Government			673
Cash Received from activity transferred in MOG changes			-
Payment of borrowing and finance leases			(6,843)
Net cash provided by/(used in) financing activities			(6,170)
Net increase(decrease) in cash held			1,305
Cash and cash equivalents at the beginning of the financial year			-
Cash and cash equivalents at the end of the financial year			1,305

Notes to the 2015 Financial Information

1. Output Appropriations is defined as income from the outputs the County Court provides to Government and is recognised when those outputs have been delivered.
2. Special Appropriations is defined as revenue recognised on a cash basis when the amount appropriated for a specific purpose is received by the County Court.
3. Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements and WorkCover premiums.
4. Interest expense represents costs incurred in connection with borrowings for the County Court facility. It includes interest components of finance lease repayments, and amortisation of discounts or premiums in relation to borrowings.
5. The capital asset charge is calculated on the budgeted carrying amount of applicable non-financial physical assets fully attributed to the County Court facility.
6. Property, plant and equipment are measured initially at cost and subsequently revalued at fair value less accumulated depreciation and impairment. The majority of non-financial physical assets value relates to the County Court facility.
7. Borrowings represent all interest bearing liabilities initially recognised at the fair value of consideration received, less directly attributable transaction costs. Borrowings are directly associated with the Public Private Partnership contract of the County Court building facility until May 2022.
8. Provisions are made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered to the reporting date.
9. Contributed capital represents the transactions of capital investment in County Court at the reporting date.



Court Administration Executive Leadership Team

Fiona Chamberlain

Chief Executive Officer

Katie O’Keeffe

Deputy Chief Executive Officer, Court Excellence

Leads a team delivering judicial and operational support including human resources, learning and development and the County Koori Court and oversees a range of improvement projects with a court excellence focus.

Kate Spillane

Principal Registrar

Leads the sustainable delivery of Registry services to the Judges of the Court, their staff and those involved in Court proceedings in Melbourne and regional Victoria.

Roger Fredman

Director Court Processes and Systems

Responsible for the information technology strategy and effective implementation of initiatives to improve the functioning and efficiency of the Court working with judges, judicial support staff, Registry and court administration.

Jo Rainford

Director Governance

Leads a team that supports the court in discharging a broad range of corporate governance obligations including risk and audit, strategic and business planning, data and performance reporting and compliance activities.

Carly Lloyd

Director Policy and Strategy

Leads the delivery of support services to judges and Court staff in policy and law reform, legal research, information management, judicial professional development and library services as well as strategic communications.

Keith Kirkham

Director Corporate Services

Leads the provision of a range of support services including facility and fleet management, security, procurement, contract management and provides leadership in the finance function.

Image, clockwise from CEO:

Fiona Chamberlain, Katie O’Keeffe, Kate Spillane, Roger Fredman, Jo Rainford, Carly Lloyd, Keith Kirkham



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