

# County Court OF VICTORIA

2013-2014  
ANNUAL REPORT



The County Court of Victoria is the intermediate tier of the state's court hierarchy.

It is the major trial court in the state of Victoria.

This report provides a summary of the County Court's strategic priorities, major projects and achievements for the financial year 2013–2014. A full list of the Court's activities for 2013–2014 is available on the Court's website at [www.countycourt.vic.gov.au](http://www.countycourt.vic.gov.au).



---

# Contents

Report of the Chief Judge	2
Report of the Chief Executive Officer	3
Year at a Glance	4
A View to Court Excellence	6
Highlights and Challenges	7
Judicial Professional Development	8
Jurisdiction and Divisions	9
Criminal Division	10
Damages and Compensation Division	15
Commercial Division	17
The Court on Circuit	18
Report of the Principal Registrar	20
The Court and the Community	22
Judges of the County Court of Victoria	25
Service Partners	26
Finance Report	28

# Report of the Chief Judge



The Court closed the financial year poised for great change, with the establishment of Court Services Victoria (CSV) on 1 July 2014. This move not only recognises the independence of the judiciary but also the administration that supports it. The existence of CSV enhances the capacity of all courts to work collegiately in our commitment to the community we serve.

*Chief Judge Michael Rozenes*

A change on the scale of CSV would not have been possible without the perseverance and determination of Attorney-General Robert Clark; my colleagues on the Courts Council led by Chief Justice Marilyn Warren; Alan Clayton, CEO of CSV; and the entire team at Jurisdiction Services.

## A new era of integration

The Court itself is well positioned to deal with the new operating environment – for which I also owe my thanks to our new CEO, Fiona Chamberlain. The CEO and her senior leadership team undertook a complete restructure of the Court's administration, significantly strengthening the Court's leadership, and facilitating an unprecedented level of collaboration between the administrative and judicial functions of the Court.

This collaboration features significantly in the judge-led Governance Review. Chaired by Judge Anderson, the review is examining the Court's internal organisation and governance arrangements. The Governance Working Group is now working hard to establish new roles and structures to strengthen the Court's ability to self-manage strategy and resources. The new governance framework will be implemented over the coming year. I congratulate the CEO, Judge Anderson, and the Governance Working Group for this pivotal work.

During the reporting year the Council of Judges also agreed to a new structure for the Court including the establishment of three Divisions – Criminal, Common Law, and Commercial.

## A new Commercial Division

The new Divisional structure recognises, for the first time, a Commercial Division (as distinct from the Common Law Division) which accounted for some 40 per cent of the Court's civil initiations this year. Judge Kennedy's efforts, as well as the efforts of the Commercial judges and their staff in managing this heavy caseload, are to be applauded. Despite the continued high rate of initiations and approximately 70 per cent of all self-represented litigants appearing in Commercial matters, trials continued to be listed within six months of initiation, with only eight not reached.

## The legislative environment

Changes to the sentencing regime continue to loom large for the Court.

The impact of the introduction of the *Sentencing Amendment (Baseline Sentences) Act 2014* will potentially undo many of the performance improvements that we have worked so hard to achieve in recent years. The new sentencing regime will likely add substantial complexity to the sentencing process, increasing the length of matters and the incidence of appeals. It will also change the case mix, adding to delay.

## Visible justice in a changing environment

The Court continues to contend with increasing media interest in its cases, despite a changing media landscape in which we find fewer dedicated court reporters. This means that the important work of accurately reporting cases of public interest is increasingly falling to the courts themselves.

The Court remains committed to the principles of open and transparent justice and welcomes the introduction of the *Open Courts Act 2013*. This Act sets out a clear presumption in favour of openness and reflects the reality that the Court only makes suppression orders out of exceptional necessity.

Under the Act, breaches of suppression orders are now criminal offences with new penalties reflecting the gravity of the offence. A breach has real and serious implications which can hurt victims and harm lives if a jury is discharged due to unrestricted publicity. The Court balances the proper administration of justice with open justice. This responsibility must be treated with the same seriousness by all disseminators of news and information – publishers, citizen-journalists and media outlets alike.

## Court performance

The Court has continued its upward trajectory of case finalisation rates during the financial year, recording 244 more criminal finalisations and 163 more civil finalisations than in the previous reporting period. Interestingly, the Court recorded just 3.4 per cent fewer initiations than in 2012–13, indicating judges and Court staff are working hard to address backlogs.

Our position as the principal trial court carries great responsibility and dedication from all who work here. I sincerely thank all of my colleagues for their unwavering dedication to this jurisdiction and the community we serve.

# Report of the Chief Executive Officer

I would like to acknowledge the efforts of Katie O'Keeffe, who as the Acting CEO, initiated many of the projects that have shaped the 12 months to 30 June 2014. It was a privilege to work with Katie and furthering those projects as the year progressed, as well as establishing a reinvigorated direction toward achieving Court Excellence.

I would also like to acknowledge the strength of the Chief Judge's leadership and vision for the Court.

The judges show an unwavering commitment to cooperation through their willingness to engage in new ways of working with the Court Administration. I thank them for their support and assistance, and for their dedication to delivering a high standard of justice to all Victorians.

The work of our Court is made easier through the effective working partnership with the Court's facility owner, The Liberty Group, who have continued to deliver excellent services to the Court this year.

## Strengthening court administration

In late 2013 the Court initiated an independent review of its efforts in implementing the International Framework for Court Excellence (IFCE), to establish the next steps of our continuing journey to achieve our aim of becoming a 'Court of Excellence'. The first step was to strengthen the Court's administration and governance to ensure we are better positioned to continue to implement the IFCE – this year completing a restructure of court administration.

The Court's administration now has a strong leadership team in place, with clear accountabilities around processes, systems, policy and strategy, governance, finance and improvement. We established a Deputy CEO, Court Excellence, helping to strengthen our leadership within Judicial Services.

The establishment of Court Services Victoria on 1 July 2014, and judicial services becoming independent from the executive arm of government, represents a new approach to the administration of the courts and VCAT. It is now up to the Court to ensure the appropriate use of its resources including people, systems, physical assets and funds.

## Leading together

The administration supported the Court's judge-led governance project by engaging directly with the judges, conducting over 40 interviews in order to better understand the issues affecting judges and how we might address them. The findings will inform much of our work as we head into the coming year.

## Improving systems and processes

Work continues to establish a robust performance reporting framework for the Court. The framework will ensure judges receive timely and consistent reporting data that can be relied upon to support and inform their listing and directions practices. It will also allow the Court to properly plan and respond to anticipated increases in its future workload.

Work also continues on stabilising the Court's ageing case management system. A concurrent project is working towards the implementation of electronic lodgement and document management for criminal cases in Melbourne. Once implemented in early 2015, these modernised systems will replace many manual processes, greatly improving access for court users, judges and Court staff.

## Looking forward

The increased integration so evident this year between the administration and the judges can only strengthen the work of the Court. I very much look forward to working together towards achieving goals for the County Court, underpinned by the IFCE, and continuing to support the vital work of the Court and its judges.



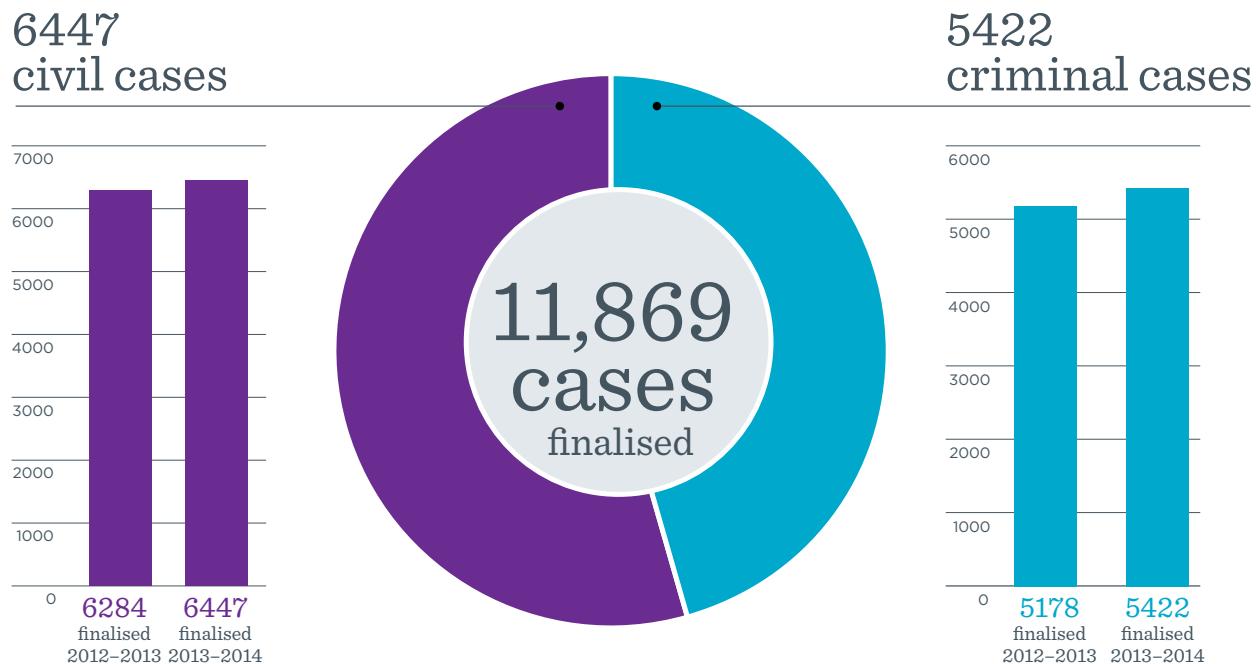
Having joined the Court on 1 January 2014, I have been indebted to, and impressed by, the exceptional level of professionalism and co-operation that I see from the Court and its staff every day.

*Chief Executive Officer  
Fiona Chamberlain*

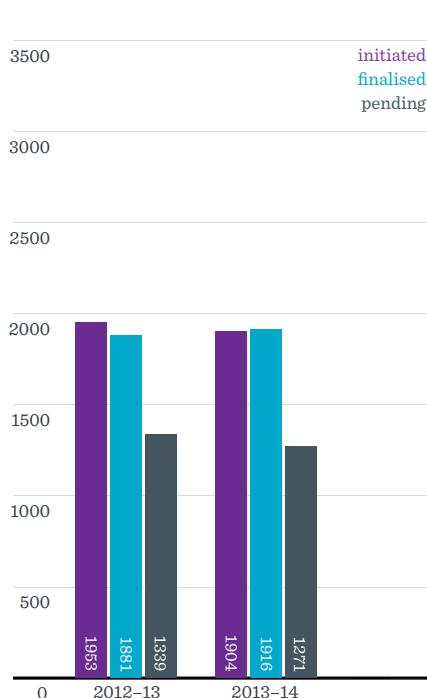
# Year at a Glance

The number of cases finalised by the County Court has increased in this financial year from 11,462 in 2012–2013 to 11,869 in 2013–14.

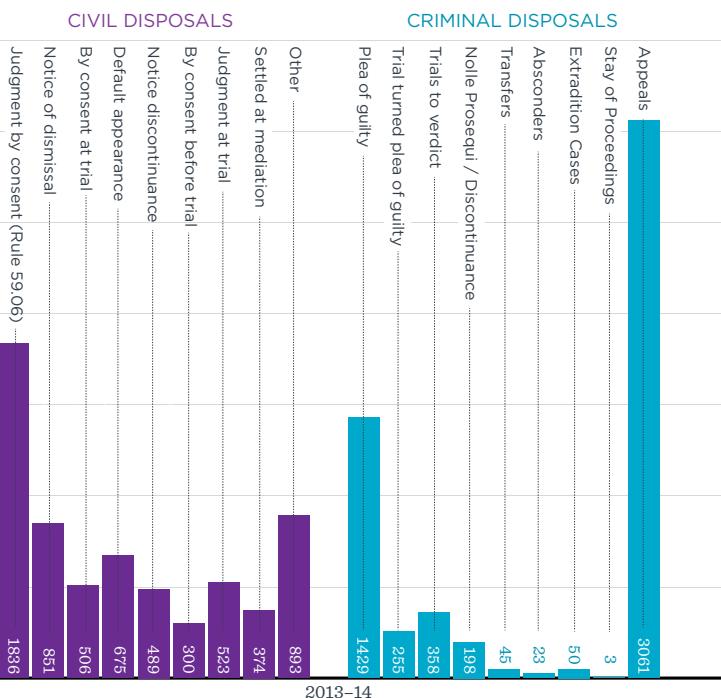
To read about the criminal jurisdiction of the Court, turn to page 10.  
For more detail on the civil jurisdiction, see page 15.



TOTAL CIRCUIT CASE ACTIVITY



DISPOSALS BY METHOD OF FINALISATION\*



\* Improved methods of data collection have allowed the Court to calculate criminal disposal categories in more detail than previously reported.

	2012-2013	2013-2014	% change
<b>TOTAL COUNTY COURT CASES:</b>			
Commenced	12,209	11,793	↓ 3.4%
Finalised	11,462	11,869	↑ 3.6%
Pending	10,631	10,445	↓ 1.7%
Overall County Court Clearance Ratio (%)	93.9%	100.6%	
% disposed within 12 months	67.2%	69.0%	
<b>TOTAL COMMERCIAL JURISDICTION:</b>			
Commenced	2718	2547	↓ 6.3%
Finalised	2592	2384	↓ 8.0%
Pending	2327	2471	↑ 6.2%
Overall Clearance Ratio (%)	95.4%	93.6%	
% disposed within 12 months*	25.0%	23.0%	
<b>TOTAL DAMAGES AND COMPENSATION JURISDICTION:</b>			
Commenced	3964	3892	↓ 1.8%
Finalised	3692	4063	↑ 10.0%
Pending	5501	5329	↓ 3.1%
Overall Clearance Ratio (%)	93.1%	104.4%	
% disposed within 12 months*	22.0%	24.0%	
<b>TOTAL CRIMINAL CASES (INCLUDING APPEALS):</b>			
Commenced	5527	5354	↓ 3.1%
Finalised	5178	5422	↑ 4.7%
Pending	2803	2645	↓ 5.6%
Overall Clearance Ratio (%)	93.7%	101.3%	
% disposed within 12 months	84.2%	87.0%	
<b>Criminal Trials and Pleas:</b>			
Commenced	2463	2350	↓ 4.6%
Finalised	2386	2361	↓ 1.0%
Pending	1641	1591	↓ 3.0%
Overall Trials and Pleas Clearance Ratio (%)	96.9%	100.5%	
% disposed within 12 months	76.0%	70.0%	
<b>Criminal Appeals:</b>			
Commenced	3064	3004	↓ 2.0%
Finalised	2792	3061	↑ 9.6%
Pending	1162	1054	↓ 9.3%
Appeals Clearance Ratio (%)	91.1%	101.9%	
% disposed within 12 months	93.0%	97.0%	
<b>TOTAL ADOPTION CASES:</b>			
Applications Considered	56	46	↓ 17.9%
Adoption Orders Made	50	39	↓ 22.0%
Applications Pending	2	4	↑ 100.0%

\* Once a civil case is initiated by filing a writ, a party has up to 12 months in which to serve the document. No further action will occur until such service is affected.

# A View to Court Excellence



The Court continued to implement the International Framework for Court Excellence (IFCE) and strive for excellence throughout the financial year.

*Judge Davis*

## Report of the Chair of the International Framework for Court Excellence Committee

*Judge Davis*

Adopted by the Court in 2010, the International Framework for Court Excellence (IFCE) was developed by the International Consortium for Court Excellence in 2008, and was further updated in 2013.

### A framework of tools and values

The IFCE is a management model covering the full range of a court's operations which is designed to improve the value of services a court offers its community. It provides a framework of tools and values by which courts can assess themselves and thereby improve the quality of justice and the court administration they deliver.

The IFCE identifies seven areas of court excellence:

- Court Leadership and Management
- Court Planning and Policies
- Court Resources (Human, Material and Financial)
- Court Proceedings and Processes
- Client Needs and Satisfaction
- Affordable and Accessible Court Services
- Public Trust and Confidence.

### Evaluating and improving Court performance

The IFCE requires courts to conduct regular reassessments to measure their progress against these areas of court excellence. By late 2013, the Court had undertaken two self-assessments. It was considered appropriate to seek an independent evaluation of the County Court's progress in implementing the IFCE. To that end, in late 2013, the Court engaged Mr Michael Vallance, Manager, IFCE, Supreme Court of Victoria, to undertake the evaluation.

Mr Vallance's report identified a number of possible improvements across key aspects of the Court's operations which would assist the Court to realise its goal of being a leader in Court Excellence.

In recent months, the Court has been working on the improvement initiatives proposed by Mr Vallance in the following areas: restructuring the Court's administrative leadership team; developing a professional management capability to lead the introduction of a number of business processes and improvements consistent with the IFCE; and strengthening the governance of the Court.

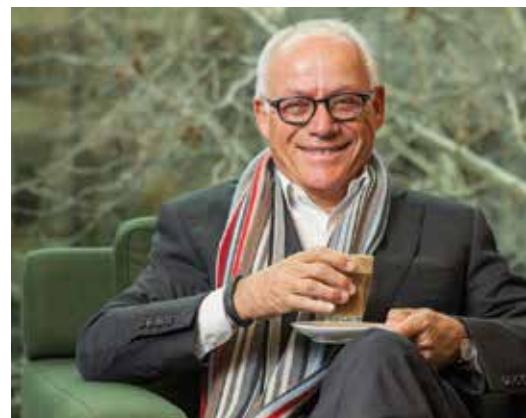
### Embracing continuous improvement

As the IFCE is a management model requiring continuing self-assessment and improvement, the Court will continue each year to evaluate its progress against the goals identified in the previous year's assessment.

### Judicial resilience

During the reporting period, the Court continued to actively promote the well-being of its judges with the introduction of the Supporting Judicial Resilience Program, which facilitates one-on-one counselling and de-briefing sessions for the Judges. Supported by the Judicial College of Victoria (JCV), the Program will commence as a pilot in November 2014.

*Image courtesy Judicial College of Victoria*



# Highlights and Challenges

## Strategic priorities

The establishment of Court Services Victoria on 1 July 2014 provides opportunities for growth and change at the County Court with the Court now responsible for its own functioning, governance and strategy. In this environment there is greater scope for the Court to chart its own path in delivering the highest standard of justice to the community.

Throughout the reporting period the Court worked to finalise its 2014-15 to 2017-18 Strategic Plan, identifying key business activities over the next five years that will ensure seamless, timely and effective support for judges.

The Court will strive to continually improve its services, with the aim of delivering the highest standard of justice to the community and inspiring public confidence in the rule of law. The Plan contains strategic priorities and goals aligned with this aim in the face of increasing workloads and judicial resources that have not increased since 2010.

## Key achievements across the Court

In the criminal jurisdiction, primary amongst the challenges confronting the Court is the increasing demand on resources due to both a higher volume of matters coming before the Court and the changing nature of these matters. Criminal trials are increasingly long and complex and sentencing reforms have significantly expanded judicial function in criminal matters, requiring monitoring, supervision and review of orders.

Despite the stretch on judicial resources, during the reporting period the Court implemented new processes to more speedily hear appeals from the Magistrates' Court, successfully increasing the number of appeals finalised.

The Common Law Division undertook a major revision of listing practices in 2014, resulting in a significant reduction in the number of cases not able to be allocated to judges, as well as reducing the time taken to re-list these matters.

In April 2014, the Commercial List became a Division in its own right, alongside the Criminal and Common Law Divisions. Managing a complex, high-volume caseload, only eight trials were not reached in the Commercial Division during 2013-14.

## Stabilising our case management system

A significant challenge for the Court is the stabilisation and improvement of its aging but critical Case List Management System (CLMS). The current system restricts the Court's ability to manage risk and improve productivity, and does not support the capture and reporting of timely, integrated and accurate information.

## Staff well-being

Significant steps have been taken by the Court to improve the well-being of staff, and minimise cumulative stress. Confidential on-site counselling is offered two days each month with the ability to continue off-site if required. This service was introduced as a trial in 2013 and, given its success, was continued through 2014.

“Judges, because of the way they work and the company they keep, become isolated, lonely and immersed and enmeshed with their work, which as you all know is complex and difficult, onerous and troubling at times. Twenty years ago this conversation would not have been taking place. I encourage all judicial officers to have it now”

*Chief Judge Rozenes,  
JCV 2015 Prospectus.*

## Our Vision

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

## Our Values

### **Respect:**

Work cooperatively as a whole of Court.  
Treat people well.

### **Integrity:**

Honest ethical and reasonable behaviour.

### **Fairness:**

Treat people equally and impartially.

### **Transparency:**

Open and reasoned decision making.  
Clear, understandable processes.

### **Timeliness:**

Responsive and focused on delivering quality service.

### **Professionalism:**

Competent, capable and proficient.  
Continuous review and improvement.

## Our Objectives

As part of the implementation of the International Framework for Court Excellence, the County Court adopted the areas of excellence in the Framework as court objectives:

- to provide fair, effective and efficient court processes
- to reinforce public trust and confidence in the court
- to continue to improve court performance and quality
- to lead a modern and innovative court
- to be accessible to our court users
- to build our people and resource capabilities.

# Judicial Professional Development



Throughout the year, the judges of the County Court have participated in a range of challenging and informative professional development activities. Our professional development program demonstrates an overall commitment to judicial excellence and provides opportunities to share knowledge, expertise and experiences with our peers in the justice system.

*Judge Gucciardo*

## Report of the Chair of the Professional Development Committee

*Judge Gucciardo*

### County Court Judges' Conference, 2014

The annual County Court Judges' Conference is a highlight of our professional development calendar. Held in April 2014, this year's conference provided an opportunity for judges to discuss, explore and review aspects of their judicial practice, to look at experiences from the past year, and to prepare for challenges ahead.

We examined several topics, including (among others):

- the new *Juries Directions Act 2013*, with a particular focus on how we communicate key concepts of law to juries
- recognising and responding to the impact of vicarious trauma on the wellbeing of judges, including a forum to discuss strategies for building resilience
- anonymising trial decisions, including an in-depth examination of privacy considerations
- implications of forthcoming sentencing reforms.

### Enriching professional relationships

The judges of the Court participate in a range of mutually enriching professional relationships. Through the Judicial College of Victoria (JCV), for example, our judges actively support professional development and education for the broader legal profession, either as Faculty Members of JCV helping to develop seminars and programs, or as presenters. The judges also attend the JCV's seminar program for their own professional development.

During the year our judges participated in the National Judicial College of Australia's judicial leadership programs, and several of their online programs – the latter representing a new frontier in education for the judges, who have embraced the associated technologies enthusiastically.

Judges also attended the annual colloquium of the Judicial Conference of Australia and partnered with Monash Law Students' Society, providing judges for the mooting competitions. Activities such as these provide judges with a vital link to young lawyers, and at the same time help to foster stronger academic associations.

These account for just some of the many engagements undertaken by judges, and they continue to provide a lively source of professional development activity and participation.

### Fostering judicial excellence

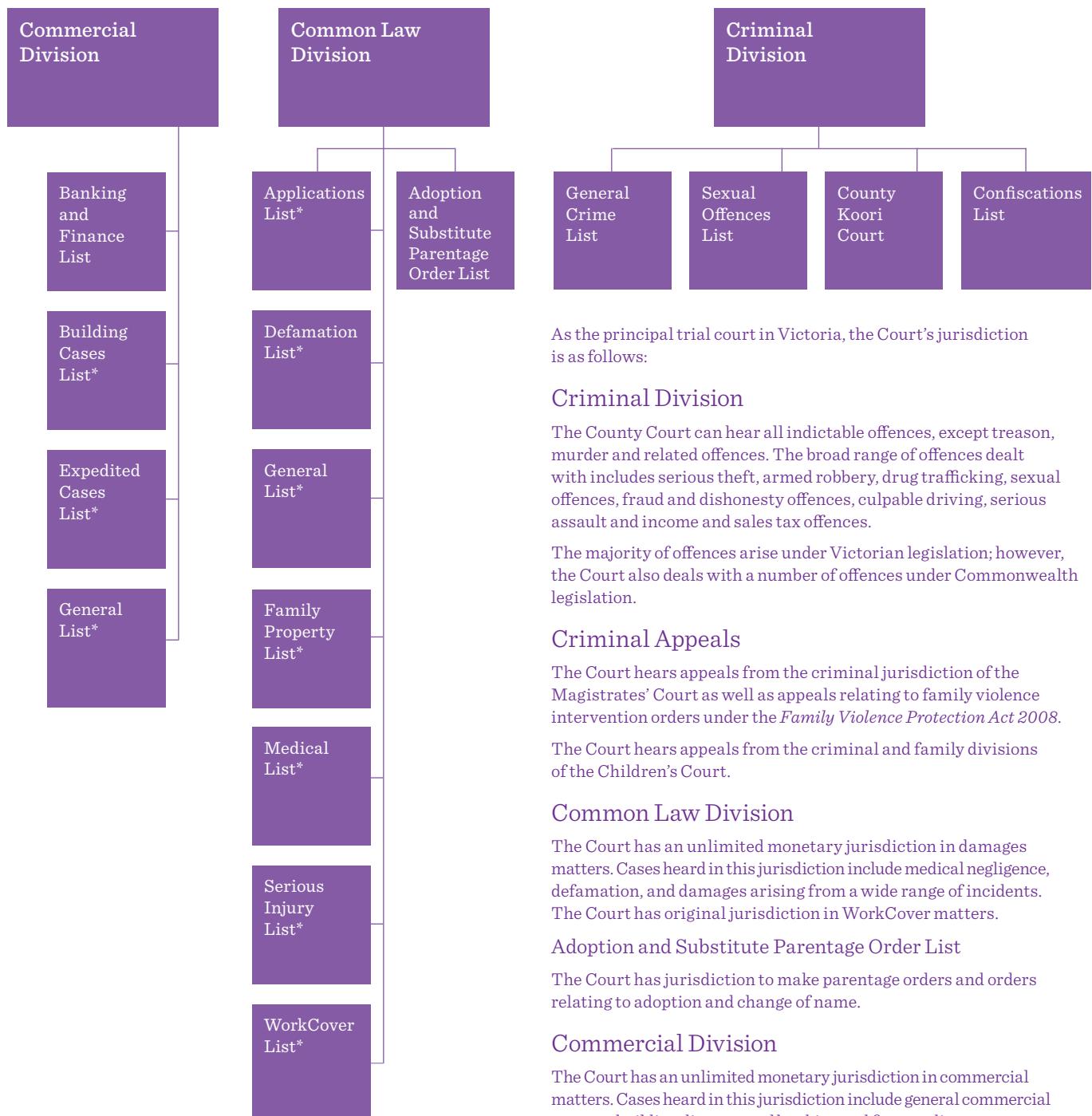
Throughout the year, judges are also presented with individual opportunities for professional development – the benefit of these experiences is then shared with the broader Court. For example, over the past year, Judge Hampel had the opportunity to teach advocacy at the International Criminal Court at the Hague; I participated in a white collar crime seminar involving several financial and legal institutions; a number of judges participated in the Victorian Bar's 'Bench to Bar' seminars, and Judge Gaynor worked alongside other key stakeholders in the development of a new expert witness protocol.

Whether presenting or attending seminars, presiding over law school moots, sharing experiences with other judges, assisting the Bar in its advocacy training and accreditation or working with peers in the justice system – professional development continues to underpin judicial excellence at the Court. We look forward to maintaining these rewarding activities and associations over the coming year.

# Jurisdiction and Divisions

At a meeting on 28 April 2014, the Council of Judges agreed to the creation of three Divisions within the Court – Commercial Division, Common Law Division and Criminal Division. The Council of Judges agreed to establish a working group of judges to implement the new structure over the coming year.

The diagram below reflects the new structure. Reports from the Judges in Charge reflect the previous structure.



\*In the *County Court Civil Procedure Rules 2008*, the 'Lists' are currently referred to as 'Divisions'. The Rules will be amended in the coming year, to reflect the new structure.

# Criminal Jurisdiction



## Report of the Judge in Charge of the Criminal Jurisdiction

*Judge Taft*

### Activity within the Criminal jurisdiction

In all, 2042 trials to verdict and pleas were completed this year which is marginally down from 2069 in the previous year. The number of finalised trials fell to 358 compared with 376 in the previous year. At 1684 the number of pleas determined was comparable to the 1693 of the previous year and included 255 trials which resolved as pleas. The number of finalised appeals from the Magistrates' Court increased from 2792 to 3061 and reflects a drive to dispose of appeals more speedily.

The state-wide proportion of all cases finalised as a plea of guilty remained unchanged at 71 per cent, while the proportion of sexual offence cases that resolved as a plea of guilty fell from 51 per cent\* to 44 per cent.

In addition, the proportion of short trials (one to five days in length) was down by 20 per cent on the previous year, while the proportion of longer trials (20 days or longer) increased again. At the same time, the estimated average trial length also increased, and is now approximately 12 days.

### Continued pressure on resources

The data highlights the increasing pressure on the Court's already stretched judicial resources. Indeed, concerns flagged in last year's annual report have now largely been realised. As the volume and sheer complexity of evidence associated with trials continues to increase, so too does the estimated average trial length.

Increasing trial lengths adversely impact the number of trials able to be conducted by the Court, which ultimately leads to unacceptable delay in the listing of trials. The Court is necessarily concerned about the negative impacts of such delays – on victims and accused people alike – and moreover on the level of public confidence in the administration of justice.

### Jury Directions a welcome reform

The Court welcomed the Jury Directions legislation this year. Changes resulting from this legislation have both simplified and qualitatively reduced the length of charges to a jury, significantly easing the burden on both judges and juries. The Court very much welcomes the anticipated introduction of additional reforms over the coming year.

### Fundamental concerns remain unresolved

Unfortunately, any gains associated with Jury Directions changes were overshadowed by overall increases in caseload and the absence of any corresponding increase in judicial resources. As the number, complexity and length of trials increases, more judicial resources are now required to ensure these trials are conducted efficiently and within a reasonable time of persons being charged.

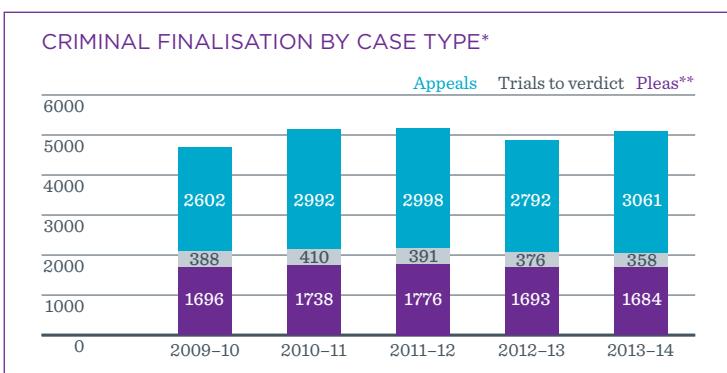
As we head into the next reporting period, these concerns are amplified by the changes put forward in the *Sentencing Amendment (Baseline Sentences) Act 2014* including the requirement to determine sentences by reference to an overall median. This constraint will add substantial complexity to the sentencing process, will be productive of delay, additional cost and heightened prospects of appeal. The likely result will further increase pressure on the Court's resources. In addition, the impact of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations and the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse are still to be felt. These policy developments, together with ongoing resourcing issues, will remain key sources of concern over the coming year.

Increasing caseloads and the complexity of evidence associated with trials has continued to place pressure on the Court's criminal jurisdiction.

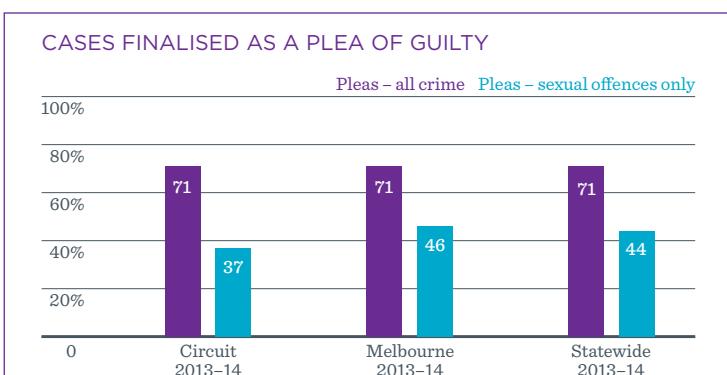
Such trends remain an ongoing concern due to their impact on delay and therefore public confidence in the administration of justice.

*Judge Taft*

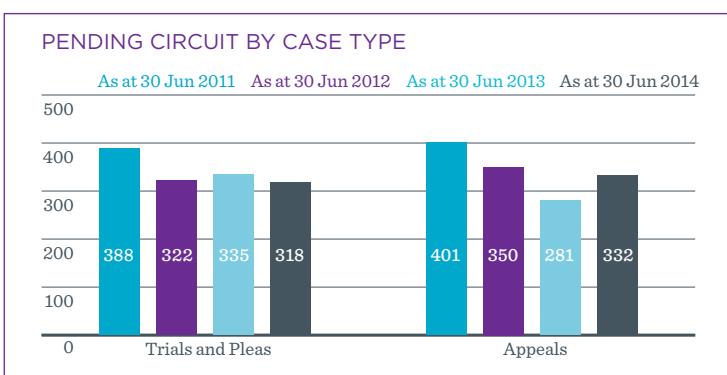
\* As reported in the 2012-13 Annual Report. Improved methods of data collection and a change in the counting rules have enabled the Court to more accurately report on the case mix this year.



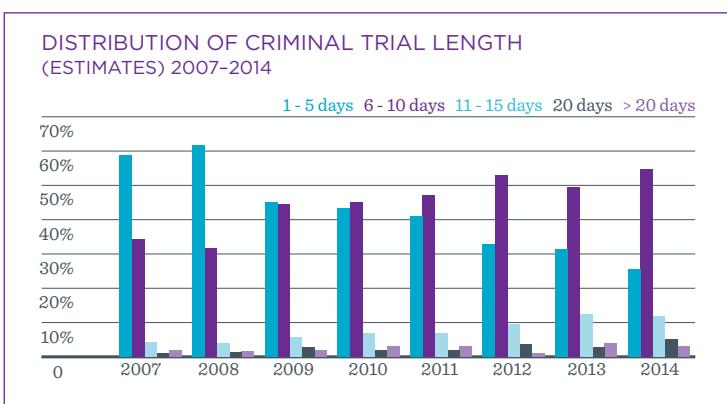
This graph illustrates the case mix in the criminal jurisdiction. The graph shows that the number of finalised appeals from the Magistrates' Court has increased by 269 when compared to the previous reporting period, while the number of pleas and trials decreased slightly by 18 and 9 cases respectively. A more detailed breakdown of plea and trial finalisations can be found in the Criminal Disposals table on page 4.



This graph shows the overall plea rate for sexual offences is low when compared with the overall plea rate for general criminal offences.



This graph illustrates the number of circuit cases that remained pending at the close of the reporting period. Trials and pleas have continued to decrease since 2011 with 17 less trials and pleas recorded as pending at 30 June 2014 compared to 30 June 2013. The graph also shows that while appeals had decreased since 2011, they rose sharply with 51 more appeals recorded as pending at 30 June 2014.



This graph demonstrates trial lengths have continued to rise. Trials between 6-10 days in length have significantly increased from a low of 35 per cent in 2007 to 55 per cent in 2014.

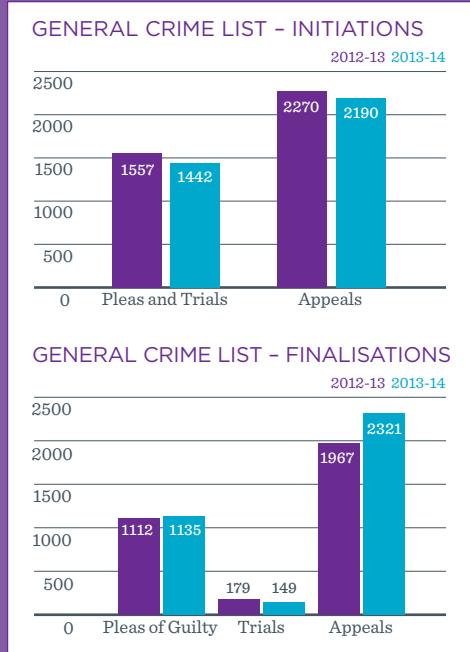
\* Improved methods of data collection and a change in counting rules have enabled the Court to more accurately report on the case mix this year.

\*\* Includes pleas of guilty and trial turned pleas of guilty.



The primary function of the Criminal List court is to give directions to ensure that trials, pleas and appeals are ready for hearing on the listed date.

*Judge Hannan*



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

### *Judge Hannan*

Throughout the 2013-14 financial year, the County Court's Criminal Jurisdiction has continued to manage a heavy workload.

The tables below indicate that whilst there has been a slight reduction in General Crime List initiations, there has been an overall increase in finalisations, particularly in the area of appeals which recorded 354 more finalisations than in the previous reporting period.

#### Reducing delays

Against the backdrop of a steady workload the Court has worked hard to introduce a number of initiatives to streamline our processes and tackle delays in the Criminal Jurisdiction. Overall, we have had a successful year, including the reduction of the total number of cases pending by 10 per cent (inclusive of pleas, trials and appeals).

The 24 Hour Initial Directions Hearing (IDH) pilot, initiated in 2012-13, was this year expanded to include sexual offences not involving a child or cognitively impaired complainant, and has again helped to reduce delay between committal for trial and the first hearing in the Court.

The Court also facilitates 'same-day' IDHs as requested, and continues to hold discussions with court users in relation to expanding the use of same-day IDHs in order to save costs to parties and further decrease pressure on the 9am List Court.

#### Increasing appeals

The Court continues to adopt a dynamic and responsive approach to listings in crime. For example, over the reporting period, the Criminal Jurisdiction has responded to the increasing number of appeals by implementing changes in the protocols for listing conviction and sentence appeals.

Measures included a conviction and sentence appeal 'offensive.' This initiative involved all conviction and sentence appeals, listed more than three months out, being mentioned before the List Judge and then brought forward for hearing in June and July 2014. Reserve Judge Pilgrim was then activated to hear these cases exclusively over the two-month period.

The results have been impressive with finalisations for conviction and sentence appeals up by more than 10 per cent over the reporting period. This initiative has also improved the court's listing capacity during the reporting period and helped to reduce delay in hearing and determining appeals.

#### A plea intensive

Another initiative implemented over the reporting period was the plea 'intensive', which saw the allocation of a Judge over a four-week period to hear pleas of guilty. As a result of these initiatives, 47 additional pleas were finalised in June 2014 alone and plea listing delays have been reduced by four weeks.

#### Identifying opportunities for improvement

The Court continues to proactively manage listing with a view to the early identification of pleas. This is facilitated by active case management in the 9am list court. Listing numbers are adjusted and monitored on an ongoing basis, and backfilling vacated dates is prioritised to ensure full utilisation of available court time. The Court has also proactively sought to manage the number of cases not reached, which were reduced substantially this year. This is important to the profession, witnesses, accused and victims – all of whom are affected when a trial has to be adjourned as not reached.

The Court continues to consult with all court users to identify process improvements and ensure that practitioners are up to date with court processes, procedures and projects. We do this through regular user group meetings, as well as targeted meetings with specific court user groups. The Court is grateful for the high level of cooperation and support it receives from the profession, and of course for the tireless work of judges and court staff.

## Report of the Judge in Charge of the County Koori Court

### *Judge Smallwood*

The County Koori Court sits each week in Melbourne, and for six weeks each year in the Latrobe Valley. Ten Court judges are available to hear cases in the County Koori Court, which is overseen by myself, as the Judge in Charge. The County Koori Court is supported by Terrie Stewart, the County Koori Court Coordinator in Melbourne, and Bronwyn Mongta, the County Koori Court Officer in Morwell.

Some 38 cases were heard in the County Koori Court during the reporting period.

### **Ensuring greater participation**

The County Koori Court does not deal with customary law or traditional punishment. Instead, it is about ensuring greater participation of the Aboriginal community in the sentencing process of the Court. The participation of Aboriginal Elders and Respected Persons is pivotal to this objective.

Approximately 14 such Elders and Respected Persons attended Koori Court hearings over the reporting period. All are appropriately trained with regard to the relevant Court procedures and protocols. This year, Elders and Respected Persons also received training in dealing with offenders with mental illness.

### **A powerful conversation**

When the accused attends the County Koori Court, it is on the understanding that they will plead guilty. Following the plea, the Elders (or Respected Persons) begin a 'sentencing conversation' – a conversation that takes place between the accused, the Elders, the Judge and County Koori Court Officer.

This conversation is specifically designed to engage the accused. At least one of the Elders is usually known to the accused, or to their extended family. The Elders have no input into the actual sentence.

The Elders remind the accused of who they are, their place in their community, their personal responsibility, and help to imbue them with an incentive to change. The conversation usually takes place over several hours. It is extremely powerful and deeply personal.

### **The same rules apply**

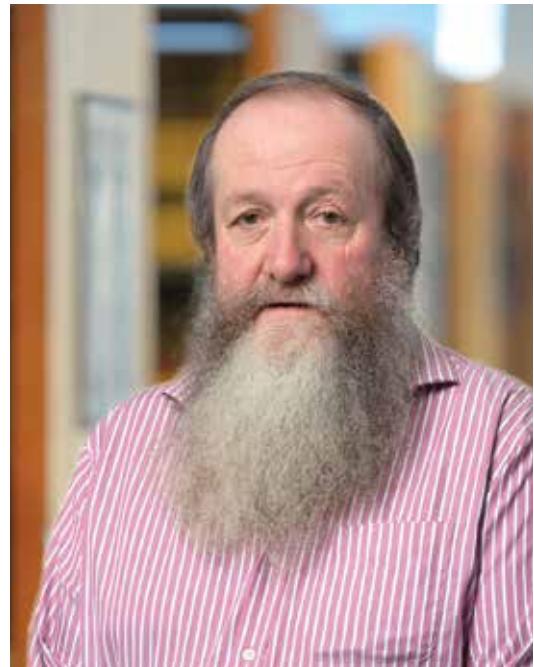
The sentence itself is handed down by the Judge in Charge, in accordance with the same sentencing rules that apply in the mainstream Court. Indeed, the County Koori Court imprisons offenders at about the same rate and for the same length of time as other cases in the general criminal jurisdiction.

In Melbourne this year, several lengthy prison sentences were handed down by the County Koori Court – a reflection of the growing seriousness of some of the crimes we are seeing, including a large number of armed robberies (with offenders often under the influence of methamphetamine).

### **Successfully reducing reoffending**

The real success of the County Koori Court lies in its ability to genuinely engage with offenders and reduce the rate of reoffending. Anecdotal evidence, particularly from the Latrobe Valley, indicates that the County Koori Court model continues to result in a decrease in the amount of reoffending, and an increase in compliance with orders.

Surveys of offenders have shown that for the majority, their experience in the County Koori Court is the first time they can remember not only what was said, but also being listened to in court. And in a testament to the importance of the role of the Elders and Respected Persons, offenders have indicated that their determination not to reoffend stems largely from the respect they have for the Elders, and the respect the Elders have afforded them.



The County Koori Court is a unique feature of the Court's Criminal jurisdiction.

It was the first sentencing court in Australia for Aboriginal accused in a higher jurisdiction.

*Judge Smallwood*



Sexual Offence cases continue to represent a significant proportion of the County Court's workload in the Criminal Jurisdiction. This means that the Sexual Offences List continues to perform an important function. The work of the list is supported by seven judges, including myself, as Judge in Charge.

I am most fortunate to have the assistance of Judges Sexton, Pullen, Patrick and Taft. We were very pleased to welcome Judges Grant and Meredith during the reporting period.

*Judge Cannon*

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

### *Judge Cannon*

#### Steady caseload

During the reporting period, 461 sexual offence cases were initiated in the list. This was similar to the number of initiations in the previous year. Overall, sexual offence cases accounted for 20 per cent of criminal initiations this year – a slight increase on last year's 19 per cent. Having said this, finalised sexual offence trials comprised 40 per cent of criminal trial work during the reporting period. Sexual offence trials continue to represent a substantial proportion of the Court's criminal trial workload and sexual offence cases again represented a significant proportion (19 per cent) of overall finalisations in the Criminal Jurisdiction.

The List acknowledges the support provided by Natalie Perera, Co-ordinating Associate, Philippa Briglia, Associate to the Sexual Offences List; Bronwyn Hammond, Associate to the Judge in Charge, and Tipstaff, Greg Pusch. I also wish to acknowledge the assistance provided by Kate Nassios, former Co-ordinating Associate, and Elise Badke, former Associate to the List.

#### Increasing trial lengths

The emerging trend towards longer trials has become more apparent this year. There are a number of contributing factors: sexual offence cases typically involve a good deal of complexity, insofar as the applicable law is concerned; the pre-trial workload tends to be significant and challenging and the rulings in respect of applications concerning confidential communications, ordinarily the task of the List Judge, can be particularly time consuming. Evidence can also be of a more complex nature, requiring careful analysis and sometimes expert evidence is involved. There appears to be increased demand for interpreters for an array of languages and dialects. In some cases, obtaining the ongoing services of an appropriately qualified interpreter has been difficult. No doubt, interlocutory appeals have also contributed to delay in trials being finalised.

In circumstances where a trial involving a special hearing could not proceed when listed, the special hearing has often been pre-recorded before the Judge sitting in the Sexual Offences List. This is to maintain the mandated priority given to receiving the evidence of a child or a cognitively impaired complainant.

#### Pilot shows early promise

In 2012-13 the Court initiated a pilot involving 24-hour initial directions hearings. On 20 January 2014, the pilot was extended to include Melbourne sexual offence cases where the complainant is an adult and not cognitively impaired. While the pilot remains under review, early reports indicate that the procedure is facilitating more effective initial directions hearings. It is to be hoped, and seems most likely, that the future course of any particular case will be a far more steady and focused one. The procedure bodes well for the overall efficient progress of cases to finalisation.

#### Other operational improvements

The *Jury Directions Act 2013* continued to simplify the task for trial judges directing juries in sex offence trials, making this complex and yet fundamental task less onerous. Meanwhile, changes to court technology have also contributed to the more efficient running of cases. The introduction of the electronic document management system for criminal files, '*iManage*', has revolutionised the running and supervision of sexual offence matters in circuit courts, and we look forward to the Melbourne rollout of the system in 2014-15.

#### Pressure likely to intensify

If current trends continue, longer trial durations may well intensify the pressure on this list and its resources. Moreover, we anticipate a significant influx of cases as a result of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations, and the Commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse – their combined impact on the caseload of this list should start to unfold in the coming year.

# Damages and Compensation Jurisdiction

## Report of the Judge in Charge of the Damages and Compensation List

### *Judge Misso*

The Damages and Compensation List represented 58 per cent of cases initiated in the Civil Jurisdiction this financial year. The list comprises seven divisions in all – myself, as the Judge in Charge of the Applications, Defamation, General, and Serious Injuries Divisions. Judge Wischusen is the Judge in Charge of the WorkCover Division, Judge Saccardo the Medical Division, and Judge Kings, the Family Property Division.

During the reporting period, we welcomed Judges Dyer and Jordan to the list. The overall structure of the list remained unchanged.

### Responding to increasing demand

This year, 3728 Damages and Compensation cases were initiated (compared with 3805 last financial year), and 3906 were finalised (compared with 3545 last financial year). Of those finalised, approximately 47 per cent (1841) were in the Serious Injury Division, and 39 per cent (1542) were in the General Division.

We continue to make every effort to reduce the heavy caseload within the list, and achieve a balance between the capacity of our judicial resources and the need to hear cases in a timely and efficient manner.

### Revision of listing practices

Several revisions to our listing practices have led to a substantial reduction in the number of cases not reached and the time taken to relist. Of particular benefit, have been the efforts of both the Transport Accident Commission and the Victorian WorkCover Authority who, in concert with the Court, have worked assiduously to undertake protocol conferences, resulting in a far greater number of cases settling before trial.

We have also focussed our attention on the pre-allocation of juries, causes and long trials, in an effort to increase the number of cases going to trial on time. In the past year we have succeeded in approximately 95 per cent of cases. In addition, efforts to better prioritise intrinsically urgent cases – for example certain testator family maintenance claims, or cases in which a party is suffering from a terminal illness – have meant that we are now hearing such cases within two to three months.

By the close of this financial year, we had reduced the overall number of cases not reached from 151 (at the end of 2013) to just 11. The relisting window has narrowed from 12 months to within three, reducing waiting times for parties and removing the need to refresh preparation.

### Directions Group

A very large volume of correspondence was received by the Directions Group this year. Recent procedural innovations now allow some correspondence to be handled by the Group directly (without the need for parties to appear in Court) – significantly reducing the volume of correspondence requiring judicial attention and demand on judicial resources.

### Some challenges remain

Over the course of the year we have harnessed many opportunities for innovation, with broadly positive results for both parties and judges alike. However, the overall caseload remains significant, and many associated challenges remain. For example, while improvements in the prioritisation and listing of cases have been most welcome, given the finite nature of the resources at our disposal, they have come in part at the expense of the timeliness of some serious injuries cases. The average window from filing to trial did reach 17 months, but has now reduced to about 14-15 months. Achieving a more acceptable time frame for these cases will be an important focus over the coming year.



The County Court has an unlimited monetary jurisdiction in civil matters. The jurisdiction comprises three lists – the Commercial List, the Damages and Compensation List, and the Adoption and Substitute Parentage Order List. Together, they accounted for 55 per cent of cases initiated in the Court this year.

*Judge Misso*



Families today are formed in many ways. The Adoption and Substitute Parentage Order List permits legal recognition of families whose children are adopted, or born through surrogacy arrangements. It is highly rewarding work.

*Judge Hampel*

## Report of the Judges in Charge of the Adoption and Substitute Parentage Order List

### *Judge Pullen and Judge Hampel*

Judges Pullen and Hampel continued as Judges in Charge throughout the reporting period, ably supported by Jason Kaye, Adoption Registrar.

The list was supported by 18-20 volunteer judges.

### Adoptions

This year, the Court granted 39 adoptions under the *Adoptions Act 1984*. Four applications were pending at year end.

Adoption hearings legally recognise the adoption. Just as importantly, they are an opportunity for family and friends to celebrate the occasion. Once again, we extend our thanks to the Lions Club Victoria, which ensures that each young child receives a teddy bear to mark the day. Some families adopt more than one child, and it is touching to see the older children bringing their adoption teddy bears to Court to celebrate the adoption of their younger sibling.

### A significant discharge application

The list also hears applications to discharge adoption orders made in the past, or to provide information about birth parent(s) and their background. This year, the Court granted three Discharge Applications.

One Discharge Order was made in favour of a member of the Stolen Generation – the first case of its kind in Victoria. The applicant successfully applied to discharge the adoption order made after he was taken from his Aboriginal family interstate as a child, and adopted by a non-aboriginal couple in Victoria.

The applicant was supported in his case by the substantial pro bono assistance of a large law firm and a member of the Victorian Bar, who worked with FIND, the Department of Human Services program which actively seeks to reunite members of the Stolen Generation with their birth families and heritage.

He was joined by a large contingent of family and friends to witness the making of the Discharge Order, and the creation of a Birth Certificate which recognised his birth parents and gave him back the name he identified as his proper family name. It was a moving occasion for all in the Court, and it is our hope that this case has paved the way for more of its kind to be heard in future.

### Other parentage orders

Under the *Status of Children Act 1974*, the Court is also authorised to make Substitute Parentage Orders in respect of children born as a result of an approved surrogacy arrangement under the *Assisted Reproductive Treatment Act 2008*. The Court granted seven such orders during the reporting period.

The Court may also grant Parentage Orders, recognising the female partner of a woman who used donor sperm to conceive a child as a parent of that child. This provides the couple with the same legal recognition as heterosexual parents of children who were donor conceived. No such applications were made or granted this year.

# Commercial Jurisdiction

## Report of the Judge in Charge of the Commercial List

*Judge Kennedy*

The Commercial List constitutes some 40 per cent of all civil initiations with 2547 cases initiated and 2384 cases finalised during 2013–14. Many of these matters involved cases of some complexity and value given the Court's unlimited jurisdiction.

During the reporting period, there continued to be three full-time specialist commercial judges sitting in the list: myself as Judge in Charge of the List, including the expedited division and the general division; Judge Anderson (Judge in Charge of the Building Division) and Judge Cosgrave (who became Judge in Charge of the Banking and Finance Division).

Judge Macnamara was also welcomed as a Commercial Judge, while Judges Lewitan and Lacava also sat in the Commercial List.

### Improvements in case management

Commercial cases were managed tightly. Thus the list continued to offer 'up front' trial dates within six months of initiation. This has the immediate impact of focusing all parties on the task ahead, and at the same time reduces the time available to spend on interlocutory disputes.

However, insofar as some interlocutory disputes are an incidence of heavy commercial litigation, the Commercial List Duty Judge, with the assistance of the Directions Group, was able to provide specialist management for resolving such disputes. These disputes included complex matters of some urgency, including applications for caveat removals and freezing orders.

Despite the high volume of work, the list finished the year with only eight cases not reached, in what is a testimony to the tireless efforts of the commercial judges and their associates. The list is also grateful for the assistance of the non-commercial judges who heard commercial trials from time to time.

### Self-represented litigants

A significant number of unrepresented litigants appeared in commercial matters which presented considerable challenges for the list. The data shows that approximately 70 per cent of self-represented litigants appeared in Commercial List matters. The list received valuable assistance in this context from the Self-Represented Litigants Coordinator, Courtney Ryrie. The Victorian Bar also provided assistance pursuant to the Unrepresented Litigants Protocol.

### Growth of the list

Consistent with the growth and specialisation of the list, on 28 April 2014, the Council of Judges carried a motion to recognise the Commercial List as a third division of the Court. The Commercial List is now a specialist division of the Court in its own right, alongside the Criminal Division and the Common Law Division.

Consistent with its position as a separate division, work is being undertaken for the appointment of a Commercial Division Coordinator within Court Registry, to provide specialist registry support for the Commercial Division in the new financial year.

The success of the division continues to be a product of the dedication and commitment of those involved with it. The Commercial Division looks forward to their continued support in the year ahead.



The Commercial Jurisdiction manages a high volume of complex commercial trials and interlocutory applications. During 2013–14, trials continued to be listed within six months of initiation, with only eight trials not reached.

*Judge Kennedy*

# The Court on Circuit



The state of the circuit lists is one of the shining lights of the work of the Court over the last 12 months.

Put simply, there have been sustained improvements in the delivery of justice in regional Victoria.

*Judge Mullaly*

## Report of the Judge in Charge of the County Court Circuit

*Judge Mullaly*

### Criminal Cases

The key measure with criminal cases is the time a case takes from committal to trial. For many years, there were longer delays in circuit cases than in Melbourne. That has now been reversed. The reality now is that cases on circuit are heard much quicker than in Melbourne. Indeed in some circuits, cases are heard 12 months earlier than would be the case if the matter was a Melbourne trial.

The figures reveal the great improvements. At 30 June 2014 there were two to three cases over two years since committal. Just four years ago there were 74 such cases. The next cohort of cases are those where the time from committal is between one year and two years and this number has been dramatically reduced. I am confident that between now and the end of the 2014 calendar year that there will be no circuit cases where the delay is greater than 12 months since the committal to the County Court.

Our goal is to ensure no case waits in a Circuit List for 12 months. Indeed the Court intends to progressively reduce waiting times to below six months. In many circuits for many cases the waiting time is already only two or three months.

The quick turn around times have meant the Court can adopt a more flexible approach, such that circuits can be shortened or moved so that resources are directed to the areas of greatest need, including back to Melbourne.

### Circuit locations



## Regional improvements

One circuit that stands apart from the trend of rapid improvements is Bendigo.

The delays are far greater in Bendigo than elsewhere. The Court has dedicated considerable resources over the last year to reining in the problems in Bendigo and will continue to do so in the foreseeable future.

A key cause of ongoing problems in Bendigo is the fact that there is only one jury court room to hear our Court matters. The Court again restates its call for urgent attention to be given to improving the facilities in Bendigo so that the community of Bendigo does not continue to suffer from unnecessary delays in the delivery of justice.

## File management success

The significant improvements on circuit are due to many factors. However, a key tool is the electronic file management system, *iManage*, which has been rolled out for use in circuit courts before being adopted throughout the whole Court. This system has allowed the coordinating judges to rapidly assess new cases, allocate them to the appropriate circuit, and ensure the parties are focused on the real issues and, where appropriate, give encouragement to early settlements. The case management of circuit cases is now able to be intense and directed. I consider that this has significantly contributed to the very much improved position within circuit.

## Civil Cases

Overall the number of outstanding civil cases in the circuit courts has reduced from 723 cases in 2012–13 to 621 cases in 2013–14 (102 cases less or 16 per cent decrease). For cases outstanding for a period greater than two years, there has been a significant decrease of 23 per cent (17 less cases) and there has been a decrease of 89 cases (481 in 2012–13 to 392 in 2013–14) outstanding under the one year period.

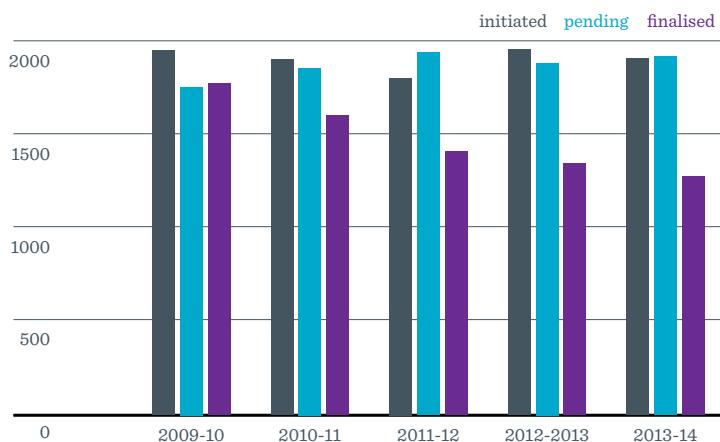
## Dedication improves outcomes

The dedicated efforts of all judges and staff while on circuit has also led to improved outcomes. So too has the cooperation and work ethic of all the staff in the regional courts. I publicly thank them all for their efforts

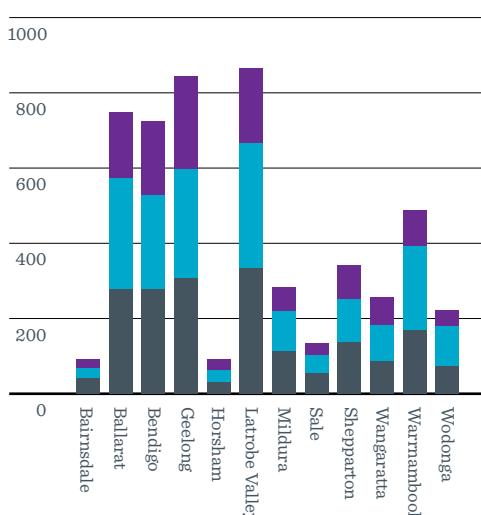
Of particular importance has been the hard work and professionalism of the County Court Circuit Coordinator, Larna Edney. My staff, Garry McIntosh and Amanda McKellar, have taken on a great deal of extra work and they too have been untiring and professional in every respect.

There remains a need to improve our system of listing and hearing appeals from the Magistrates' Court in a timely fashion, especially the appeals against conviction. That will become a greater focus next year.

Total circuit case activity



Circuit case activity by location



# Report of the Principal Registrar



Registry Services provides high quality administrative services to court users, the judiciary and their staff. Registry is divided into three support areas – Client Services/ Civil Registry, Civil Listings and Criminal Listings/Registry.

*Kate Spillane  
Principal Registrar*

## Improving practice, improving service

It has been a busy year for Registry Services, with legislative change as well as efforts to improve our services, prompting several new initiatives, practice reviews, and procedural changes.

In 2012–13, the Court conducted a review of Registry practices to streamline the management of subpoenaed records. This year, the team worked hard to implement 20 of the 23 improvement initiatives identified, including posting a Frequently Asked Questions list on the website to assist solicitors in accessing the most accurate information when preparing subpoena documents and requesting appointments.

The Registry implemented several changes to improve the Registry counter service during the year, including the development of reference guides to ensure counter staff continue to provide consistent service and accurate advice to court users. A restructure of staff resources improved the turn-around times on the quasi-judicial functions performed each day. The move to the electronic management of court lists also improved service times for counter enquiries about listed cases.

A customer satisfaction survey conducted during the period indicated that 90 per cent of customers surveyed were either satisfied or very satisfied with the services they received from Registry Services.

## Supporting self-represented litigants

The Court remains committed to providing affordable and accessible court services, and in view of the increasing number of self-represented litigants (SRL) now attending Court, the role of the SRL Coordinator was made permanent. SRL Coordinator, Courtney Ryrie, worked closely with the judges and their associates to improve the literature available for SRLs, completing a suite of fact sheets, and launching a short film dealing with the SRL experience in September 2013.

The SRL Coordinator also introduced an appointment system to better co-ordinate the interactions with SRLs, and teamed this with a dedicated SRL room adjacent to the Registry. The space provides a private environment in which SRLs can speak with the Coordinator, and access phone and basic internet services.

## Working with the civil jurisdiction

Further to a review of the Directions Group conducted in 2012–13, several service excellence initiatives were implemented over the past 12 months, resulting in a more efficient, effective and streamlined Administrative Mention process. The result has been a compelling reduction in overall processing times – from around eight weeks down to a fortnight.

The role of Alternative Dispute Resolution (ADR) Coordinator was confirmed as permanent during the reporting period, and ADR Coordinator Premila Canagaratna has worked closely with the judiciary and the Civil Listings Manager to embed ADR in the Damages and Compensation List. The Administrative Mention timetabling orders now include a mandatory provision for ADR conferencing. Within the Commercial List, an ADR process operates at the discretion of the Judge hearing Commercial matters.

Civil Listings also undertook several improvements in response to the new and amending legislation of the *Confiscation Act 2010*, including the implementation of a central email address to better assist our court users when lodging applications and correspondence relating to the Confiscation List.

## Working with the criminal jurisdiction

The Registry has undertaken several initiatives in close consultation with the Criminal List during the reporting period. Improvements have been implemented in the Criminal List Court, with a particular focus on improving the practices to help create a more efficient flow of information to the judges.

With extensive input from Judge Hannan, the Registry mapped and refined the listing procedures around matters relating to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*. A series of adaptations were made to the case and list management system to support the changes, and an education program was rolled out for Criminal Listings and Registry staff in order to ensure successful implementation.

The 24-hour Initial Directions Hearing pilot was expanded to include specific Sexual Offences to further address delays in time to trial. The Criminal Listings Manager and Sexual Offences List Co-ordinator developed practices and processes around this procedural change, and produced comprehensive documentation for staff use.

The Registry also undertook a rigorous review of our procedures in response to the *Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013*. Numerous changes were made to the case and list management system, and training tools and programs were developed for Registry staff Victoria-wide.

## Support for circuit courts

During the year the Court made several improvements to the training and support programs for regional court registrars. The County Court Circuit Reference Group was established, comprising of the Senior Registrars and the Manager of Regional Courts. A half-day workshop was held in November with the Circuit Judge, Principal Registrar and Circuit Court Coordinator and addressed a range of issues, including the listing and management of cases in regional Victoria. The Court also launched an induction program and held an inaugural training day for regional court registrars (which we hope will become an annual event).

The Court was pleased to finalise the implementation of *iManage* to the last of the circuit courts in August 2013. A reference group was established to monitor *iManage* progress and identify any further opportunities for improvement and will now turn its focus to the Melbourne implementation.

## Looking ahead

The dynamic Court environment demands that the Registry team remains adaptable and flexible. In the year ahead we will continue to look for opportunities to improve what we do and how we do it. We will monitor the systems and processes we have in place, and work in close consultation with our Court colleagues to ensure we continue to provide high quality registry services. In particular, we look forward to providing improved services and support to the Court's Commercial Division, with moves already under way to appoint a dedicated Commercial Division Coordinator. The Court is also working to introduce an upgraded e-filing platform, a modernisation of the Court's Cash Office and the implementation of *iManage* in Melbourne.

The dynamic Court environment demands that the Registry team remains adaptable and flexible.

*Kate Spillane  
Principal Registrar*



# The Court and the Community



The County Court seeks to maintain an open and transparent relationship with the Victorian community. We believe it is important for members of the community to understand how the Court functions and what judges do, and to have confidence in the decisions they make.

*Judge Wilmoth*

## Report of the Chair of the Media and Communications Committee *Judge Wilmoth*

The Court engages with the community in a range of ways, supported by the Media and Communications Committee, acting as a go-between for the community, the media, court staff and court users.

### The Committee this year

During the reporting period, the Media and Communications Committee comprised the Chief Judge, Judge Rozenes, myself as Chair, and Judges O'Neill, Saccardo, Gucciardo, Mason, McInerney and Kings. Judge O'Neill retired in May 2014.

The Committee also included several non-judicial members, including Carly Lloyd, Strategic Adviser to the Chief Judge, Ian Edwards, the Court's Operations Manager, and Dayna Lau, Communications and Information Officer. Kerry O'Shea, Strategic Communications Manager, resigned in May 2014, upon which Fiona Lasut, Acting Strategic Communications Manager, joined the Committee.

### Working with the media

Throughout the year, the Court continued to enjoy a positive relationship with the media. In 2012, the Court's *Guidelines for the Media* were launched, helping to facilitate the activities of the media and assist with educating the community about the important work of the Court. The Guidelines are essentially a 'living document', and the Court encourages suggestions from the media to help ensure that the Guidelines remain relevant and instructive. Over the past 12 months, for example, the Guidelines have received some important updates to allow for the use of social media by court reporters.

### Changes to suppression orders

Previously referred to as 'non-publication orders', the laws regarding what are now known as 'suppression orders' have undergone significant change in the past year. The *Open Courts Act 2013*, came into effect in December 2013, and repealed sections of the *County Court Act 1958* as it related to suppression orders.

The Act introduced important new provisions for specifying a fixed or ascertainable period for the expiry of the orders, or a future event that would trigger expiry. This requirement aligns with the Act's presumption in favour of openness. It ensures a court must review the need to keep a suppression order in place.

In 2013–14 judges of the County Court issued 156 suppression orders, made up of 123 orders (79 per cent) with a specified expiry date or event. This increase in the proportion of orders with an expiry date is attributed to the commencement of the *Open Courts Act 2013* during the reporting period. In comparison, only 53 per cent of last year's suppression orders contained expiry dates.

2013/2014 Financial Year	Until further order	End date/ event	Revoked	Expired
<b>1 July 2013 – 31 December 2013</b>				
<i>Serious Sex Offenders (Detention and Supervision) Act 2009 s184 (23 orders)</i>	2	21	1	4
<i>County Court Act 1958 s80 (47 orders)</i>	26	21	13	6
<i>Crimes (Mental Impairment and Unfitness to be Tried Act 1997 s75 (6 orders)</i>	2	4	0	1
<i>Open Courts Act 2013 (3 orders)</i>	0	3	0	1
<b>1 January 2014 – 30 June 2014</b>				
<i>Serious Sex Offenders (Detention and Supervision) Act 2009 s184 and s183 (13 orders)</i>	1	12	1	0
<i>County Court Act 1958 s80 (0 orders)</i>	0	0	2	0
<i>Crimes (Mental Impairment and Unfitness to be Tried Act 1997 s75 (7 orders)</i>	0	7	0	0
<i>Open Courts Act 2013 (56 orders)</i>	1	55	3	19
<i>Confiscation Act 1997 (1 order)</i>	1	0	0	0

Of the 156 suppression orders made in the reporting period, 59 were orders made pursuant to the *Open Courts Act 2013* – 58 of which had expiry dates (the remainder was a permanent order). In addition, 22 orders were revoked and 31 orders expired.

### Opening our doors

Throughout the year, several events brought the Court and the broader community together. Our year began with the Opening of the Legal Year function, hosted by the Court, and organised by the International Commission of Jurists.

Law Week, held annually in May, is a festival of events organised in partnership with the Victoria Law Foundation which makes learning about the law easy. As part of Law Week, courts and tribunals in Melbourne opened their doors to the community for Courts Open Day, a unique opportunity to go ‘behind the scenes’ of the Victorian legal system. With a full day of activities, including tours, musical performances, a ‘One Punch’ panel discussion and a mock trial, the Court attracted 650 people and raised \$600 for Berry Street.



*From left to right*

State Coroner Judge Ian Gray, President of the Court of Appeal, Justice Chris Maxwell and County Court Judge Frank Gucciardo at the *One Hit, One Punch - A lifetime of consequences* forum as part of Courts Open Day.

### Welcoming our visitors

Each year the Court takes pleasure in welcoming a host of visitors, many of whom travel from around the world to view our court in action. In October 2013, the Court hosted a group of Chinese prosecutors. The delegation toured the Court and observed several hearings, and attended an address by myself, Judge Parsons and Judge Murphy. The other visitors included Vice-Governors from Turkey and the Sentencing Commission Commissioner and Seoul High Court Presiding Judge, Jinman Lee.

### Embracing social media

The Court continues to use social media as a tool to broadcast information about Court activities. The number of followers of the Court’s Twitter account (@CCVMedia) has almost doubled since its inception last financial year.

## Schools visit program

The County Court's Schools Program continued to attract many Year 11 and 12 legal studies students. During the year, 4300 students and 400 teachers came through the Court's doors to participate in a unique experience which includes the rare opportunity for students to meet with a Judge and observe a criminal proceeding in action.

## A very busy daily schedule

The Schools Program is available throughout the school term, with the Court hosting two school groups per day. Students engage with a Judge on a range of topics, including the work of the Court, what it is like to be a Judge, the role of the jury and the right of trial by jury, issues that arise during sentencing and the legal studies curriculum. Students get to observe either a criminal trial, plea or sentence being handed down. To juggle the increasing popularity of the program, an additional five judges joined the program, bringing this year's number of participants to 30 judges.

## A well-received program

Participating schools provided overwhelmingly positive feedback to the program. A recent post-visit survey revealed that the majority of teachers 'strongly agreed' that the program improved student understanding of the justice system. Teachers also consistently commented that the rare opportunity to meet a judge and observe Legal Studies theories in practice were the highlights of their visit.

*From left to right*

Associate Craig Newton, Judge Frank Saccardo and Tipstaff Laurie Cochrane (absent) manage the court's busy Schools Program schedule.



## The team behind the success

The County Court has a dedicated team which is committed to delivering a program that is both educational and inspiring. Thank you to Judge Frank Saccardo, his Associate, Craig Newton, and his Tipstaff, Laurie Cochrane, for ensuring the smooth-running of the Court's busy Schools Program schedule; the judges who volunteer their time to speak to students; the associates and tipstaves who move the students around the Court and ensure that the program operates with minimal disruption to court operations; and to the G4S Security Front Desk who, each day, assists with the arrival of the students and their movement through security.

# Judges of the County Court of Victoria

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

JUDGES OF THE COUNTY COURT	
	Date appointed
His Honour Chief Judge Michael Rozenes AO	25 Nov 2002
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
His Honour Judge John Richard Bowman	20 Feb 2001
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 Julian Peter Leckie	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

JUDGES OF THE COUNTY COURT	
	Date appointed
His Honour Judge Michael Francis Macnamara	7 Feb 2012
His Honour Judge William (Bill) Evan Stuart	28 Feb 2012
His Honour Judge David George Brookes	7 Aug 2012
His Honour Judge Ian Leslie Gray	29 Nov 2012
His Honour Judge John Anthony Jordan	1 Feb 2013
His Honour Judge Peter Couzens	26 Mar 2013 (effective 1 May 2013)
His Honour Judge Christopher James Ryan	26 Mar 2013
His Honour Judge Paul James Cosgrave	7 May 2013 (effective 9 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
RESERVE JUDGES	
	Date appointed
His Honour Judge Lansell (Lance) David Pilgrim	7 Apr 1999
Her Honour Judge Barbara Cotterell	27 Nov 2012
RETIREMENTS	
	Date retired
Her Honour Judge Christine Anne Thornton (appointed as Justice of Family Court of Australia)	11 Aug 2013
Her Honour Judge Julie Ann Nicholson	14 Mar 2014
REGISTRAR	
	Date retired
Ms Kate Spillane	14 Apr 2014

## Newly Appointed Judges



**Judge Claire Quin** was appointed to the County Court on 25 February 2014. Judge Quin was previously a barrister of 22 years' experience, including 16 years at the Office of Public Prosecutions (OPP) as a Crown Prosecutor and Associate Crown Prosecutor.

As Crown Prosecutor, Judge Quin appeared extensively in the Court of Appeal and the High Court and served for several years in the OPP's Sexual Offences Unit.



**Judge Robert Dyer** was formally welcomed to the County Court on 6 November 2013. Judge Dyer has over 33 years of experience in civil litigation, specialising in common law and accident compensation.

His Honour was a former President of the Historic Rally Association and is currently serving as a Tribune, hearing appeal cases involving the Confederation of Australian Motor Sport.

# Service Partners



Juries are a fundamental component of the Victorian justice system. The Juries Commissioner's Office (JCO), based in the County Court building but serving both the County and Supreme Courts of Victoria, ensures the timely availability of jury panels that are broadly representative of the community. At the same time, the JCO works with Courts to minimise the impact of jury service on citizens, their families and their employers.

*Paul Dore  
Juries Commissioner*

## Juries Commissioner's Office

The heavy caseload of the County Court has ensured that demand for juries remained high throughout 2013–14. During the reporting period, some 15,000 citizens in Melbourne alone came through our doors, making themselves available to serve on juries in both the Supreme and County Courts; a further 9000 presented across our state-wide network of 13 regional courts. In 2013–14, most jurors were destined for trials in the County Court, which on some days empanelled up to six or seven jury trials a day in Melbourne alone.

Across the Victorian regional court network, Geelong, Latrobe Valley and Bendigo remain our busiest circuit courts in terms of requirements for juries.

## County Court Jury Data

Jurors Empanelled	2012-13	2013-14	Difference	Variance
Melbourne	5134	5164	30	1%
Circuit	1428	1706	278	16%
Total	6562	6870	308	4%
Jury Trials				
Melbourne	437	456	19	4%
Circuit	130	149	19	13%
Total	567	605	38	6%
Jury Trial Days	3274	3223	-51	-2%

It is important to note that the number of juries in criminal trials increased from 445 in 2012–13 to 449 in 2013–14 (+4), while civil trial jury demand went up by 30 jury trials (from 51 last year to 81 this reporting period). This explains why the increase in the number of jurors empanelled is not directly proportional to the increase in the total number of jury trials over the same reporting period.

## Working together

Following a formal organisational review in 2012–13, a restructure of the JCO was implemented in 2013–14. The restructure redefined several roles and introduced some new roles to the JCO, allowing JCO staff to offer enhanced and greater consistency of services across the regional courts and within Melbourne. As well, Paul Dore, Juries Commissioner, took up the Court's invitation to speak at the Judges', Associates' and Tipstaves' conferences, each held in April 2014.

The JCO also improved its support to prospective jurors – refining and enhancing its communications, which led to citizens being better informed of the requirements of jury duty – in particular the potential time commitment required. This work has significantly reduced the number of excuses in court on the day of trial, reducing the impact on judge-time.

Early in 2014, the Court established a Juries Reference Group, chaired by Judge Felicity Hampel.

## Supporting research

Judges and jurors participated in a number of research projects over the past 12 months, with the JCO facilitating the researchers' access to jurors\* and judges. Recent projects have included an examination of jurors' comprehension of jury directions, research into public attitudes to sentencing, and research into the jury empanelment process. Judge Gabriele Cannon and Judge Liz Gaynor are Steering Committee members for the jury directions study, along with Supreme Court judges, judges from New Zealand, academics from Melbourne and New Zealand and the Juries Commissioner.

## A note of thanks

The Court wishes to thank the Juries Commissioner's Office for tirelessly working to fulfil the Court's immense need for the provision of jury panels in a timely manner, as well as the need to minimise the impacts on jurors themselves. The Court wishes to extend its sincere thanks to the citizens of Victoria who have given their time to make a contribution to jury duty over the past 12 months – a contribution which is as valuable as it is critical to the administration of justice in Victoria.

\* Pursuant to s.78(9) of the *Juries Act 2000*, researchers must get approval from the Attorney General to interview jurors.

## Victorian Government Reporting Services

The services provided by the Victorian Government Reporting Service (VGRS) are central to the operations of all courts as well as providing a valuable service to the community.

In the 2013-14 financial year, VGRS produced transcripts for approximately 9950 Court hearings, with more than 39 hearings, transcribed in total or part, per day.

In total, VGRS produced more than 293,000 pages of transcript for the Court, which represents 61 per cent of its total transcribed page production for all courts during the reporting period.

The value of this important partnership was strengthened during the reporting period through the development of the VGRS - County Court of Victoria Recording and Transcription Protocol. The protocol outlines minimum timeframes in which transcripts will be produced for particular matters. In the first reporting phase against the new protocol, VGRS's performance was exemplary, exceeding minimum requirements across all categories.

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

## Liberty Group

### Court reservation and court usage

For the year ending 30 June 2014, court room usage (8940 days) was 436 days more than reserved. The Supreme Court accounted for 123 of these days.

### 2013-2014 Monthly Court Usage



### Third party use

For the reporting period, The Liberty Group (TLG) hired out court rooms on 641 occasions from high-profile hearings to musical performances and education-related events. Some of the events hosted in the Ceremonial Court included the Melbourne Symphony Orchestra of Gilbert and Sullivan's Operetta 'Trial by Jury' pop up performance; RMIT's Certificate IV in Government (Court Services) graduation ceremonies; and the commencement of the Coroners Court of Victoria Inquest into the deaths of Terence and Christine Hodson. Smaller courtrooms were also hired for the filming of the television series 'Fat Tony & Co'.

# Finance Report

The Operational and Financial Governance Statement sets out the revenue (in the form of fines and fees collected) and operational expenditure of the Court for the year ended 30 June 2014, including comparisons with the previous year.

Victorian Government departments are required to produce their annual reports in accordance with Standing Direction 4 Financial Management Reporting of the *Financial Management Act 1994*.

Information from entities of the Department of Justice, such as the Court, are consolidated into the Department of Justice Annual Report.

## Collection of fines and fees

- New Court Fee regulations came into effect on the 17 December 2012. As a result, the increase in fees in 2013–14 is due to the first full financial year impact of the new fee structure. The majority of fees increased after a Regulatory Impact Statement was conducted in 2012. However, Court photocopy fees decreased from \$1.50 a page to \$0.60 a page.

## Annual appropriations

- The Workplace Determination for VPS staff provided for a general salary increase
- Additional contractors were appointed in 2013–14 using BERC funding for the ‘CLMS Stabilisation Project’. This important project to stabilise the Court’s case management system will continue into 2014–15. The project also contributed to the increase in IT costs for 2013–14
- The Court occupies a building managed under a public private partnership between the State of Victoria and the facility owners and operators, The Liberty Group (TLG). In 2013–14 for the first time the Court managed the budget for this facilities contract. This change provides an exciting, financial opportunity for the Court as it enters the era of independence from the executive arm of government with the creation of Court Services Victoria on 1 July 2014.

## OPERATING STATEMENT FOR YEAR ENDED 30 JUNE 2014

	2012-13 \$	2013-14 \$
<b>Collection of Fines and Fees</b>		
Court Fines (to Consolidated Rev.)	908,799	1,145,653
Court Fees (to Consolidated Rev.)	8,621,016	11,414,742
Court Photocopy Fees	846,949	526,589
Court Subpoena Viewing Fee	23,288	75,256
<b>Total Revenue</b>	<b>10,400,052</b>	<b>13,162,240</b>
<b>Expenditure</b>		
<b>Special Appropriation</b>		
Judicial Salaries and Allowances	27,305,756	27,464,182
<b>Annual Appropriation</b>		
Staff Salaries and On-Costs	14,834,347	15,395,909
<b>Operating Costs:</b>		
Bank Fees & Charges	2922	3068
Contractors, Consultants and Agency	415,390	684,096
Information Technology Expenses	198,186	267,823
Finance Lease and Other Interest Paid	10,463,814	9,686,186
Other Operating Expenses	109,247	57,786
Postage and Communication	285,069	267,673
Printing, Stationery and Subscriptions	724,543	1,073,332
Rent and Property Services	124,674	78,860
Outsourced Contracts	14,251,030	15,070,314
Repairs and Maintenance	12,761	51,724
Taxation Paid	1,651,050	1,086,075
Staff Training and Professional Development	95,059	34,120
Travel and Personal Expenses	1,122,527	997,797
<b>Amortization &amp; Depreciation</b>	<b>10,000,795</b>	<b>6,297,123</b>
<b>Total Annual Appropriation</b>	<b>54,291,414</b>	<b>51,051,886</b>





# CountyCourt

VICTORIA

County Court  
250 William Street  
Melbourne Victoria 3000  
Telephone: 03 8636 6510  
[countycourt.vic.gov.au](http://countycourt.vic.gov.au)