



COUNTY
COURT OF
VICTORIA

**ANNUAL
REPORT**
2021-22

ACKNOWLEDGEMENT OF COUNTRY

The County Court acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. We acknowledge and pay respects to ancestors of this country, Elders, knowledge holders and leaders – past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples.

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REPORT OF THE CHIEF JUDGE



Chief Judge Peter Kidd

Despite the immense pandemic-related challenges and disruptions the County Court has faced over the last financial year – whether to operations (such as jury trials) or the health and wellbeing of our judicial officers, staff and court users – the Court has achieved steady and determined progress.

At the start of the period, the Court grappled with the challenge of widespread restrictions, including lockdowns, which persisted in Melbourne through most of the second half of 2021. During these lockdowns, the Court continued to hear non-jury matters across all of its divisions, either remotely or with limited in-person attendance.

The Court also conducted jury trials in our circuit locations when various region-specific lockdowns were lifted.

As Melbourne lockdowns ended and statewide restrictions eased, the Court further adapted its operations, ensuring that both jury and non-jury work could continue in a COVIDSafe manner.

In late October 2021, the Court introduced a vaccination requirement for all in-person attendance. This reflected broader requirements across the community and coincided with a similar requirement for jurors, determined by the Juries Commissioner, pursuant to new provisions in the *Juries Act 2000*.

At the start of 2022, with the assistance of Court Services Victoria, the Court implemented a Rapid Antigen Testing regime. By 30 June 2022, in addition to the self-testing in circuit locations, more than 30,000 tests had been conducted for jurors and other court users in Melbourne.

CRIMINAL DIVISION

As Victoria's principal trial court, the effect of lockdowns that required the suspension of jury trials has been keenly felt on the Court's Criminal Division. From the start of the pandemic in March 2020 until November 2021, various lockdown periods have meant the Court was unable to run criminal jury trials in Melbourne for approximately 13 months in total.

To assist with the resulting trial backlog, the Victorian government provided for additional reserve judges and the advanced replacement of four judges. With these new appointments, between August 2021 and June 2022, the Court had the benefit of approximately 30 months of additional judicial resources. This permitted an increase in trial listings (of approximately 15 per cent), which also resulted in more resolutions.

The Court's criminal case management process has also assisted in reducing the COVID-related backlog. Case management facilitates the early resolution of appropriate matters, in some instances prior to listing for trial, and has now been embedded as a key element of the Court's operations.

As a result of these initiatives, the statewide pending trial count decreased by 14 per cent. Similarly, the projected time to trial for new initiations has decreased from 18–22 months (estimated at 1 July 2021) to 14–16 months (estimated at 30 June 2022).

Alongside this substantial improvement, non-jury criminal work has continued to be determined in a timely fashion.

COMMON LAW DIVISION

A large volume of work across the Common Law Division lists has continued, and there is no COVID-related backlog of work within the Division.

Civil jury trials commenced 21 March 2022 in Melbourne and 26 April 2022 on circuit.

Throughout the period, substantive matters (such as serious injury cases) progressively shifted to being conducted in person. In-person work now represents around 85 per cent of work across the Division, while at the same time a proportion of online appearances are still accommodated.

A reform of the previous 'civil' registry was completed, providing two distinct administrative teams for the Common Law and Commercial Divisions. Among other things, this provides for greater quality and tailored control over the administrative support services for each Division.

The management of self-represented litigants within the Division has been a growing challenge. The Division will continue to implement strategies with respect to this issue, including working with the Common Law Bar to secure more *pro bono* resources.

COMMERCIAL DIVISION

There is no COVID-related backlog of work within the Commercial Division, and a significant volume of work has continued throughout the period.

The Commercial Division is running most trials and Judicial Resolution Conferences through onsite attendance, with all interlocutory applications and other short hearings running remotely.

As with the Common Law Division, a discrete Registry has also recently been established for the Commercial Division. Work across the Division has been undertaken to embed new practices and procedures within this new structure.

The Division published a single *Omnibus Practice Note* replacing all existing practice notes and guidance materials. This hyperlinked 'one-stop-shop' for all Division practices also introduced several reforms, including in the areas of standard orders, alternative dispute resolution, and cases involving self-represented litigants.

A protocol between the County Court and the Victorian Civil and Administrative Tribunal (VCAT) has continued to deliver improved outcomes for litigants with complex cases in VCAT's Building and Property List. These cases are heard by a judge who is also a VCAT Vice President.

The Commercial Division continues to make significant use of case conferences and mediations, narrowing issues in dispute and facilitating settlements. This early finalisation of proceedings has in turn eased the burden on the Court's resources, with minimal judicial intervention required.

SPECIALIST COURTS AND PROGRAMS

The Court's suite of specialist courts and programs has continued to serve an increasing number of court users and participants.

In December 2021 the County Koori Court was launched in Geelong, bringing the total number of County Koori Court locations to six (alongside Latrobe Valley, Melbourne, Mildura, Shepparton, and Warrnambool).

Since commencing in early 2021, the Court Integrated Services Program (CISP) has served approximately eight accused persons each month. CISP focuses on proactively addressing underlying causes of offending behaviour, providing case management, and linking participants to key services while on bail.

The Drug and Alcohol Treatment Court (DATC) was officially launched by the Attorney-General, the Honourable Jaclyn Symes MLC, on 30 May 2022. The DATC has received 85 referrals, and as of 30 June 2022 had 34 participants.

JUDGES AND STAFF

During this period, the Court welcomed the appointments of judges Hawkins, Bayles, Blair, Karapanagiotidis, Holding, Ellis, Fraatz, Tsikaris, Moglia, Clark, English and Rozen. The Court also welcomed judicial registrars Bennett, Avis and Bales.

On 22 February 2022, the Court welcomed the appointment of Judge Meryl Sexton as the Court's very first Deputy Chief Judge. Deputy Chief Judge Sexton has taken on a range of ongoing administrative work as well as being Acting Chief Judge in my absence. The Court has already benefitted significantly from the excellence in leadership Deputy Chief Judge Sexton has brought to this new role.

The Court also congratulated judges Fox, Tsalamandris and Hannan on their appointments to the Supreme Court of Victoria, and judges Smallwood, O'Neill, Misso, Brookes, Lawson, Stuart, Macnamara, Dean and Coish on their retirement. The Court also had the benefit of judges Smallwood, Macnamara and Brookes being appointed as reserve judges.

Improved community circumstances have meant that from early 2022 the Court was able to hold welcome ceremonies for new judges, including for a substantial number of judges who commenced during periods of lockdown or other restrictions. Pleasingly, the return of these important events in the life of our Court has been embraced by the broader legal community.

In May 2022 the Court welcomed Alison Byrne as our new Chief Executive Officer. Alison has significant experience as a senior public sector leader and is proficient in transforming organisations in complex and sensitive environments. I extend the Court's thanks to Bradley Medcroft for his tremendous work as Acting CEO. Both Alison and Bradley have provided the Court with outstanding leadership.

While there remains some COVID-related uncertainty, the Court finds itself on a solid footing. We have made meaningful progress in reducing the number of pending criminal trials, while at the same time keeping up to date with non-jury work across all of the Court's divisions.

This significant achievement is thanks to the hard work of our judges, judicial registrars and staff, and the cooperation of our court users. In particular, the legal profession has greatly assisted the Court by adapting their work and practices to align with changing circumstances and necessary COVIDSafe measures.

On behalf of the Court, I also extend my thanks to Juries Victoria. Managing the orderly provision of jurors to the courts, both in Melbourne and across our regional locations, is a demanding task at the best of times. Working within significant resourcing constraints, and the unique challenges caused by the pandemic, has been a considerable undertaking. I commend the Juries Commissioner Paul Dore and his staff for their invaluable contribution to the administration of justice in our state.

Similarly, I thank those members of our community who served as jurors during this period. Jurors perform an essential civic duty and are an integral part of our criminal and civil justice systems. The Court, and by extension our community, has benefitted greatly from their patience and cooperation with COVIDSafe measures as part of that vital service.

Chief Judge Peter Kidd

County Court of Victoria

REPORT OF THE CHIEF EXECUTIVE OFFICER



Alison Byrne

Since being appointed as CEO of the County Court of Victoria on 2 May 2022, I have been impressed by the Court's positive, courageous and constructive leadership. As we battled ongoing changes and challenges brought about by COVID-19, our mission to deliver justice to the Victorian community has never wavered. Our people, judges and our partners in the Courts Group and broader justice system together ensured the ongoing provision of hearings and trials.

I understand the Court's achievements were driven in no small part by the Acting CEO, Bradley Medcroft. I sincerely thank Bradley for his leadership during this time.

While our priority is the business of delivering justice, we have also been mindful of the public health guidelines, adopting measures to keep court users, judicial officers and employees safe. These include our notices to practitioners and court users regarding court operations based on changing density quotients, physical distancing requirements and personal protective equipment recommendations, as well as our Rapid Antigen Testing Protocols.

In addition to the Court's business as usual, we have continued to deliver improvement programs in line with the key objectives in our roadmap for reform, *Court Directions 2017–22*. As we approach the end of this roadmap and plan for the next, we can reflect on what we have achieved in the last five years with pride, and can consider the new ways of working adopted as a result of COVID disruptions.

During the last financial year, we have continued to engage with the community, court users and partners as a key objective of *Court Directions*.

- The Digital Schools Program and virtual VCE Legal Studies events allowed hundreds of students to meet with County Court judges and associates. More than half of all Victorian regional high schools that offer Legal Studies participated in these sessions, where they were otherwise unable, due to geographic constraints. Similarly, 820 university students observed remote or recorded hearings for their studies. We also facilitated media access to more than 1,485 virtual hearings, including criminal jury trials.
- In line with the hybrid way of doing things, this year in May, the Court's Law Week program saw us host three online events and co-host two in-person events: one in Bendigo (with the Bendigo Law Courts) and one in Shepparton (with Goulburn Valley Libraries).
- The judge-led Diversity and Community Relations Committee was officially launched in March 2022. This committee has overseen a range of initiatives including partnering with the Victorian Bar to participate in Indigenous Clerkship and Mentoring programs, and organising community engagement days. For example, a welcome lunch and Q&A with recently resettled Afghan women judges was held in June 2022, attended by Afghan practitioners, law students and law graduates.

- The Court established the *County Koori Court Strategic Plan 2021–24* to guide our work regarding self-determination. The Court also launched a video about the role of Elders and Respected Persons to celebrate the appointment of nine new Elders and Respected Persons to the County Koori Court.

This year, the Court has focused on the important and innovative work of specialist courts and expanded these programs. The sixth County Koori Court was launched in Geelong in December 2021. After many postponements due to COVID-19, the Drug and Alcohol Treatment Court (DATC) had its official launch in May 2022 by the Attorney-General, the Honourable Jaclyn Symes MLC.

Harnessing new technology remains a key objective of *Court Directions*. Increased technical support for staff and judges has allowed the continuation of remote hearings, with more than 18,000 facilitated during this period. We have also invested in technology to introduce and improve online court services and user experience, such as eCase, the Court's online tool for subpoena submissions, objections and inspections.

Since the final report of the *Review of Sexual Harassment in Victorian Courts* (led by Dr Helen Szoke AO) was released in April 2021, substantial work has been conducted across the County Court to action the recommendations made in the report. The purpose of this work is to build a workplace culture where inappropriate behaviours are not tolerated and where those who experience or witness such behaviours feel supported to speak out. We are committed to ensuring the culture in our workplace is one of respect, safety, fairness and inclusion, and we will continue to grow a positive, open and safe environment for all of our people.

The Court's judges and staff – as in many other workplaces and industries – have worked harder, longer and under greater pressure over the course of the pandemic and as we re-adapt to a more 'normal' way of life. The Court continues to offer health, wellbeing and mindfulness initiatives and programs, as well as counselling and other services, to encourage work-life balance, support mental health and introduce practical techniques to use when facing issues at work or home.

I am consistently touched and impressed by the kindness, positivity and dedication of our people at the Court, and the organisational culture that is so apparent. That certainly doesn't happen without a concerted effort from all levels, so I thank all judges and staff for their commitment, professionalism, consideration and respect for those around them. Success is not simply numbers and outcomes; it can also look like new ideas and innovation, celebrating staff achievements in the Court as well as those who follow their ambitions elsewhere, and camaraderie across the variety of teams who contribute to the dynamic and diverse environment of the Court.

I am proud to be the Court's CEO and play a part in its efforts to hear and determine matters while overcoming the disruptive and exhausting impacts of the pandemic on its operations, as well as on all court users. In my short time here I have already seen what the Court is capable of, and the passion and determination of its people. I sincerely look forward to working together to meet the challenges and embrace the opportunities that lie ahead.

Alison Byrne

CEO, County Court of Victoria

ABOUT THE COURT

The County Court is Victoria's principal trial court.

Led by Chief Judge Peter Kidd, County Court judges deal with more than 9,000 cases a year across three divisions – Criminal, Common Law and Commercial.

County Court judges also sit as the heads of jurisdiction at the Coroners Court and Children's Court, and sit at the Victorian Civil and Administrative Tribunal as Vice-Presidents.

The Court has original jurisdiction in all civil and criminal cases, except for a small number of offences such as treason and murder. The Court also hears appeals from the criminal jurisdiction of the Magistrates' Court and the criminal and family divisions of the Children's Court.

Proceedings are open to the public, except when a judge closes a courtroom in the interests of justice.

The Court operates at Melbourne and 11 regional locations across Victoria. The County Koori Court operates in six locations across Victoria and ensures greater participation of the Aboriginal community in the sentencing processes.

The Court is supported in its delivery of justice by its Administration – a group of mostly corporate functions – and its Registry, which is public-facing and deals with documents, filing and fees. The Chief Judge and the County Court's judges and judicial registrars are supported by more than 350 staff.

COURT STRUCTURE

The County Court's judges, judicial registrars, and its operations are supported by approximately 350 staff. The Court deals with matters through its three divisions: Criminal, Common Law and Commercial. Judges also hear cases at the Court's 11 circuit locations.

CRIMINAL DIVISION

Head of the Criminal Division	Judge Mullaly
Judge in Charge of Listings	Judge Marich
Judge in Charge of Non-Trial Work	Judge Gwynn
Judge in Charge of Circuits	Judge Carmody
Judge in Charge of the Sexual Offences List	Judge Marich
Judge in Charge of the Long Trials List	Judge O'Connell
Judge in Charge of the County Koori Court	Judge Johns
Judges in Charge of the Court Integrated Services Program (CISP)	Judge Dawes and Judge D Sexton
Judge in Charge of the Drug and Alcohol Treatment Court (DATC)	Judge Higham

COMMON LAW DIVISION

Head of the Common Law Division	Judge Pillay
Judge in Charge of the General, Applications and Serious Injury Lists	Judge Pillay
Judge in Charge of the Adoptions, Surrogacy and Name Changes List	Judge Davis
Judge in Charge of the Appeals and Post Sentence Applications List	Judge Hinchey
Judge in Charge of the Confiscation List	Judge Dyer
Judge in Charge of the Defamation List	Judge Clayton
Judge in Charge of the Family Property List	Judge Tran
Judge in Charge of the Medical List	Judge Clark
Judge in Charge of Self-Represented Litigants	Judge Ginnane
Judge in Charge of the WorkCover List	Judge Purcell
Judge with responsibility for the approval of infant and other compromises	Judge KL Bourke
Judge with responsibility for s 134AB costs applications	Judge Purcell

COMMERCIAL DIVISION

Head of the Commercial Division	Judge Woodward
Judge in Charge of the General and Expedited Cases Lists	Judge Woodward
Judge in Charge of the Banking and Finance List	Judge Cosgrave
Judge in Charge of Building Cases List	Judge Burchell
Judge in Charge of the Arbitration List	Judge Brimer
Judge in Charge of the Complex Cases List	Judge A Ryan

YEAR AT A GLANCE

TOTAL COUNTY COURT CASES	2020-21	2021-22	% change
Commenced	9,372	9,312	-0.6%
Finalised	8,473	8,871	4.7%
Pending	10,566	10,701	1.3%
Overall County Court clearance ratio (%)	90%	95%	
% disposed within 12 months	60%	41%	

COMMENCED

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

FINALISED

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

PENDING

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

CLEARANCE RATE

The number of finalised cases as a proportion of the number of initiations expressed as a percentage.

TOTAL CRIMINAL CASES (INCLUDING APPEALS)	2020-21	2021-22	% change
Commenced	3,527	3,670	4.1%
Finalised	2,942	3,530	20.0%
Pending	3,072	3,140	2.2%
Overall Criminal clearance ratio (%)	83%	96%	
% disposed within 12 months	76%	50%	

CRIMINAL TRIALS AND PLEAS	2020-21	2021-22	% change
Commenced	2,321	2,315	-0.3%
Finalised	1,676	2,205	31.6%
Pending	2,630	2,693	2.4%
Trials and pleas clearance ratio (%)	72%	95%	
% disposed within 12 months	66%	53%	

CRIMINAL APPEALS	2020-21	2021-22	% change
Commenced	1,206	1,355	12.4%
Finalised	1,266	1,325	4.7%
Pending	446	447	0.2%
Appeals clearance ratio (%)	105%	98%	
% disposed within 12 months	89%	45%	

TOTAL COMMON LAW DIVISION	2020-21	2021-22	% change
Commenced	4,401	4,244	-3.6%
Finalised	3,655	4,012	9.8%
Pending	6,171	6,240	1.1%
Clearance ratio (%)	83%	95%	
% disposed within 12 months*	48%	26%	

TOTAL ADOPTION LIST CASES	2020-21	2021-22	% change
Applications considered	75	43	-43%
Adoption orders made	62	30	-52%

TOTAL COMMERCIAL DIVISION	2020-21	2021-22	% change
Commenced	1,369	1,355	-1.0%
Finalised	1,814	1,299	-28.4%
Pending	1,319	1,320	0.1%
Clearance ratio (%)	133%	96%	
% disposed within 12 months*	57%	37%	








These figures apply statewide.

* The decrease in % cases disposed of within 12 months can be attributed to the impact of the COVID-19 pandemic.

COURT DIRECTIONS 2017–22 AND OUR ACHIEVEMENTS

In mid-2017 the Court announced Court Directions 2017–22 as its strategic roadmap for the next five years.

Court Directions identifies seven objectives for this period:

-  improve the court user experience
-  harness new technology
-  engage with the community
-  expand and explore specialisation
-  support judges and staff
-  bring about reform, based on evidence
-  collaborate within the justice system.

Court Directions 2017–22 is a statement of the Court’s future direction, ambitions, and desired outcomes, and confirms the Court’s core purpose: to hear and determine matters in a fair, timely, efficient, and accessible way.

This roadmap ensures the Court stays on the path to achieving its vision to be a leader in Court excellence, and to deliver the highest standard of justice to the Victorian community.

With the key objectives at the forefront, the Court continues to deliver initiatives aimed at improvement and reform through:

- adherence to the principles of accessibility and transparency
- our professional, resilient, and highly motivated people
- an organisational culture that is ambitious and future-focused.

The Court has commenced the process of revising *Court Directions 2017–2022* to ensure it sets us up to deliver excellence for all court users over the next three to five years.

The following pages list the Court’s key achievements over 2021–22 in relation to each objective in *Court Directions 2017–2022*.

Objective	Description	Key achievements during 2021–22
<p>IMPROVE THE COURT USER EXPERIENCE</p>	<p>Enhance services and programs to meet the needs of court users and improve justice outcomes.</p>	<p>COUNTY KOORI COURT</p> <p>The Geelong County Koori Court was launched by Chief Judge Kidd in December 2021 as part of the Aboriginal Justice Agreement Phase 4 County Koori Court expansion initiative. This important initiative will provide access to fair, culturally relevant and appropriate justice for Aboriginal and Torres Strait Islander accused and has been welcomed by the Geelong community.</p> <p>The <i>County Koori Court Strategic Plan 2021–24</i> was released in June 2022 following extensive stakeholder consultation with judges, legal services, Aboriginal agencies, Elders and Respected Persons, and key community organisations. The plan outlines a clear vision, strategic priorities, outcomes and key performance indicators for the County Koori Court. Aided by the Strategic Plan, the County Koori Court envisions an accessible and respectful court which protects and upholds the human, civil, legal and cultural rights of Aboriginal people and contributes to delivering fair justice outcomes.</p> <p>COURT USER SAFETY</p> <p>The safety of court users, and all visitors to the court, has been a paramount consideration throughout the COVID-19 pandemic. During the 2021–22 financial year, it has been possible for the Court to return to in-person hearings for most matters, consistent with reduced government restrictions and following a range of COVIDSafe measures. Significant testing protocols were implemented throughout the year. As a result, the Court has safely conducted in-person hearings (including jury trials), and the impact on court operations has been minimised, allowing the Court to significantly reduce its criminal trial backlog.</p>


Objective	Description	Key achievements during 2021–22
<p>HARNESS NEW TECHNOLOGY</p>	<p>Embrace new technology and rethink systems to enhance transparency, improve service and increase productivity.</p>	<p>DIGITAL TRANSFORMATION</p> <p>The Court’s Digital Transformation Program continued to develop evidence management solutions in 2021–22 with the release of the second stage of eCase. This online tool manages subpoena submissions, objections, and inspections, and allows court users to view subpoenaed material online, without the need to attend the Court’s Registry. The Court further expanded the availability of eCase across all divisions of the Court, and implemented new features to improve the experience of court users and increase efficiency for judges and staff.</p> <p>The Court also implemented electronic appearances, called ‘eAppearances’, which is an online solution for managing appearances in the civil jurisdiction. eAppearances comprises an external-facing portal for parties and practitioners, and an in-court module for judicial officers and court staff.</p> <p>The Court also enhanced its electronic court file system which automates business processes and workflows to create efficiencies and increase productivity.</p> <p>EXPANDED IN-COURT TECHNOLOGY</p> <p>The Court has now fully upgraded 46 of its 54 courtrooms in Melbourne. Key improvements include installing modern video conferencing facilities which allow the Court to manage virtual appearances more effectively and expand remote hearing capabilities. This has supported the increased reliance on remote hearings during COVID-19 restrictions.</p> <p>WIFI EXPANSION</p> <p>WiFi was installed across the Court’s Melbourne site, enabling access to all staff connected to the Government Shared Platform and providing judicial officers and staff with greater mobility and opportunity to collaborate.</p> <p>CYBER SECURITY</p> <p>The Court delivered a cyber security response plan which included a series of playbooks designed to provide the Court with guidance and steps which should be considered during cyber security incidents. In addition, the Court implemented a cyber security training and awareness framework and delivered cyber security awareness training to judicial officers and Court staff.</p>


Objective	Description	Key achievements during 2021–22
<p>ENGAGE WITH THE COMMUNITY</p>	<p>Improve transparency and the accessibility of information to build understanding of the Court and its processes.</p>	<p>DIGITAL SCHOOLS PROGRAM</p> <p>Due to the impact of COVID-19 disruptions the Court continued to deliver its Schools Program digitally in 2021–22, making the Court more accessible to students, especially those in regional areas. Students could meet with a judge and their associate and ask questions regarding their roles, Court operations, and the justice system more generally. Approximately 3,800 students from 124 schools participated in the Program in 2021–22, with more than 30 per cent of participating schools located in regional Victoria.</p> <p>VIRTUAL VCE EVENTS</p> <p>In Terms 3 and 4 of 2021, and Terms 1 and 2 of 2022, the Court held four special online events for VCE Legal Studies students. Topics for these events included civil disputes, an opportunity to ask judges questions relating to the curriculum, a ‘judge for yourself’ exercise that illustrated a variety of factors about sentencing, and consent and the law.</p> <p>More than 2,830 students from 151 schools attended these four events, involving 10 judges. During all events, students were able to ask questions of the judges directly.</p> <p>REMOTE HEARING OBSERVATIONS</p> <p>In 2021–22, the Court facilitated approximately 732 live observations of remote hearings for university students studying law, criminology, court reporting, and interpreting. The Court also received and facilitated 86 requests from students to access recorded hearings.</p> <p>LAW WEEK</p> <p>The Court held three online events for Victorian Law Week in mid-May 2022, with topics including sentencing, consent and the law (a high school-specific event), and cultural diversity in the law. The Court also co-hosted two in-person regional events – one with the Bendigo Law Courts regarding its new facilities, and the other with Goulburn Valley Libraries in Shepparton on the role of the County Koori Court.</p> <p>The online events featured a total of 13 panellists and moderators (including Chief Judge Kidd, Deputy Chief Judge M Sexton and four County Koori Court judges). The in-person events featured six County Court panellists. More than 1,100 people registered to attend these events.</p> <p>The events were suitable for all members of the public interested in the law and in gaining a better understanding of how the Court works.</p>

Objective	Description	Key achievements during 2021–22
<p>ENGAGE WITH THE COMMUNITY</p>	<p>Improve transparency and the accessibility of information to build understanding of the Court and its processes.</p>	<p>MEDIA AND OPEN JUSTICE</p> <p>The Court continued to use virtual hearing technology, allowing for greater media and community observation of the work of the Court. Virtual hearings provided a vital tool for open justice throughout periods of COVID-19 restrictions on physical access. The Court facilitated 2,840 media requests to access 1,485 virtual hearings, including dozens of criminal jury trials.</p> <p>The Court published 31 high-profile sentencing judgments on its website and social media channels under the Immediate Publication Protocol. Under the Protocol, the Court’s media and publications teams work closely with judges to deliver same-day publication of sentencing decisions in criminal matters that are the subject of significant community and media interest. This provides the media and public with near-immediate access to the full written decision, increasing community understanding of the Court’s work.</p> <p>LEARN ABOUT THE COUNTY COURT</p> <p>The Court continues to publish written case summaries and key data on criminal offences sentenced by the Court to improve the transparency and accessibility of information, and to build understanding of the Court and its processes. This resource now covers a wide range of criminal offences, including aggravated burglary, culpable driving, sexual offences, drug offences and others. The summaries and data are regularly updated and are frequently used as an educational resource by VCE students and the wider community.</p>

Objective	Description	Key achievements during 2021–22
<p>EXPAND AND EXPLORE SPECIALISATION</p>	<p>Specialise to better meet the needs of specific court user groups.</p>	<p>COURT INTEGRATED SERVICES PROGRAM (CISP) EVALUATION</p> <p>In 2021–22, the County Court’s Court Integrated Services Program (CISP) pilot case-managed a total of 194 participants.</p> <p>The CISP pilot provides a coordinated approach to intensive, therapeutic case management for eligible individuals on bail or deferral of sentencing with relevant support needs.</p> <p>In December 2021, an independent evaluation of the CISP pilot delivered the following findings:</p> <p>‘The pilot is still relatively new but is already showing positive outcomes for clients including greater engagement with the justice system and support services, early signs of behaviour change and better connections to family and community. There are also early indications it is contributing to the intended system-level outcomes such as reduced time on remand and completion of community orders and the pilot has promise to reduce recidivism and improve offender and community wellbeing’.</p> <p>COURT INTEGRATED SERVICES PROGRAM (CISP) ENHANCEMENTS</p> <p>In 2021–22 CISP implemented an evidence-informed, fully functioning case management tool. The tool assesses participant risks of recidivism, rehabilitation needs, and the most relevant factors related to supervision and programming requirements. This enables more tailored treatment and support for CISP participants.</p> <p>In response to an identified demand, CISP also expanded the Mental Health Advice and Response Service by commencing a forensic psychiatry service. This highly specialised service is responsible for completing psychiatric assessments and providing timely specialist recommendations to the Court on the provision of support and treatment. Linking participants to therapeutic support services that address offending behaviour is a key contributor to improving community safety by reducing recidivism and improving life outcomes for participants.</p>

Objective	Description	Key achievements during 2021–22
<p>EXPAND AND EXPLORE SPECIALISATION</p> 	<p>Specialise to better meet the needs of specific court user groups.</p>	<p>DRUG AND ALCOHOL TREATMENT COURT (DATC) LAUNCH</p> <p>On 30 May 2022, Chief Judge Kidd and Judge in Charge Judge Paul Higham hosted the Attorney-General, the Honourable Jaclyn Symes MLC, and other guests, for a launch ceremony for the Drug and Alcohol Treatment Court (DATC). The DATC will provide up to 70 participants with alternative rehabilitation pathways to break the cycle of addiction and offending.</p> <p>Speaking at the launch, Chief Judge Kidd said the new Court would be a welcome addition to the justice landscape in the County Court.</p> <p>DRUG AND ALCOHOL TREATMENT COURT (DATC) EVALUATION</p> <p>In 2021, the County Court commissioned an independent summative, formative, and cost-benefit evaluation of the DATC pilot. This evaluation was designed to run concurrent to program implementation and early operations of the program to promote high quality service delivery and benefit realisation.</p>
<p>SUPPORT JUDGES AND STAFF</p> 	<p>Strengthen capability and support the wellbeing of judges and staff.</p>	<p>JUDICIAL SUPPORT STAFF WORK SYSTEM AND STRUCTURE</p> <p>A new judicial support services structure was implemented in May 2020 to improve the support provided to judges and judicial support staff, and raise the level of capability and work satisfaction across the judicial support services team.</p> <p>In 2021–22 the judicial staff coordinators provided critical support to judges and staff throughout the year to meet the ongoing changes to practice and procedures during the pandemic, including remote hearings and the resumption of jury trials both in Melbourne and regional Victoria.</p>

Objective	Description	Key achievements during 2021–22
<p data-bbox="185 638 308 725">SUPPORT JUDGES AND STAFF</p> 	<p data-bbox="429 638 670 757">Strengthen capability and support the wellbeing of judges and staff.</p>	<p data-bbox="742 638 1189 667">WORK TO ADDRESS PSYCHOSOCIAL RISKS</p> <p data-bbox="742 678 1358 766">The Court’s People, Systems and Learning team conducted a review of the controls relating to the psychosocial risks to staff of vicarious trauma and occupational violence.</p> <p data-bbox="742 781 1372 840">In response, actions to strengthen the controls across all stages of the employee lifecycle were undertaken, including:</p> <ul data-bbox="742 851 1326 1061" style="list-style-type: none"> ◦ an assessment of roles to determine where risks are most prevalent ◦ in-person workshops in vicarious trauma were held for both staff and managers in roles identified as high risk ◦ in-person workshops were held to address the risk of occupational violence for staff in Registry. <p data-bbox="742 1079 1326 1198">Introductory meetings with the court psychologist and the completion of basic training in understanding vicarious trauma have been mandated for all Court staff as part of probation.</p> <p data-bbox="742 1214 1318 1272">Counselling and other support services continued to be offered to staff in 2021–22.</p> <p data-bbox="742 1288 999 1317">WELLBEING PROGRAMS</p> <p data-bbox="742 1328 1326 1415">The Court participated in a range of wellbeing programs, as part of the broader CSV program, which included activities and webinars on mindfulness and resilience.</p> <p data-bbox="742 1431 1307 1612">The Court also engaged external partners Dott Group to facilitate a series of wellbeing check-ins focused on acknowledging the recent challenges and disruptions caused by COVID-19 in the work environment and developing new strategies for building resilience and preventing burnout.</p> <p data-bbox="742 1628 1302 1715">The 10,000-step challenge held in June was again popular with both judges and staff, with 24 teams and 119 participants.</p>

Objective	Description	Key achievements during 2021–22
<p data-bbox="188 645 360 725">BRING ABOUT REFORM BASED ON EVIDENCE</p> 	<p data-bbox="432 645 687 763">Implement improvement initiatives based on best practice and strong evidence.</p>	<p data-bbox="745 645 1043 667">ACTIVE CASE MANAGEMENT</p> <p data-bbox="745 680 1350 891">On 20 April 2022, the Criminal Division formally launched its statewide Case Management System for all criminal trial matters. This followed significant evaluation and consultation with the Court’s key stakeholders, including feedback on the Active Case Management pilot and Emergency Case Management Model (deployed during the COVID-19 pandemic).</p> <p data-bbox="745 907 1369 1025">This launch represents a substantial expansion of the scope of active case management and a full commitment by the Court to case management as an operations model for criminal trial work.</p> <p data-bbox="745 1041 1374 1189">The Case Management System is now supported by 10 Criminal Division lawyers, enabling the Court to dedicate an end-to-end case manager to every new trial initiation. This full complement of Criminal Division lawyers has allowed the Court to maximise effective use of judicial resources.</p> <p data-bbox="745 1205 1374 1384">Case management has been especially critical in the Court’s ability to meaningfully reduce its COVID-19 related trial backlog in the face of significant challenges within the jurisdiction. The results demonstrate that case management reduces delays, improves trial readiness and facilitates early resolution.</p> <p data-bbox="745 1406 1374 1429">CRIMINAL DIVISION ADMINISTRATIVE WORK SYSTEM REVIEW</p> <p data-bbox="745 1444 1278 1503">The Criminal Division completed a restructure of its administration this past financial year.</p> <p data-bbox="745 1518 1362 1608">The restructure followed a review in 2020 focused on identifying activities critical to the efficient operation of the division and exploring opportunities for improvement.</p> <p data-bbox="745 1624 1362 1742">Judges and staff were consulted in the review to identify issues in the previous systems of work. Feedback was sought from practitioners and external agencies to develop a greater understanding of their experiences with the Court.</p> <p data-bbox="745 1758 1337 1848">A new system of work was developed, and new roles introduced to support the immediate and future needs of judges and court users.</p>

Objective	Description	Key achievements during 2021–22
<p>BRING ABOUT REFORM BASED ON EVIDENCE</p>	<p>Implement improvement initiatives based on best practice and strong evidence.</p>	<p>CIVIL ADMINISTRATIVE TRANSFORMATION PROJECT</p> <p>The project was created in May 2021, in response to a suite of findings delivered by a review of the Civil Registry and Client Engagement Team structure that was implemented in 2018.</p> <p>The purpose of the project was to deliver an integrated specialised administrative support structure for each of the Civil Divisions – one for the Common Law Division, and one for the Commercial Division. In June 2022, two distinct teams were formed – a Common Law Division Administration, and Commercial Division Administration.</p> <p>Each division is now led by a director and includes a team of division lawyers, registrars, self-represented litigant case managers, and managers, who work collaboratively to deliver division-specific operations. Each divisional team has a statewide focus and provides administrative services and support to the judiciary, regional staff, and court users.</p> <p>Bringing these functions into divisional administrative structures has enabled greater collaboration and improved clarity of roles, built capability in specialisation, and improved the quality of service to each division.</p> <p>ANALYSIS, REPORTING AND EVALUATION</p> <p>The Court has continued to strengthen its analysis, reporting and evaluation functions, with the development of a cloud-based data warehouse that provides an improved framework for the collection and presentation of data.</p> <p>The Power BI self-serve reporting tool enables internal users to easily obtain relevant data to assist in making evidence-based decisions.</p>

Objective	Description	Key achievements during 2021–22
<p data-bbox="181 640 371 728">COLLABORATE WITHIN THE JUSTICE SYSTEM</p> 	<p data-bbox="427 645 655 763">Contribute to the overall performance and effectiveness of the justice system.</p>	<p data-bbox="740 640 1235 669">SUPPORT FOR SELF-REPRESENTED LITIGANTS</p> <p data-bbox="740 680 1378 768">The Self-Representation Service (the Service) provided by Justice Connect continued to support self-represented litigants within the Commercial Division throughout 2021–22.</p> <p data-bbox="740 784 1383 1025">The Service predominately assisted self-represented litigants (SRLs) within the Commercial General List. Justice Connect continue to facilitate the attendance of lawyers (who provide assistance on a <i>pro bono</i> basis), allowing eligible SRLs within the Commercial Division to receive timely advice, discrete task assistance, and access to alternative dispute resolution. The Service will continue to explore opportunities to assist SRLs at various stages of the civil litigation process.</p> <p data-bbox="740 1055 1294 1084">A JOINT APPROACH TO ACCOMMODATION PLANNING</p> <p data-bbox="740 1093 1294 1180">The County Court building had been part of a ‘public-private partnership’ (PPP) with the Liberty Group for 20 years. The PPP expired 22 May 2022.</p> <p data-bbox="740 1196 1310 1346">In 2020, the Victorian government decided that, rather than enter a new PPP arrangement, the building (and its underlying Crown lease) would be purchased by government, becoming an asset of Court Services Victoria. This buyback was completed in late May 2022.</p> <p data-bbox="740 1361 1351 1603">Several years in advance of the PPP expiry date, a project team was created to facilitate these new arrangements. In parallel with the work to effect completion of the sale, the project team commenced work to ensure that services across the building would be maintained at a similar level as that experienced under the PPP. The aim was to ensure that any new arrangements would not result in a reduction in the quality of the Court’s built environment.</p> <p data-bbox="740 1619 1335 1733">Following the sale, work has continued to transition from the PPP to new ongoing service contracts, with no diminution in the service or amenity to judicial officers, staff and court users.</p>

WORK OF THE COURT

The *County Court Act 1958* establishes that the judges of the Court are to report to the Governor on the Court's operations annually. The following reports, prepared by the judges and judicial registrars, detail the Court's work over the 2021–22 reporting period.

REPORT FROM THE HEAD OF THE CRIMINAL DIVISION JUDGE MULLALY

In 2021–22, the Criminal Division (the Division) continued to respond to the challenges resulting from the COVID-19 pandemic. While these are far from over, the Division has concluded the financial year in a strong position, and the transition from crisis management to ‘business as usual’ operations is well underway. Notwithstanding all the obstacles the Court has faced during the last financial year, it has continued to deliver justice to the benefit of the Victorian community through its innovative case management initiatives and the hard work and commitment of its workforce. The Court has also benefitted from targeted legislative amendments and additional judicial resources.



Judge Mullaly

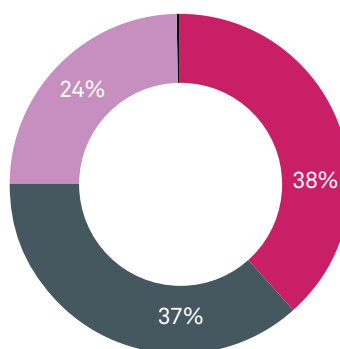
OVERVIEW OF STATEWIDE CRIMINAL CASES

Over the reporting period, the backlog of criminal trials caused as a result of COVID-19 was addressed and reduced.

In 2021–22, 3,670 cases commenced in the Court across the state. Of those cases:

- 1,407 were committed for trial as a plea of not guilty (an increase of approximately 4 per cent from 2020–21)
- 899 were committed as a plea of guilty (an increase of approximately 3 per cent from 2020–21)
- 1,355 were summary appeals (an increase of approximately 12 per cent from 2020–21)
- nine included other matters such as direct indictments, severed indictments, archived cases, mental impairment matters, supervision orders applications, and restricted evidence applications (a decrease of approximately 90 per cent from 2020–21).

STATEWIDE CRIMINAL CASES COMMENCED IN 2021–22



- Committed for trial as a plea of not guilty (38%)
- Summary appeals (37%)
- Committed as a plea of guilty (24%)
- Other matters (<1%)

The Court notes the increasing trend of matters being committed on a plea of not guilty. In both 2017–18 and 2018–19, the ratio of not guilty to guilty committals was approximately 53 per cent to 47 per cent. This ratio increased in 2021–22 to 60 per cent not guilty to 40 per cent guilty.

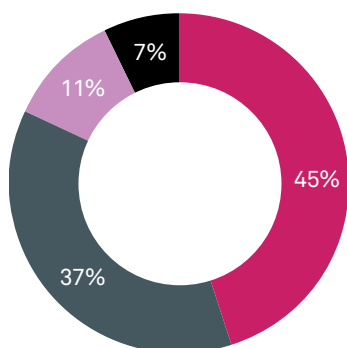
In 2021–22, 72 per cent of matters committed to the County Court on a plea of not guilty were non-sexual offence matters and 28 per cent were sexual offence matters.

In 2021–22, the Division finalised 3,530 criminal cases statewide. This is an increase of approximately 20 per cent from 2020–21 and is likely attributable to an increase in the Court’s capacity as a result of COVID-19 restrictions easing.

Of the 3,530 cases finalised in 2021–22:

- 234 (7 per cent) proceeded to trial and returned a verdict
- 1,586 (45 per cent) resolved and the accused pleaded guilty
- 1,325 (37 per cent) were summary appeals
- 385 (11 per cent) involved other finalisation types, including discontinuances and remittals to the Magistrates’ Court.

STATEWIDE CRIMINAL CASES FINALISED IN 2021–22



- Resolved and the accused pleaded guilty (45%)
- Summary appeals (37%)
- Other finalisation types (11%)
- Proceeded to trial and returned a verdict (7%)

Verdicts

Of the 234 verdicts returned:

- 132 were guilty (on all or some charges), and 102 were acquittals
- 119 verdicts were returned on circuit, and 115 were returned in Melbourne
- 152 verdicts were returned in sexual offence matters, and 82 in non-sexual offence matters.

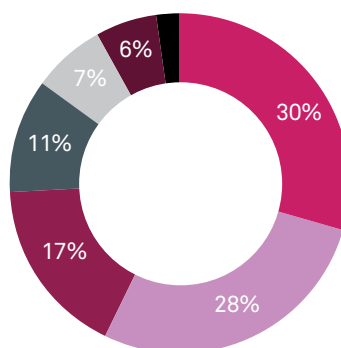
Of the matters finalised in 2021–22, where a plea of not guilty was originally entered at committal:

- 7 per cent of non-sexual offence matters proceeded to verdict, 65 per cent resolved to a plea of guilty and 29 per cent involved some other form of finalisation (discontinuance, remittal to Magistrates’ Court)
- 35 per cent of sexual offence matters proceeded to verdict, 30 per cent resolved to a plea of guilty and 35 per cent involved some other form of finalisation (discontinuance, remittal to Magistrates’ Court).

Of the matters that resolved to a plea of guilty, approximately:

- 7 per cent resolved before or at an initial directions hearing
- 28 per cent resolved after an initial directions hearing
- 30 per cent resolved at or after a case conference hearing
- 11 per cent resolved at or after a final directions hearing
- 17 per cent resolved at or after a pre-trial hearing
- 6 per cent resolved on the first day of the trial
- 2 per cent resolved during the course of the trial.

STATEWIDE CRIMINAL CASES STAGE OF RESOLUTION (%)



- 'Plea of guilty' ('PG') at or after case conference (30%)
- 'PG' after initial directions (28%)
- 'PG' at or after pre-trial (17%)
- 'PG' at or after final directions (11%)
- 'PG' before or at initial directions (7%)
- 'PG' on the first day of the trial (6%)
- 'PG' during course of trial (2%)

The Court notes that in 2021–22, approximately 65 per cent of statewide matters resolved prior to the final directions hearing. Additionally, only eight per cent of matters resolved on the first day of the trial or during the trial. In 2018–19, prior to the introduction of case management, approximately 73 per cent of matters resolved after the final directions hearing. Of this, 31 per cent of matters resolved between the final directions hearing and the first day of trial, and 42 per cent resolved on the first day or during the trial. This data represents a significant improvement in early resolution, which has played a key role in reducing the trial backlog and providing certainty to both victims and accused persons. Furthermore, the greater the number of earlier resolutions, the more beneficial it is for complainants, witnesses, the accused, and others in the justice system, as they are able to secure earlier trial dates. While the Court notes COVID-19 restrictions prevented criminal jury trials from proceeding for a substantial portion of the past financial year, this pattern of earlier resolutions can also likely be attributed to the case management strategies adopted by the Court.

RELISTING OF CRIMINAL TRIALS¹

The COVID-19 pandemic had adverse impacts on whether trials could be listed or heard on their allocated date. The significant task of relisting criminal trials in Melbourne continued through the past financial year. As at 30 June 2022, all legacy trials² and new trial initiations from 2020, save for a select few, had received a trial date. Approximately 174 new trial initiations from 2021 were still awaiting a trial date as at 30 June 2022. The Division would like to acknowledge the efforts of the legal profession in collaborating with the Court to set trial dates for these matters, particularly for those trials which had to be vacated and relisted as a result of COVID-19.

Current trial listing practice

The focus of the Court's current trial listing practice is to continue reducing the volume of pending criminal trials statewide and consequentially endeavour to reduce the time to trial. This has required adapting to various limitations which impact upon listing capacity, such as the availability of counsel.

As of 30 June 2022, the Court had approximately:

- 968 pending criminal trials in Melbourne (a reduction of 16 per cent since 1 January 2022)
- 354 pending criminal trials in regional Victoria (a reduction of nine per cent since 1 January 2022)
- 1,322 pending criminal trials statewide (a reduction of 14 per cent since 1 January 2022).

The Court is encouraged by the significant progress which has been made to reduce the volume of pending criminal trials over the course of the past financial year.

Projected trial listings – time to trial from committal

For Melbourne trials, the projected trial listing for a new trial initiation which entered the jurisdiction on 1 July 2022 is between 14 and 16 months from initiation to trial. This projection is a significant improvement on the Court's projection in 2021 for this cohort of trials,³ and reflects the reductions in the criminal jury trial backlog that the Court has achieved to date. For circuit trials, all regional locations have a projected trial listing of 6–12 months from initiation to trial, save for the Latrobe Valley which has a projected trial listing of 10–18 months.

¹ In late 2021, the Court commenced reporting the number of pending criminal trials, as opposed to reporting the number of pending individual cases. This approach better represents the Court's trial workload as there are many instances where multiple individual cases proceed as a single criminal trial (for example trials involving multiple accused). Pending criminal trials represent consolidated not guilty cases being heard as a single criminal trial.

² Legacy trials are those matters which had a fixed trial listing prior to the suspension of jury trials on 16 March 2020.

³ In July 2021, the projected trial listing for a new trial initiation from 2022 was 18–22 months from initiation to trial.

JURY TRIALS – CHALLENGES

COVID-19 measures

The Court continued to utilise the health and safety measures for jury trials that were implemented in 2020–21, including modified jury empanelment processes, expedited COVID-19 testing, and mask wearing. The COVID-19 guides for Melbourne and circuit criminal jury trials remained in force, with amendments, to provide practitioners and court users with the relevant information regarding any changes to the COVIDSafe protocols that remained in effect. The Court also introduced further COVIDSafe measures this past financial year, including the Vaccination and Personal Protective Equipment (PPE) Protocol and the Criminal Jury Trials – Rapid Testing Protocol. Both the existing and newly introduced COVIDSafe measures enabled the Court to continue its jury trial operations through two COVID waves in January and April 2022 respectively, where more than 300 criminal juries were empanelled and only 36 trials aborted due to COVID-19.

Impact of COVID-19 waves

Similar to the previous financial year, the Court was required to respond at short notice to COVID-19 lockdowns. The Court leveraged its experience from previous lockdowns in 2020–21 to navigate through the dynamic COVID-19 environment which persisted into 2021–22. In tandem with regular case management, a number of trials listed to commence during the lockdown periods were brought before the Court to ensure that any resolution potential or pre-trial issues could be dealt with expeditiously while awaiting the relisting of the trial at a later time. This resulted in a number of trials either resolving or being fully prepared to proceed as a trial on the relisted trial date.

Counsel availability

A significant challenge which materialised in the jurisdiction during this past financial year was a shortage of experienced criminal trial counsel. From January to 30 June 2022, approximately 35 statewide criminal trials were adjourned as a result of counsel being unavailable for at least one party. In March 2022, the Division established a Trial Counsel Working Group with the legal profession in an effort to collaboratively develop short and long-term solutions to address this critical issue. As a short-term measure, the Court recalibrated its statewide trial listings for the second half of 2022. As a long-term measure, the Court and the legal profession have begun to collaborate on training and development initiatives for junior advocates.

CASE MANAGEMENT

Case Management System

The Division launched its new statewide Case Management System (“CMS”) for all criminal trial matters on 20 April 2022. The design of this system, reflected in the *Case Management System Practice Note*, has been informed by many years of evaluation and consultation with the Court’s key stakeholders through the Active Case Management System pilot and the Emergency Case Management Model that was deployed during the COVID-19 pandemic.

The purpose of the CMS is to:

- facilitate the timely resolution of matters, where appropriate
- ensure where matters proceed to trial, they are fully prepared and ready to commence
- achieve these outcomes in a just, timely, tailored and efficient manner.

The Division is staffed by a team of 10 division lawyers supporting the CMS. As part of this expansion, every matter committed to the Court on a plea of not guilty is allocated to a division lawyer. This allows each trial matter to have an end-to-end case manager until the matter either resolves or proceeds to trial. Division lawyers are responsible for engaging with parties and supporting judges and judicial registrars in the case management of not guilty matters. The role of the division lawyer is an innovative, if not ground-breaking, concept for a criminal trial court.

Judicial registrar powers

The *County Court (Chapter III Judicial Registrars and Subpoenas Amendment) Rules 2021* commenced on 13 August 2021. These amendments to the *County Court Criminal Procedure Rules 2009* expanded the powers of judicial registrars within the Court's criminal jurisdiction to now include the following:

- constitute the Court for the purposes of a pre-trial hearing, except for a special hearing or sentencing hearing
- hear and determine applications under ss 198A and 198B of the *Criminal Procedure Act 2009*
- hear pre-trial cross examination under ss 198A and 198B of the *Criminal Procedure Act 2009*
- hear and determine applications under s 32C of the *Evidence (Miscellaneous Provisions) Act 1958*
- issue warrants for a failure to answer bail
- grant, revoke, vary or extend bail if the application is not opposed
- determine contested adjournment applications.

The expanded powers of judicial registrars have created significant efficiencies in the management of criminal matters and have allowed judges to dedicate more capacity to hearing both trials and substantive non-trial work, such as pleas and appeals.

General Crime List and Sexual Offences List

In 2021–22, both the General Crime List and Sexual Offences List continued to be conducted remotely via Zoom.

The 9am sittings of both these Lists were presided over by judicial registrars Phillips, Wilson and Avis.⁴ The hearing types held during these sittings were primarily directions hearings, mentions, funding mentions, arraignments, conviction appeal first listings and discontinuances.

The General Crime List was supported by judges Hawkins, Ellis, Todd, Riddell, Gwynn, Karapanagiotidis, Chambers, Carlin, Georgiou, Maidment, Wraight and Dawes. The matters heard by judges in the General Crime List include urgent applications, contested applications and returns of executed warrants.

The Sexual Offences List was supported by judges Hassan, Ellis, Blair, Dempsey, Tiwana, Leighfield, Karapanagiotidis, Hawkins, Todd, Holding and Chambers. During their time in the Sexual Offences List, the judges were largely responsible for conducting ground rules hearings and special hearings.

The Division would like to thank all of the judges and judicial registrars that supported the General Crime List and Sexual Offences List in 2021–22.

Final Directions Hearings List

On 6 June 2022, the Court formally commenced a Final Directions Hearing List ('FDH List') as part of the implementation of the CMS. The primary function of the FDH List is for a listings judge to determine whether a matter is ready to commence on the trial date or whether any late-stage case management is required.

⁴ The Criminal Division judicial registrars have presided over the 9am sittings in the Sexual Offences List since January 2022.

Long Trials List

The Long Trial Case Management List ('the Long Trials List') commenced in February 2018 to manage criminal trials with an estimated trial duration of 25 days or more. Now in its fifth year, the Long Trials List has managed more than 120 matters involving more than 270 accused and has successfully implemented an intensive pre-trial case management process. His Honour Judge O'Connell is the Judge in Charge of the Long Trials List, and a total of nine judges sat in directions hearings over the year.

The Long Trials List has:

- saved over 340 weeks of court time through early resolution of appropriate cases
- decreased the trial duration of cases which proceeded to trial
- provided trial date and trial judge certainty
- contributed to the efficient allocation of judicial resources
- improved the trial readiness of matters that are allocated to judicial resources
- actively managed interlocutory applications and pre-trial issues during the lifecycle of long trials.

Over the last year, the operational policies and procedures of the Long Trials List have continued to be adapted to join the Court's response to the COVID-19 pandemic. The Long Trials List has also worked closely with the judicial registrars and listing judges in the Criminal Division to facilitate the smooth transition of relevant cases from the 9am Lists. Additionally, judges of the Long Trials List have regularly adjourned cases into their own Lists to case manage as appropriate. A particular focus has been the refinement of case conferencing processes, including the drafting of a guide for practitioners which will be circulated to the profession in the near future.

Case conferences

This past financial year, case conferences continued to be a critical component of the Court's emergency response to COVID-19, and have now become entrenched within the normal operations of the Court through the implementation of the CMS. In 2021–22, 386 matters received a case conference hearing and 247 (64 per cent) of those matters resolved.

This resolution rate demonstrates the effectiveness of these hearings in facilitating the early resolution of trial matters. The Court, in consultation with the parties, will continue to refer more trial matters for case conferencing through the CMS in appropriate circumstances.

Case assessment hearings

The Division also introduced case assessment hearings through the implementation of the CMS. A case assessment hearing may be heard by a judge or judicial registrar and is used to facilitate resolution discussions where there is a discrete issue preventing resolution. Compared to a case conference, these hearings are much shorter in duration and typically require less preparatory work by the parties. Case assessment hearings are an important addition to the case management work of the Division, as they provide an efficient means through which trial matters can resolve early in their lifecycle. Initial indications are that these hearings, like case conferences, are successful in identifying matters that should resolve. The Court will continue to use case assessment hearings within the CMS as appropriate.

Sentence indications

On 16 February 2022, *The Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022* amended the *Criminal Procedure Act 2009* to broaden sentence indications by enabling the higher courts to provide a sentence indication of a specified type or a specified maximum total effective sentence.⁵ These amendments also removed the requirement for prosecution consent to a sentence indication before one could be heard. These legislative amendments were intended to facilitate early and appropriate pleas of guilty while benefitting victims by removing the risk of the trauma of giving evidence at trial. The amendments were also intended to support the Court's efforts in reducing the backlog of trials caused by COVID-19.

The Court has seen a significant uptake in sentence indication hearings since the reforms came into effect. As at 30 June 2022, the Court had received 148 applications for a sentence indication hearing. Of these applications, 145 were granted and three were refused. Of the 145 indications granted, 132 were accepted by the accused and 10 were not accepted (three applications remained outstanding).

⁵ The higher courts were previously only able to provide a sentence indication as to whether the accused would or would not be likely to receive an immediate term of imprisonment.

CRIMINAL PROCEDURE ACT 2009 SPECIAL HEARING CASES

Not guilty initiations

There were 392 sexual offence cases committed to the Court as a plea of not guilty in 2021–22.

Of those matters:

- 29 per cent (113) involved a child and/or cognitively impaired witness ('special hearing matter')
- 71 per cent (279) involved an adult complainant.

Not guilty finalisations

In 2021–22, the Court finalised 119 special hearing cases where the matter was originally committed as a plea of not guilty. Of those matters:

- 33 per cent (39) finalised by way of a plea of guilty
- 45 per cent (53) proceeded to verdict
- 22 per cent (27) finalised by way of a *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* outcome or were discontinued.

Of those special hearing cases that proceeded to verdict:

- 32 per cent (17) were Melbourne matters
- 68 per cent (36) were circuit matters.

Special hearing processes and Intermediary Pilot Program

The Intermediary Pilot Program (IPP) has been in operation since 1 July 2018 to ensure fairness, including assisting vulnerable witnesses to give their best evidence. In May 2021, the IPP received funding for an additional year. The Court thanks Deputy Chief Judge M Sexton, the Court's IPP representative on the state government's Intermediary Pilot Program Advisory Committee, and Judge Marich, Judge in Charge of the Sexual Offences List, for their continued leadership and support of the IPP.

In addition, the Division continued working with stakeholders including the Commonwealth Director of Public Prosecutions, the Office of Public Prosecutions, the Law Institute of Victoria, the Criminal Bar Association, Child Witness Services, the Intermediary Pilot Program and Victoria Legal Aid to review and refine the Court's special hearing procedures. Despite the difficulties in conducting ground rules hearings and special hearings during lockdown periods, the Court and its stakeholders worked to prioritise these hearings to ensure special hearings were conducted fairly and in a timely fashion.

NON-TRIAL WORK

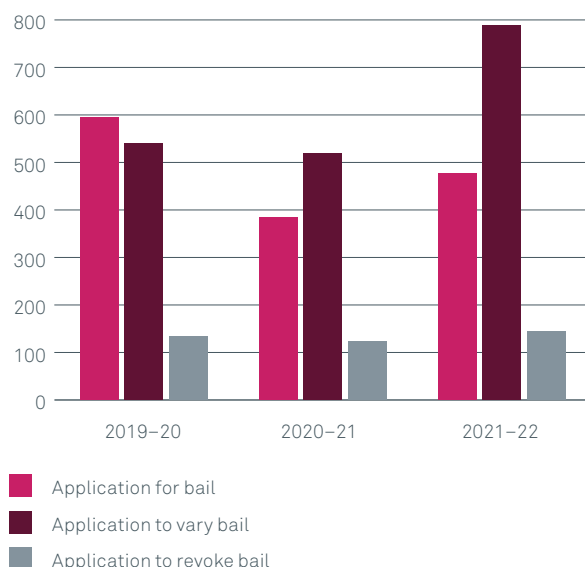
The Division continued to hear many non-trial matters remotely via Webex and Zoom, particularly during lockdowns. On 21 February 2022, the *Non-Jury Matters – Rapid Testing Protocol* was introduced to allow more substantive non-jury matters to proceed in person in both Melbourne and on circuit. This protocol was guided by the Court's Rapid Antigen Testing capacity and the prioritisation of jury trials. Non-trial work with a listing of one day or less was, by default, heard remotely. Non-trial work listed for two days or greater was, by default, heard onsite with only the minimum number of necessary participants attending. The continuation of non-trial work, including during lockdowns, meant there was no significant delay in the Court's non-trial work.

Bail applications

In 2021–22:

- 476 applications for bail were made. This was an increase of 24 per cent from 2020–21
- 788 applications to vary bail were made. This was an increase of 52 per cent from 2020–21
- 144 applications to revoke bail were made. This was an increase of 17 per cent from 2020–21.

APPLICATIONS RELATING TO BAIL



CIRCUITS

The Court's criminal circuit sittings faced further challenges in 2021–22 due to the ongoing impact of COVID-19. Despite these challenges, the Court has successfully completed numerous in-person criminal circuits. During 2021–22, County Court judges and staff commenced 88 criminal circuits across the Court's 11 circuit locations: Bairnsdale, Ballarat, Bendigo, Geelong, Horsham, Latrobe Valley (Morwell), Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga. The Court extends its thanks to all judges who, between them, heard a great number of circuit matters both virtually during lockdowns, and onsite in the regions during in-person circuits. The Court acknowledges the continued support of the Circuit registrars who facilitated the onsite work of the County Court.

I was supported in the Circuit Directions Hearing List this year by judges Gwynn and Doyle and judicial registrars Phillips, Avis and Wilson.

Ensuring access to justice for those in regional Victoria remains a key priority for the Court. The Criminal Division Administration restructure and introduction of the CMS have been significant milestones for the Court in its aims of providing both circuit and Melbourne matters with equitable resourcing and management and ensuring each matter, regardless of location, receives the level of attention it requires.

CRIMINAL DIVISION STRUCTURE

Judicial structure

This year, I have been supported in my role as Head of the Criminal Division by the Criminal Division Executive Committee comprised of Judge Marich (Listings Judge and Judge in Charge of the Sexual Offences List), Judge Gwynn (Judge in Charge of Non-Trial Work) and Judge Carmody (Circuit Judge). The Division thanks these judges for their hard work and leadership.

Administrative structure

Commencing in 2020, the Court conducted a comprehensive review of the administration and work systems that support the Division. Following that review, a new administrative structure formally commenced on 28 February 2022. This new structure has been implemented to support the proposed initiatives of the Division in a post-COVID-19 environment, including the implementation of the statewide, end-to-end case management system. It is intended that this new structure will provide court users and stakeholders with greater clarity around which area of the Division can provide the most relevant assistance. The new administrative structure is led by the Director – Criminal Division Administration and is comprised of four administrative groups: Case Management, Court Resources and Allocations, Criminal Registry Services and Practice and Procedure. The Division extends its thanks to all of the administrative staff within the Criminal Division for their hard work and adaptability over the past financial year.

COLLABORATION WITHIN THE JUSTICE SYSTEM

The Division continued to meet regularly with its stakeholders including the Office of Public Prosecutions, Victoria Legal Aid, the Criminal Bar Association, the Law Institute of Victoria, the Commonwealth Director of Public Prosecutions, the Judicial College of Victoria, Juries Victoria, the Victorian Government Reporting Service, Corrections Victoria, Child Witness Services and the IPP. The various meetings, most of which took place remotely, served as an open forum to work through issues, share ideas and information, and collaborate to address the challenges facing the Division and its stakeholders due to COVID-19 restrictions. The Court thanks its stakeholders for their cooperation on large projects such as the recommencement and management of jury trials and the introduction of the CMS.

LAW REFORM

The Court consulted with the government on various pieces of proposed legislative and regulatory reform which related to the Court's work and resources.

Reforms of note which commenced in 2021–22 include:

- temporary legislative amendments to the *Juries Act 2000* commenced on 4 November 2021. The amendments provide for the Juries Commissioner to exempt a person or a class of persons from selection to be summonsed for jury service based on health, safety or welfare concerns.
- the *Justice Legislation Amendment (Fines Reform and Other Matters) Act 2022* commenced on 19 May 2022. The amending Act continues to implement changes to the fines system following recommendations made by the independent Fines Reform Advisory Board report.
- the *Criminal Code Amendment (Firearms Trafficking) Act 2022* (Cth) commenced on 2 April 2022. The amending Act seeks to strengthen existing Commonwealth firearms trafficking offences by increasing penalties and introducing new offences in relation to firearms.
- the *Spent Convictions Act 2021* commenced on 1 December 2021. The Act establishes a scheme for certain convictions to become spent in Victoria and non-disclosable on a person's criminal record unless in specific circumstances.
- the *Change or Suppression (Conversion) Practices Prohibition Act 2021* commenced on 26 October 2021. The Act makes it a criminal offence to engage in change or suppression practices and certain related activities, such as promoting these practices, and makes consequential amendments to the *Family Violence Protection Act 2008* and *Personal Safety Intervention Orders Act 2010* to include examples of change or suppression practices that can be considered a form of family violence or harassment under these Acts.
- the *Judicial Proceedings Reports Amendment Act 2021* commenced on 22 September 2021. The Act amends the *Judicial Proceedings Reports Act 1958* to address sunset provisions regarding the publishing of details in relation to deceased victims of sexual assault, establishing a victim privacy order scheme, and clarifying that a publication prohibition ends on the death of a victim.

JUDGE IN CHARGE OF THE COUNTY KOORI COURT JUDGE JOHNS



Judge Johns

I acknowledge Aboriginal and Torres Strait Islander peoples as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend. I acknowledge and pay my respects to ancestors of this country – Elders, knowledge holders and leaders – past and present. I would like to extend that respect to all Aboriginal and Torres Strait Islander peoples.

This year has seen the County Koori Court emerge from COVID-19 restrictions and return to face-to-face sentencing conversations and On Country engagement with our Elders, Respected Persons and Aboriginal communities.

Firstly, I thank our hard working and dedicated Elders and Respected Persons, along with Terrie Stewart (County Koori Court Coordinator), as well as the Koori Court Unit, for welcoming me and my staff into the leadership of this Court in February 2022. I am grateful to you all for continuously working to open up pathways for us to better understand the culture, stories and experiences of Aboriginal communities and families within this jurisdiction.

The successful operation of the County Koori Court rests on a genuine partnership between our Elders and Respected Persons and the judges who sit in the Koori Court in Melbourne and the regions. It is a partnership built on mutual respect, and a genuine respect for Aboriginal culture.

Essential to this partnership is the hard work of our Koori Court Unit, which works across the state to assist Elders, judges and staff in liaising with community members, legal practitioners, Registry, service providers and those coming before the Court and their families to bring these moving parts together while providing cultural support along the way.

It is a privilege for the judges who sit in the County Koori Court to hear and observe the sharing of wisdom, culture, lore and lived experience that takes place during each sentencing conversation between our Elders and Respected Persons and those before the Court.

Through these conversations and the contributions of all who are involved, judges and their staff gain a deeper understanding of the diverse cultures within Victoria's Aboriginal communities, and their rich and varied heritage and histories. Judges and staff are able to better understand the trans-generational trauma so often experienced by Aboriginal and Torres Strait Islander peoples and communities, as well as witnessing the amazing strength, leadership and resilience within those same communities.

I would like to extend my sincere thanks to Her Honour Judge Irene Lawson, who retired as Judge in Charge of the County Koori Court in February of this year. Judge Lawson worked tirelessly in navigating the Court through the obstacles presented by the pandemic. Despite those challenges, Judge Lawson left the Court without a backlog, and with a rich agenda of programs and initiatives.

In December 2021, Judge Lawson oversaw the opening of the Geelong County Koori Court, and the development of the *County Koori Court Strategic Plan*.

As Judge in Charge, Judge Lawson was committed to promoting judicial cultural awareness and training, and engaging with the legal community and other users of the Court to inform and build awareness and understanding of the Koori Court. Judge Lawson's legacy in this area includes the publication of her article 'County Koori Court – Sentencing Court for Aboriginal and Torres Strait Islander offenders in a higher jurisdiction'¹ in the *Australian Bar Review* in October 2021.

Judge Lawson left the County Koori Court in great shape, and her comprehensive handover upon my entering the role of Judge in Charge was complemented by the professionalism, hard work and dedication of Terrie Stewart (County Koori Court Coordinator) and the Koori Court team, comprising Shirley Annesley (Senior Koori Support Officer), Kylie Spencer (Koori Court Officer), and Anne-Maree (Annie) Kirkman (Senior Project Officer).

I want to thank all of the County Koori Court's participants and stakeholders, and in particular the legal practitioners for both the prosecution and defence, service providers, and corrections officers for what they bring to the sentencing conversation table and the respect and understanding for this process that is displayed by all.

I give special thanks to our Elders and Respected Persons who work tirelessly within their community, without whom the County Koori Court would not be possible. The sentencing conversation cannot operate without the participation of accused people exercising their cultural right to come before the Court, exposing their vulnerability and being challenged by their Elders for their behaviour.² For those in custody, participation in the County Koori Court involves the additional burden of a return to quarantine after the hearing has concluded and often dealing with disruptions not faced by those appearing remotely in the General Crime List. The confidence shown by participants, their families and loved ones in the County Koori Court is a testament to the stewardship of County Koori Court Elders.

The participation of Elders and Aboriginal communities in a culturally safe and appropriate court process was a key recommendation of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC).³ The participation of Elders during this process promotes cultural awareness within the judiciary and an understanding of the inherent link between historical Aboriginal disadvantage and overrepresentation in custody.⁴

Koori Courts were an initiative of the inaugural Aboriginal Justice Agreement in the wake of the recommendations made in the RCIADIC, as a way of ensuring the Courts are an accessible and inclusive place for Aboriginal people, in order to better address the overrepresentation of Aboriginal and Torres Strait Islander peoples in custody.

In the County Koori Court we rely upon the guidance of our Elders and Koori Court Unit for the continued growth of First Nations' participation and contribution to the court process. This growth is central to the County Court's commitment to self-determination.⁵ While the goal of addressing overrepresentation remains a prominent purpose, it is also important to acknowledge that the availability of the County Koori Court process to eligible participants provides a recognised cultural right.⁶

This year, we have also seen the growth of First Nations' participation and self-determination enhanced by the rollout of the Aboriginal Community Justice Report project.⁷ Several reports are now being filed in the County Koori Court and General Criminal List matters. These reports are important vehicles for informing judges about the person before them, as well as informing the Court of the continual impacts of colonisation on First Nations communities and individuals still present today.

Finally, I am pleased to note that our Koori Court Unit, supported by Specialist Courts staff and Elders and Respected Persons, has played a key role in establishing the County Court's Self-Determination Working Group.

1 Irene Lawson, 'County Koori Court – Sentencing court for Aboriginal and Torres Strait Islander offenders in a higher jurisdiction' (2021) 50(3) *Australian Bar Review* 499.

2 *Honeysett v The Queen* (2018) 56 VR 375.

3 *Royal Commission into Aboriginal Deaths in Custody* (Final Report, April 1991).

4 *Ibid* recommendations 96 and 97.

5 Courts Services Victoria, *CSV Self-determination Plan 2021-2025* (2021).

6 *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/RES/61/295 (2 October 2007, adopted 13 September 2007) Arts. 1-6; *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 19; *Cemino v Cannan* [2018] VSC 535.

7 Aboriginal Community Justice Report Project, a partnership between the Australasian Institute of Judicial Administration, the Victorian Aboriginal Legal Service, the University of Technology Sydney and Griffith University.

REPORT OF THE COUNTY KOORI COURT COORDINATOR TERRIE STEWART



The County Koori Court team. L-R: Senior Koori Support Officer Shirley Annesley, Koori Court Officer Kylie Spencer and County Koori Court Coordinator Terrie Stewart.

JUDGE IN CHARGE OF THE COUNTY KOORI COURT

This year, the County Koori Court welcomed Judge Scott Johns as the new Judge in Charge of the County Koori Court, following the retirement of her Honour Judge Irene Lawson. Judge Johns officially took over this role on 10 February 2022.

NEW ELDERS AND RESPECTED PERSONS APPOINTED TO THE COUNTY KOORI COURT

This year the County Koori Court welcomed nine new Elders and Respected Persons, who were appointed by the CEO of Court Services Victoria in June 2022.

These Elders will sit in their respective regions across five of our County Koori Court locations.

Elder or Respected Person	County Koori Court location
Uncle Greg James	Shepparton
Aunty Colleen Shepherd	Mildura
Uncle Warren Clark	Mildura
Judith Ahmat	Warrnambool
Aunty Joylene Walsh	Geelong
Thelma Austin	Melbourne
April Clarke	Melbourne
Uncle Trevor Gallagher	Melbourne
Aunty Irene Norman	Melbourne

COUNTY KOORI COURT STRATEGIC PLAN 2021-24

The County Koori Court Strategic Plan 2021-24 was released on 17 June 2022.

The Strategic Plan outlines the vision, strategic priorities, outcomes and key performance indicators of the County Koori Court and provides clarity regarding the role of the Koori Court Unit moving forward.

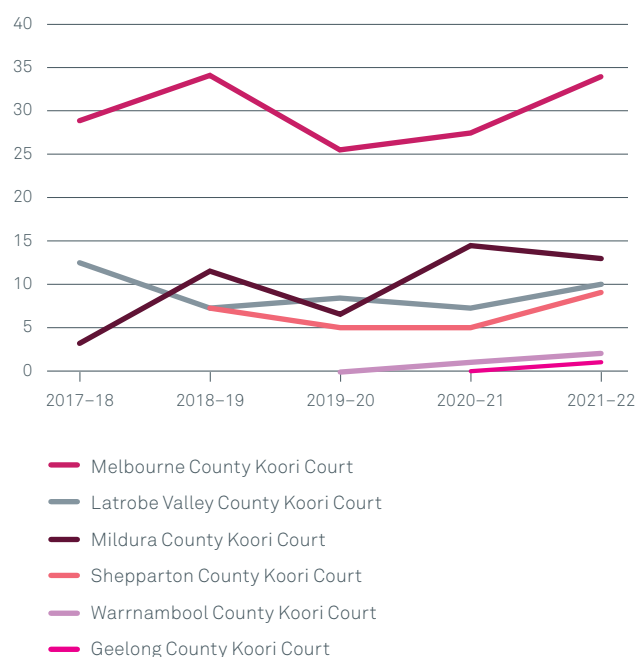
Aided by the Strategic Plan, the County Koori Court envisions an accessible and respectful Court which protects and upholds the human, civil, legal and cultural rights of Aboriginal people and delivers fair justice outcomes.

COUNTY COURT SELF-DETERMINATION WORKING GROUP

The County Court convened its first Self-Determination Working Group on 17 May 2022.

This group, which consists of judges, Elders and Respected Persons, the County Court Chief Executive Officer, Koori Court staff and other County Court senior managers, will oversee and drive the County Court’s self-determination initiatives.

COUNTY KOORI COURT NUMBER OF HEARINGS



LAUNCH OF THE GEELONG COUNTY KOORI COURT

The Geelong County Koori Court was launched by Chief Judge Peter Kidd on 10 December 2021.

The launch was conducted with a traditional smoking ceremony and Welcome to Country from Wadawurrung Traditional Owners Corrina Eccles and Anthony Hume.

The Court began sitting in Geelong in 2022.

EXPANSION OF THE COUNTY KOORI COURT TO WODONGA

The consultation and community engagement activities on the County Koori Court expansion to Wodonga commenced in January 2022.

Expanding the County Koori Court to Wodonga is an important step in making the benefits of this sentencing process available to all Aboriginal offenders across the state.

The Court will be launched in November 2022 and will commence sitting in this region in 2023.

LAUNCH OF THE COUNTY KOORI COURT VIDEO

On 17 November 2021 the County Koori Court educational video was launched.

The video gives an overview of how the County Koori Court operates, as well as the importance of Elders and Respected Persons throughout the Court process.

This video is used as an educational resource for incoming Elders and Respected Persons, judges, prosecutors, legal representatives, and the public.

VICTORIA LAW WEEK 2022

As part of Victoria Law Week 2022, the County Koori Court participated in the Bendigo Courts Redevelopment session held in Bendigo. The County Koori Court also hosted an event in Shepparton, organised in partnership with the Goulburn Valley Library.

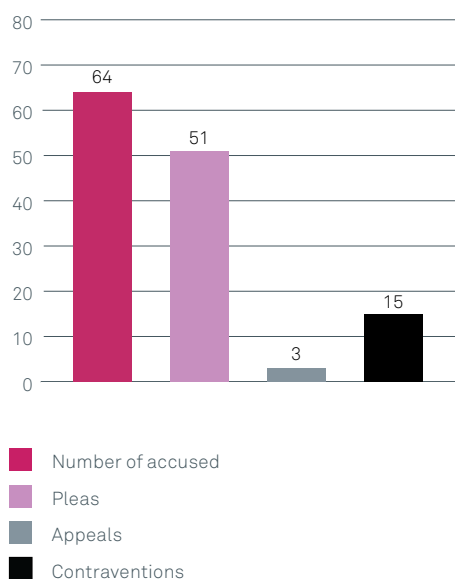
These events were attended by members of the local community, and the Court presented on the background and core operations of the County Koori Court.

RECONCILIATION WEEK 2022

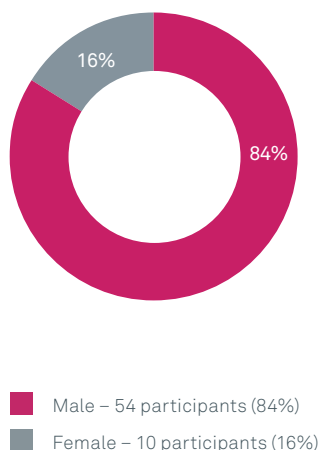
The County Koori Court hosted a National Reconciliation Week event attended by First People’s Assembly representatives Professor Muriel Bamblett AO and Matthew Burns.

Professor Bamblett and Mr Burns spoke with judges and staff of the County Court about the role of the Treaty Commission.

COUNTY KOORI COURT STATEWIDE ACTIVITY 2021–22



COUNTY KOORI COURT PARTICIPANTS BY GENDER 2021–22



REFLECTIONS FROM SOME OF OUR ELDER AND RESPECTED PERSONS



ADA PETERSON
Mildura County Koori Court

What does being an Elder in the County Koori Court mean to you?

Being an Aboriginal person ... it's about that cultural lens being applied across the County Koori Court system. I think it's very important for us to have Aboriginal Elders and Respected Persons with the cultural lens to advise the magistrate or judge sitting in court to strengthen their understanding of the person standing before them.

It's about taking the narratives and voices of community and making sure they are being heard.

Why is it important to have a Koori Court system?

It's the opportunity to ensure we are hearing the narratives and stories of the person standing in front of us so that we are not judging them but understanding how and why they got into the court system.

We want a system that doesn't judge the person for the way they live and their family life, but instead creates a safe space that fosters and encourages understanding.



AUNTY FAY MUIR
Melbourne and Geelong County Koori Courts

What does being an Elder in the County Koori Court mean to you?

Being an Elder raises awareness for judges to hear the Elders have conversations with clients. Those conversations with Elders are not like anything else at other courts and it really is one of the best things to have happened to the Court. We delve deeply into their background. Sometimes we even know their relations. We have the opportunity to give those young people better direction. By the Elders being there and guiding them, it enriches our community to have these clients come before us and be made to feel truly part of their community and not be ostracised for doing something wrong. That's the beauty of creating a safe cultural space for our people when they come to Court, which is so foreign to them. As Elders, we want to help our people and steer them in a different direction so hopefully one day, when we meet up with them in the community, they are a changed person.

Why is it important to have a Koori Court system?

Having the Koori Court system raises awareness about Indigenous cultural and intergenerational trauma. This is especially so within the Court, where judges are able to understand why the person has done the things they have done. The Koori Court has opened up a bubble for magistrates and judges to see what our people go through, how they suffered and are still suffering. It's really important that they understand that for some of these young ones that come before us, their connection to culture and family may be broken. The impacts of intergenerational trauma are still present and people are still disconnected from culture and land, because they have been disconnected from family and are still finding their families.

Having this system lets our people be heard and have the opportunity to tell their side of the story. Having Elders there is really important for these people because it is showing that we care about them, and I think that's the main thing.



AUNTY PAM PEDERSEN
Shepparton County Koori Court

What does being an Elder in the County Koori Court mean to you?

I love being an Elder in the County Koori Court. It's very special to me to be able to help our people, help our young ones as well, and help our adults to walk the right path to not keep making the same mistakes and to try and correct those that have been made. The Elders are there to help you sort out your issues and try and mend your ways. It takes baby steps, but be proud of what you have done by taking those small steps.

Why is it important to have a Koori Court system?

It's very important. When we didn't have this system, what did our people do? My father, pastor Sir Doug Nicholls, used to go to the courts and plead with the judge or magistrate, 'help our people'. Our people never had solicitors to represent them. It was our Aboriginal people, it was the Elders that used to go to the court to help our people.

I have people come up to me in the community to thank me for what I had said to them. I met a young girl who got her children back, I met another person who said, 'I don't need to go back to court anymore, Aunty', and another young girl who came before me in the County Court, who has just bought a car and is purchasing a house. It is all the people who have come up to me and hugged me and it makes me feel really emotional because I think about all our Elders, that we're doing a good job.



WALTER (WALLY) HARRISON
Melbourne County Koori Court

What does being an Elder in the County Koori Court mean to you?

For me it's a privilege to be able to give back to my people by helping them and giving them some sort of guidance toward better outcomes for their lives. It's also an honour to represent our communities regarding keeping them safe and accountable.

We're a minority group in our own country and we're overrepresented in the justice system because of the intergenerational trauma that we've suffered. I think the Koori Court has a responsibility to acknowledge our history and to support Aboriginal people. Not as a punishment model but as a change for some sort of intervention to go forward and better themselves.

Why is it important to have a Koori Court system?

Court process as it applies to Aboriginal people requires the capacity to be able to build on their strengths. To provide for a sense of future, it is also important to work with them on establishing some goals and identify what programs, tasks or services are available.

The impacts of intergenerational trauma are the types of conversations we need to have around our table when we bring those matters to the court. We're there to let people know that it's okay if you don't know your culture or storylines, because that is a response to that transgenerational trauma. To make sure they don't feel shame or have feelings that they are not worthy of being an Aboriginal person because they don't know their storylines or don't know how to speak in their own languages.

I believe as Elders and Respected Persons we have a responsibility towards healing and self-determination for our people and future generations to come.

REPORT FROM THE JUDGES IN CHARGE OF THE COURT INTEGRATED SERVICES PROGRAM (CISP) JUDGE DAWES AND JUDGE D SEXTON

The Court Integrated Services Program (CISP) offers a coordinated, team-based approach to the assessment and treatment of accused persons. CISP focuses on early intervention and proactive ways to address underlying causes of offending behaviour by providing a link between the Court and a range of support services, including drug and alcohol treatment, crisis accommodation, disability services, mental health services and cultural support.



Judge Dawes



Judge D Sexton

Accused persons are required to undergo a formal risk assessment and screening process before being accepted into CISP. If accepted, they are provided with an advanced case manager who coordinates their treatment, reviews their progress and provides regular written reports to the judiciary. By addressing treatment needs and associated criminogenic behaviour, the program aims to improve community safety by diverting people out of the justice system.

Funding was secured for an 18-month CISP pilot in the County Court, facilitating an expansion of services to individuals in the indictable crime stream (ICS) of the Magistrates' Court as well as to individuals seeking bail or deferral of sentencing within the County Court. In the 2022-23 State Budget, the Court was successful in securing an additional 12 months of funding until June 2023.

This pilot features the essential elements of the CISP program that has operated successfully for more than a decade within the Magistrates Court of Victoria (MCV). It also incorporates some features designed specifically for the risk profile of a cohort accused of serious indictable offences, including:

- an extended period of intervention, with up to eight months of intensive case management
- access to onsite drug and alcohol counselling
- a risk and needs based approach
- access to advanced case managers.

The CISP pilot is currently only available at the County Court in Melbourne. In the past 12 months, the County Court CISP pilot has had a total of 111 referrals across the County Court and 231 across the ICS, and has completed a combined 328 assessments. Of these assessments, 194 participants have been accepted onto the CISP pilot across the ICS and County Court.

The County Court CISP pilot is on track to deliver the following benefits:

- reduced harm to the community
- reduced risk of reoffending for program participants
- a quantified cost-effective alternative to remand and alternative applications of justice
- partnerships and collaboration across the health, welfare and justice sectors
- improvement to the health and wellbeing of participants
- a reduced burden on the courts and corrections systems.

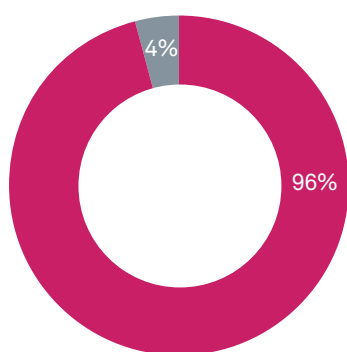
In December 2021, an independent evaluation of the pilot delivered the following findings:

'The pilot design addresses a critical gap in therapeutic services for accused persons in the indictable crime stream of MCV and at CCV. It has high support from a wide range of stakeholders including judicial officers, case managers, service providers and justice system partners, such as Victorian Legal Aid (VLA) and the Office of Public Prosecutions (OPP).'

'The pilot is still relatively new but is already showing positive outcomes for clients including greater engagement with the justice system and support services, early signs of behaviour change and better connections to family and community. There are also early indications it is contributing to the intended system-level outcomes such as reduced time on remand and completion of community orders and the pilot has promise to reduce recidivism and improve offender and community wellbeing.'

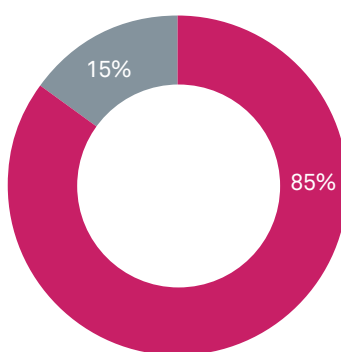
REFERRALS 2021-22

REMANDED/ON BAIL



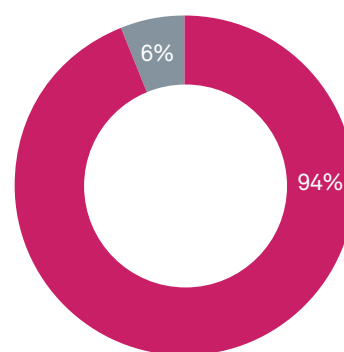
■ Remanded (96%)
■ On bail (4%)

GENDER



■ Male (85%)
■ Female (15%)

ABORIGINAL OR TORRES STRAIT ISLANDER



■ Non-Aboriginal or Torres Strait Islander (94%)
■ Aboriginal or Torres Strait Islander (6%)

	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Total
Referrals – CCV (Melbourne only)	11	12	12	12	13	7	6	6	12	5	10	5	111
Referrals – MCV	20	17	38	17	17	12	18	15	18	25	20	14	231
Mental Health and Advice Response – CCV	4	2	1	3	1	1	2	3	1	3	4	5	30
Assessments Completed – CCV	9	7	10	16	9	5	8	7	9	6	5	8	99
Assessments Completed – MCV	20	17	38	17	17	12	17	15	18	25	19	14	229
Participants accepted onto CISP – CCV	4	6	4	5	6	7	4	3	7	2	2	5	55
Participants accepted onto CISP – MCV	16	12	21	8	16	8	6	9	9	9	15	10	139

REPORT FROM THE JUDGE IN CHARGE OF THE DRUG AND ALCOHOL TREATMENT COURT (DATC) JUDGE HIGHAM



Judge Higham

Victoria's first drug court was established at the Magistrates' Court of Victoria in Dandenong in 2002. In 2020, Court Services Victoria (CSV) was successful in securing funding for a Drug and Alcohol Treatment Court (DATC) pilot program in the County Court to support up to 70 participants. In April 2021, following the amendment of the *County Court Act 1958* through the *Justice Legislation Amendment (Drug Court and Other Matters) Act 2020*, the division was formally established, and referrals and subsequent hearings commenced a short time later.

ELIGIBILITY

In order to be eligible for a Drug and Alcohol Treatment Order (DATO), in addition to meeting specific legislative criteria, a potential candidate must:

- consent to referral
- plead guilty
- be facing an immediate custodial term of imprisonment, not exceeding four years
- must not be charged with a sexual offence or an offence involving the infliction of actual bodily harm
- satisfy the court (on the balance of probabilities) that they have a drug or alcohol dependency and that the dependency contributed to the index offending
- satisfy certain residential requirements.

MODEL

Drug courts represent an innovative, evidence-based sentencing option that provides an opportunity to directly address criminal behaviour associated with substance abuse. Drug courts target the underlying causes of drug-related crime in a manner that promotes therapeutic and effective responses for people coming before the courts and maximises community safety. The foundational purpose of the DATC is to promote recovery and, through the rehabilitation of the participant, to protect the community from further substance-driven offending.

The DATC is focused on embedding behavioural change. At its heart (perhaps the core innovation) lies weekly review hearings at which each participant will sit at a table with the judge and discuss their progress. Key to this process is the sanctions and incentives framework which articulates consequences, both positive and negative, for tasks or actions completed or not completed during the previous week.

The DATC model reflects evidence-based, therapeutic jurisprudence principles and incorporates features of national and international drug court best practice, including:

- a suite of onsite and in-house services, including:
 - (i) case management (targeting risk in the community)
 - (ii) clinical advisory practitioners (targeting clinical and pharmacotherapy intervention)
 - (iii) drug and alcohol counsellors
- multi-disciplinary partnerships with key agencies such as the Office of Public Prosecutions (OPP), Victoria Legal Aid (VLA), Corrections Victoria and Victoria Police
- regular onsite supervised drug screens for program participants to build accountability in recovery, and support program compliance and treatment

- a dedicated education and policy manager to oversee the development of a best practice training framework for judiciary, staff, and partners
- access to specialised mental health, family violence, neuropsychological, disability, housing, and culturally appropriate support services
- access to health, recreation, education, and vocational and life skills support
- a dedicated senior data analyst to monitor outputs and efficacy, in line with program aims and objectives
- access to peer support services, which offer participants the opportunity to engage with an individual with lived experience of overcoming substance misuse, to assist them to navigate the practical and emotional challenges of achieving stable recovery.

The pilot has also greatly benefitted from:

- colocation, collaboration and partnership with the Magistrates' Court Drug Court, including shared clinical and strategic governance frameworks, and combined auxiliary services contracts
- an independent external evaluation conducted while the program was being implemented, which helped optimise benefit realisation and identify areas for improvement.

Additional model features which are also on track for delivery in the coming months include:

- recruitment of a Koori advisory role to strengthen the DATC response to First Nations participants, in line with self-determination principles and practices
- strengthened partnership between the DATC and the County Koori Court to optimise referral pathways, and share knowledge and resources
- improved access to family violence expertise and services
- dedicated onsite mental health services
- a court welfare officer to manage home visits and welfare checks, and to navigate engagement with federal and state agencies (Centrelink, Medicare, Child Protection and the like).

DATA AND BENEFITS

In the past 12 months, the DATC has had a total of 85 referrals, held 695 hearings and imposed a total of 34 drug and alcohol treatment orders (DATOs), with a further 32 progressing through the eligibility process. The current imposition rate is 64 per cent. Importantly, we are on track to deliver the fully-funded cohort of 70 participants by March 2023.

As a result of the considerable work of the Court in delivering this initiative, and with the critical engagement, collaboration and support of our program partners VLA and the OPP, the DATC is on track to deliver the following benefits:

- increased community safety
- long-term reduction in recidivism for high-level drug offenders
- a quantified, cost-effective alternative to incarceration or alternative methods of justice application
- a reduced burden on the courts and corrections systems
- long-term reduction of substance abuse in the most entrenched populations
- partnerships and collaboration across health, welfare and justice sectors
- reduced drug-related harms and fatalities across Victoria
- capacity to break the cycle of intergenerational offending and trauma.

EVALUATION

Consistent with the international evidence available, an independent evaluation of the Magistrates' Court Drug Court conducted by KPMG in 2014 demonstrated that the Magistrates' Court Drug Court provides a cost-effective sentencing alternative to imprisonment. It also demonstrated reductions in recidivism, improvements to health and wellbeing, and reductions in the severity and frequency of reoffending. It is anticipated that the DATC will deliver comparable benefits and outcomes.

To promote a robust and high-quality service, and optimise the benefits of the program, the County Court commissioned an independent summative, formative and cost-benefit evaluation of the DATC during the implementation and early operations of the pilot. A final report was provided to Court and the key findings state:

'There is great promise for the DATC to achieve its goals and objectives with early outcomes for participants including progression along treatment phases, and improved housing, employment and family circumstances.'

It further states:

'Even at this early stage it is clear that the DATC creates large cost savings across the justice system.'

In addition to this evaluation, a joint evaluation with the Magistrates' Court of Victoria encompassing all Victorian Drug and Alcohol Treatment Courts is currently being scoped.

The County DATC pilot is currently funded to June 2023.

REPORT FROM THE HEAD OF THE COMMON LAW DIVISION JUDGE PILLAY



Judge Pillay

The Common Law Division (the Division) has a broad jurisdiction. Most of the proceedings brought to the Division are personal injury proceedings arising out of industrial accidents, transport accidents, medical negligence and accidents in a public setting.

The Division also has jurisdiction over WorkCover statutory benefits proceedings, defamation proceedings, testators family maintenance proceedings, confiscation proceedings, adoption, surrogacy and name change applications, and quasi-criminal proceedings, which include appeals against intervention orders, supervision applications related to serious sex and serious offender orders, and applications for compensation for victims of crime.

The Division has unlimited monetary jurisdiction for these proceedings.

HEAD OF THE DIVISION

In February 2022, her Honour Judge Tsalamandris was appointed to the Supreme Court of Victoria. I would like to extend my thanks to Justice Tsalamandris for her work as the Head of the Division, especially in overseeing the Division's response to COVID-19. Her work was instrumental in ensuring that the work across the entire Division continued unabated, so that there was no delay in the hearing of cases.

DEPARTURES

Judge Coish retired in June 2022 after 20 years of service as a judge of the Court. His Honour sat in both the Common Law and Criminal Divisions and made a significant contribution, particularly in the interpretation of statutory benefit entitlements in workers' compensation matters.

Before her Honour's appointment to the Supreme Court of Victoria in February 2022, Judge Tsalamandris was Head of the Common Law Division at the beginning of the COVID-19 pandemic, and instrumental in shaping the Division's response to the challenges posed by COVID-19.

Judge Brookes retired in January 2022 and has been re-appointed as a reserve judge. His Honour has been the driving force in the use of judicial mediation to resolve numerous cases in the Division.

Judge Misso retired in December 2021 and has been re-appointed as a reserve judge. His Honour was the Head of the Common Law Division on two occasions and made an enormous contribution to operations within the Division.

Judge O'Neill retired in December 2021. His Honour was the Head of the Common Law Division for three years and instrumental in changing the way serious injury matters were run. His Honour was also the Judge in Charge of the inaugural Appeals and Post Sentence Applications (APSA) List when it was first established.

I extend my sincere thanks to Judge Coish, Judge Tsikaris, Judge Brookes, Judge Misso and Judge O'Neill for their extensive work within the Division.

APPOINTMENTS

The Court welcomed the appointments of Judge Fraatz, Judge Tsikaris, Judge Clark and Judge English to the Common Law Division.

Judge Fraatz brings his extensive experience as a barrister of 20 years to the Court.

Judge Tsikaris brings her extensive experience of more than 25 years in practice as a common law solicitor and partner in a major law firm, and as a barrister.

Judge Clark comes to the Court with extensive experience as a solicitor in regional Victoria and his many years of practice at the Victorian Bar, both within the common law jurisdiction.

Judge English has practised as a solicitor and a Magistrate before being appointed to the Coroner's Court. Her Honour is vastly experienced.

NEW JUDGES IN CHARGE

Judge Clark was appointed as the sole Judge in Charge of the Medical List in April 2022. Until April 2022 I had managed this List, however, I stepped down to focus my attention and efforts on the overall Division.

Judge Purcell was appointed Judge in Charge of the WorkCover List in February 2022, replacing Judge Wischusen.

DIVISION STRUCTURE

The management of the Common Law Division includes the following judges in charge and judges with specific responsibilities:

General List	Judge Pillay
Adoptions, Surrogacy and Name Changes List	Judge Davis
Appeals and Post Sentence Applications List	Judge Hinchey
Applications List	Judge Pillay
Confiscation List	Judge Dyer
Defamation List	Judge Clayton
Family Property List	Judge Tran
Infants and other compromises	Judge KL Bourke
Medical List	Judge Clark
Self-represented litigants	Judge Ginnane
Serious Injury List	Judge Pillay
Solicitor cost applications for workers in common law claims	Judge Purcell
WorkCover List	Judge Purcell

DIVISION ACTIVITY

Trial listings

It is remarkable to see that, despite COVID-19 restrictions, the number of cases heard in the Division was virtually the same as the period prior to the pandemic. This is a testament to many at the Court – the judges, judicial support staff and Registry. Running cases from our homes became the norm for many months. Furthermore, it involved cooperation from the profession – barristers and solicitors – who readily adapted to running trials remotely. There was no backlog of cases in the Division arising from COVID-19.

Judicial mediations

In all cases within the General, Medical and Defamation Lists, the parties are ordered to mediate before trial. For cases involving a self-represented litigant, these are often conducted by Judge Brookes and Judicial Registrar Gurry.

In addition to a pre-trial order that mediation must be held, sometimes at the commencement of a trial or during the running of it, the presiding judge considers a further mediation may be beneficial to the parties. These are ordinarily conducted by a judicial officer, when one is available, or are otherwise referred to external private mediators. Thirty-three judicial mediations were held, of which the majority resolved.

In addition, judicial settlement conferences are held in family property matters. Judge Tran presided over these matters.

Summary of trial listings 2021–22¹

Number of trials listed	3,223
Number of trials resolved or adjourned to another date before commencement	2,358
Trials commenced before a judge	840
Trials not reached	16
Jury trials proceeded to verdict	9

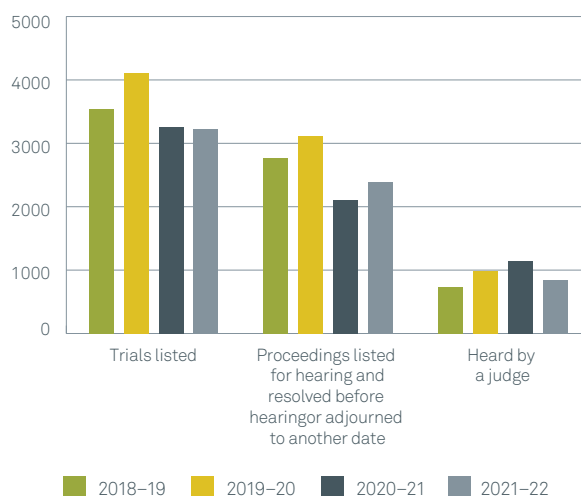
Jury trials

Due to the ongoing impact of COVID-19, jury trials remained suspended until 16 March 2022. During that time, almost all jury trials converted to proceed as judge alone trials. Where a party considered that the 'dictates of justice' demanded the case remain a jury trial, the parties were able to make an application to the Court, and if the Court was satisfied, the case was adjourned until jury trials resumed. Only one such order was made.

When civil jury trials resumed, two courtrooms were modified to allow for physical distancing. The empanelment of jurors was conducted remotely by using a video link between the courtroom and the Juries Commissioner's Office. There were three jury trials that commenced with a remote empanelment being conducted and of these three trials, one reached verdict.

Since March 2022, with the further easing of restrictions, the Court was able to conduct jury empanelment in court. For civil jury proceedings listed in Melbourne, and where a party had elected for trial by jury, except for periods of lockdown, the case was able to proceed before a jury.

SUMMARY OF TRIAL LISTINGS



¹ These figures represent Melbourne only, given that cases on circuit did not run in person due to COVID-19 restrictions and were heard remotely by judges sitting in Melbourne.

Circuits

Due to COVID-19, almost all circuit matters proceeded remotely. Since February 2022, the circuit courts were able to resume in-person sittings.

Communication

Channels of communication were maintained through regular stakeholder meetings with members of the profession representing the Law Institute of Victoria, Australian Lawyers Alliance, the Australian Insurance Lawyers Association, the Common Law Bar, as well as representatives from the two main statutory insurers, the Transport Accident Commission and WorkSafe. Topics discussed at these meetings included the Court's response to COVID-19, trial listings, timetabling orders, and other issues of concern to stakeholders.

I am very grateful to these practitioners for meeting with Judge Tsalamandris, often at short notice, as their views were sought regarding the Division's response to issues arising from COVID-19 restrictions.

As the conditions under which the Court was able to hear cases in the Division varied subject to different COVID-19 restrictions, the *Common Law Division: arrangements and expectations during coronavirus (COVID-19) restrictions* document was updated 21 times throughout the year, with an additional standalone document titled *Common Law Division: arrangements and expectations during coronavirus (COVID-19) circuit breaker lockdown* being implemented in the circuit breaker lockdown. These documents provided the profession with up-to-date information on the effect of restrictions on the Division and how proceedings were being managed. At all times, the focus was to keep hearing cases as best we could, under the restrictions imposed on us.

COVID-19 impacts

COVID-19 has continued to impact the Division. As restrictions change over time, the Court has continued to adapt the ways in which we can keep hearing proceedings. When restrictions eased, the Court gradually returned to hearing matters in person.

The Division has continued to embrace the benefit of remote hearings for pre-trial applications with no contested evidence. Therefore, we have continued to hear directions hearings and summons via Zoom. Furthermore, some expert witnesses in trials have given evidence remotely.

Streamlining of timetabling orders

On 15 March 2021, the Court resumed allocating trial dates for causes and jury trials when standard timetabling consent orders are filed. Following consultation with stakeholders, the timetabling orders have now been streamlined to allow parties to indicate whether a trial date should be listed 10 or 12 months from the date the Court processes consent orders. The streamlined timetabling orders ensure that the parties have completed the exchange of materials prior to mediation, with a trial date six weeks thereafter.

In mid-2022 the Court experienced difficulty with listing and hearing matters due to sickness among court staff and judicial officers. Court data also revealed a much higher than usual number of applications to vacate trial dates and relist them for hearing. As a result of these factors, listing times for matters increased to at least 12 months.

JUDGE IN CHARGE OF THE GENERAL AND SERIOUS INJURY LISTS

JUDGE PILLAY

The General List comprises 48 per cent of the cases commenced in the Common Law Division. The List primarily consists of damages actions heard by a judge and a jury of six persons, or by a judge alone. Due to COVID-19 restrictions, almost all cases that ran to verdict were determined by judge alone until March 2022, when jury trials resumed.

GENERAL LIST ACTIVITY

In 2021–22, the number of cases initiated decreased by five per cent, from 2,032 to 1,933.

The number of finalisations increased by five per cent from 1,629 to 1,707. In trend terms, this is a significant change and represents greater numbers of settlements during the pandemic.

Applications for leave to bring a common law proceeding under the *Accident Compensation Act 1985*, the *Workplace Injury Rehabilitation and Compensation Act 2013* and the *Transport Accident Act 1986* are filed in the Serious Injury List.

The List contributed 34 per cent of the proceedings filed within the Common Law Division.

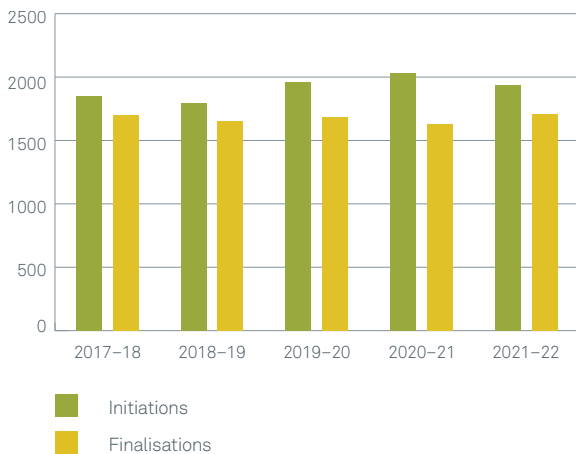
SERIOUS INJURY LIST ACTIVITY

The number of initiations decreased by seven per cent from the previous financial year, resulting in 1,386 applications made in 2021–22.

The number of finalisations increased by 16 per cent from 1,231 to 1,425. This is a significant change and represents greater numbers of settlements during the pandemic.

Serious injury judgments increased to 204 from 190 the previous year.

STATEWIDE GENERAL LIST INITIATIONS AND FINALISATIONS



STATEWIDE SERIOUS INJURY LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE MEDICAL LIST JUDGE CLARK

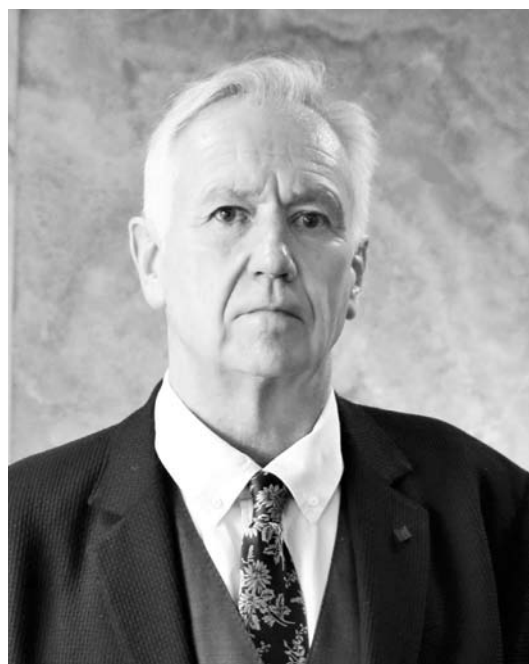
The Medical List is made up of proceedings alleging negligence against health service providers resulting in injury. These types of matters are often very complex.

MEDICAL LIST ACTIVITY

The Medical List is the third largest List in the Common Law Division. This year, 251 matters were issued, a decrease of eight per cent (from 272 in 2020–21). A total of 313 proceedings were finalised – a 57 per cent increase from 2020–21.

His Honour Judge Clark took carriage of this List in May 2022. His Honour Judge Pillay and His Honour Judge Clark have monitored the pre-trial steps in every proceeding in the List to ensure there are no avoidable delays.

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



Judge Clark

STATEWIDE MEDICAL LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE DEFAMATION LIST JUDGE CLAYTON

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

DEFAMATION LIST ACTIVITY

Initiations in the Defamation List have reduced from last year's historic increase of 118 per cent, however initiations still remain about 30 per cent higher than pre-COVID-19 levels. It is not yet clear whether initiations in the List will continue at an increased rate.

Finalisations have kept pace with initiations, and there remains a manageable backlog due to increased initiations.

The List remains busy, with a comparatively high number of trials for relatively small overall numbers. The number of interlocutory applications remains proportionately high, reflecting the nature of defamation claims, and in particular, the significant number of pleading disputes, and applications for substituted service and judgment in default of appearance or defence.

Self-represented litigants, both plaintiffs and defendants, continue to make up about 25 per cent of the List. The Court has been grateful for the support offered by the Victorian Bar *pro bono* scheme in providing assistance to unrepresented parties. A number of cases involving self-represented litigants have been referred for judicial mediation with success. This alternative dispute resolution mechanism will continue to be deployed in appropriate cases.

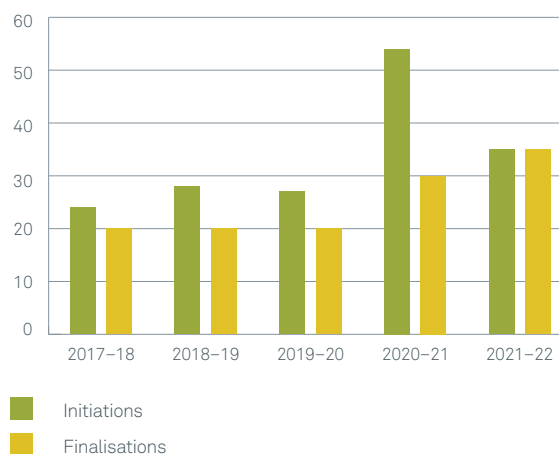
The amendments to the *Defamation Act 2005* that came into effect 1 July 2021 are beginning to impact case management, with several matters listed for determination of the new serious harm element pursuant to s 10A of the Act. The effects of these amendments will become apparent over the next few years, and it is likely that the amendments will generate some appellate hearings until there is a body of case law defining the parameters of the serious harm element.

The recent High Court decisions in *Fairfax Media Publications Pty Ltd v Voller* [2021] HCA 27 and *Google v Deferos* [2022] HCA 27 have now provided clarity on certain circumstances in which media organisations and internet platforms will be considered publishers. These decisions will provide greater certainty to parties contemplating defamation proceedings in the coming years.



Judge Clayton

STATEWIDE DEFAMATION LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE FAMILY PROPERTY LIST JUDGE TRAN

The Family Property List aims to provide fast, cost-effective, and fair resolution of testator family maintenance claims and de facto property claims. It provides streamlined procedures for uncomplicated proceedings and trial dates within six months of first administrative mention.

FAMILY PROPERTY LIST ACTIVITY

The Family Property List implemented significant reforms to its procedures in May 2021. Those reforms have been well received by the profession, with positive feedback provided at the List Users Group meeting in May 2022. Initiations are up 65 per cent on last financial year.

One focus of the reforms was to encourage greater use of private mediation. On 17 September 2021, a protocol was also signed with the Victorian Bar which provided for reduced fee mediations in lower value estates. The new procedures for alternative dispute resolution have proven effective – of the 211 proceedings which were finalised in 2021–22, only three proceedings were finalised by trial, of which two were unopposed. The Court continued to offer judicial mediations and judicial settlement conferences where there was a good reason to do so. In 2021–22, the Court conducted 21 judicial mediations and judicial settlement conferences, of which 18 were resolved.

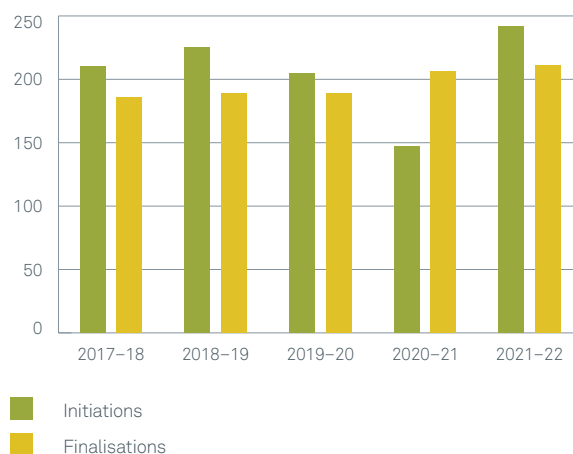
The List has also implemented regular reviews of active cases and a practice of providing trial dates in first directions orders. On 30 June 2022, only four proceedings of 149 active proceedings were more than 24 months post notice of appearance.

The List is also currently considering implementing a new streamlined, cost-capped procedure for low-value estates. A proposal has been prepared and feedback is being sought from the profession. The proposed procedure would address the difficulty of accessing justice in those cases where plaintiffs are claiming on estates of \$150,000 or less. Such claims may be made by plaintiffs experiencing high levels of financial need who would otherwise be unable to make a claim due to the legal costs involved.



Judge Tran

STATEWIDE FAMILY PROPERTY LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE CONFISCATION LIST JUDGE DYER

The Confiscation List is a specialist list dealing with applications seeking restraint or forfeiture of assets connected with criminal activity. The applications are principally brought by state and federal prosecuting agencies, including the Victorian Office of Public Prosecutions and the Commissioner of the Australian Federal Police.

The purpose of restraint is, in accordance with relevant state and Commonwealth legislation, to provide for future compensation orders and statutory forfeiture. The List also determines applications by persons claiming a lawful interest in the restrained or forfeited assets.

CONFISCATION LIST ACTIVITY

The persistence of COVID-19 related restrictions saw a continuation in the transition to virtual hearings, in both the weekly directions list and in more substantive applications. The assistance of practitioners and court staff ensured a smooth transition to remote hearings, which is likely to continue, and will provide a more efficient and cost-effective option for matters which had previously required in-person appearances.

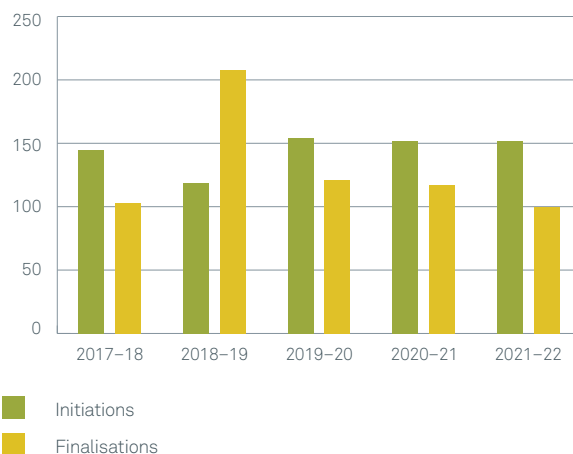
The List formed four per cent of work within the Common Law Division in 2021–22, with 152 proceedings commenced and 100 matters finalised.

The nature of the work progressed within the List frequently results in numerous applications arising from a single event involving asset confiscation or forfeiture. Notwithstanding the relatively low number of proceedings initiated, the Court made orders in 1,163 matters in 2021–22.



Judge Dyer

STATEWIDE CONFISCATION LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE APPEALS AND POST SENTENCE APPLICATIONS (APSA) LIST JUDGE HINCHEY



Judge Hinchey

In August 2019, the Appeals and Post Sentence Applications (APSA) List was created within the Common Law Division to handle a range of quasi-criminal work previously undertaken within the Criminal Division.

LIST ACTIVITY

The APSA List includes cases involving appeals and applications in the following areas:

- applications for supervision orders under the *Serious Offenders Act 2018* in respect of serious sexual and/or serious violent offenders
- compensation applications under s 85B and s 86 of the *Sentencing Act 1991*
- appeals in relation to orders made in the Children's Court concerning applications by the Secretary to the Department of Families, Fairness and Housing (DFFH), in relation to children in need of care
- appeals in relation to family violence and personal safety intervention orders made in the Magistrates' Court.

The structure of using practice notes, template orders and directions hearings initiated under Judge O'Neill has continued, with arguments concerning jurisdiction, time limitations and other legal matters often being heard and dealt with at the directions hearing stage. The cases are prepared for trial with the use of timetabling orders and further directions hearings if required. In December 2021, Judicial Registrar Bales took over the management of the directions hearings, which has been of great benefit to the overall management of the List.

COVID-19 restrictions have continued to prove a challenge for the APSA List, as many litigants wish to appear in person. Thanks must go to the Civil Registry for continuing to allow a number of litigants to appear from the Melbourne Registry Counter using the Court's iPad facilities. Supervision order hearings have been conducted mainly through Zoom, and the tireless work of the Department of Justice and Community Safety has enabled the Court to hear these matters, despite ongoing lockdowns in 2021.

There has been a widespread acceptance from those involved in all APSA cases, that, where possible, self-represented parties will use Zoom to appear at their appeal hearing. In some cases, especially where the self-represented litigant did not possess appropriate technology at home, or where an interpreter was required, this was not possible. In those instances, cases were adjourned until in-person appearances could be accommodated.

As of 4 December 2021, *de novo* appeals to the County Court from final orders made in the Family Division of the Children's Court were abolished. Any matter issued prior to 4 December 2021 will remain in the List and will be case managed until finalisation.

Notwithstanding the absence of new appeals from the Children's Court, the number of matters being heard in the APSA List has increased this financial year. During 2021–22, there were 217 new appeals and applications processed through the List. This included 129 intervention order matters, 11 DFFH matters, eight supervision order proceedings filed, 53 supervision order breaches, and 16 s 85B compensation matters. One hundred and sixty-three (76 per cent) of these matters were finalised.

I extend my thanks to the judges of the Common Law Division who have heard and determined cases in the APSA List. Many criminal judges have continued to be involved in the hearing of these cases, and this assistance is much appreciated.

As of July 2022, Judge Robertson will manage the List.

REPORT FROM THE JUDGE IN CHARGE OF THE ADOPTIONS, SURROGACY AND NAME CHANGES LIST JUDGE DAVIS

The Adoptions, Surrogacy and Name Changes List (formerly the Adoption and Substitute Parentage List) hears applications under the *Adoptions Act 1984*, the *Status of Children Act 1974*, and the *Births, Deaths and Marriages Registration Act 1996*.

The List determines a variety of applications, including applications for the adoption of children and adults, discharge of adoptions, substituted parentage where a child was conceived through a surrogacy arrangement, and changing a child's name or sex. The List continues to be supported by the Adoptions Team within the Common Law Registry.

I was appointed the Judge in Charge of the List in 2020. During that year, consultations with the Department of Justice and Community Safety led to the publication of the practice note for the List. Name Changes matters have been moved to the Court's online file management system.



Judge Davis

APPLICATIONS

The List received a total of 43 applications from across the state, including 27 applications under the *Adoption Act 1984* (Vic), 12 applications under the *Births, Deaths and Marriages Registration Act 1996* (Vic) and four applications for a substitute parentage order. This was a decrease from the previous financial year, where the List received a total of 75 applications. A total of 30 matters from across the state were finalised by the List in 2021–22.

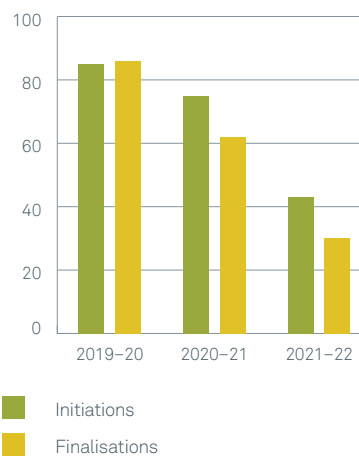
CHANGES TO THE LIST

Adoption orders and substitute parentage orders, which were previously made in Court, are now finalised on the papers in Chambers unless the parties request a hearing. Name Change applications are also managed and determined by Judge Misso.

LIONS AUSTRALIA

The List expresses its thanks to Lions Australia which continues to generously provide teddy bears to young children for whom adoption and substituted parentage orders are made.

STATEWIDE ADOPTIONS, SURROGACY AND NAME CHANGES LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE JUDGE IN CHARGE OF THE WORKCOVER LIST

JUDGE PURCELL

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

Broadly, this past year has seen a steady list of matters issued in the Court, with 54 proceedings commenced. With these, several were dependency claims, which are often complex and have significant potential.

MEDICAL PANEL REFERRALS IN SERIOUS INJURY PROCEEDINGS

The List continues to manage applications to refer medical questions to a medical panel under s 274 of the *Workplace Injury Rehabilitation and Compensation Act 2013* in serious injury proceedings. Where a party seeks to refer questions to a medical panel, the matter is listed for a directions hearing and then further directions in that List.

In 2021–22, medical questions were referred to a medical panel in 138 matters, many of them serious injury proceedings. In the same period, 91 certificates of opinion were received.

In 2021–22, following receipt of the medical panel's opinion:

- 61 matters filed consent orders finalising the proceeding
- 26 proceeded to hearing
- four matters were listed for further hearing but were not determined by the end of the year.

In a number of other matters, which were listed following a request to refer questions to the medical panel, the parties filed consent orders finalising the proceeding.

In February 2022, Judge Purcell took over management of the List from Judge Wischusen. Judge Wischusen had managed the List for approximately 14 years, and is acknowledged for his significant contribution to the ongoing process and practices of the List.



Judge Purcell

STATEWIDE WORKCOVER LIST INITIATIONS AND FINALISATIONS



REPORT FROM THE COMMON LAW JUDICIAL REGISTRARS JUDICIAL REGISTRARS GURRY AND BALES



Judicial Registrar Gurry

The judicial registrars in the Common Law Division assist common law judges by case managing proceedings, including interlocutory applications at directions hearings (or on the papers where consent of the parties is provided), objection hearings to subpoenaed material, and applications for variations to existing timetabling orders.

They also conduct judicial mediations upon request and are responsible for applications made under the *Courts (Case Transfer) Act 1991*, approval of compromises for claims for prisoner compensation under the *Corrections Act 1986*, s 32C applications under the *Evidence (Miscellaneous Provisions) Act 1958* and applications for extension of proceedings.

Joining Judicial Registrar Gurry, Judicial Registrar Bales was appointed to the Common Law Division in October 2021. Judicial Registrar Bales manages matters in the Appeals and Post Sentence Applications (APSA) List, and Judicial Registrar Gurry assists with the management of self-represented litigants in the General and Serious Injury Lists. Both Judicial Registrars Gurry and Bales share responsibility for matters in the General and Serious Injury Lists.

During 2021–22 there were 297 directions hearings, 330 summons hearings and 53 objections hearings statewide.

REPORT FROM THE HEAD OF THE COMMERCIAL DIVISION JUDGE WOODWARD



Judge Woodward

The Commercial Division (the Division) has continued to respond to the frequently changing conditions within the Court, and the community more broadly, as COVID-19 restrictions have progressively eased. Judges, judicial registrars, division lawyers, associates and Registry staff continued to work flexibly and innovatively to ensure that matters were finalised in a timely and cost-effective manner.

The Court has facilitated the return of in-person trials and Judicial Resolution Conferences (JRCs) while continuing eHearings where appropriate. Technological advances at the Court have seen further improvements made to eCase, the subpoena portal, and the implementation of eAppearances. In addition, almost all hearings (whether in-person or eHearings) are now paperless. The flexibility afforded by these processes has ensured proceedings continued with little or no delay throughout the COVID-19 pandemic.

The Division implemented several reforms, including the establishment of the Arbitration and Complex Cases Lists and the retiring of the Expedited Cases List. During the reporting period, the Division engaged in significant work on its new *Commercial Division Omnibus Practice Note*, which includes expanding appropriate dispute resolution practices, creating consistent order templates and enshrining more efficient practices for adducing expert evidence. The practice note and the associated *Standard Orders Booklet* were finalised and released after the reporting period, in August 2022.

The Division introduced a new initiative to contribute to the ongoing professional development of its associates, Registry and administrative staff. This involved the Division's judges and judicial registrars running a series of educational 'Knowledge Series' sessions, which began in March 2022 and have covered topics such as the new practice note, arbitration, and legal drafting. They will continue to run until December 2022. To further assist staff development, the Registry team are given regular opportunities to sit in, and assist with, Court hearings conducted by the judicial registrars, so they can better understand the purpose of the processes and procedures they implement. The Division also engaged in a facilitated, day-long team development workshop, which allowed Division staff to gain a real understanding of the important work each team member does.

PILOT PROGRAM WITH VCAT IN THE BUILDING PROPERTY LIST

In October 2021, a pilot program was established between the Court and the Victorian Civil and Administrative Tribunal (VCAT) under which Commercial Division judges (primarily Judge Burchell and Judge Anderson) would sit as VCAT Vice Presidents to hear and determine complex building disputes pending in VCAT’s Building and Property List (BPL). The program aims to assist VCAT to reduce its backlog of BPL matters.

The program facilitates the final hearing of complex cases that would otherwise be adjourned for more than 12 months, in circumstances where the hearing date for most cases had been fixed many months before and, in most cases, had been pending for more than two years.

To assist with hearing cases under the program, his Honour Judge Anderson returned as a reserve judge and was re-appointed a Vice President of VCAT to hear VCAT BPL cases. As the cases involve predominantly hard copy files, a significant amount of cooperation, collaboration and flexibility between the Court, VCAT and practitioners has been required to efficiently manage cases to resolution.

All 79 BPL cases allocated under the program in the reporting period were triaged as to their readiness and fixed for final hearing on a date not more than 12 months away. By 30 June 2022, 36 of the cases had resolved – four by trial to judgment, 19 by compulsory conference (mediation) conducted by her Honour Judge Burchell and 13 by agreement of the parties.

Much of the daily case management and triaging workload was absorbed by the Division lawyers, with support from associates and Registry.

The program is an excellent example of the Division’s commitment to innovation, and the Court’s strategic aim of collaborating within the broader Victorian justice system, expanding and exploring specialisation, and improving the court user experience.

CASE MANAGEMENT CONFERENCES

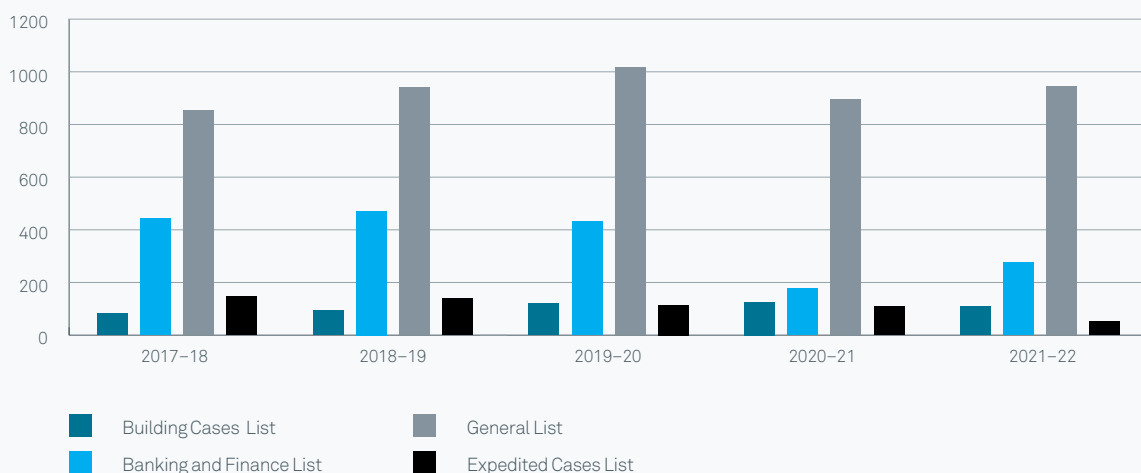
The Court refers matters to case management conferences conducted by Division lawyers as part of its obligation to further the overarching purpose under the *Civil Procedure Act 2010*.

Case management conferences provide parties with the opportunity to explore the most efficient and cost-effective ways to resolve or narrow issues, and prepare the proceeding for trial.

In the reporting period, the Division lawyers conducted 54 case management conferences. In almost all cases, the conferences progressed the matter in some capacity, with the majority of the conferences either narrowing or resolving certain issues, or resolving an interlocutory dispute entirely.

Case management conferences have been well received by court users and the judiciary as a positive innovation that enables efficient and productive discussions, and maximises judicial capacity.

TOTAL INITIATIONS EXCLUDING TAXATION MATTERS 2021-22



DIVISION STRUCTURE, APPOINTMENTS AND DEPARTURES

The five full-time judges of the Division are Judge Woodward (Head of Division), Judge Macnamara, Judge Cosgrave, Judge A Ryan and Judge Burchell. In addition, Judge Brimer sat in the Commercial Division for half of the year. Judge Marks sat at VCAT for the full year as Vice President, meaning that the Division operated with one less judge for the second half of 2021 than in the previous year. There was also a period of three months when the Division only had one judicial registrar (between Judge Burchell being elevated and Judicial Registrar Bennett being appointed).

Judge Macnamara formally retired as a judge of the Court in March 2022, having reached compulsory retirement age, but returned as a reserve judge without breaking stride. The Division looks forward to Judge Macnamara’s ongoing participation as a judge of the Division for the foreseeable future.

Judicial Registrar Bennett was appointed to the County Court on 5 October 2021 as a replacement for Judge Burchell. Judicial Registrar Bennett came to the Division from a successful career at the Bar for more than 20 years, and has extensive experience in commercial litigation, corporate regulation and commercial arbitration.

Elise Pascoe began as a Division lawyer on 30 August 2021. She works closely with the judicial registrars and the Judge in Charge of the Arbitration List to facilitate efficient case management, with a focus on early intervention in lower value claims, and conducting case management conferences and mediations.

A restructure in May 2022 saw a complete separation of the Commercial Division Registry from the Common Law Registry and an increase of Registry staff in the Commercial Division from seven (including the two Division lawyers) to 13.

DIVISION ACTIVITY

There were 1,355 initiations in the Division in 2021–22, a very minor decrease (one per cent) from the number of cases initiated in the previous year. The reduction in the number of taxation matters being litigated continues to impact the overall initiations in the Division. There was an increase in the matters initiated in the Banking and Finance List, with 275 being initiated – an increase of 56 per cent on the previous year.

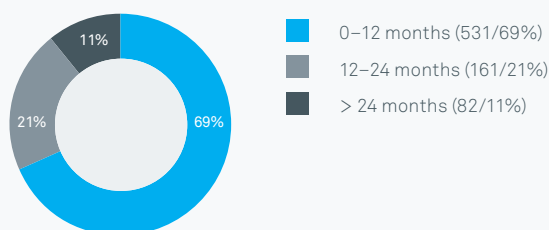
Eight hundred and sixty trials were listed in this reporting period, which is a decrease from 1,007 in the previous year. This was largely due to the Division operating with one less judge for the second half of 2021. Thirty-six trials ran to judgment, the same figure as last year, despite having fewer judges available to hear the matters.

There were only three ‘not reached’ cases in the reporting period. All of them were relisted within two months of the initial trial date, with priority.

The Division continues to case manage proceedings through to finalisation in a timely manner. Of the cases that have been active¹ for more than 24 months, 73 were finalised. This is a 66 per cent increase when compared to the previous year, which saw 44 cases of this kind finalised.

This has contributed to a 17 per cent decrease in cases that have been active for more than 12 months – and a 14 per cent reduction of active cases in the Division overall, when compared to the previous year. Only 11 per cent of active cases in the Division have been active for more than two years.

AGE OF PENDING CASES 2021–22



¹ An active case is defined as a pending case in which a notice of appearance has been filed.

APPROPRIATE DISPUTE RESOLUTION

The Division continues to promote appropriate dispute resolution (ADR) including Judicial Resolution Conferences (JRCs), early neutral evaluation (ENE), arbitration, and mediation (both private and conducted by a Division lawyer). A focus during the reporting period was on identifying, as early as possible, matters which might benefit from ADR significantly earlier than the time a proceeding is referred to mediation under the standard orders and then proposing possible ADR procedures. The procedures proposed include a possible reference to arbitration (with the consent of the parties), the Court conducting an ENE, or listing the matter for an earlier JRC or private mediation. While this has involved a significant amount of work by the Division lawyers and judicial registrars, it has enabled the Court to propose ADR before significant costs have been incurred by the parties. This often greatly assists the parties in resolving matters more expeditiously, particularly for lower value claims or where there is a self-represented litigant.

The Court continues to rely predominantly on private mediation for ADR and is assisted by the standing protocols with both the Victorian Bar and the Law Institute of Victoria for referral of matters to experienced mediators.

SELF-REPRESENTED LITIGANTS

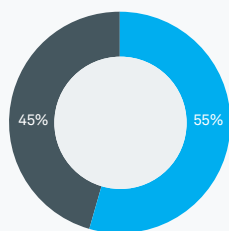
During the reporting period, there were 125 active cases involving at least one self-represented litigant (SRL), most of which were in the General List. This represents 55 per cent of all cases involving SRLs across the Court’s civil jurisdiction. Of the total number of civil matters involving SRLs that were finalised, 62 per cent were in the Commercial Division.

In addition to the valuable work of the SRL case managers, the Division is grateful for the assistance provided to SRLs by *pro bono* barristers under the Victorian Bar *pro bono* protocol. The Division made 24 referrals for *pro bono* assistance under this protocol in 2021–22. This assistance not only helps the individual SRLs, but also assists the Court to facilitate the just, efficient, timely, and cost-effective resolution of the real issues in dispute.

The Division is implementing a four-step process (identify early, assess early, case management conference, and directions hearing) to:

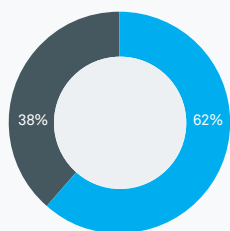
- identify cases involving a SRL as early as possible
- provide targeted case management by a Division lawyer and intervention through to trial (such as referrals to JRC, requests for *pro bono* assistance, and procedural assistance from a SRL case manager)
- refer matters to ADR (including ENE) as early as possible after a defence is filed.

ACTIVE CIVIL CASES INVOLVING A SELF-REPRESENTED LITIGANT 2021–22



■ Commercial Division (125/55%)
 ■ Common Law Division (104/45%)

FINALISED CIVIL CASES INVOLVING A SELF-REPRESENTED LITIGANT 2021–22



■ Commercial Division (114/62%)
 ■ Common Law Division (71/38%)

REPORT FROM THE JUDGE IN CHARGE OF THE GENERAL LIST JUDGE WOODWARD

The General List handles the bulk of the work of the Commercial Division. The Court has unlimited monetary jurisdiction in civil matters and cases in the General List frequently raise complicated legal and factual issues.

Targeted case management is used by the duty judge and judicial registrars to reduce the need for interlocutory appearances, avoid overly long interlocutory disputes and prepare cases for trial in an expeditious manner.

Sixty-eight per cent of all initiations in the Division were initiated in the General List. Despite ongoing challenges thrown up by the pandemic, there were a total of 919 initiations in the General List, a slight decrease from 957 initiations in the previous reporting period. Australian Taxation Office matters remain suppressed (there were only 25 initiations in this reporting period, compared with 243 in the last reporting period pre-COVID).

Eight hundred and eighty cases were finalised in the reporting period. In cases where a notice of appearance was filed, 65 per cent of proceedings finalised within 12 months. A further 150 cases (24 per cent) were finalised in under two years post-initiation. Most of these matters were for monetary claims ranging from \$100,000 to \$500,000, with three claims for over \$5 million.

REPORT OF THE JUDGE IN CHARGE OF THE BUILDING CASES LIST JUDGE BURCHELL



Judge Burchell

Building disputes are inherently complex, often involving technical issues requiring complicated expert evidence, numerous parties, multiple claims and cross-claims.

BUILDING CASES LIST ACTIVITY

In addition to the work done under the VCAT pilot program, in the year to 30 June 2022 there were 110 matters initiated in the Building Cases List, a reduction of 13 per cent on cases initiated in the same period last year. Most of these cases were for claims ranging from \$100,000 to \$500,000.

Of the 110 initiations, 29 were matters under the *Building and Construction Industry Security of Payment Act 2002* ('SOP Act'). For these matters, the average time from the initiation of the proceeding to the final order was 50 days. Of the 20 finalisations of these matters, eight required a determination by a judicial officer, 10 settled by consent and two were dismissed under r 34A.15. Of the eight determinations, six involved written judgments.

The average turnaround time, from the hearing or date of final submission to judgment, was three days. One judgment was delivered orally in Court.

Twelve applications were filed seeking to register an adjudication certificate pursuant to s 28R of the SOP

Act. The average turnaround time to rule on the application was two days.

Across the list as a whole, there were 89 matters finalised during the reporting period, 29 per cent fewer than for the same period last year. Of the matters finalised, 69 per cent were finalised in less than 12 months from the notice of appearance being filed.

STAY APPLICATIONS DISMISSED

Two significant decisions in the Building Cases List were handed down by her Honour Judge Burchell, dismissing applications where the applicants applied for a 'stay' in their proceeding for the proceeding to be determined by VCAT. As a result, these matters remained in the Court to be heard and determined.

The first of these was handed down in August 2021, *Impresa Construction v Oxford Building* [2021] VCC 1146 (*Impresa*), where Judge Burchell observed in *obiter dicta* that VCAT is not currently equipped to deal with *Domestic Building Contracts Act 1995* cases due to the tribunal being under-resourced. Despite neither party raising VCAT's under-resourcing precluding VCAT from being able to hear the case, Judge Burchell considered s 57 of the Act and found that it is open to a party to argue that the pre-condition in s 57(2) cannot be satisfied given the state of under-resourcing at VCAT.

Following *Impresa*, in October 2021, Judge Burchell dismissed a stay application in *Uber Builders and Developers Pty Ltd v MIFA Pty Ltd* [2021] VCC 1677. In doing so, her Honour had regard to the interpretation and the case management concerns set out in *Impresa*. Her Honour observed that the VCAT website and newsletters had acknowledged the VCAT Building and Property List was no longer able to offer hearing dates in a timely manner, and that the next available date for a multi-day hearing in VCAT was approximately 14 months away.

CLARIFICATION REGARDING SOP CLAIMS IN THE COURT

In October 2021, her Honour Judge Burchell also handed down a ruling in *APR Structural Steel Pty Ltd v Devco Project & Construction Management Pty Ltd* [2021] VCC 1577 which clarified that the County Court's streamlined process for claims under the SOP Act is available to claimants suing for any amount.

Her Honour confirmed that r 63A.24 is not applicable in the proceeding as parties should not be deterred from initiating a SOP application in the Building Cases List for amounts under \$50,000. This position has been reflected in the Division's practice note, which states that the rule will not usually be applicable to applications made under the SOP Act in the County Court.

REPORT OF THE JUDGE IN CHARGE OF THE ARBITRATION LIST JUDGE BRIMER



Judge Brimer

The Arbitration List is the second of the two new lists established in the reporting period. As part of the establishment of the Arbitration List, and the special practices in the Division's practice note regarding 'lower value claims' (LVCs) (where the amount in dispute is below \$150,000), the Court assists parties to consider referring their proceeding to arbitration as one of the ADR options open to them.

The Court will refer a proceeding to arbitration under s 66(1) of the *Civil Procedure Act 2010* where the parties agree and enter into an arbitration agreement.

To assist parties' consideration of arbitration as an ADR option, the Court has entered into memorandums of understanding for the referral of proceedings to arbitration with Arbitration Victoria, the Resolution Institute, and the Victorian Commercial Arbitration Scheme, whose arbitrators have committed to arbitrating LVCs referred by agreement by the parties for a capped fee, in a limited timeframe. It is expected that these arrangements will provide parties with a level of certainty around arbitrator fees and the arbitration timeframe – being the time from arbitration commencement to the arbitrator publishing their award (a binding determination).

A touchstone of arbitration is party autonomy. While the Court will provide parties with information about these schemes, the parties are free to appoint any arbitrator or arbitration body of their choice – the Court does not endorse any arbitrator or arbitration body over another.

The County Court will have jurisdiction under s 6 of the *Commercial Arbitration Act 2011* (certain functions of arbitration assistance and supervision), where parties have agreed in writing that the County Court is to have jurisdiction in accordance with s 6(2) of the ACT.

Where an application for referral to arbitration is made under s 8 of the *Commercial Arbitration Act 2011* in a matter which is the subject of an existing arbitration agreement, subject to limited exceptions, the parties must be referred to arbitration.

It is too soon after the establishment of the List to provide any useful statistical data about the conduct of the List.

REPORT OF THE JUDGE IN CHARGE OF THE COMPLEX CASES LIST JUDGE A RYAN

The Complex Cases List was established in March 2022 in response to a recognition that judge-managed, tailored, innovative and alternative practices can assist in the efficient resolution of complex disputes.

Cases in the Complex Cases List will be subject to active case management to assist in identifying key issues and minimise the extent of preparatory work and time to trial. Case management will be overseen by the Judge in Charge of the List, with the assistance of the judicial registrars and the Division lawyers as necessary.

It is too soon after the establishment of the Complex Cases List to provide any useful statistics on the work of the List.

In March 2022, the Expedited Cases List was discontinued, and the remaining cases from that List were transferred into the Complex Cases List. Those remaining cases continued to be managed pursuant to any existing orders, including any listed trial date, and otherwise in accordance with the former Expedited Cases List practices (unless the Court ordered otherwise).

REPORT OF THE JUDGE IN CHARGE OF THE BANKING AND FINANCE LIST JUDGE COSGRAVE

The Banking and Finance List is a specialist list for cases relating to the lending of money, including enforcement of guarantees and mortgages, and proceedings involving claims for the possession of land.

The Banking and Finance List has implemented new case management procedures which place more responsibility on the parties to conduct the matter up to mediation. This results in a more active case management role taken by the Court for matters that have not resolved by mediation.

There were 275 initiations in 2021–22, an increase of 56 per cent on the previous year. This is largely due to the easing of COVID restrictions and limitations placed by lenders on enforcement proceedings. It is expected that the increase in initiations will continue in the new reporting period.

Half of the 141 cases initiated during this reporting period were for claims ranging from \$100,000 to \$500,000. A further 19 cases were for claims of more than \$1 million. Of the matters that finalised, 80 per cent were finalised in less than 12 months from the time of an appearance being filed, and 59 per cent of those were finalised in the first six months.

REPORT OF THE JUDICIAL REGISTRARS JUDICIAL REGISTRARS BENNETT AND MULLER



Judicial Registrar Bennett



Judicial Registrar Muller

OVERVIEW

Judicial Registrar Bennett was appointed to the County Court on 5 October 2021, joining Judicial Registrar Muller.

The judicial registrars assist the judges of the Division by case managing proceedings, determining interlocutory disputes, making orders on the papers, hearing enforcement applications and objections to subpoenas, conducting trial assessments and JRCs, and assisting with the administration of the Division.

Working closely with the Head of Division and other judges in the Commercial Division, the judicial registrars have continued to hear matters remotely and in person, as well as assist in managing changes to Registry staffing and processes and other Commercial Division reforms, including significant contributions to the practice note, the *Standard Orders Booklet* and driving efficiencies and improved practices across the Division.

They also spoke at various seminars and workshops during the reporting period.

JUDICIAL REGISTRAR ACTIVITY

In this reporting year, the judicial registrars heard 373 interlocutory hearings, which included applications for an interlocutory determination, directions hearings, summonses and objections hearings. The judicial registrars conducted 67 JRCs, 36 of which settled in full or in part. Often the JRCs were conducted on short notice and close to (or on occasion after) the commencement of the trial.

The settlements which occurred at JRCs saved at least 150 trial days (based on the length of trial estimates provided by the parties), a significant saving of the Division's limited resources.

REPORT OF THE DIVISION LAWYERS NICOLE MAHER AND ELISE PASCOE

NICOLE MAHER

Assisting the duty judge and Building Cases List

The Division lawyer assisting the duty judge and Building Cases List (DJBC division lawyer) facilitates ADR processes to further the Division's focus of working with parties and legal practitioners to enhance access to justice, actively encourage early resolution of disputes, and ensure that legal costs are reasonable and proportionate to the size and scope of the claims in a proceeding.

The DJBC division lawyer provides low or no-cost facilitation services to parties to further the overarching purpose of the *Civil Procedure Act 2010*. This includes facilitating mediations, case management conferences (proactive outreach to the parties when interlocutory disputes arise) and expert witness conferences. The facilitation service creates an environment for participants to openly explore issues, interests and opinions, with a view to identifying, narrowing or resolving the issues in dispute.

The nature of the DJBC division lawyer's work with the duty judge means that matters can promptly be identified for ADR intervention or active case management, often at an earlier stage than might otherwise be the case if interlocutory disputes are dealt with in isolation. In one instance, a proceeding was resolved through mediation within three months of an appearance being filed and before the proceeding had been fixed for trial, saving the parties significant time and costs, and requiring less judicial resources.

The power to conduct mediations came into effect on 31 January 2022. In the reporting period, the DJBC division lawyer conducted four mediations for the purpose of either negotiating a settlement or narrowing the issues, and assisted the judicial registrars and judges in a number of mediations, including under the VCAT pilot program.

The DJBC division lawyer also conducted 41 case management conferences and direct intervention to facilitate compromises (without the need for a case conference) across more than 82 listing events and two expert witness conclaves.

ELISE PASCOE

Assisting the judicial registrars, Registry and the Arbitration List

The Division lawyer assisting the judicial registrars, Registry and the Arbitration List (JRRR division lawyer) works closely with the judicial registrars and Registry to case manage proceedings.

The JRRR division lawyer is particularly focused on case managing proceedings with SRLs and low-value claims to increase efficiency for the Court and for the parties involved, and to ensure that costs do not become disproportionate to the amount in dispute. The JRRR division lawyer is focused on identifying cases which may be suitable for arbitration (with a particular focus on low-value claims) and contacting the parties to provide them with information and guidance on the arbitration process. The JRRR division lawyer reviews the pleadings on all matters initiated with a claim amount below \$150,000 and assesses each matter's suitability for arbitration.

In the reporting period, the JRRR division lawyer conducted a range of case management work, including 13 case management conferences and three mediations. One of the mediations did not settle after its initial day of mediation and was case managed and reconvened on a later date, resulting in a settlement after the reporting period. Another matter involving a SRL settled during the JRRR division lawyer's case management conferencing.

The JRRR division lawyer also provides guidance and direction to Registry and SRL case managers to streamline the Court's case management approach, and assists Registry, in particular, with training and mentoring around drafting effective Court orders.

JUDICIAL OFFICERS

Judges	Date appointed
His Honour Chief Judge Peter Kidd	28 September 2015
Her Honour Deputy Chief Judge Meryl Sexton	20 August 2001
Her Honour Judge Frances Hogan	2 October 2001
His Honour Michael Bourke	10 September 2002
Her Honour Judge Elizabeth Gaynor	10 September 2002
Her Honour Judge Sandra Davis	26 October 2004
Her Honour Judge Felicity Hampel	9 February 2005
Her Honour Judge Jeanette Morrish	9 August 2005
Her Honour Judge Katherine Bourke	11 December 2007
His Honour Judge Peter Wischusen	15 April 2008
His Honour Judge Frank Gucciardo	27 May 2008
His Honour Judge Mark Gamble	3 February 2009
His Honour Judge Gerard Mullaly	7 April 2009
His Honour Judge James Parrish	17 November 2009
His Honour Judge Michael Tinney	16 March 2010
Her Honour Judge Gabriele Cannon	30 March 2010
His Honour Judge John Carmody	7 June 2011
His Honour Judge Paul Cosgrave	9 May 2013
His Honour Judge Gavan Meredith	28 May 2013
His Honour Judge Robert Dyer	6 November 2013
Her Honour Judge Claire Quin	25 February 2014
Her Honour Judge Sara Hinchey	26 May 2015
Her Honour Judge Amanda Chambers	9 June 2015
Her Honour Judge Samantha Marks	3 October 2016
His Honour Judge Gregory Lyon	18 October 2016
His Honour Judge Edward Woodward	2 May 2017
Her Honour Judge Carolene Gwynn	9 May 2017
His Honour Judge Douglas Trapnell	14 June 2017
His Honour Judge Michael O'Connell	25 July 2017
Her Honour Judge Aileen Ryan	15 August 2017
His Honour Judge Paul Higham	15 August 2017
His Honour Judge Trevor Wraight	31 October 2017
Her Honour Judge Patricia Riddell	8 November 2017
His Honour Judge Michael Cahill	29 May 2018
Her Honour Judge Sarah Dawes	14 August 2018

Judges	Date appointed
His Honour Judge Scott Johns	14 August 2018
His Honour Judge David Sexton	14 August 2018
Her Honour Judge Martine Marich	14 August 2018
His Honour Judge Philip Ginnane	11 September 2018
Her Honour Judge Elizabeth Brimer	16 April 2019
His Honour Judge George Georgiou	18 April 2019
His Honour Judge Arushan Pillay	6 August 2019
Her Honour Judge Rosemary Carlin	10 September 2019
Her Honour Judge Anne Hassan	29 October 2019
His Honour Judge Kevin Doyle	29 October 2019
His Honour Judge John Cain	29 October 2019
Her Honour Frances Dalziel	28 February 2020
Her Honour Judge Sarah Leighfield	10 June 2020
His Honour Judge David Purcell	10 June 2020
Her Honour Judge Fiona Todd	13 July 2020
Her Honour Judge My Anh Tran	9 October 2020
His Honour Judge Justin Hannebery	8 December 2020
His Honour Judge Jack Vandersteen	1 January 2021
Her Honour Judge Julie Clayton	25 January 2021
Her Honour Judge Anna Robertson	22 June 2021
His Honour Judge Marcus Dempsey	22 June 2021
Her Honour Judge Sharon Burchell	22 June 2021
His Honour Judge Pardeep Tiwana	22 June 2021
Her Honour Judge Kate Hawkins	10 August 2021
His Honour Judge Stewart Bayles	10 August 2021
Her Honour Judge Kellie Blair	10 August 2021
Her Honour Judge Nola Karapanagiotidis	10 August 2021
His Honour Judge Daniel Holding	10 August 2021
Her Honour Judge Angela Ellis	10 August 2021
His Honour Judge Andrew Fraatz	1 March 2022
Her Honour Judge Maria Tsikaris	1 March 2022
His Honour Judge Simon Moglia	1 March 2022
His Honour Judge Gary Clark	1 March 2022
Her Honour Judge Caitlin English	5 April 2022
His Honour Judge Peter Rozen	5 April 2022

Retired Judges	Date retired
Her Honour Judge Amanda Fox*	12 August 2021
His Honour Judge John Smallwood	25 September 2021
His Honour Judge Christopher O'Neill	31 December 2021
His Honour Judge Philip Misso	31 December 2021
His Honour Judge David Brookes	18 January 2022
Her Honour Judge Irene Lawson	5 February 2022
Her Honour Judge Andrea Tsalamandris*	22 February 2022
His Honour Judge William (Bill) Stuart	28 February 2022
His Honour Judge Michael Macnamara	2 March 2022
Her Honour Judge Lisa Hannan*	29 March 2022
His Honour Judge Mark Dean	6 June 2022
His Honour Judge Phillip Coish	7 June 2022

Reserve Judges	Date appointed
His Honour Judge Michael McInerney	21 June 1994
His Honour Judge Graham Anderson	17 March 1998
Her Honour Judge Pamela Jenkins	21 April 1999
His Honour Judge John Bowman	20 February 2001
His Honour Judge John Smallwood	20 August 2001
Her Honour Judge Rachelle Lewitan	16 May 2001
Her Honour Judge Susan Cohen	14 August 2001
His Honour Judge Roy Punshon	8 April 2003
Her Honour Judge Wendy Wilmoth	8 April 2003
His Honour Judge Damian Murphy	24 October 2006
His Honour Judge Duncan Allen	21 August 2007
His Honour Judge Philip Misso	11 December 2007
His Honour Judge Paul Lacava	27 May 2008
His Honour Judge Howard Mason	3 February 2009
His Honour Judge Richard Smith	22 July 2011
His Honour Judge Michael Macnamara	7 February 2012
His Honour Judge David Brookes	7 August 2012
His Honour Judge John Jordan	1 February 2013
His Honour Judge Peter Lauritsen	24 May 2016
His Honour Judge Geoff Chettle	1 September 2021
His Honour Judge Richard Maidment	1 September 2021
Her Honour Judge Helen Syme	1 January 2022

Judicial Registrars	Date appointed
James Gurry	27 September 2016
Matthew Phillips	11 February 2020
Alex Wilson	23 March 2020
Adrian Muller	13 October 2020
David Bennett	5 October 2021
Rosalind Avis	5 October 2021
Belinda Bales	5 October 2021

* Appointed as a Justice of the Supreme Court of Victoria.

EXECUTIVE LEADERSHIP TEAM

The Court is supported in its delivery of justice by its Administration team, which is integral to the Court hearing and determining matters in a timely, efficient, and accessible way.

Guided by the Chief Executive Officer, the functions of the Court Administration team include steering the governance and policy of the Court, managing IT, delivering strategic programs and implementing specialist courts, managing the Court's finances and assets, providing support services to the judiciary, managing media and community engagement, and looking after the Court's most important resource – its people.

Registry, the public-facing part of the Court that deals with documents, filing, and fees, is also managed by the Court Administration.

The Court Administration is led by the Court's Executive Leadership Team, which, with the Chief Judge and the Council of Judges, contributes to the Court achieving its strategic priorities.

ALISON BYRNE

Chief Executive Officer

Leads the Court Administration and provides support to the Chief Judge as the head of jurisdiction. The CEO is a statutory appointment and is accountable for the proper administration of the Court's operations and financial, business and corporate functions. Alison joined the County Court as CEO on 2 May 2022. Alison is an experienced public sector leader and strategist with extensive experience as a criminal law lawyer and regulator across multiple jurisdictions.

BRADLEY MEDCROFT

Acting Chief Executive Officer, and Director, Strategy, Analytics and Program Delivery

Bradley Medcroft was the County Court Acting CEO from 27 July 2021 until the appointment of the Court's CEO Alison Byrne on 2 May 2022.

Bradley is the Director, Analytics and Program Delivery, where he leads the Court's strategic, planning, performance reporting, analytics and project-management systems. This includes managing the Court improvement program – a group of system-improvement and change management projects – which aims to improve the capacity of the Court to deliver excellent outcomes.

KATIE O'KEEFFE

Deputy Chief Executive Officer and Registrar

Leads the operations of the Court, including the team that delivers necessary judicial support services to the Court's judges and judicial registrars, as well as leading the sustainable delivery of Registry services to the Court's judges and court users in Melbourne and regional Victoria. Katie is proud of the organisational changes that she has led over the past two years to bring the operational area of the Court into four distinct pillars, which will better service the users of the Court and provide greater support to the judiciary. She considers these changes to be critical to the sustainability of Court operations over future years.

Most valued by Katie are the relationships that she maintains across the Court, Court Services Victoria and justice agencies, which have facilitated the achievement of a range of reforms during the reporting period. She is also grateful for the commitment of her team and the dependable leadership they have demonstrated in meeting the challenges of COVID-19.

DON RITCHIE*Principal Advisor to the Chief Judge*

Supports the Chief Judge in relation to his Honour's roles as head of the County Court, chair of the Court's Board of Management and member of Courts Council. Manages the Chief Judge's chambers and provides advice on strategy and policy. Don describes his key achievement over the last year as his ongoing contribution to the Court's COVID response, working with judges, the Court's Executive, and stakeholders to ensure the COVIDSafe conduct of jury trials and the continuation of non-jury matters across all of the Court's Divisions.

JO RAINFORD*Executive Director Governance, People, Policy and Communications*

Leads a diverse team that supports the Court to discharge a range of corporate governance obligations including risk and audit, compliance and integrity, as well as supporting the activities of the Court's Audit and Risk Committee and its independent chair. Leads the team responsible for the Court's People function and Communications (including media, digital (website and the Court's intranet) and community engagement) and leads the delivery of services for the judiciary in the areas of law reform and policy, research and library services, professional development and the publication of decisions. Jo led the establishment and maintenance of a positive risk culture across the Court and oversaw a range of innovative digital and community engagement initiatives. She supports a committed and professional team that provides the highest level of service delivery to the judiciary and staff across a range of diverse functions.

KATHRYN MARTIN*Executive Director, Infrastructure and Investment*

Leads the provision of a range of strategic projects and support services including facility and fleet management, security, procurement, contract management and information technology, data and projects, and provides leadership in the finance function. Kathryn joined the County Court in November 2021 to lead the purchase of the County Court building at 250 William Street and the transfer of ownership to Court Services Victoria. She brings to the Court extensive experience in courts and the justice sector in both Victoria and the Northern Territory.

KRISTY ROWE*Director, Specialist Courts*

Leads the management, delivery and planning of Specialist Courts activities, setting the direction of existing services and leading the development and implementation of new services and therapeutic jurisprudence approaches. This includes County Koori Court, Drug and Alcohol Treatment Court (DATC) pilot, the Mental Health Advice and Response Service, the Court Integrated Services Program (CISP) pilot and review of best practice therapeutic responses to Family Violence. Kristy considers her role in supporting community safety and justice innovations for First Nations people and people experiencing trauma, substance abuse, homelessness, family violence, disability and mental health issues to be the most rewarding aspects of her work. She identifies her involvement in securing funding for the CISP and DATC pilots, as well as the opportunity to lead ground-breaking, multi-disciplinary teams to be her biggest achievements within her time at the County Court.

REPORT OF THE DEPUTY CEO AND REGISTRAR KATIE O'KEEFFE

While we have begun to return to a level of normality, COVID-19 has once again challenged the work of the Court's operations throughout the year.

Resuming jury trials across the state was a key focus for the Court in 2021, and staff worked collaboratively to adopt new processes and technology. In early 2022, a rapid antigen testing system was introduced for all jury trial participants to minimise the risk of COVID-19 transmission and keep judges, staff, and court users safe. Working in partnership with colleagues across Court Services Victoria and other justice agencies, the new processes were implemented in late January 2022 for criminal trials in Melbourne and regional Victoria. It was a significant undertaking, requiring staff to complete targeted training to successfully develop and test procedures.



Katie O'Keefe

Managing absences due to illness has been a challenge across all operational areas. Judicial staff coordinators worked closely with the judiciary to maintain service delivery and share resources across chambers, while Registry continued to work in smaller teams for most of the year to minimise the risk of COVID-19 transmission. These changes did not hamper service to court users, with counter service available when required and subpoena documents made available electronically.

After a period of much change, the operations of the Court now sit across four key groups: Criminal Division Administration, Common Law Division Administration, Commercial Division Administration, and Judicial Support Services. These are positive changes that create clear systems of work for divisions and the staff who work within them.

In March, we introduced a new administrative structure in the Criminal Division. This was developed following a process of review in 2020 when new ways of working emerged to adapt to the impacts of COVID-19. The new structure helps:

- clarify the distribution of administrative work, roles and responsibilities
- better assist with court user enquiries
- improve support to the judiciary through considered case allocation
- improve support for staff when implementing legislative changes, reform and professional development.

Considerable progress has been made to date, with the transition of criminal subpoena management to the Criminal Registry and the consolidation of circuit and Sexual Offence List work before judicial registrars. Other critical work in the Criminal Division included supporting the implementation of sentence indication and judge alone trial reforms. We will look to make further service improvements as we continue to embed these changes.

Following the post-implementation review of structural changes introduced to the Civil Registry in 2018, we commenced the Civil Administration Transformation Project, which focused on embedding Registry work within each of the Common Law and Commercial Divisions. In doing so, we rethought our service delivery model for counter and subpoena services and worked closely with the judiciary to redefine the roles of our Self-Represented Litigant Case Managers. To ensure we developed an integrated system of work, we focused upon building role clarity between Registry and judicial support functions. The new civil divisional structures were introduced in May 2022, with implementation and transitional activities seeing out the financial year. The new structures will support improved workflow, enable better systems monitoring quality control, and bring a sharper focus on specialisations.

Another key focus was embedding case management processes across divisions. Following collaborative work with other justice agencies, and a refinement of the practices used during the emergency response in 2020, the Case Management System in the Criminal Division was formally launched in April 2022. By applying case management practices, Division lawyers in each of the Common Law and Commercial Divisions have contributed to the resolution of cases and created capacity for the judiciary to focus on higher value work. Case management is funded through to 2024, and in the coming year we will evaluate the efficacy of this program with a view to continuing it for the long term.

We continued to make improvements to the Court's electronic court file system, with the civil orders workflow for chambers enabling associates to automatically generate draft order templates, saving time, minimising errors and risk, and reducing double handling. This also had a flow-on effect for our court users, through the timely provision of orders. We also digitised case files for matters that required ongoing judicial management and have progressed work to retrieve all court files from regional court locations and move them to central storage, making them more accessible to judges and court users.

In the past two years, a significant effort has been made by Registry to digitise subpoena materials, as well as enhance the eCase online tool that was introduced in 2021. The tool is a more efficient option for users responding to subpoena requests and provides timely access to subpoena material for judges and parties.

For the most part, our focus upon training and development involved supporting staff in general day-to-day operations. However, learning and development teams provided targeted assistance for the resumption of jury trials, and we refreshed our internal online resources to include information on key process changes. We introduced a monthly learning and development program for associates, which offers training on court-specific systems, refreshers on court processes and professional development. Division lawyers crafted learning sessions across all divisions, sharing information and expertise with Registry staff to build knowledge and capability.

The health and wellbeing of our staff continued to be a focus this year, with a range of support and wellness sessions offered. All staff attended the 'Eliminating Sexual Harassment and Optimising Respect' training program to understand the policies and processes in place to address these matters in the workplace. Our operational managers attended integrity training, which focused on the importance of modelling appropriate behaviour, calling out inappropriate behaviour and understanding their integrity responsibilities as managers. Moving forward, integrity training will be provided to the wider operational staff group.

Throughout the year, we contributed to a range of justice initiatives. Staff offered their expertise to the Bendigo Law Courts Redevelopment Program by contributing to the design of the new Court's operating and service delivery model, and we continued our partnership with the Supreme Court of Victoria and Justice Connect in providing *pro bono* services to assist self-represented parties in civil matters. We also facilitated court orientation sessions for Department of Families, Fairness and Housing staff who support court users with disabilities, an arrangement that will continue for the foreseeable future.

Looking ahead, we will embed our divisional structures, find further opportunities to improve our service to court users and the judiciary, build the knowledge and capability of our staff and leaders, and work in partnership with others to deliver on initiatives that will benefit the Victorian community.

Katie O'Keeffe
Deputy CEO and Registrar,
County Court of Victoria

FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2022

The County Court's financial position for the year ended 30 June 2022 is published as part of Court Service Victoria's (CSV) audited accounts in the Court Services Victoria Annual Report 2021–22.

To view CSV's annual report, visit courts.vic.gov.au. Below is an abridged version of CSV's comprehensive operating statement, highlighting court operations of the County Court of Victoria.

CSV was established on 1 July 2014 under the *Court Services Act 2014* (Act) as an independent statutory body to provide administrative services and facilities to support the Victorian courts and tribunals, the Judicial College of Victoria and the Judicial Commission of Victoria. CSV supports the performance of the judicial, quasi-judicial and administrative functions of the Supreme Court of Victoria, the County Court of Victoria, the Magistrates' Court of Victoria, the Children's Court of Victoria, the Coroners Court of Victoria, the Victorian Civil and Administrative Tribunal (VCAT).

CSV's status as a statutory body allows the courts to operate independently of the direction of the executive branch of government, thus supporting the independence of the judiciary. CSV's activities include overseeing court facilities and providing the people, information technology and financial management to deliver enhanced administrative services to the Victorian courts, VCAT, the Judicial College of Victoria, and the Judicial Commission of Victoria. Some or all of these activities are provided through CSV's administration functions.

The Courts Council is CSV's governing body which comprises the head of each court jurisdiction and VCAT, and up to two independent members.

Consequently, 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 2022 presented include:

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

The Comprehensive Operating Statement reports that the Victorian Government appropriated revenue of \$341.686 million (\$115,873 million 2020–21), which was received by CSV for the purposes of the County Court's functions, plus \$126.935 million (\$17.348 million 2020–21) to fund the County Court's Capital Program. A breakdown of expenditure to fund the County Court Operations and the Capital Program are provided in the following financial statements. The net result from transactions for County Court Operations at year end 30 June 2022 reports a surplus of \$1.122 million (\$2.643 million deficit 2020–21).

The accompanying notes form part of these financial statements. All amounts in the financial statements have been rounded to the nearest \$1,000 unless otherwise stated.

COMPREHENSIVE OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 2022

CONTINUING OPERATIONS	Note	2022 \$'000	2021 \$'000
Income from transactions			
Output appropriations	1a	297,448	78,359
Special appropriations	1b	44,239	37,514
Total income from transactions		341,686	115,873
Expenses from transactions			
Employee expenses and judicial officer remuneration	2	73,831	65,697
Depreciation and amortisation	3	28,269	17,543
Interest expense	4	773	2,258
Grants and other transfers	5	410	2
Capital asset charge	6	-	7,638
Supplies and services	7	30,068	25,378
Compensation payment	8	207,213	-
Total expenses from transactions		340,565	118,516
Net result from transactions (Net Operating Balance)		1,122	(2,643)

OTHER ECONOMIC FLOWS INCLUDED IN NET RESULT

Net gain/(loss) on revaluation of building	9	-	11,782
Net gain/(loss) on non-financial assets	9	-	297
Other gains/(losses) from other economic flows	9	1,158	1,753
Total other economic flows included in net result		1,158	13,832
Net Result		2,280	11,189

OTHER ECONOMIC FLOWS – OTHER COMPREHENSIVE INCOME

Items that will not be reclassified to net result			
Changes in physical asset revaluation reserve	10	-	30,228
Total other economic flows – other comprehensive income		-	30,228
Comprehensive result		2,280	41,417

CAPITAL PROGRAM STATEMENT FOR THE YEAR ENDED 30 JUNE 2022

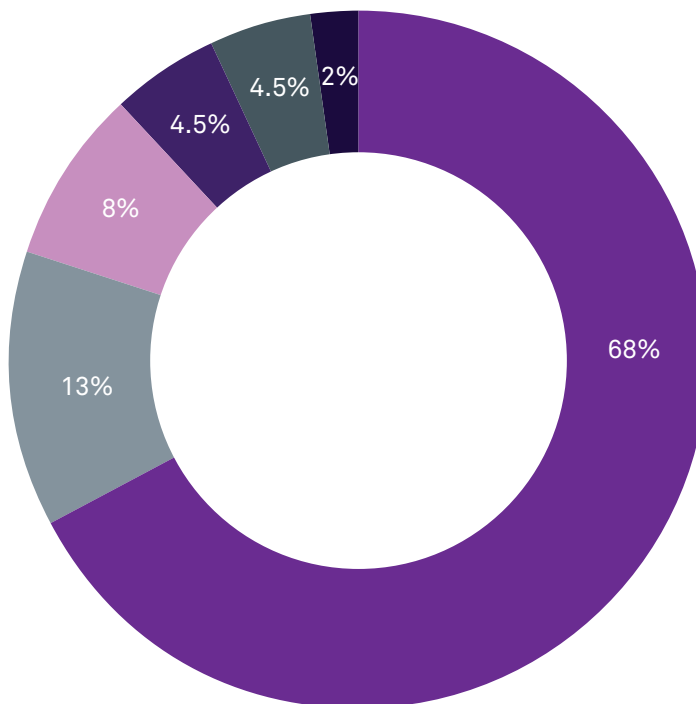
	Note	2022 \$'000	2021 \$'000
Income from capital transactions			
Output appropriations		126,935	17,348
Total income from transactions	1a	126,935	17,348
Capital transactions			
Building improvements		1,714	-
Office equipment, plant and cultural assets		1,263	1,943
Public Private Partnership County Court facility		123,958	15,400
Total capital expenses from transactions	11	126,935	17,343
Net result from capital transactions		-	5

COMPREHENSIVE OPERATING STATEMENT BY FUNCTION FOR THE YEAR ENDED 30 JUNE 2022

CONTINUING OPERATIONS	Note	2022 \$'000	2021 \$'000
Expenses from transactions			
Court administration	i	15,735	14,680
Depreciation	ii	28,269	17,543
Judicial officers	iii	43,254	37,284
County Koori Court	iv	445	423
Public Private Partnership County Court facility	v	230,069	22,450
Regional Circuit Courts	vi	1,555	240
Capital asset charge	vii	-	7,638
Registry	viii	5,866	5,451
Judicial support officers	ix	15,372	12,808
Total expenses from transactions		340,565	118,517

PERCENTAGE OF EXPENSES BY FUNCTION

- Public Private Partnership County Court facility (68%)
- Judicial Officers (13%)
- Depreciation (8%)
- Court administration (4.5%)
- Judicial Support Officers (4.5%)
- Registry (2%)
- Regional Circuit Courts (<1%)



COUNTY COURT FUNCTIONS

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

- i. Court administration: 4.62% (12.4% 2020–21)**
 Court administration provides a range of functions including management, corporate governance, finance, procurement and contract management, court support services, human resources, occupational health and safety and risk compliance, legal research and policy interpretation, facility and court event support, media and communication services, infrastructure technology operations and development, court improvement programs, and new projects.
- ii. Depreciation: 8.32% (14.8% 2020–21)**
 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.
- iii. Judicial officers: 12.70% (31.5% 2020–21)**
 Judicial officers expenses are funded independently by government through a special appropriation fund.
- iv. County Koori Court: <1% (<1% 2020–21)**
 The County Koori Court expenses include management of the County Koori Court program, payments to Elders and Respected Persons, and other operational costs.
- v. Public Private Partnership County Court facility: 67.56% (18.9% 2020–21)**
 The State of Victoria and the Liberty Group Consortium (Contractor) entered into a Court Services Agreement (CSA) in June 2000 under a Public Private Partnership Contracted project. The 20-year contract commenced in June 2002 and concluded on 23 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
 - provide court services to the County Court and court users in connection with the management and operation of the facility.
 With the expiration of the PPP, CSV has purchased the County Court facility.
- vi. Regional Circuit Courts: <1% (<1% 2020–21)**
 The County Court sits at 11 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 usually costs approximately \$1.75 million annually to resource circuits, however circuit courts were postponed during March 2020 due to COVID-19. These costs exclude employee expenses, judicial officer remuneration payments or County Koori Court expenses.
- vii. Capital asset charge: 0% (6.4% 2020–21)**
 As described under Note 5, a capital asset charge has been recognised as an expense in the County Court's financial report.
- viii. Registry: 1.72% (4.6% 2020–21)**
 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-represented litigants, managing fee waiver applications, co-ordinating circuit courts in conjunction with regional registrars, and providing excellent customer service to court users.
- ix. Judicial support officers: 4.51% (10.8% 2020–21)**
 Judicial support officers support judicial officers in the conduct of courtroom operations, judicial services and interaction with parties. Judicial support officers expenses includes employee costs and supplies but excludes costs incurred when staff attend regional circuit courts.

NOTES TO THE COMPREHENSIVE OPERATING STATEMENT AND CAPITAL PROGRAM STATEMENT

1. **Appropriations** – once annual Parliamentary appropriations are applied by the Treasurer, they become controlled by CSV and are recognised as income when applied to the purposes defined under the relevant Appropriations Act.
 - a. **Output appropriations** is defined as income for the purpose of delivering the outputs CSV and the County Court provide to the government. Recognition of output appropriation occurs when those outputs have been delivered and the relevant minister has certified delivery of those outputs in accordance with specified performance criteria.

Output appropriations in 2021–22 totalled \$297.448 million which was an increase of \$219.089 million in comparison to 2020–21. The County Court was successful in receiving additional funding for the purchase of the County Court facility, and government initiatives and programs such as reducing reoffending and improving community safety (Court Integrated Services Program), community engagement, the Drug and Alcohol Treatment Court (DATC), and the Capital Program.
 - b. **Special appropriations** is defined as income recognised on a cash basis when the amount appropriated for that purpose is due and payable, with the exception of long service leave and annual leave which include income for unpaid leave on an accrual basis.

Special appropriations in 2021–22 totalled \$44.239 million which was an increase of \$6.725 million in comparison to 2020–21 due to an increase in judiciary officers to help address case backlogs caused by delays experienced during the COVID-19 pandemic.
2. **Employee expenses and judicial officer remuneration** encompasses all costs related to employment, including wages and salaries, fringe benefits tax, leave entitlements, superannuation, termination payments, and WorkCover premiums.

Employee expenses in 2021–22 totalled \$73.831 million which was an increase of \$8.134 million in comparison to 2020–21. This was influenced by staffing resources for new government initiatives and programs, and enterprise agreement salary increases.
3. **Depreciation and amortisation** is generally calculated on a straight-line basis at rates that allocate the asset's value, less any residual value, over its estimated useful life.
4. **Interest expense** represents \$0.773 million in costs incurred in 2021–22 which are directly associated with the Public Private Partnership (PPP) County Court facility finance lease servicing payments. The PPP finance lease component was fully paid out on 23 May 2022.
5. **Grants and other transfer** – a grant payment of \$0.410 million.
6. **Capital asset charge (CAC)** is a charge levied on the written-down value of controlled non-current physical assets. CAC aims to attribute a cost of capital used by the Court in service delivery. Imposing this charge provides incentives for the Court to identify and dispose of underutilised or surplus non-current physical assets. The capital asset charge ceased on 30 June 2021 due to changes in government policy.
7. **Supplies and services** incorporate provision of services payments totalling \$30.068 million in 2021–22 which involve technology, security, building management and maintenance, office supplies and equipment, resourcing court improvements, new initiatives, and circuit court expenses.
8. **Compensation payment** – settlement of the purchase of the County Court facility.
9. **Other economic flows included in net result** represents net gain/(losses) on non-financial assets and are changes in the volume or value of an asset or liability that do not result from transactions. Other gains/(losses) from other economic flows include the gains or losses from the revaluation of the present value of the long service leave liability due to changes in bond interest rates.
10. **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.
11. **Capital transactions** represents capital costs of \$126.935 million in 2021–22, of which \$108.656 million relates to the purchase of the County Court facility, \$15.302 million was associated with the PPP right-of-use lease payments for the County Court facility and the remaining capital expenditure of \$2.974 million is spent on technology, equipment, and building improvements.

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