

# 2015–16 Annual Report



# About the County Court

The County Court is the principal trial court in the Victorian court hierarchy. Our vision is to be a leader in court excellence, delivering the highest standard of justice to the community and inspiring public confidence.



## 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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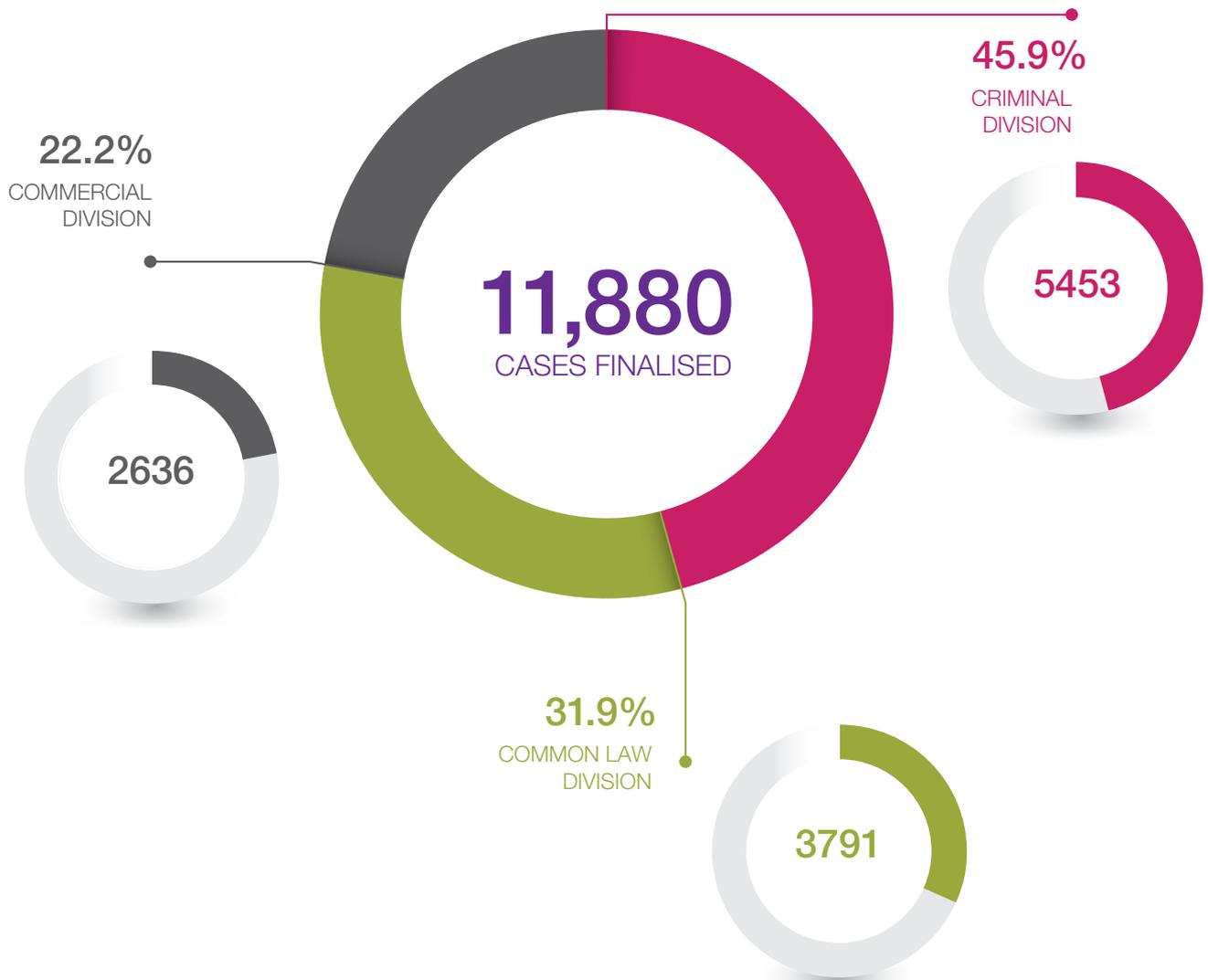
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# Year at a Glance



Statewide	2014-15	2015-16	% change
<b>TOTAL COUNTY COURT CASES</b>			
Commenced	11,863	11,295	-4.8%
Finalised	12,264	11,880	-3.1%
Pending	9928	9199	-7.3%
Overall County Court Clearance Ratio (%)	103%	105%	
% disposed within 12 months	63%	66%	
<b>TOTAL CRIMINAL CASES (INCLUDING APPEALS)</b>			
Commenced	5291	5522	4.4%
Finalised	5539	5453	-1.6%
Pending	2342	2373	1.3%
Overall Criminal Clearance Ratio (%)	105%	99%	
% disposed within 12 months	83%	90%	
<b>CRIMINAL TRIALS AND PLEAS</b>			
Commenced	2120	2233	5.3%
Finalised	2236	2194	-1.9%
Pending	1427	1439	0.8%
Trials and Pleas Clearance Ratio (%)	105%	98%	
% disposed within 12 months	72%	77%	
<b>CRIMINAL APPEALS</b>			
Commenced	3171	3289	3.7%
Finalised	3303	3259	-1.3%
Pending	915	934	2.1%
Appeals Clearance Ratio (%)	104%	99%	
% disposed within 12 months	94%	98%	
<b>TOTAL COMMON LAW DIVISION</b>			
Commenced	3752	3597	-4.1%
Finalised	4186	3791	-9.4%
Pending	4866	4576	-6.0%
Overall Civil Clearance Ratio (%)	112%	105%	
% disposed within 12 months	36%	41%	
<b>TOTAL ADOPTION CASES</b>			
Applications Considered	54	48	-11.1%
Adoption Orders Made	55	48	-12.7%
Applications Pending	6	3	-50.0%
<b>TOTAL COMMERCIAL JURISDICTION</b>			
Commenced	2820	2176	-22.8%
Finalised	2539	2636	3.8%
Pending	2720	2250	-17.3%
Overall Civil Clearance Ratio (%)	90%	121%	
% disposed within 12 months	57%	54%	

#### COMMENCED

Number of cases initiated 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.

#### CLEARANCE RATE

Number of cases finalised as a percentage of initiations.



# Report of the Chief Judge



Chief Judge Peter Kidd  
County Court of Victoria

“Open justice is fundamental to our legal system. It engenders understanding of and, ultimately, confidence in the administration of justice, and is therefore a vitally important part of our system of government.”

A key challenge for public institutions is determining how to effectively communicate and engage with members of the community.

This challenge is especially great for courts, not just because of the pivotal role they play in our justice system, but also given the strong, indeed sometimes intense, public interest in their work. There are also constraints – appropriate and necessary – on what a court and its judges can say outside of court and in our published work.

Today, late in the second decade of the 21st century, truly connecting with the public is more challenging than ever. In one sense it has never been easier to communicate. Thanks to social media and the internet, anyone with access to a computer or mobile phone can publish information. But cutting through the digital ‘noise’ and being heard is another matter altogether.

During the 2015–16 reporting period the County Court took a number of positive steps in an attempt to ‘cut through’ and enhance the way it communicates with the public:

- Creating an online resource for journalists – a ‘Media Portal’ – containing audio recordings of sentencing decisions in a wide range of criminal cases. Through the Portal, journalists can listen to sentencing decisions without stepping foot in a courtroom (for example on their computer, phone or tablet), and generally within approximately an hour of the decision being handed down. The Media Portal – the first project of its type in Australia – is making it easier for journalists to access court information and publish stories about the cases coming before the Court.
- Allowing, on occasion, a television camera into court to film the delivery of a sentence. Such a step is only appropriate in certain circumstances, and it can only be taken with the consent of the parties (and only the judge can be filmed). However, the broadcast of a sentencing decision is a powerful communications tool, particularly in cases where deterring members of the community from engaging in similar behaviour is deemed especially important.
- Adding ‘summary tables’ of County Court decisions to the Victorian Sentencing Manual, which is a ‘tool of trade’ for judges and lawyers, but also a resource for members of the community seeking to better understand the sentencing process. To date the Manual has only included summaries of Court of Appeal decisions. Adding County Court decisions

not only recognises their critical importance in the sentencing process, it also makes County Court decision-making more open and transparent and promotes greater scrutiny of the Court’s decisions. I encourage you to use the Manual, which is available on the Judicial College of Victoria’s website ([www.judicialcollege.vic.edu.au](http://www.judicialcollege.vic.edu.au)).

- Making greater use of social media, including Twitter and LinkedIn, to publicise news, events, court information and the like.

Open justice is fundamental to our legal system. It engenders understanding of and, ultimately, confidence in the administration of justice, and is therefore a vitally important part of our system of government. Learning how to navigate the new communications landscape, and thus how to meaningfully engage with the community, is therefore a high priority for the County Court. Work in this regard is already underway; next year – and beyond – I will report on further ‘transparency’ initiatives the Court undertakes.

2015–16 has been another year of achievements across the Court. Significant improvement projects continue to be delivered, including the expansion of electronic lodgement and document management in the Criminal Division, resulting in eLodgment and iManage now being available for all criminal cases.

In the Common Law Division, the Court has continued to increase listings, enabling more cases to proceed earlier. In the Commercial Division, judges finalised nearly four per cent more cases than during the previous year, and in Circuits a positive trend has been maintained for both the criminal and civil lists.

I would like to take this opportunity to acknowledge the judges and staff and thank them for their continued hard work and unfailing dedication, both to the County Court and to the administration of justice in this State.

I commend the Report to you. It has been an outstanding year in so many ways.

**Chief Judge Peter Kidd**  
County Court of Victoria



# Report of the Chief Executive Officer



Fiona Chamberlain  
CEO, County Court of Victoria

“Listening to and understanding our court users is critical to improving our court service for the Victorian community.”

The County Court has a profound obligation to safeguard Victorians’ confidence in their justice system. I am especially proud that the Court achieves this high ideal as the busiest trial court in Victoria. This year nearly 12,000 matters were heard and determined.

Each week thousands of Victorians come to the Court: as someone accused of a crime; as a victim; as parties to commercial disputes; as injured workers; as legal professionals; expert witnesses; people called to jury duty; as journalists; students; and in many other capacities.

Each and every day, the Court strives to uphold the rule of law as an independent, fair and efficient court that serves Victoria.

## Learning from court users

The quality of our interactions with the many different users of the Court – how effectively we bring people together – is central to our ability to hear and determine matters.

This year, with this front of mind, we conducted the first County Court User Survey.

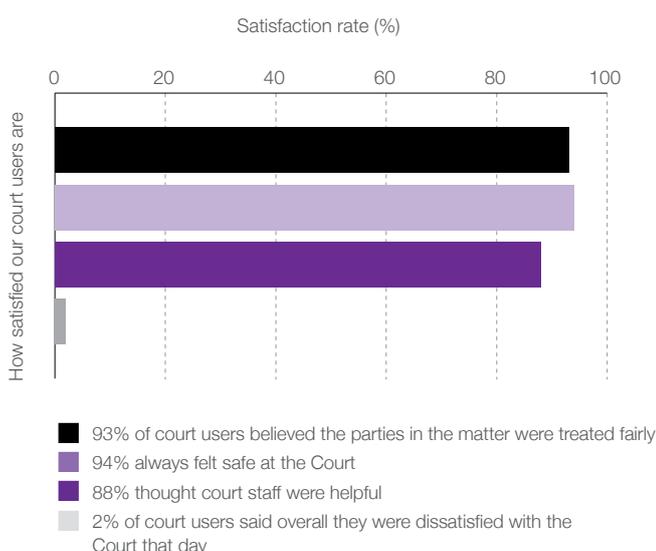
We know that the quality, efficiency, accessibility, and perceptions of justice at the Court rely in no small way on our ability to listen to people, to understand people’s needs and expectations and to engage meaningfully with the community.

Using the methodology of the International Framework for Court Excellence, our User Survey has helped us to learn from people about their experiences and create a more user-centred Court.

The survey results were also very encouraging: just over 90 per cent of people believed all parties to a matter were treated fairly; just over 90 per cent of people feel safe at the Court; and just under 90 per cent found our court staff helpful.

The results are testament to the commitment of our judges and staff to running an effective court in which all court users are treated with respect and dignity.

### County Court User Survey



## Redesigning the way we work

This year we commenced a comprehensive review and redesign of our registry systems. The overriding objective is to reshape the way the Court’s registry works with court users to improve people’s experience of the Court.

The redesign work will make interactions with the Court simpler and more certain for court users. In doing so it will create a more efficient registry service and help registry staff to add even greater value through their work.

The ongoing work to improve our registry is part of a much broader effort to directly improve the experiences of people who come to the Court and to improve the Court’s administrative processes which underpin court users’ experiences.

## Making the most of technology

Around the world, across all industries and sectors, technology is remaking the myriad ways people relate to each other.

The Court is actively making the most of technology to improve the experience of court users, to make justice more accessible and transparent, and to modernise our operations.

This year we expanded our efforts in the areas of electronic lodgement and electronic case files. Of course our efforts in this regard will continue for the foreseeable future.

## Looking ahead

This year foretold the complex and changing context the Court now looks towards.

Openness and transparency; increased media scrutiny; heightened public expectations; increasing complexity in court cases – these will no doubt continue to act in tension on the Court.

In the face of emerging socioeconomic trends and unpredictable events, the strength of Victoria’s public institutions will remain essential to the proper functioning of our democracy.

I would like to acknowledge the judges of the County Court and all the staff. Their dedication to the work of the Court and their deep commitment to the Victorian community give me great confidence in looking ahead for the Court and continuing to meet its longstanding obligation to Victorians.

It remains my great honour to serve at the Court.

**Fiona Chamberlain**

CEO, County Court of Victoria



# Towards Court Excellence

The Court's Strategic and Improvement Plans have been informed by the International Framework for Court Excellence (IFCE), which the Court adopted in 2010.

Using recognised organisational improvement approaches, the IFCE provides a methodology for the Court to identify areas for improvement. It has also assisted in developing strategies to address these gaps with a view to improving the value of services the Court offers to the community.

As a consequence, the IFCE Framework is deeply connected to the Court's strategic priorities, and our achievements clearly reflect delivery against the IFCE Framework.

The IFCE Framework has encouraged continuous improvement across seven areas during the year:

IFCE FRAMEWORK FOCUS AREA	2015–16 ACHIEVEMENT
<b>Court Leadership and Management</b>	<ul style="list-style-type: none"><li>– Increased investment in staff capability growth</li><li>– Implementation of Staff Culture and Engagement process with positive results</li><li>– Implementation of Judicial Resilience Program</li></ul>
<b>Court Planning and Policies</b>	<ul style="list-style-type: none"><li>– Development and implementation of Court Improvement Plan</li></ul>
<b>Court Resources</b>	<ul style="list-style-type: none"><li>– Reduction in cost per case equating to an aggregate additional value of \$17 million</li></ul>
<b>Court Proceedings and Processes</b>	<ul style="list-style-type: none"><li>– Further expansion of electronic lodgement and case files</li></ul>
<b>Client Needs and Satisfaction</b>	<ul style="list-style-type: none"><li>– Improved engagement with industry and court users</li></ul>
<b>Affordable and Accessible Court Services</b>	<ul style="list-style-type: none"><li>– Reduced time to trial, 'not reached' and number of pending matters</li><li>– Increased clearance rates and speed of judgments</li><li>– More ADR settlements</li></ul>
<b>Public Trust and Confidence</b>	<ul style="list-style-type: none"><li>– Publication of 'not reached' and 'time to trial'</li><li>– High attendance at Courts Open Day</li><li>– Positive Court User Survey results</li></ul>

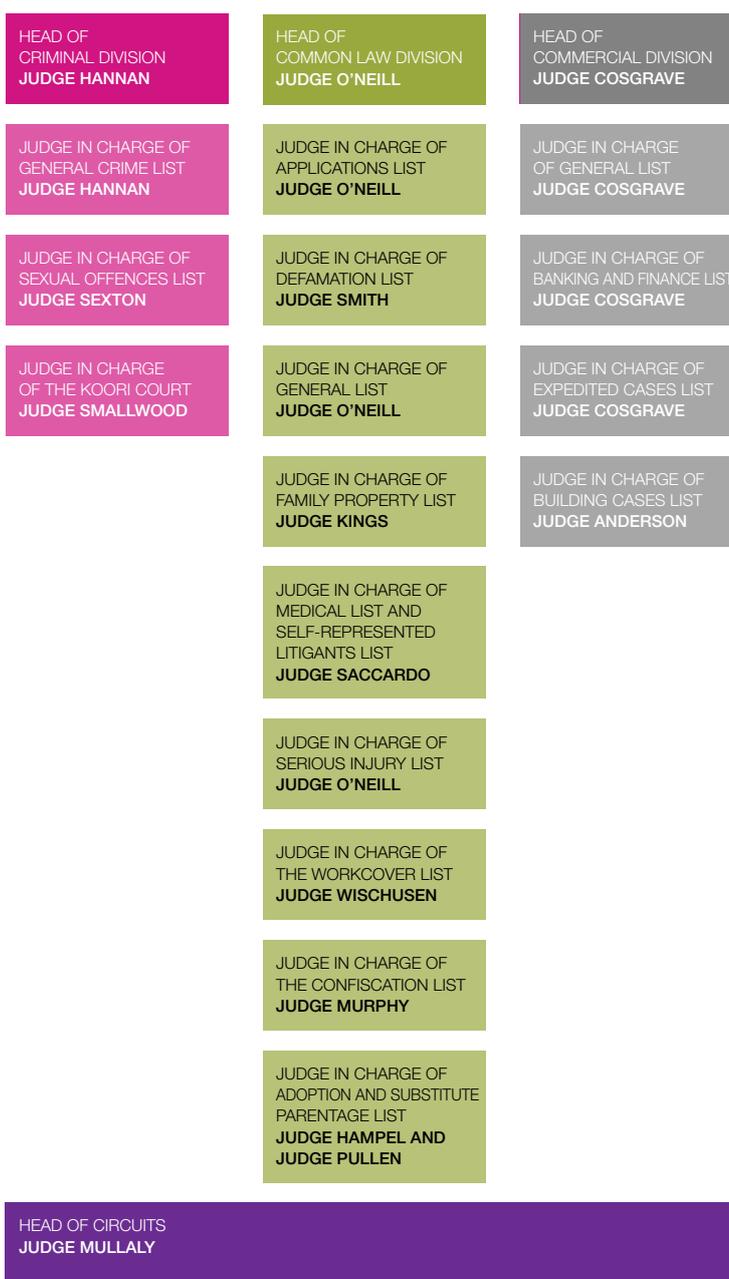


# Court Structure

The County Court's 66 judges and its operations are supported by approximately 240 staff.

County Court judges sit in other jurisdictions – including the Children's Court, the Coroners Court and the Victorian Civil and Administrative Tribunal.

Judges also hear cases at circuit courts in 12 regional centres.





# Court and the Community



**Judge Wilmoth**

Chair of the Media and Communications Committee

## The Media and Communications Committee assists the Court in better communicating its work to the broader community and court users.

The Committee meets every three months and comprises a number of judges and court staff.

In 2015–16, the Committee included Judge Wilmoth (Chair), Chief Judge Kidd, Judge McInerney, and Judges Gucciardo, Patrick, Gaynor, Mason, Saccardo, Cohen, Hampel, Kings and Hogan.

Several staff members also contributed to the work of the Committee including the Strategic Communications Manager, Paul Conroy.

### Working with the media

The media is one of the conduits through which the Court communicates with the public to develop a better understanding of its work. Throughout the year, the Court continued to assist journalists and media outlets, promoting transparency of proceedings and the principles of open justice.

Permission was granted in a number of cases for television stations to film sentences for the purposes of broadcasting a judge's sentencing remarks. Judges of the Court allowed filming by television news cameras of their sentences for the purposes of news broadcast on six occasions during the reporting period. In these sentences, it was considered important to deliver a strong deterrent message on the dangers of such offending.

A Media Portal was piloted during the year with Court accredited journalists. The Portal contains audio recordings of sentences in a selection of criminal cases. The audio recordings facilitate the fair and accurate reporting of matters before the Court. While the Portal assists journalists in their daily court work, it also helps communicate the work of the Court more widely. Training was provided to all staff involved in the pilot, particularly tipstaff who are responsible for the majority of the process.

Feedback on the Media Portal from the media who accessed it during the reporting period was positive, with reporters commenting that it enabled them to cover sentences that they were unable to attend in person because of limited resources. Reporters also noted it was useful to check information heard in court for accuracy prior to publication. The Court continues to contend with increasing media interest in its cases, despite a changing media environment in which there are fewer dedicated court reporters.

## Suppression orders

During the 2015–16 reporting period, 126 suppression orders under the *Open Courts Act 2013* were made by judges of the Court.

2015–16 Financial Year	Until further order	End date/ event	Expired	Revoked	Orders made
<i>Open Courts Act 2013</i>	1	125	18	10	126
<i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>	1	42	1	1	43
<i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i>	9	28	1	1	37
<i>Confiscation Act 1997</i>	0	2	1	0	2
<i>Public Health and Wellbeing Act 2008</i>	0	1	0	0	1
<b>TOTAL</b>	<b>11</b>	<b>198</b>	<b>21</b>	<b>12</b>	<b>209</b>

## Social media and online engagement

The Court expanded its social media offering in 2016, joining LinkedIn to help further communicate the work of the Court in the online space.

The Court's Twitter presence also continued, engaging with the community, promoting court events and providing a forum to alert practitioners and interested parties to the publication of new practice notes and other information on the website.

A new range of podcasts were introduced throughout the reporting period, developed to help explain and demystify the work of judges in the Court.

The County Court eNews was also launched and will become a regular online publication disseminated to members of the legal professional, media and interested parties.

A dedicated mailing list was established for stakeholders to opt in to receive the County Court eNews directly to their inbox, as well as regular updates of important Court announcements.



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## Courts Open Day

On Saturday 21 May, the County Court participated in Courts Open Day. The day is a key event in the Victorian Law Foundations' Law Week, with courts and tribunals in Melbourne opening their doors and welcoming the public in with a series of free events, tours, exhibitions and mock trials.

This year 836 people attended events at the County Court on the day, surpassing the previous year's attendance by 29 per cent.

Throughout the day the Court ran tours of areas not usually accessible to the public, including the custody centre and the cells located in the basement of the Court.

The cells were also the starting point for the *Day in the Life of an Accused* tour, which proved to be extremely popular and sold out prior to the event.

Mock hearings were held in various courtrooms throughout the day, and the inaugural *Everything you wanted to know about juries (but were too afraid to ask)* tour garnered much interest from the public.

Behind-the-scenes tours were guided by the Associates on a cyclical basis throughout the day, and Waldron Hall showcased musical performances by BottledSnail Productions intermittently in the morning.

The popular Judges Charity BBQ was held in the forecourt, tended to by Judge Hannan, Judge O'Neill, Judge Tsalamandris and the Chief Magistrate Lauristen, and raising more than \$600 for Berry Street – Victoria's largest independent child and family services organisation. The forecourt also showcased stands by the Victoria Law Foundation, Court Network, the Law Library and the County Koori Court.

## Law Week 2016

The County Court was once again an event partner of Law Week, held from 16–22 May 2016.

The annual festival of events aims to make learning about the law easy, and was launched in the Court's Waldron Hall by Victoria's Attorney-General, the Honourable Martin Pakula MP.

Throughout the week the County Court was involved in a range of activities, including a flash-mob in the forecourt with the VicBar Choir, Channel 10 weather being filmed with Mike Larkin, and Judge Hannan and her staff participating in the National Trust of Victoria's mock plea hearings at Melbourne's iconic Old Magistrates' Court.

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## County Court Schools Program

The aim of the County Court Schools Program is to provide VCE Legal Studies students with an insight into the day-to-day workings of the Court.

The program creates a unique opportunity for the students to engage directly with the judges of the Court and is held every weekday throughout the school term.

During 2015–16, the Court welcomed nearly 6000 students and 300 teachers as participants in the program. Some 195 schools attended with many of them sending more than one group. Attending institutions included Bairnsdale, Swan Hill and Warrnambool.

School groups are hosted by a judge who engages in a conversation with the group before they observe the matter being presided over by the judge. The informal discussions with the judges can cover a range of topics. Questions by students are encouraged and often prompt interesting conversation.

Popularity continues to grow for the program to the point where interest is beginning to outweigh the Court's capacity to service it. This in turn is an indicator of the strength of the program and the value it provides to all involved. Feedback received from participating schools has been extremely positive:

"This experience helped me to connect the work from class to the outside world, watching law in effect. The real life experience of being in court is far different from in the textbook."

"The whole experience from reception at the County Court to the actual trials proved to be one of the best days I have had in my many years of teaching."

"This is a wonderful opportunity for our students as most visitors to the court don't get this opportunity."



Judge Saccardo (centre) with associates  
Jason Allen (left) and Marissa Tripodi (right)



# Criminal Division

## Report from the Head of the Criminal Division Judge Hannan



Judge Hannan

### Division structure

The Division structure continued to provide an excellent framework for our work this year. As Head of the Criminal Division I was well supported by the Division Executive Committee comprising Her Honour Judge Meryl Sexton, Judge in Charge of the Sexual Offences List, His Honour Judge John Smallwood, Judge in Charge of the Koori Court, and the Criminal Division Senior Administrator Ryan Mallia. His Honour Judge Gerard Mullaly, the Head of Circuits, attends our meetings to assist in the efficient allocation of work between circuits and Melbourne. The Committee met regularly to report on performance across the Division and to discuss and implement reforms to practice and procedure. The judge-led Division structure ensures that the judges, through the Division Executive Committee, are well placed to monitor emerging issues and trends and the structure allows us to respond to these as efficiently and effectively as possible.

### Openness and communication

Engagement and communication with the profession and stakeholders is seen as a critical component of our work. The Division relies on the contribution and expertise of the profession and stakeholders to ensure best practice. This was achieved via regular stakeholder and Criminal User Group meetings which comprise representatives from the Victorian and Commonwealth prosecution agencies, Victoria Legal Aid, the Criminal Bar Association, the Law Institute of Victoria and Corrections Victoria. Stakeholder engagement was strengthened through various project-specific consultation throughout the year.

Communication has been enhanced by the monthly publication of the new Criminal Division newsletter. The monthly newsletter is distributed to stakeholders and is available publicly on the County Court website. It provides an opportunity for the Division to share important updates and news, publish performance results and to provide information in relation to practice and procedure.

## Division major projects

### Electronic Criminal Division

The introduction of eLodgment (the electronic portal for filing documents) and iManage (the electronic case file) in relation to County Court Appeal matters heralded the completion of the transition to an entirely electronic Criminal Division. eLodgment and iManage is now available for all criminal cases, which includes Trials, Pleas, Supervision Order matters, Contravention Hearings and County Court Appeals. There are no longer any paper-based files in the Criminal Division; an achievement that the Division is proud of. The Division is grateful for the assistance and input provided both internally and externally by the profession. The move to electronic files has been welcomed by judges, staff, the Criminal Registry and the profession. It provides the instantaneous access to files by multiple users at any time and from any metropolitan or regional location. Practitioners can lodge from their desktops straight into the court file and documents can be viewed immediately by the Court. The next step will be providing practitioners with file access so that they can view documents that have been lodged by the other party. Given our successes to date we are confident about moving forward in this regard.

### Blue Sky Review of Listings

In late 2015 the Criminal Division commenced a project to review listing practices for criminal trials, pleas, appeals and applications. The review is a 'blue sky' look at how we list cases, how cases are allocated to judges, and how we might improve these processes.

Extensive consultation occurred in the first part of 2016 with key stakeholders. This was an opportunity to hear from the profession about what was working well and what aspects could be improved from their perspective. The feedback was overwhelmingly positive and supportive of our current practices and procedures. There were a number of valuable suggestions which are being considered as part of the project and the Division is very conscious of the need to work collaboratively with the profession.

From the consultation emerged some themes about a good listings system such as trial date certainty, a level of judicial autonomy in case management, timely trial listings and the flexibility to depart from the fixed listing rules as the case requires and in consultation with the parties.

The next stage of the review looks at designing a pilot listings protocol for implementation in the second half of 2017. We look forward to working with our stakeholders to achieve a system which works well from all perspectives.

## Trial data

The Criminal Division takes an evidence based approach to both practice and procedure. Accurate data is an important element of our decision-making and allows us to identify issues and trends and thus take a proactive approach to case management. To facilitate accurate data collection, the Division determined to create, from within our own resources, a new Trial Management Table which accurately records information relevant to all of our criminal trials from Initial Directions Hearing to final order. Associates provide a report in relation to each criminal trial. The Trial Report collects data in relation to the nature and duration of pre-trial argument, issues at trial, duration of trial, evidentiary notices relied upon, severing of indictments, the reason a jury was discharged, information about witnesses and their specific needs such as interpreters or independent legal advice, and information about the length of jury deliberation.

The data obtained is the most accurate and relevant data ever available to the Division. The reliability and utility of this data will continue to increase as more cases are finalised over the next and subsequent years as comparisons over time will become possible. The data gathered has grown to such an extent that the Division is now exploring a custom-built database which would provide simple and consistent input, storage and retrieval of the data. The establishment of the Trial Management Table and the data derived from it is a testament to the Criminal Division's innovation and commitment to the Court's openness and transparency.

### County Koori Court

The County Koori Court sat in Melbourne and the Latrobe Valley in the reporting period but work was underway to enable expansion. The expansion of the County Koori Court to Mildura will strengthen the Court's ability to meet its objective of ensuring greater participation of the Aboriginal Community in the sentencing process and better outcomes for our community.

### Practice Note

The Criminal Division Practice Note is an important practice guide which was designed to assist practitioners and the Court in the timely, efficient disposal of our caseload. The Practice Note chronologically follows the life of a case in the County Court and is intuitively easy to navigate and clear in its expectations.

This year the Practice Note underwent a substantial revision and was recently republished. The revision was necessary to ensure that the Practice Note reflected recent legislative reform and best practice. It also afforded the opportunity to include additional chapters. Two of the substantial new chapters which have been included relate to mental impairment and unfitness to be tried as well as supervision orders made under the *Serious Sex Offenders (Detention and Supervision) Act 2009*.

The Practice Note will continue to develop as practice, procedure and legislation evolves and the Division expects that it will continue to be a useful tool for practitioners.



## Division challenges

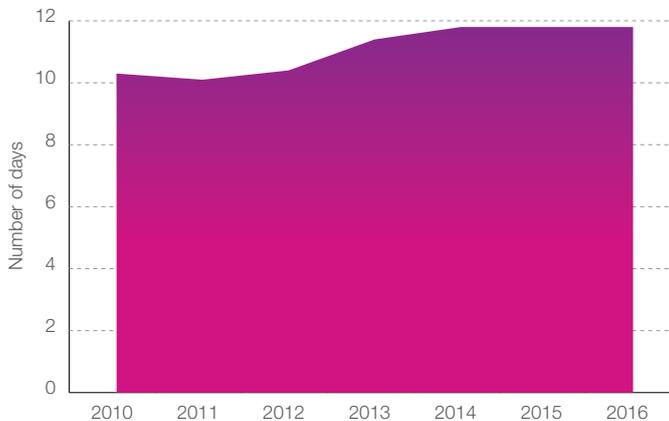
Not unlike previous years, the Criminal Division continues to face numerous challenges.

### Increasing trial length

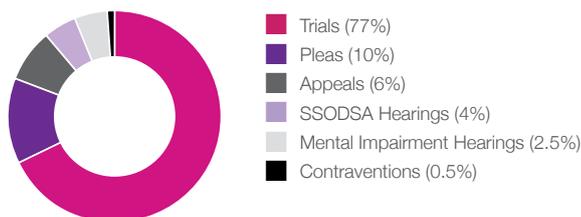
Trials are taking longer to complete owing to a number of factors such as:

- more complex offending particularly in relation to fraud and computer crimes;
- the advanced and increased use of investigative techniques, such as intercepted telephone calls with voluminous amounts of transcription, optical and audio surveillance, forensic analysis, closed circuit TV footage and material downloaded from computers and mobile phones which requires analysis; and
- increasing complexity in legislation in relation to evidence, procedure and sentencing together with the rapid pace of legislative reform especially as it relates to sexual offences all contributed in this regard.

### Average trial length



### Average workload of a judge 2015–16



## Post-sentence management of offenders

Post-sentence management of offenders continues to grow as an area requiring more judicial time and consideration. In the last year there has been a steady increase in the number of contravention hearings in relation to breaches of community corrections orders. At the same time, this year has seen a doubling of the number of judicial monitoring hearings heard pursuant to community corrections orders.

The number of applications for interim and final Supervision Orders pursuant to the *Serious Sex Offenders (Detention and Supervision) Act 2009* has also doubled this year. These hearings can take a significant amount of time to determine, often at short notice prior to an offender's release date.

Review Hearings of Supervision Orders imposed under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* also contribute to the work undertaken by judges within the ambit of post-sentence management. The Court has accommodated this increased workload from within our resources but this is unsustainable.

### Legislative Reform

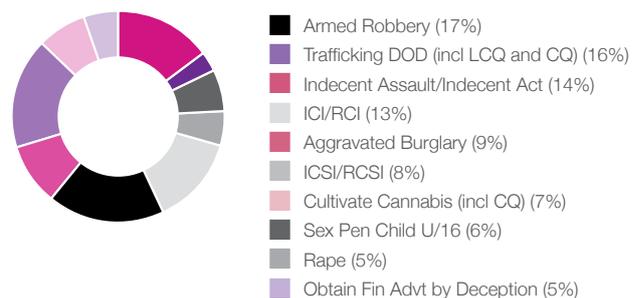
#### – Sentencing scheme / Baseline offences

This year saw the judgement in the case of *DPP v Walters* [2015] in which the Baseline sentencing scheme was held to be incapable of being given any practical application. Any new sentencing scheme proposed in its place will inevitably increase complexity in the sentencing task.

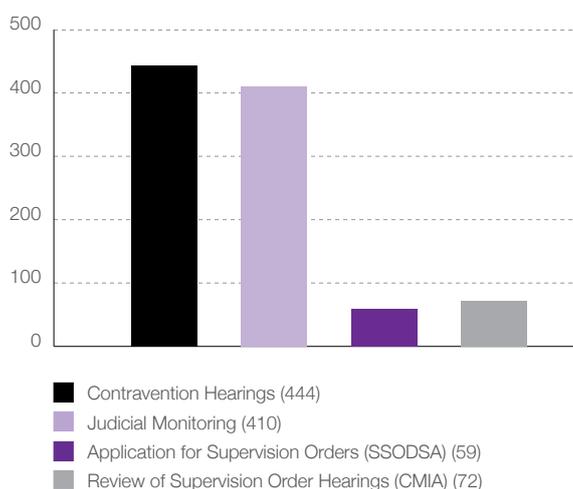
#### – Family violence

Flowing from the Royal Commission into Family Violence in June 2015, the Criminal Division implemented a new family violence protocol, which flags all files with allegations of family violence. This assists staff and judges to ensure that best practice is achieved, and that victims are appropriately supported by the Court and justice system processes. With additional resources we could enhance our ability to identify and manage family violence matters within our trial list.

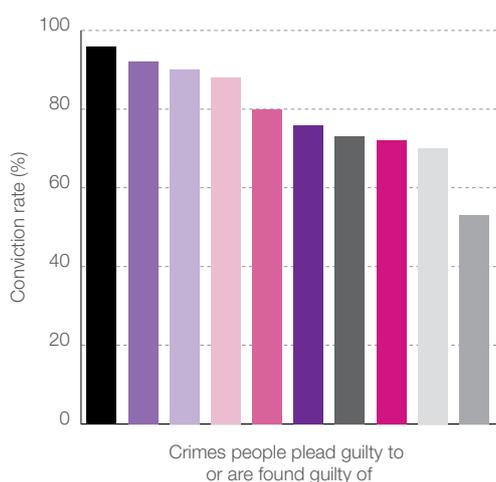
### Crimes where sentences were imposed 2015–16



### Post-sentence judicial management 2015–16



### Conviction rate by offence 2015–16



### Time to trial 2015–16



- Cultivate Cannabis (incl CQ) (95%)
- ICI-RCI (91%)
- Armed Robbery (90%)
- Trafficking DOD (incl LCQ and CQ) (89%)
- Aggravated Burglary (80%)
- Sex Pen Child U/16 (77%)
- ICSI/RCSI (73%)
- Incest (71%)
- Indecent Assault/Indecent Act (70%)
- Rape (51%)

### Notes to abbreviations used in graphs and tables

CQ = Commercial Quantity  
 LCQ = Large Commercial Quantity  
 DOD = Drug of Dependence  
 ICSI / RCSI = Intentionally Cause Serious Injury / Recklessly Cause Serious Injury  
 ICI / RCI = Intentionally Cause Injury / Recklessly Cause Injury  
 SSODSA = *Serious Sex Offenders (Detention and Supervision) Act 2009*  
 CMIA = *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*



## Report from the Judge in Charge of the General Crime List Judge Hannan



### List judges

This year as the Judge in charge of the General Crime List I was supported by Judges Taft, Cotterell, Maidment, Grant and their staff in the important work of our list court. The General Crime List is a fast-paced list court that hears numerous matters each day. A large part of the General Crime List is Initial Directions Hearings, heard the day following an accused person being committed to stand trial in the County Court. Initial Directions Hearings are critical to the efficient and effective listing of trials. List Judges are experienced trial judges who can discuss the case with counsel to ensure that all pre-trial issues are identified and an accurate trial estimate is given. List Judges also hear Final Directions Hearings, Mentions, Bail Applications and other hearings.

### Initial Directions Hearings in the General List

Our new Trial Management Table has provided us with an overview of our work never previously available.

680 cases were listed for Initial Directions Hearing (IDH) over the reporting period. Of these cases:

- 75 per cent were listed in the General List;
- 66 per cent of accused people were on bail at the time of the IDH, 33 per cent were in custody and 1 per cent involved companies facing criminal charges; and
- 92.5 per cent of matters listed for IDH were prosecuted by the Office of Public Prosecutions and 7.5 per cent were prosecuted by the Commonwealth Director of Public Prosecutions.

In relation to the main offence type:

- 29 per cent concerned property and dishonesty offences such as theft, burglary/aggravated burglary, robbery/armed robbery, obtaining property or financial advantage by deception, criminal damage and arson;
- 25 per cent concerned sexual offences (24 per cent pursuant to state legislation and one per cent pursuant to Commonwealth legislation);
- 21 per cent concerned drug offences (17 per cent pursuant to state legislation and 4 per cent pursuant to Commonwealth legislation); and
- 21 per cent concerned other offences against the person such as intentionally or recklessly causing injury or serious injury, threatening to kill or inflict serious injury, stalking, extortion, assault, kidnapping, false imprisonment and affray.

### Funding and representation

Where the issue of funding type was indicated at IDH, 56.5 per cent of trials were funded by Victoria Legal Aid (VLA), 40.5 per cent were funded privately and three per cent involved a self-represented accused.

Where funding was confirmed at Final Directions Hearing (FDH), in those matters that ultimately proceeded to trial, matters being funded by VLA had risen to 64 per cent, those privately funded accounted for 35 per cent and in one per cent of cases the accused was self-represented.

### Trial estimation

For matters that proceeded to trial in the reporting period, the accuracy of trial estimates remained relatively consistent with the previous financial year, albeit with some improvement. More trials ran to their estimated durations (18 per cent), which was up by three per cent on the previous year. Accurate trial estimation at an early stage is critical to our listing process and ensures that our not-reached number remains within acceptable limits.

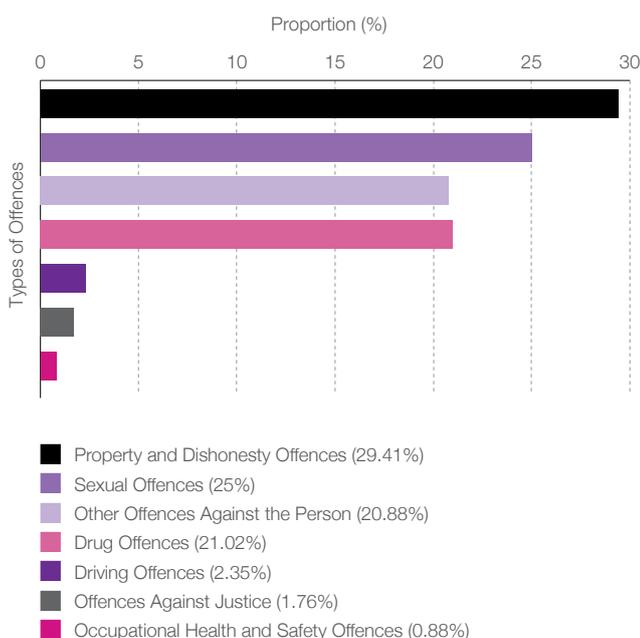
Of those trials that ran longer than estimated, fraud cases had the highest average difference between the estimated and actual duration, being four days greater. In order to list trials appropriately the Criminal Division relies on accurate estimates being provided by practitioners, and the Division is appreciative of practitioners' efforts in this regard.

### Time to trial

In order to provide practitioners and their clients with accurate information in relation to when a trial will be reached, and consistent with the Court's commitment to openness and transparency, the Criminal Division continued to publish the 'Time to Trial' data on the County Court website. For those on bail the average time to trial was 11 months, and for those in custody the average time to trial was eight months. The overall time to trial in relation to all matters continued to represent a downward trend from previous years.

680 cases were listed for IDH in the 2015–16 financial year.

### Offence types at Initial Directions Hearing 2015–16



### Resolution

421 of the 680 matters that were initially listed for trial with a plea of not guilty resolved to a plea of guilty in the reporting period. Of note is the stage at which matters resolved:

- 1.4 per cent at Initial Directions Hearing;
- 20.2 per cent at Further Initial Directions Hearing;
- 6.9 per cent at Final Directions Hearing;
- 30.2 per cent at Further Final Directions Hearing;
- 24 per cent on the first day of Trial; and
- 17.3 per cent during Trial.

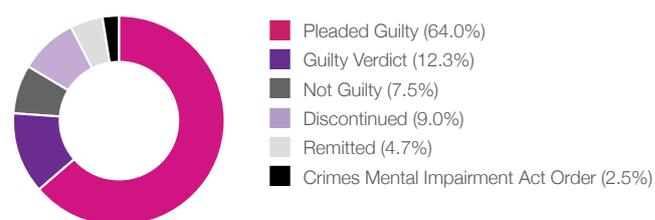
The average time for resolution to occur was nine months.

### Stage at which matters resolve 2015–16



421 cases listed for IDH in the 2015–16 financial year resolved to a plea of guilty.

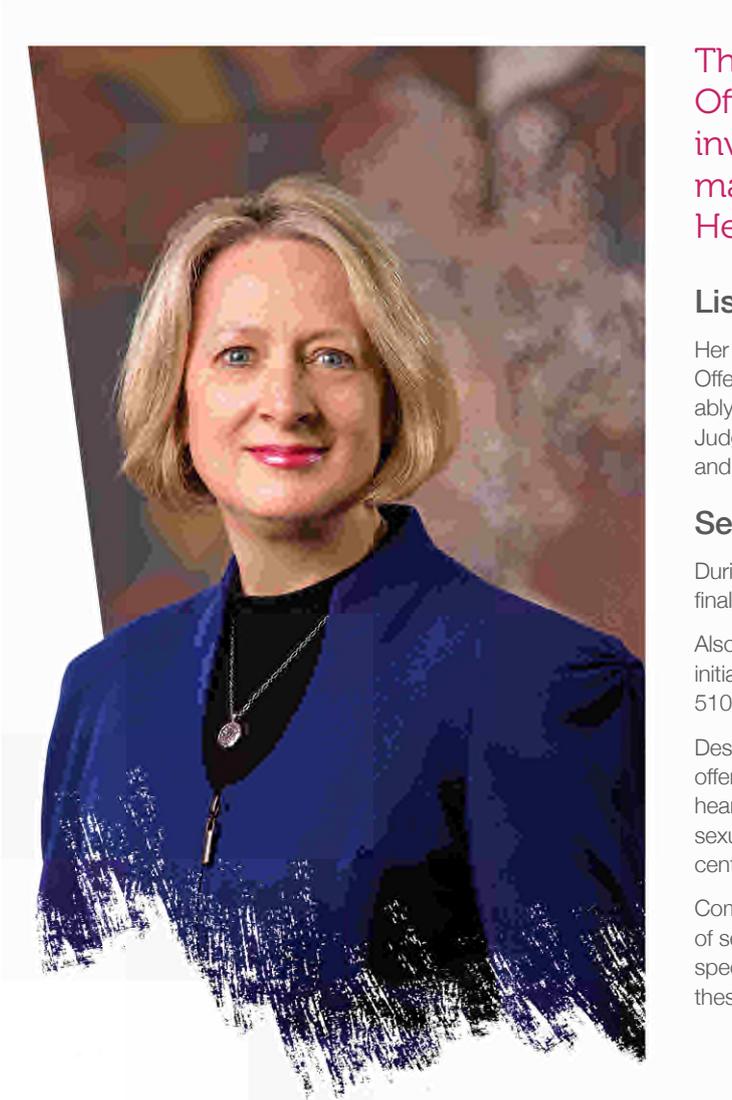
### Outcome of matters listed in the General List 2015–16



526 matters commencing by way of IDH were finalised in the 2015–16 financial year. A conviction occurred in 76.25 per cent of cases.



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



Judge Sexton

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

### List judges

Her Honour Judge Sexton continued to oversee the Sexual Offences List this year as the Judge in Charge, and was ably supported in the role by other List Judges including Judges Cannon, Pullen, Patrick, Quin, Grant and Lawson and their staff.

### Sexual Offences List activity 2015–16

During the reporting period 408 sexual offence cases were finalised in Melbourne. This included Trials and Plea Hearings.

Also during the reporting period 170 sexual offence cases were initiated and listed for Initial Directions Hearing compared to 510 cases listed for Initial Directions Hearing in the General List.

Despite there being a far smaller number of IDHs listed, sexual offence trials accounted for 44 per cent of all trials that were heard during the reporting period. On average, 54 per cent of sexual offence matters proceeded to trial, whereas only 22 per cent of general matters proceeded to trial.

Combined with an appreciation for the increasing complexity of sexual offence cases, these figures reinforce the need for a specialist Sexual Offences List which intensively manages these cases.

### SSODSA Practice Note

This year the Criminal Division Practice Note included a new chapter in relation to Supervision Orders under the *Serious Sex Offenders (Detention and Supervision) Act 2009* (SSODSA). The chapter was a welcome addition in an area of work that is constantly growing.

The Practice Note chapter outlines the requirements for practitioners in relation to the listing and hearing of applications, review hearings and breach hearings under the SSODSA.

Clearly defined expectations and adherence to the Practice Note is crucial in this area of law where serious sexual offenders face the possibility of continued supervision in the community by the Department of Justice and Regulation upon the completion of their sentence.

The court was consulted about matters relating to Supervision Orders by the Complex Adult Victorian Sex Offender Management Review Panel (commonly known as the Harper Review).

### Witness-only in Melbourne and regions

Witnesses and complainants who give evidence from a remote room or another location via video link have their evidence recorded on the Court's recording facilities. Recent upgrades to each of the metropolitan and regional courts have ensured that when such evidence is being recorded it is recorded in what is known as the 'witness-only' view.

This view displays a close-up view of the witness's head and shoulders, as opposed to the 'whole court' view which is a split screen view showing the witness, the judge and the bar table on the screen at the same time.

The benefit of upgrading the recording facilities to 'witness-only' view is that whenever the recording of the witness's evidence is required to be viewed, for example during jury deliberations or upon retrial, the best possible view of that witness's evidence is available and is closest to their live evidence.

### Child exploitation material

Child exploitation material continues to be a challenge for judges and staff who hear and are exposed to these matters. Cases involving child exploitation material are not decreasing in number and the effects of these cases can be particularly pernicious on judicial and staff wellbeing.

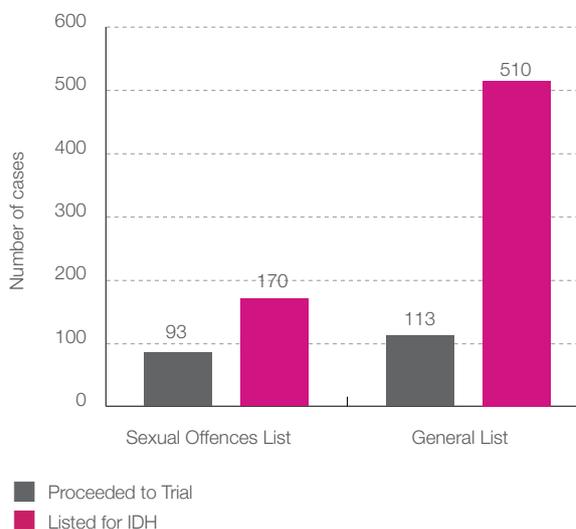
This issue has been considered by the judges who sit in the Sexual Offences List and a recent resolution has limited the number of plea hearings involving child exploitation material to one such plea per week per judge. Measures such as this and the onsite counselling service available to judges and staff help minimise the effects of vicarious trauma.

### Sexual Offences List User Group

The Sexual Offences List User Group continued to meet regularly during the year to discuss issues relating to the management and hearing of sexual offence cases.

The User Group – whose members include representatives from the Office of Public Prosecutions, Victoria Legal Aid, the Victorian Government Solicitor's Office, the Commonwealth Director of Public Prosecutions, the Criminal Bar Association, the Law Institute of Victoria and the Child Witness Service – continued to contribute helpful feedback and insight which has allowed for positive reform to practice and procedure.

### Proportion of matters that proceed to trial per List type in 2015–16





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



Judge Smallwood

The County Koori Court is the first and only sentencing court for Aboriginal offenders in the higher jurisdiction in Australia. The Court sits in Melbourne on a weekly basis and in the Latrobe Valley region on circuit six weeks per year.

The Court currently has a pool of 13 Aboriginal Elders and Respected Persons – six sitting in the Melbourne County Koori Court and seven sitting in the Latrobe Valley County Koori Court. Each Elder and Respected Person has strong cultural knowledge, connection and ties to the region in which they sit.

### County Koori Court activity 2015–16

Over the last 12 months, the Melbourne County Koori Court heard a total of 36 new cases with Latrobe Valley hearing 16 new cases. Overall the County Koori Court sat on 58 separate occasions.

The reoffending rate for people appearing in the County Koori Court remains very low, with a decrease in the number of Aboriginal people appearing in the Latrobe Valley County Koori Court witnessed in the first half of 2016. There have been no breaches of County Koori Court orders in this region during the year.

### Mildura County Koori Court establishment

During the year extensive consultation took place with the local Aboriginal community and other key stakeholders in Mildura and surrounds to establish a County Koori Court in the region.

This Mildura County Koori Court will be officially launched by the Chief Judge and Judge Smallwood in August 2016 with a traditional Welcome to Country and Smoking ceremony. The Court will commence sitting in the region on 22 August 2016.

The Mildura County Koori Court will sit at times aligned with the County Court criminal circuit sittings at Mildura. Four local Aboriginal Elders have been appointed to sit on this court.



## Case study – County Koori Court

Angus is a 21 year old Aboriginal man who came from a background of great disadvantage.

His mother was an Aboriginal woman and his father was non-Aboriginal. They separated when he was five years old. Angus lived with his mother up until her death and was seven years old when she died. He then went to live with his father who by this time had remarried. Following his mother's death, Angus was disconnected from his extended Aboriginal family, culture and community.

Angus suffered emotional and physical abuse from his stepmother. When he was 12 his father moved to another country and he was left alone in Melbourne without stable support and accommodation.

Angus lived a transient lifestyle during his teenage years, staying with friends and couch surfing. He started associating with older peers and began experimenting with drugs and alcohol. He had no schooling beyond Year 7.

He had three prior appearances in the Children's Court and two in the Magistrates' Court for low level offending.

Angus appeared in the County Koori Court on an armed robbery charge. He had approached a store attendant in the early hours of the morning with a weapon and demanded money. He was under the influence of drugs and alcohol at the time. He surrendered himself once he had sobered up and made full admissions to the police.

Angus was bailed into the Court Integrated Services Program (CISP). The Koori case manager was able to reconnect him with his extended Aboriginal family and link him into other Koori specific support programs.

During the County Koori Court sentencing conversation, Elders spoke with Angus about his offending behaviour and the impact this type of offending has on victims. They spoke about how frightened the store attendant must have been. They emphasised that the behaviour was unacceptable and would not be tolerated. The Elders also acknowledged his background and upbringing and offered support and guidance.

Angus showed genuine remorse during the sentencing conversation and was ashamed and embarrassed at what he had done. He displayed good insight into his problems and had made genuine attempts to make changes in his life and work with his extended family and support services.

Angus was supported in court by his maternal uncle and his cousins.

His uncle also spoke during the sentencing conversation, expressing his disappointment at his nephew's offending behaviour. He spoke directly to his nephew about his hopes for him for the future and reminded Angus that he and his family were there to offer their support and guidance.

Angus was able to further strengthen and engage with cultural supports by participating in the Wulgungoo Ngalu Learning Place as part of a Community Correction Order.



# Common Law Division

## Report from the Head of the Common Law Division

### Judge O'Neill



Judge O'Neill

The Common Law Division of the County Court has unlimited monetary jurisdiction in damages matters relating to industrial and transport accident claims, medical negligence, defamation and damages arising from a wide range of incidents. The Court also has jurisdiction to make orders in relation to adoption and parentage matters.

Judges in Charge	List
Judge O'Neill	The General, Applications, and Serious Injury Lists
Judge Saccardo	The Medical List and Self-Represented Litigants
Judge Smith	The Defamation List
Judge Kings	The Family Property List
Judge Murphy	The Confiscation List
Judge Wischusen	The WorkCover List
Judge Bourke	Responsibility for the approval of all Infant and other Compromises

## 2015–16 Division activity

Over the last 12 months, 34 per cent of all initiations within the Court commenced in the Division – representing 59 per cent of all matters commencing in the civil jurisdiction. The number of matters commenced are down slightly on 2014–15 with in excess of 3300 cases finalised this financial year.

The Court has continued to increase listings, enabling more cases to get before the Court at an earlier time.

A new Practice Note affecting the way Serious Injury Applications are dealt with, took effect from January 2016. This has seen a noticeable reduction in the time taken to hear these applications.

In the last three years, the Division has increased the number of trials and Serious Injury Applications listed by 35 per cent. A further significant increase will occur in 2016–17. This increase results from high settlement rates in Victorian WorkCover Authority and Transport Accident Commission matters, together with the efficiency with which the Court deals with these proceedings.

The Court now offers an Expedited List which allows Serious Injury Applications to be listed for hearing within 45 days from the day they are issued in the Court if they are ready to proceed.

## Division highlights

### Practice Note

A significant highlight of the year has been the refining of the Practice Note which governs the whole of the Common Law Division.

The refinement of the Practice Note has had a notable impact on serious injury applications in the Court. Guideline limits on times have been introduced within which the barristers who appear in court can open a case, close a case and cross-examine witnesses. These measures are designed to drive efficiency, to deliver effective justice in the Division and to try to return these applications back to the interlocutory applications that they were always intended to be.

### Serious Injury Expedited List

In January 2016, the Division launched the Serious Injury Expedited List. This list provides the opportunity for practitioners – both plaintiff and defendant – to bring matters before the court swiftly.

In addition to this initiative the Division has offered to practitioners, in any proceeding in the Division, an ability to have a matter listed for hearing within four to six weeks if the parties are able to certify that the matter is ready to proceed. These initiatives are significant advances in justice for people coming to the Court seeking compensation.

### Supreme Court Liaison

This year I initiated a regular discussion with Justice Jack Forrest, Head of the Common Law Division of the Supreme Court. At our meetings Justice Forrest and I discussed a whole range of issues which affect our respective courts. This is extremely valuable and the closer that we work on these matters then the more effective and efficient we all become.

### Costs Applications

A significant achievement by the Division has been refining the way the Court deals with costs applications by solicitors who represent injured workers. In the past, judges were required to determine a large number of these applications. We have introduced a process where applications are dealt with in conjunction with the Costs Court to ensure that workers get protection against being charged excessive costs.

### Reserve List matters

This year has again seen a reduction in the number of matters listed in the daily Reserve List with a Reserve List on fewer than 80 days.

Of these, 14 matters were unable to be allocated to a judge and were adjourned as 'not reached'. This is a significant reduction on levels seen in past years and is equal to last year. It is anticipated that this trend will continue through the next reporting period.

In a significant achievement by the Court, any matter that is not reached is able to be brought back for hearing in a short period, generally within three months.



## Division challenges

### Self-represented litigants

The numbers of litigants choosing to represent themselves are increasing across the Division and this presents challenges for our judges. Often these types of matters take longer to determine and require a patient and understanding approach by the trial judge whilst still remaining impartial.

All of the pre-trial proceedings where a party is self-represented are managed by Judge Saccardo, who is able to provide guidance and assistance to the litigant to ensure that their matter is ready to proceed on the given trial date. The Division is also grateful for the assistance given to these litigants in the preparation of their cases by barristers and solicitors on opposing sides.

### Directions Group workload

The Directions Group continues to handle an extraordinary workload. In excess of 15,000 pieces of correspondence relating to civil (both Common Law and Commercial Divisions) matters were received and in excess of 4800 Civil Orders, including serious injury timetabling orders, were generated in the Directions Group over the last 12 months.

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 for these applications produced within 24 hours of submission to the Directions Group.

### Subpoena Records Group workload

The Subpoena Records Group also managed an exceptional workload over the reporting period, with in excess of 8000 subpoenas issued (both Common Law and Commercial Divisions) and in excess of 300 appointments made to inspect records returned under subpoena. The Group deals with 80,000 items of subpoenaed material each year.

## Future initiatives

The next financial year will see the appointment of a Judicial Registrar to the Common Law Division. The Judicial Registrar will handle most interlocutory applications in the Division and, most importantly, have an ability to undertake mediations and settlement conferences at short notice and at no expense to the parties. This will be a significant and valuable resource for the Division.

It is expected that on 1 August 2016 all documents in the civil jurisdiction, with some minor exceptions, will be required to be eFiled. This important innovation will provide 24 hour access to filing and bring with it significant cost savings for litigants.

There will be a comprehensive review of our listing protocols in the Division towards the end of 2016 and it is hoped that there will be a further significant increase in the numbers of matters listed for hearing through the 2017–18 year. The effect of this anticipated increase will be shorter times to trial. The Court appreciates the change in focus that this may bring for practitioners but it is essential that as a progressive court we provide litigants with the ability to have their particular matter determined in the shortest realistic time. It is expected that the Listings review will result in significant changes to listing timeframes.

The Division is exploring a number of initiatives aimed at increasing efficiencies in litigation in this court. Issues like the eFiling of court books and the increased use of technological advances as alternatives to video conferences for some witnesses, particularly medical witnesses. This will help to avoid the inconvenience associated with medical practitioners leaving their practice for the duration of their evidence.

The Division will trial the use of an anatomical skeleton app that is able to be downloaded onto in-court technology to assist with a jury's understanding of human anatomy. The process is extremely sophisticated and will allow a witness to essentially peel back musculature, ligaments and other soft tissue.

We are currently also exploring and have utilised this year on a number of occasions the supplementing of judges' introductory comments and charges to juries using PowerPoint presentations.

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## 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. It primarily consists of damages actions heard by a judge and jury of six, or a judge sitting alone.

### General List activity 2015–16

The General List this year has again seen the largest number of matters initiated in the Division.

The number of initiations this year has reduced by just under 10 per cent. This reduction may be demonstrative of the pragmatic approach taken by the Victorian WorkCover Authority and the Transport Accident Commission to the resolution of matters, eliminating the need for some plaintiffs to initiate proceedings.

Once initiated the overwhelming majority of cases resolved prior to trial with less than seven per cent of matters commenced being listed before a judge. A portion of those matters resolve on the day of, or during the running of a trial.

This year saw 15 jury trials proceed to verdict with these trials running for an average of nine days.

Orders for mediation form part of the timetabling orders for proceedings issued in the List and, together with other forms of dispute resolution, contribute substantially to the rates of resolution.

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## Report from the Judge in Charge of the Serious Injury List Judge O'Neill

Applications by plaintiffs 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* are issued in the Serious Injury List.

### Serious Injury List activity 2015–16

Applications for serious injury certificates comprise almost 40 per cent of matters commenced in the Division. Over the course of the reporting period, 1255 applications were filed. In excess of 290 written judgments and rulings were delivered with about 60 per cent of reserved judgments delivered within 30 days and 90 per cent within 90 days. The Court is proud of the speed and efficiency in the delivery of justice to the parties in these proceedings.

The trend apparent in the last three years of matters in this list resolving before trial has continued with in excess of 1000 matters resolving without adjudication by a judge.



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



Judge Saccardo

The Medical List consists of matters involving actions arising from allegations of medical negligence. These types of matters are often complex proceedings involving overseas and interstate expert witnesses.

### **Medical List activity 2015–16**

This year has seen a 17.5 per cent reduction in the number of matters issued in the Medical List, yet the List still ranks as the fourth largest in the Division.

During the year, His Honour Judge Saccardo, assisted by Her Honour Judge Tsalamandris, closely monitored the pre-trial steps in every proceeding in the List to ensure that there are no avoidable delays in having matters ready for trial.

As a consequence of this judicial management of the proceedings, together with the skill and diligence of the practitioners in these matters, all matters in the List were finalised without the need for a trial – more often than not through a formal mediation process.

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



Judge Smith

The Defamation List consists of any proceeding commenced by writ that includes a claim for defamation.

### Defamation List activity 2015–16

The Defamation List continues to represent a small proportion of matters issued in the Division. This year saw a reduction in the number of matters initiated in the List down to 16.

Finalisation of defamation proceedings increased by 61 per cent with 21 matters completed, compared with 13 in each of the previous two reporting periods.

Notwithstanding the low numbers of matters in the List, many proceedings required resolution of interlocutory disputes prior to trial. In this reporting period there were no matters where a Judge was required to give judgment following a trial.

As with other Lists in the Division, each standard timetabling order in the Defamation List contains a direction that the parties must mediate the dispute. Mediation and other forms of dispute resolution contribute to the very high rate of resolution of matters in this List.



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



Judge Kings

The Family Property List hears Testators Family Maintenance claims brought under the provisions of Part IV of the *Administration and Probate Act 1958*, and domestic partnership proceedings under the *Relationships Act 2008*.

### Family Property List activity 2015–16

Notwithstanding that the List comprises a relatively small component of the work of the Division, this reporting period has seen a 24 per cent increase in the number of matters initiated, making it the largest list behind the General List and the Serious Injury Lists.

The matters in the List benefit from the consistent approach to pre-trial management undertaken by Judge Kings together with the Dispute Resolution procedure available to parties.

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



Judge Murphy

The Confiscation List is a specialist list dealing with applications by prosecuting agencies to restrain and confiscate assets connected with criminal activity, and to secure those and other assets for future compensation orders.

### **Confiscation List activity 2015–16**

Confiscation List proceedings are often the subject of a number of hearings and applications to exclude assets from an order before final orders to forfeit assets are made.

An order restraining assets is generally the first step in the confiscation process. The reporting period saw 105 restraining orders made over assets, and a large number of ancillary orders regarding extant applications.



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## Report from the Judges in Charge of Adoption and Substitute Parentage List Judge Pullen and Judge Hampel



Judge Pullen



Judge Hampel

The Adoption and Parentage List is charged with the responsibility of hearing applications for adoptions, discharging of previous adoptions orders, substitute parentage orders and parenting orders. Nineteen judges supported the Adoption and Suitable Parentage List during the 2015–16 reporting period.

### Adoption and Substitute Parentage List activity 2015–16

In the 2015–16 reporting period, a total of 48 applications were considered by judges in the List. This included 39 adoption and nine substitute parentage applications. The 40 adoption applications included one application for Discharge of Adoptions.

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

### Thank you Lions Australia

Adoption and Substitute Parentage List cases are marked by the gift of a Lions Australia teddy bear to young children. The Court extends its appreciation and thanks to Lions Australia for continuing to provide these wonderful teddy bears to symbolise this very important event for the child.

### Case study: Adoption and Substitute Parentage in the Court

An adoption order legally transfers parental rights and responsibilities, guardianship and custody to the adoptive parents. This effectively makes them the child of the adoptive parents and may include legal claims to their will after the parent dies.

“Adoptions are a great experience, and an exciting and happy event for families and for the Judge,” said Judge Pullen, who is in charge of the Adoption List.

“Inter-country adoptions and Australian babies being adopted are relatively few in number – it’s usually adopting within a family, in situations such as when a woman remarries and she wants her husband to be registered as the father of her children.

“In many cases babies that have come in through inter-country adoption have been with their adoptive parents for one or two years, so it can be a difficult process for the parents to go through.”

Judge Hampel, who is in charge of the Substitute Parentage List, said there are a range of reasons why people can’t conceive themselves or safely carry a pregnancy to term, so surrogacy can provide a means for them to bring a child into the world.

“There are these lovely stories of people who have struggled with infertility or with the inability to carry a pregnancy to birth who are then able to have a family, so they are all gorgeous stories,” said Judge Hampel.



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



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

## WorkCover List activity 2015–16

This year has seen a further reduction in the number of WorkCover List matters issued in the Court with 31 proceedings commenced.

The majority of these types of claims are now issued in the Magistrates' Court, which has 'mirror image' jurisdiction in relation to the 1985 and 2013 Acts.

The overwhelming majority of cases in the List resolve by consent between the parties.

# Commercial Division

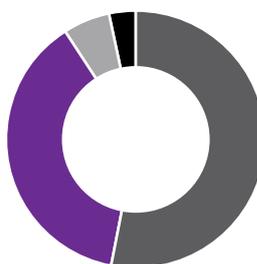
## Report from the Head of the Commercial Division Judge Cosgrave



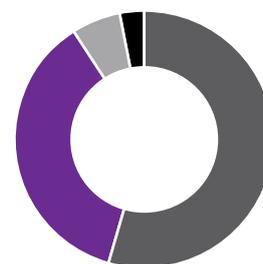
Judge Cosgrave

The Commercial Division of the County Court aims to provide a fast, cost-effective and fair alternative for the resolution of commercial disputes. This is achieved through a reduced need for costly interlocutory appearances, the availability of trial dates within six months of first administrative mention, extremely low rates of not reached cases and fast average time to judgment.

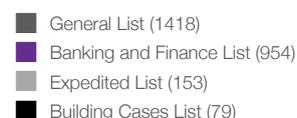
Judges in Charge	List
Judge Cosgrave	The General List
Judge Cosgrave	The Banking and Finance List
Judge Cosgrave	The Expedited Cases List
Judge Anderson	The Building Cases List



Initiations by List 2015-16



Finalisations by List 2015-16





## 2015–16 Division activity

During 2015–16, litigants chose to commence 2150 proceedings in the Commercial Division of the County Court. This amounted to over 40 per cent of total civil initiations in the County Court (Melbourne Registry) and 23 per cent of all County Court proceedings. The majority of these claims were for under \$500,000. However, there were a significant number of cases in which over \$1 million was claimed in the writ.

The Commercial Division continued to offer trial dates within six months of first administrative mention and to provide trial date certainty in almost all cases. In 2015–16, only two cases were marked 'not reached' because a judge was not available to hear the trial on the day.

In a testament to the hard work and commitment of the five judges of the Commercial Division, the average time to write and deliver a trial judgment for 2015–16 was less than 3.5 weeks. Written decisions on interlocutory disputes were generally delivered even more quickly.

The Division finalised 2604 cases in 2015–16, a 3.9 per cent increase on the 2014–15 financial year. This amounts to 44 per cent of total civil finalisations in the County Court (Melbourne Registry) and 26 per cent of all County Court (Melbourne Registry) finalisations. One hundred and nine trials required allocation to a judge and 1089 interlocutory applications, directions hearings and objections hearings were heard.

The Division furthered its commitment to openness and transparency by including a 'Commercial Division Trial Data' page on the County Court website, which includes quarterly updates on indicative time to trial, not reached cases and time to judgment. Significant decisions are also now available on the Commercial Division page of the County Court website.

## Division challenges

Self-represented litigants pose a particular challenge for the Commercial Division. As at 20 July 2016, there were 139 proceedings in the Division which involved self-represented litigants – amounting to over 72 per cent of active self-represented litigant civil proceedings in the County Court.

Due to the complicated and varied nature of the legal principles and procedures that may arise in the Commercial Division, the challenges for a self-represented litigant are felt particularly acutely. Self-represented litigants also increase the expense and delay for other parties to proceedings and to the Court.



### Age of pending 2015–16

- 0–12 months (595)
- 12–24 months (360)
- 24 months and greater (89)



### Initiations in the civil jurisdiction 2015–16

- Commercial (2150)
- Common Law (3126)



### Initiations across all Divisions 2015–16

- Commercial (2150)
- Criminal (4015)
- Common Law (3126)



### Self-represented litigant active cases in the civil jurisdiction 2015–16

- Commercial (139)
- Common Law (54)



### Self-represented litigant finalised Cases in the civil jurisdiction 2015–16

- Commercial (107)
- Common Law (43)

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## Report from the Judge in Charge of the General List Judge Cosgrave

The Commercial Division's General List constitutes the largest list in the Division. The List includes any proceeding which generally arises out of a commercial transaction, involves personal or real property or does not fit within the definition of any other List or Division.

### General List activity 2015–16

The General List handled the bulk of the work of the Commercial Division during the year, with 1146 initiations in 2015–16.

There were 1418 cases finalised – an increase of 8.2 per cent on 2014–15. Nearly half of all proceedings included a debt claim of between \$100,000 and \$500,000. A small but significant number of claims were for over \$1 million. Over 40 per cent of claims were for unliquidated damages where the amount claimed was not specified in the writ.

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#### *'Complicated legal and factual issues'*

A lessor sued its lessee for the cost of rectifying corrosion damage to the leased premises after the property was vacated. The lessee argued the damage was fair wear and tear. The cost of the repairs was agreed to be over \$1 million.

The issues the judge was required to determine included: construction of the lease; whether the tort of waste had been committed by the lessee; whether the work required by the lessor constituted 'betterment'; whether the lessee had the benefit of an estoppel by convention; and whether the lessee was entitled to the return of the amount of bank guarantees provided by it.

She also had to consider complicated factual and expert evidence as to the condition of the premises in 2007 and 2008 (when the lease commenced) and the condition of the premises when it was vacated in 2012. Ultimately she held that the lessor was only entitled to \$100,000 in make good costs and that the lessee was entitled to the return of \$149,000 drawn down on bank guarantees.

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

The Banking and Finance List provides a specialist list for cases arising out of, concerning, or related to any transaction involving the provision of financial accommodation – including proceedings claiming the possession of land.

### Banking and Finance List activity 2015–16

There were 810 initiations in the Banking and Finance List in 2015–16 (down from 1140 in 2014–15).

This reduction in the number of cases initiated reflects the high number of initiations in 2014–15 related to the Timbercorp forestry, olives and almonds investment scheme.

Finalisations were steady at 954 over the course of the year. More than half of proceedings included a debt claim of between \$100,000 and \$500,000. A small but significant number of debt claims were between \$500,000 and \$5 million, with one claim for over \$5 million.

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#### *'Expedient resolution of commercial disputes'*

A property developer borrowed \$7.5 million from a private lender to fund a development in Toorak. Initially the term of the loan was to be 18 months but this was subsequently agreed to be reduced to 15 months. The property developer sued the private lender, arguing that the private lender had calculated the repayment date of the loan incorrectly and, as a result, required payment of additional fees and interest that were not due.

In separate proceedings, the property developer was sued by its lawyers for unpaid fees. The property developer counter-claimed on the basis that, if the private lender had calculated the repayment date correctly, the lawyers had been negligent. A trial of the preliminary question of the repayment date of the loan was heard over two days. The judge delivered judgment two weeks later finding that the private lender had calculated the repayment date incorrectly. This finding was sufficient for the property developer to be given summary judgment against the private lender for \$693,909 and for the property developer's lawyers to be given judgment against the property developer for \$23,520.



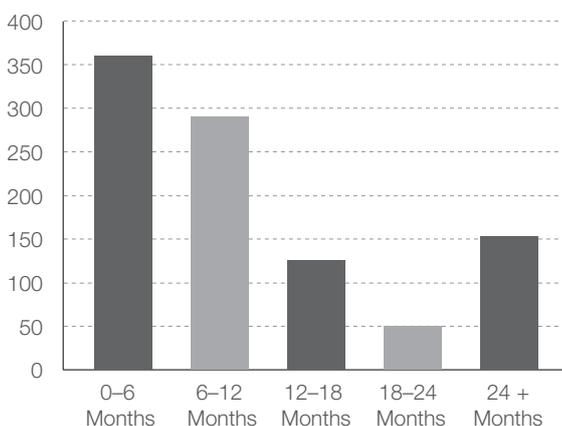
# Report from the Judge in Charge of Expedited Cases List

## Judge Cosgrave

The Expedited Cases List performs two functions. Firstly, parties may request entry of a proceeding into the Expedited Cases List where an expedited hearing is sought or the case requires more intensive case management.

Secondly, the Commercial Division utilises the Expedited Cases List as a case management tool. Judges or Judicial Registrars are able to transfer a proceeding into the Expedited Cases List where it is apparent that intensive case management of the proceeding is required or where an earlier trial date is required.

Time to finalisation for all lists 2015–16



### Expedited Cases List activity 2015–16

There were 126 initiations in the Expedited Cases List in 2015–16 and 153 finalisations. Trial dates were typically available within four to five months of the entry of an appearance, sometimes earlier if required. Around half of all proceedings were finalised in under six months. Most claims were for unliquidated damages where the amount claimed was not specified in the writ.

#### *‘Fast turnaround of judgments’*

The purchaser of a ‘prestige residence’ in Mt Eliza failed to settle despite multiple extensions of the settlement date by the vendors. The vendors sued for damages of approximately \$470,000 (over and above the forfeited deposit of \$250,000). The case raised complicated legal questions on the calculation of interest and damages and was heard over four days in October 2015. The 43 page written judgment was delivered 10 days after the last day of trial.

#### *‘Trial dates within six months of first administrative mention’*

A writ was issued in the expedited cases list on 12 March 2015. The case concerned obstruction of an easement. The defendant entered an appearance on 8 April 2015. On 23 April 2015, consent directions orders were made ‘on the papers’ (without requiring the parties to attend court) listing the proceeding for trial on 28 September 2015. The trial was heard over two days commencing 28 September 2015 and judgment was delivered on 8 October 2015.

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

The Building Cases List provides targeted case management procedures for the resolution of building and construction disputes.

The building and construction industry is vital to the economic health of the State of Victoria, and this multi-billion dollar industry cannot operate effectively without timely, efficient and fair procedures for the resolution of building and construction disputes.

## Building Cases List activity 2015–16

In 2015–16, 68 cases were issued in the List and 79 cases were finalised. The List often deals with cases in which the amount claimed exceeds \$1 million and occasionally exceeds many millions of dollars. Around half of all proceedings were finalised in under six months.

Trial dates were fixed within about five months of a proceeding being defended. All trials with an estimate of more than nine sitting days were fixed for hearing before the Judge in Charge of the List. During the reporting period, each of these ‘long cases’ settled.

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## ‘Specialist legislation’

The *Building and Construction Industry Security of Payment Act 2002 (Vic)* is designed to reduce payment delays for subcontractors and contractors by providing a procedure for the speedy recovery of progress payments. The benefits of falling within the scope of the legislation are significant, and disputes concerning its appropriate interpretation and application frequently arise.

Most applications under the Act were disposed of within days of their initiation. With disputed applications for judgment, written reasons were usually provided.



## Report from the Head of Circuits Judge Mullaly



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.

### **Criminal circuit activity 2015–16**

Continuing on from the success of the 2014–15 reporting period, circuit lists across all regions have maintained a positive trend throughout 2015–16. Cases are now brought on quicker in each circuit location and delays are now a matter of months, rather than years.

### **Initiations, finalisations and pending**

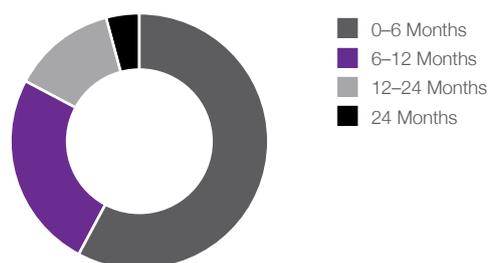
Criminal case initiations increased by eight per cent in 2015–16 compared to the previous 2014–15 financial year. Finalisations also increased, however at a rate of 5.2 per cent, resulting in a slight 1.7 per cent (five case) increase in pending cases at the end of the reporting period.

Appeal cases followed a similar trend, with a 7.6 per cent increase in initiations and a 0.5 per cent increase in finalised cases. The number of pending cases increased by 5.1 per cent (14 cases).

## Time to trial

Delay in the finalisation of criminal and appeal cases continued to reduce during the 2015–16 reporting period. Of the cases completed, 58 per cent were finalised within six months of being committed/appealed to the County Court. A further 25 per cent were finalised within 6–12 months of being committed/appealed. A total of nine cases (13 per cent) were finalised within 12–24 months, with only a further three cases (four per cent) taking more than 24 months from committal/appeal to finalisation.

Criminal/Appeal cases – time to trial 2015–16



## Civil circuit activity 2015–16

Civil cases represented a significant portion of the workload of the circuit courts – accounting for 25 per cent of all cases initiated and finalised during the reporting period.

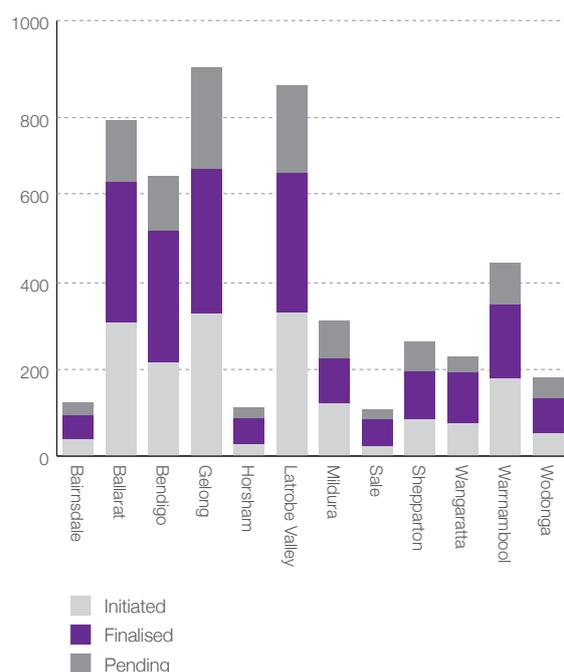
The Court has reduced the overall number of pending civil matters throughout the reporting period to 547 civil cases at the close of the 2015–16 financial year. This represents a 5.7 per cent decrease from the previous reporting period.

Significant settlement rates continued to see the length of many civil circuits reduced, allowing judges to return from circuit to assist with the workload at Melbourne.

Total circuit case activity 2015-16



Circuit case activity by location 2015-16





## Circuit highlights

### Shepparton Law Court Redevelopment

A highlight of the year and a major development in the future of circuits is the Shepparton Law Court Redevelopment. The project is progressing well and is on target for finalisation in 2018.

The introduction of the new six court facility, which will include two higher jurisdiction courts, will greatly assist in overcoming current listing challenges in Victoria's north-east.

Flexibility in the approach to circuit listings was required during the Shepparton Law Court Redevelopment construction period. The vast majority of Shepparton County Court cases were required to be relocated to Wangaratta or other suitable locations. The relocation of the County Court workload enabled the Magistrates' Court to continue to sit at Shepparton during the construction period.

The Court acknowledges that at times this caused a level of inconvenience to parties, practitioners, witnesses and the like, and appreciates that this was only made possible through the cooperation of all court stakeholders during this period.

## Circuit challenges

### Timeframes

The challenge in managing the circuit lists is to ensure that the cases are listed in appropriate timeframes, with fairness to both sides when a case is listed. The Court has listing protocols and considers these protocols and all other unique matters associated with a case when setting the priority order of trials within a circuit.

The ideal is to ensure that every case is ready so that one follows on from the next as seamlessly as possible. This is not always easy to achieve, as there are so many variables and things that arise late in the piece.

The circuit administrative team in Melbourne is in constant communication with the parties and the regional registrars. Thanks to iManage, there is visibility of each circuit case and circuit case management is able to commence as soon as a matter is committed/appealed from the Magistrates' or Children's Court.

In recent years, the Latrobe Valley has presented the Court with particular challenges, including the sheer volume of cases and the number of sexual assault cases. The Court met the challenge by dedicating resources to the region by way of additional circuits. As a result, the lists in the Latrobe Valley are now more in line with other major circuit locations. Beyond this statistically improved scenario, complainants, witnesses and accused have their cases heard and determined in a more timely manner.

## Report from the Judicial Registrars Burchell and Tran

The Judicial Registrars reduce the burden on the judges of the Division by determining less complicated interlocutory disputes, making orders on the papers, hearing enforcement applications and objections to subpoenas, conducting judicial resolution conferences (mediations) and assisting with the administration of the Division.

Judicial Registrars Burchell and Tran completed their first full year with the Commercial Division in 2015–16. The two Judicial Registrars share the position of one full-time Judicial Registrar under an innovative work share arrangement.

### 2015–16 Judicial Registrar activity

In 2015–16, the Judicial Registrars heard 469 interlocutory applications, directions hearings and objections hearings and completed 43 judicial resolution conferences – of which 23 proceedings wholly or partly settled (including nine proceedings involving self-represented litigants).

In addition, the Judicial Registrars processed many hundreds of consent and ex parte orders ‘on the papers’, relieving practitioners and parties from the cost and inconvenience of unnecessary court appearances.

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





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## The challenge of self-represented litigants

Self-represented litigants pose a particular challenge for the Commercial Division. Over 72 per cent of active civil proceedings involving a self-represented litigant are in the Commercial Division.

The Judicial Registrars implemented two new measures to address this challenge. First, proceedings involving self-represented litigants are, if appropriate, offered a judicial resolution conference. Judicial resolution conferences are conducted as mediations by a Judicial Registrar. They provide self-represented litigants with a less formal and intimidating mechanism for resolving a dispute, whilst still providing them their 'day in court' and the opportunity to tell their story in front of a judicial officer.

Secondly, proceedings which are identified as requiring higher than normal management (for example, because one party is a self-represented litigant) are transferred to the expedited cases list and actively case managed. As far as possible, consistency of management is maintained by listing these cases before a single Judicial Registrar.

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### *'Effective use of alternative dispute resolution procedures'*

The Plaintiff, Frank, was 89 years old and came from Tootgarook. In 2012, his daughter Betty, her husband Brian and their disabled son Fred moved into Frank's home at Tootgarook in order to help look after Frank in his old age and also so Betty and her family could have somewhere to live. In February 2013, Frank entered into a reverse mortgage with the CBA for \$200,000. This money was apparently spent by Betty and Brian on renovations to the Tootgarook property and on living expenses. In 2014, Frank's mental and physical condition deteriorated and he was moved into an aged care home in Geelong. Frank's son, Walter was appointed as his administrator. Betty and her family continued to live in the Tootgarook property.

Frank (with Walter acting as litigation guardian) commenced proceedings against Betty and Brian seeking an order for the sale of the Tootgarook property to pay for Frank's placement at the aged care home. Frank had no assets other than the Tootgarook property.

He was only able to afford legal representation with the assistance of his son Walter. Betty and Brian were both unemployed and could not afford legal representation. The proceeding was listed for a three to five day trial in October 2015. In September 2015, a Judicial Registrar conducted a Judicial Resolution Conference and the parties were able to come to an agreement which enabled the Tootgarook property to be sold, Frank's aged care home fees paid and the proceeding struck out. [Names changed]

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### *'Proportionate resolution of commercial disputes'*

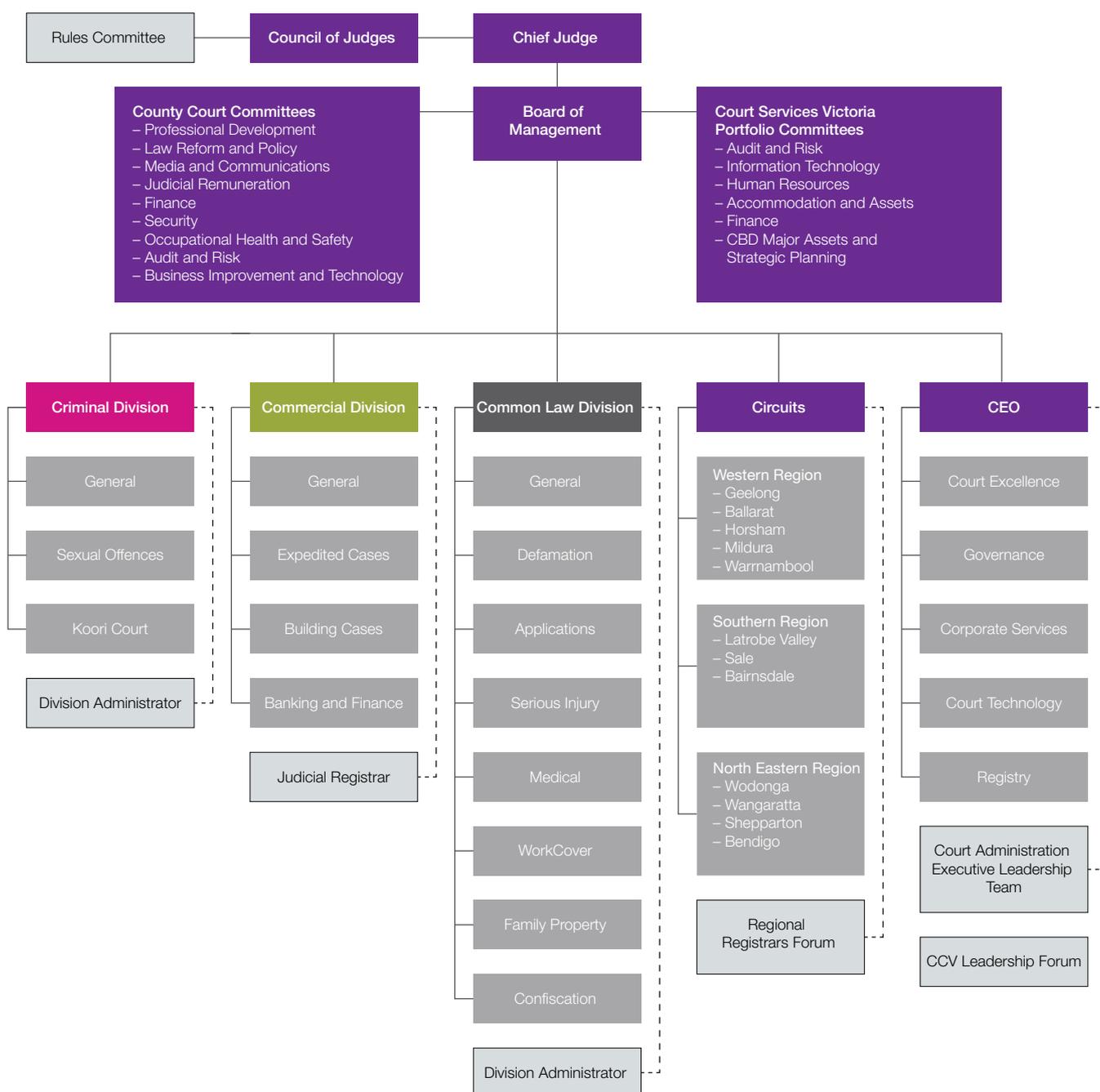
In the rare case where there may not be a Commercial Division judge available to hear a case listed for trial it is placed on the 'Reserve List', managed by the Judicial Registrars.

In one proceeding on the Reserve List, the amount claimed by the plaintiff was less than \$85,000 for delivery and commissioning of a system to fill, cap and label plastic containers. There was a counterclaim but there was a lack of expert evidence as to the quantum of damages sought. If the case was not reached, the parties would have had to bear significant wasted costs. The Judge-in-Charge referred the trial of the proceeding to the Judicial Registrar, who was available to hear it over three days.

The Judicial Registrar held that the defendant breached its obligation to provide a system that would fill, cap and label at a rate of between 20-40 units per minute. This breach went to the root of the contract so as to deprive the plaintiff of a substantial part of the benefit which it was entitled to under the agreement. As such, the loss suffered by the plaintiff was the value of the system, being the sum of \$64,350, paid by the plaintiff under the contract in reliance of the defendant's contractual promise (plus the remaining 10 per cent of the purchase price to be paid by the plaintiff under the contract, with such expenditure to be subsequently refunded by the defendant).



# Board of Management





# Judges of the County Court

At the end of the reporting year there were 66 Judges of the County Court.

JUDGE	Date appointed
His Honour Chief Judge Peter Kidd	28 Sept 2015
His Honour 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 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
Her Honour Judge Andrea Josephine Tsalamandris	2 Feb 2016
His Honour Judge Peter Henry Lauritsen*	24 May 2016

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 Ian Leslie Gray	31 May 2016

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

REGISTRAR	Date appointed
Kate Spillane	14 Apr 2014

\* Currently the Chief Magistrate

## New Appointments



Judge Lauritsen (left)  
Judge Tsalamandris (above)

### Judge Lauritsen

Judge Lauritsen was appointed a Judge of the County Court of Victoria in May 2016 – an office he holds together with that of Chief Magistrate.

Mr Lauritsen was appointed a magistrate in May 1989, a Deputy Chief Magistrate in July 2003 and Chief Magistrate in November 2012.

During his career as a magistrate in Victoria, Mr Lauritsen has taken on a range of responsibilities in relation to the management and operation of the Magistrates' Court and tribunals – including the roles of coordinating magistrate and supervising magistrate. He has chaired various committees of the Magistrates' Court including the Civil Rules Committee and the Dispute Resolution Committee.

Externally, Mr Lauritsen has represented the Magistrates' Court on committees, boards and advisory groups including the Council of Legal Education, the Courts' Library Committee and the Judicial Officers' Aboriginal Committee.

### Judge Tsalamandris

Judge Tsalamandris was appointed to the County Court in February 2016. Judge Tsalamandris has more than 21 years' legal experience and brings a wealth of expertise in civil and personal injury law to the bench.

Prior to her appointment, Judge Tsalamandris was a partner at Adviceline Injury Lawyers, a division of Holding Redlich, and headed the Personal Injuries Department.

A strong advocate for pro bono legal services, Judge Tsalamandris acted for members of the Stolen Generation and has served as a Relationship Partner with the Castan Centre for Human Rights Law.

She holds a Bachelor of Laws and Bachelor of Arts from Monash University.



## Report of the Principal Registrar Kate Spillane



Kate Spillane

### **eLodgement and iManage for appeals**

During the reporting period, the County Court focused on the implementation of eLodgement and iManage. The electronic court file (iManage) has replaced the paper file. The eLodgement system was created to allow legal practitioners to electronically lodge a number of documents on-line that connect directly to the electronic file.

Work on the project commenced in January 2016 with the Criminal Registry and Circuit area heavily involved and leading most stages of the project.

This work included mapping current and future state processes, the development of system requirements, user acceptance testing and work redesign to ensure that the system met the requirements of all internal and external users.

This project completes the program of work for the Criminal Division with eLodgement and iManage introduced for its Criminal Cases in 2015.

### **Family violence initiatives**

In early 2016 the County Court introduced practices to further support parties involved in Family Violence Intervention Order cases. The changes included updated listing practices to provide earlier court dates to parties, improved identification of Family Violence related Criminal and Appeal Cases, enhanced support service arrangements and further collaboration toward information sharing.

### **Expungement of convictions under the Homosexual Expungement Scheme**

The Historical Homosexual Convictions Expungement Scheme came into operation on 1 September 2015.

The scheme enables people who have been convicted or found guilty of 'historical homosexual convictions' to apply to have those convictions or findings of guilt expunged from official records.

The County Court worked in collaboration with the Department of Justice and Regulation to develop guidelines in support of the Act (Part 8 of the *Sentencing Act 1991*) and our registry undertook the first expungement of official records in May 2016.

## Distribution of court orders

In August 2015 the electronic distribution of court orders to stakeholders was introduced. This initiative replaced the paper based method of distribution and is a far more efficient and responsive approach to meet the needs of our stakeholders.

## Access to civil eFiling

The Registry worked closely with the Legal Services Board to allow in-house solicitors and solicitors in government departments to file documents with the Court electronically. This work resulted in the application of substantial improvements to County Court IT systems. Previously these practitioners were unable to use the electronic platform to file documents, with hard copy filing being the only method of filing available.

## Managing subpoena records

Significant improvements have been made to County Court IT systems to improve the overall management of subpoena records to provide a higher standard of service. As a result, more accurate information is now available to court users when contacting the Court and the time taken to book inspection appointments has reduced from over five minutes to less than one minute.

## Self-represented litigants

A Self Represented Litigant (SLR) IT initiative launched in June 2016 allows Court staff to access a comprehensive overview of a litigant's case in the one place, enabling them to provide quick and accurate assistance to SRLs. A key design feature of the new system is access and production of meaningful data to assist in the management of the access to justice needs of SRLs within the Commercial Division and Common Law Division.

## Common Law Division Serious Injury Application Expedited List

In January 2016 the Common Law Division introduced the Serious Injury Application (SIA) Expedited List. The SIA Expedited List is designed to expedite the hearing of serious injury applications, creating substantial savings in time and costs for matters that enter the List.

The Civil Registry worked very closely with the Head of the Common Law Division to develop and implement a number of new listings procedures and systems changes to meet the requirements of the new list.

## Commercial Division Judicial Registrar Protocol, Long Trial Protocol and Stand-by Listings Pilot

The Civil Listings Commercial Division coordinator worked closely with Judge Kennedy to implement the Judicial Registrar Protocol, Long Trial Protocol and Stand-by Listings Pilot. The initiatives were designed to better support the flow of cases through the Commercial Division.

## Regional Victoria

Building on the implementation of new regional listing practices of the previous year, a Circuit Registry Officer role was introduced to support the County Court work in regional Victoria.

The Head of Circuits, Principal Registrar and Circuit Coordinator continued to have significant involvement in the Shepparton Law Courts Redevelopment Project and provide strong County Court representation at various levels of the project. A major focus this year was on courtroom design. One of the highlights of the project was the development of a full scale courtroom, made entirely of polystyrene, to enable the project teams to visualise the model and make adjustments where necessary prior to confirming that the layout of the courtroom was suitable for all County Court cases. Matters listed in the Shepparton County Court were successfully reallocated to Wangaratta Court to ensure that these matters continued to be heard and determined throughout the construction period.



# Juries Commissioner's Office

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

The *Juries Act 2000* provides for a jury system that equitably spreads the obligation of jury service among Victorian citizens. The Juries Commissioner's Office (JCO), comprised of the Juries Commissioner, 11 Melbourne-based staff and another 11 staff across regional Victoria, ensures that a sufficient number of Victorian citizens are available to serve as jurors on Supreme and County Court trials.

## Jury Management System (JMS)

In January 2016, the JCO launched its new Jury Management System (JMS), a sophisticated yet intuitive, cloud-based system that marries a staff interface with an online juror portal, providing digital services meeting 21st century expectations.

Jurors can now communicate with the JCO online, completing eligibility forms, making applications to be excused or deferred and updating their personal details. Using the online service, jurors can activate SMS notifications and nominate a bank account for attendance payments (in lieu of cheques sent by post). To date, over 80 per cent of jurors have nominated bank details reflecting how significant an impact this functionality has had on the user experience.

The staff interface features functionality that allows greater capacity to capture trial and empanelment details – a significant development for the purposes of data collection in the future.

## Support for jurors

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

For those people, the JCO introduced a new state-wide Juror Support Program that offers people who have attended for jury service the opportunity to speak with professional counsellors (at no cost to them) in person, by telephone or via video connection.

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

## Research

In this reporting period, the JCO supported and assisted in the facilitation of an exciting research project that investigated the impact of iPad use by jurors within the deliberation process (study conducted by Dr Karen Gelb and Professor David Tait, University of Western Sydney).

Participants in the study were shown a one hour simulation of a trial and then engaged in a deliberation process using evidence presented on either paper or an iPad. The project aimed to test whether the use of technology in this process influenced juror perception of evidence. Findings of this study will be published in 2017.

# Court Partners

## VGRS

The reporting and recording services provided by the Victorian Government Reporting Service (VGRS) are central to the operations of the Court and provide a valuable service to the community.

During the 2015–16 reporting period the VGRS transcribed over 8000 court hearings. This represents approximately 33 hearings – in total or part – per day and signifies 64 per cent of the VGRS’s total annual transcript production across criminal jurisdictions.

Over the last 12 months, the VGRS achieved 97.9 per cent on time service delivery in line with its Service Level Agreement with the Court.

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 Victoria.

## The Liberty Group

The County Court building in Melbourne is privately owned by The Liberty Group (TLG). The Court appreciates the professional service TLG provides under the public private partnership.

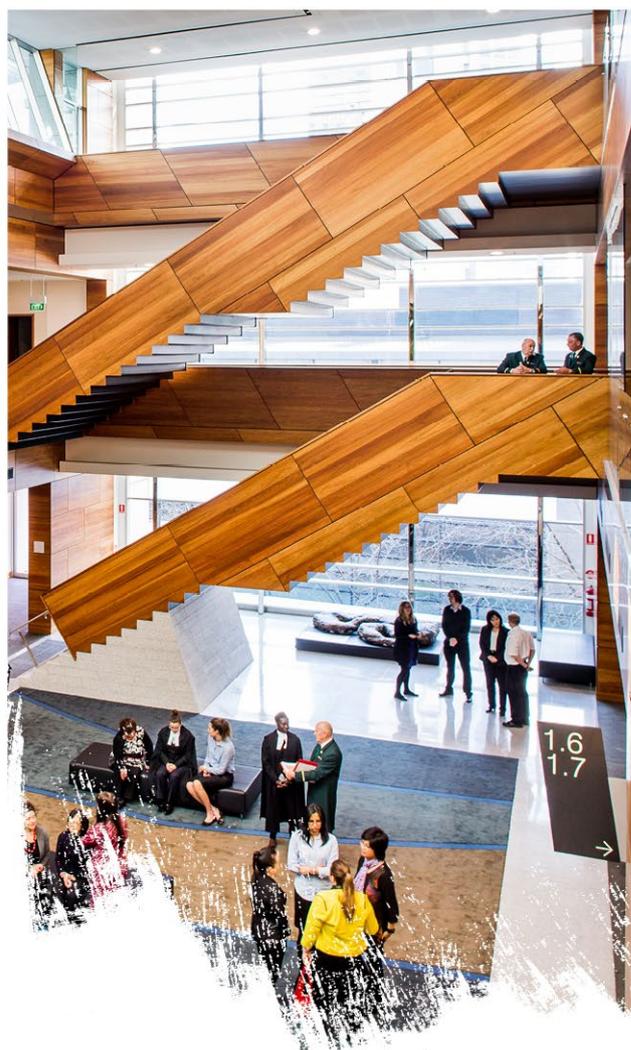
TLG works closely with its service partners Honeywell, G4S Security and Interform. The County Court building continues to be maintained in pristine condition – a large number of building improvement projects were successfully completed, including bathroom and teapoint refurbishments, recarpeting and installation of end-of-ride facilities.

Proactive management of safety and security considerations remained paramount, with G4S Security and Corrections Victoria staff assisted by an upgrade to high definition digital CCTV cameras.

Interform provided extensive IT development and support services, including the continued evolution of the iManage integrated electronic document management system.

TLG and service partners provided support in various other ways to assist with the smooth running of the Court. Events supported included Law Week, Justice Connect breakfast, Ride to Work Day breakfast and the opening of the legal year celebration.

TLG also hired out courtrooms on most days for appropriate uses, such as to solicitors for arbitrations and mediations.





## Court Adminstration



*Image, from left:*

Bradley Medcroft, Katie O’Keeffe, Jo Rainford, Keith Kirkham  
Toby Hemming, Fiona Chamberlain (CEO), Roger Fredman,  
Paul Conroy, Kate Spillane, Bill O’Connor

**Fiona Chamberlain**

*Chief Executive Officer*

The CEO is a statutory appointment and is responsible for leading the County Court's Administration whilst providing support to the Chief Judge as the head of jurisdiction.

**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 Technology*

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.

**Bradley Medcroft**

*Program Director*

Leads the Court's strategic, planning, and project management systems. This includes managing the Court improvement program – a group of system improvement and change management projects that aim to improve the capacity of the Court to deliver excellent outcomes.

**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.

**Paul Conroy**

*Strategic Communications Manager*

Provides media and communications support to the judges of the Court, as well as the Media and Communications Committee. Also provides advice on external engagement to the Chief Judge and manages the communications team.

**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.

**Toby Hemming**

*Senior Executive Adviser to the Chief Judge*

Supports the Chief Judge in relation to his roles as head of the County Court, chair of the Court's board of management and member of the Courts Council. Manages the Chief Judge's chambers and provides advice on strategy, policy and governance issues.

**Bill O'Connor**

*Principal Advisor Strategy & Planning*

Responsible for providing expert advice to the CEO and judges about strategy and planning, and working on key strategic projects on behalf of the CEO.



## Finance Report for the year ended 30 June 2016

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

Below is an abridged version of CSV's comprehensive operating statement highlighting the County Court of Victoria operations.

CSV 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. CSV is responsible and accountable on behalf of its jurisdictions to centrally manage court assets and liabilities – thus the County Court is not able to publish a separate Balance Sheet, Cash Flow Statement or Statement in Changes of Equity.

Financial reports for the year ending 30 June 2016 presented below include:

- Comprehensive Operating Statement
- Comprehensive Operating Statement by Court functions
- Capital Program Statement.

A change in format of the Comprehensive Operating Statement in comparison to the 2014–15 published report has seen the removal of capital items to a newly established Capital Program Statement. Explanatory notes are provided following the financial reports.

The Comprehensive Operating Statement reports that the Victorian Government appropriated revenue of \$84.653 million, which was received by CSV for the purposes of the County Court's functions plus \$10.197 million to fund the Court's capital program in 2015–16. A breakdown in expenditure to fund Court Operations and the capital program are provided in the following financial statements. The net result from transactions for Court Operations at year end 30 June 2016 reports a deficit of \$12,000 (\$315,000 surplus 2014–15).



## Comprehensive Operating Statement for the year ended 30 June 2016

	Note	2016 \$'000	2015 \$'000
<b>CONTINUING OPERATIONS</b>			
<b>Income from transactions</b>			
Output appropriations	1	54,136	53,556
Special appropriations	2	30,517	26,724
Grants		-	2,908
Other income	1	-	1,604
Total income from transactions		84,653	84,793
<b>Expenses from transactions</b>			
Employee expenses	3	46,185	45,690
Depreciation and amortisation		6,657	6,471
Interest expense	4	8,151	9,014
Grants and other transfers		1	-
Supplies and services	5	23,671	23,303
Total expenses from transactions		84,665	84,478
Net result from transactions (Net Operating Balance)		(12)	315
<b>OTHER ECONOMIC FLOWS INCLUDED IN NET RESULT</b>			
Net gain/(loss) on non-financial assets		-	-
Net gain/(loss) on financial instruments		-	-
Other gains/(losses) from other economic flows	3	(1,031)	-
Total other economic flows included in net result		(1,031)	-
Net result		(1,043)	315
<b>OTHER ECONOMIC FLOWS – OTHER COMPREHENSIVE INCOME</b>			
Items that will not be reclassified to net result			
Changes in physical asset revaluation reserve	6	98,390	-
Total other economic flows – other comprehensive income		98,390	-
Comprehensive result		97,047	315



## Capital Program Statement for the year ended 30 June 2016

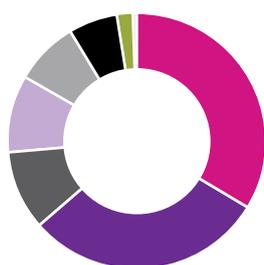
	Note	2016 \$'000	2015 \$'000
<b>Income from transactions</b>			
Output appropriations	1	10,197	8,391
Other income		-	1,848
Total income from transactions		10,197	10,239
<b>Capital transactions</b>			
Building Leasehold Improvements		-	346
Office Equipment, Plant and Cultural assets		48	1,320
Public Private Partnership County Court facility	7	10,197	8,573
Total capital expenses from transactions		10,245	10,239
Net result from capital transactions		(48)	-

### Notes to the Comprehensive Operating Statement and Capital Program Statement

- Output Appropriations is defined as appropriated income received from the consolidated fund by the Victorian Parliament to fund outputs delivered by the County Court.
- 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. Two factors contributing to an increase in revenue of \$3.793 million in 2015–16 in comparison to 2014–15 included an annual appropriation increase of \$1.361 million and \$2.432 million related to timing when drawing down of cash occurred.
- Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements and WorkCover premiums. Employee costs increased by \$495,000 in 2015–16 in comparison to 2014–15 due to annual salary increments as per workplace agreements.
- Interest expense represents costs incurred in connection with borrowings for the Public Private Partnership (PPP) County Court facility. It includes interest components of finance lease repayments, and amortisation of discounts or premiums in relation to borrowings. The PPP interest payments will continue to reduce every year until May 2022 until the finance lease component will be fully paid.
- Supplies and services expenses incorporate a provision of services involving: accommodation; technology; security; building management and maintenance; office supplies and equipment; and circuit court expenses.
- Property, plant and equipment assets 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.
- Capital expense represents costs incurred in connection with borrowings for the Public Private Partnership (PPP) County Court facility. It includes the finance lease repayments, and amortisation of discounts or premiums in relation to borrowings. The PPP finance lease component payment will continue every year until May 2022 when it will be fully paid.

## Comprehensive Operating Statement by Function for the year ended 30 June 2016

	Note	2016 \$'000	2015 \$'000
<b>CONTINUING OPERATIONS</b>			
<b>Expenses from transactions</b>			
Court Administration	i	8,570	8,579
Depreciation	ii	6,657	6,471
Judicial Officers	iii	28,765	28,452
Koori Court	iv	326	306
Public Private Partnership County Court facility	v	25,280	25,394
Regional Circuit Court	vi	1,407	1,469
Registry	vii	4,809	4,727
Tipstaves and Associates	viii	8,849	9,080
Total expenses from transactions		84,665	84,478



### Comprehensive Operating Statement by Function for the year ended 30 June 2016



### County Court Functions

The Court's Special and Output Appropriation is spent on the following functions to deliver its output services.

#### i. Court Administration – 10 per cent

Court Administration provides a range of functions including: management; corporate governance; finance, procurement and contract management; court support services; human resources; OH&S and risk compliance; legal research and policy interpretation; facility and court event support; media and communication services; infrastructure technology operations and development; and court improvement programs and projects.

#### ii. Depreciation – 8 per cent

Depreciation is an expense that arises from the consumption through use or time of a produced physical or intangible asset. A significant proportion of depreciation expense is related to the County Court building facility of \$5.798 million in 2015–16 (\$5.741 million in 2014–15).

#### iii. Judicial Officers – 34 per cent

There are 66 Judicial Officers and three Judicial Registrars to hear and judge on Criminal, Common Law and Commercial cases. Judicial Officers expenses are funded independently by government through a Special Appropriation fund in accordance with the *County Court Act 1958*.



#### iv. Koori Court – < 1 per cent

The County Koori Court sits at Melbourne and Latrobe Valley. Koori Court expenses includes management of the Koori Court program, payments to the Elders and other operational costs incurred at Latrobe Valley.

#### v. Public Private Partnership County Court Facility – 30 per cent

The State of Victoria and the Liberty Group Consortium (contractor) entered into a Court Services Agreement (CSA) in June 2000 under a PPP contracted project. The 20 year contract commenced in June 2002 and will conclude in May 2022.

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; and
- provide Court Services to the County Court and court users in connection with the management and operation of the facility.

The minimum lease payments for the 20 year life of the contract amount to \$343,055,369. As at 30 June 2016, \$82.144 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 Capital Expenditure whereas the Interest component is an Operating expense.

In 2014–15, the Court contributed to a new custody lift at its Melbourne facility.

#### vi. Regional Circuit Court – 2 per cent

The County Court sits at 12 major regional centres across Victoria. Judges are supported on circuit by their Associate, Tipstaff and the registry staff at each regional court. Court staff attend circuits on a roster basis. It costs approximately \$1.4 million annually to resource circuits. These costs do not include staff salaries or Koori Court.

#### vii. Registry – 6 per cent

Registry provides a range of services to the community and judicial officers including: receiving and processing court lodgements; preparing and publishing daily court listings; organising video links between the County Court and other locations; providing assistance to self-representative litigants; managing fee waiver applications; co-ordinating County circuit courts in conjunction with regional registrars; and providing excellent customer service to court users.

#### viii. Tipstaves and Associates – 10 per cent

Tipstaves and Associates support Judicial Officers in the conduct of courtroom operations, judicial services and interaction with parties. Tipstaves and Associates expenses include employee costs and supplies but excludes costs incurred when staff attend regional circuit court.

