



SUPREME COURT OF
TASMANIA

ANNUAL REPORT

2018 / 2019

The Chief Justice's
Annual Report
For the Supreme Court of Tasmania

2018–19

This report is submitted in accordance with section 194H of the Supreme Court Civil Procedure Act 1932, pursuant to which the Chief Justice is to provide a report to Parliament. This report is to include details as to the administration of justice in the Court during the current year and any other matters that the Chief Justice considers appropriate.

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From the Chief Justice



In my two previous annual reports, I said that the Court faced two major challenges in relation to its workload – a substantial backlog of pending criminal cases, and an increasing quantity of appeals and applications by remand prisoners seeking bail. In the year ending 30 June 2019 both problems again became significantly worse.

There are two possible strategies that can be implemented to reduce these problems:

- The Government could provide additional funding to the Court, the Director of Public Prosecutions, and the Legal Aid Commission, to enable more cases to be disposed of.
- Legislation could be passed and implemented for the purpose of reducing the Court's workload.

The Tasmanian Government is well aware of these problems and the steps that can be taken to address them. Its response has been inadequate.

BACKLOG OF CRIMINAL CASES

The number of first instance criminal cases awaiting finalisation has not just continued to grow. It has grown more quickly.

The number of cases pending as at 30 June 2019 was 680. That figure indicates that the average time taken to finalise a case is about 17 months from the time of the committal order, or nearly 2 years from when a person is arrested or charged.

The number of cases finalised during the reporting year was 480, down slightly from the previous year's figure of 493. However the number of new committals increased from 575 to 667. The result is that the Court's clearance rate for first instance criminal cases dropped from 85.7% in 2017/18 to 72.0% in 2018/19. The clearance rate needs to exceed 100% in order for the backlog to be reduced.

The growth in the number of new criminal cases has been substantially contributed to by two policy decisions over which the Court had no control. First, with effect from 19 September 2017, dangerous driving ceased to be a summary offence dealt with in the Magistrates Court, and became a crime that had to be dealt with in the Supreme Court. The reporting year was the first full year when all dangerous driving cases had to come to this Court. Secondly, the Director of Public Prosecutions revised his guidelines during the reporting year so that many assault cases involving choking, smothering or strangulation that would previously have given rise to charges under the *Police Offences Act 1935* and been dealt with by magistrates are now the subject of charges under the *Criminal Code* and being dealt with in the Supreme Court.

The number of new assault cases increased from 64 in 2017-18 to 143 in 2018-19, an increase of 123%. The number of dangerous driving cases has grown from 0 in 2016-17 to 34 in 2018-19.

The following steps were taken during the reporting year to address the problem of the workload in the criminal jurisdiction:

- Part-time acting judges continued to deal with criminal cases. Of five acting judges who were appointed for two-year terms in early 2017, three were re-appointed for two more years in early 2019. The acting judges have sat in the criminal jurisdiction in Hobart, Launceston and Burnie.
- Miscellaneous criminal matters were dealt with in one of the civil courts in Hobart on one day per week so as to make more time available for trials in the criminal courts. The matters dealt with on those days included directions hearings, pleas of guilty, bail matters, and applications for preliminary proceedings.
- In addition to routine criminal trial sittings, criminal trials were held on an ad hoc basis in one of the civil courts in Hobart and in Court No 2 in Launceston. Miscellaneous criminal matters were also listed on an ad hoc basis in the civil courts from time to time. As a result, there were seven judges sitting in crime on 13 June 2019, probably for the first time in the history of the Court.
- Arrangements were made for a concentrated trial period of nine weeks, to commence in October 2019 in Hobart.
- Throughout the reporting year the Court maintained its policy of conducting directions hearings in relation to pending cases as a matter of routine, with a view to expediting their finalisation.
- On many occasions, sentencing judges made comments as to the size of the discounts received or receivable when accused persons plead guilty. Those comments were intended to encourage offenders to plead guilty, and to do so at an early stage, with a view to reducing the number of trials and the time spent in pre-trial procedures.

As in the previous year, the Court could have made more use of the acting judges and disposed of more criminal trials if both the Director of Public Prosecutions and the Legal Aid Commission had greater resources and had therefore been able to bring more matters to trial.

In November 2018, the Court introduced a policy of expediting the disposition of sexual cases involving children as witnesses. This policy applies to all sexual cases with complainants aged under 18. Each such case is now managed by a judge with a view to it being finalised as expeditiously as possible.

THE NUMBER OF JUDGES

From 1984 until September 1995, this Court had seven judges. Since September 1995, it has been operating with one judge less than the full strength provided for in the *Supreme Court Act 1887*. In my previous annual report I said that the workload of the judges was totally unsustainable and that, for the sake of the judges' health and wellbeing, and for the avoidance of the risk of burn-out and/or untimely early retirement, it was imperative that a seventh full-time judge be appointed without delay.

On 23 May 2019 in his 2019-20 Budget Speech, the Treasurer, the Hon Peter Gutwein MP, announced that the Government would allocate "\$2.2 million to support an additional Supreme Court Judge". That announcement was misleading. Many people gained the impression that that announcement related to the year 2019-20. The true position was revealed in Budget Paper No 2, Volume 1, at page 136, in Table 6.1. It was revealed there that the announcement related to the forward estimates for the years 2021-22 and 2022-23. In other words, the Government proposes to restore the size of the Court by appointing a seventh judge, but not before July 2021.

If the number of pending criminal cases continues to grow at the present rate, there will probably be about 1,000 pending cases by July 2021, and the average time for disposal of a case will probably be more than two years from the date of the committal order (not the date of arrest). The budget papers also revealed that the Government proposes to discontinue funding for acting judges once a seventh judge is appointed.

The budget papers also revealed that the Government had decided not to cut the funding of the Director of Public Prosecutions as previously proposed, but to increase the funding for his office slightly. That increase will make no significant difference to the number of cases that the Director and his staff can prepare for finalisation by trial or otherwise.



Symposium on Interpreters (see p.11). Front L-R: Alison O'Neill, CEO Migrant Resource Centre (Tas) Inc, Justice Helen Wood, Chief Justice Alan Blow AO, Professor Sandra Hale, Mark Painting (CEO NAATI), Wanda Buza (Assistant Director, Department of Premier and Cabinet). Back L-R: Maria Dimopolous, Consultant, Multicultural and Diversity Issues, Jim Connolly (Registrar), Magistrate Ken Stanton and Dr Rocco Loiacano (President AUSIT).

THE DISTRIBUTION OF CRIMINAL BUSINESS

In my previous annual report I suggested a number of legislative changes that could be considered with a view to reducing the Supreme Court's workload. One of my suggestions was an expansion of the categories of crimes which defendants may elect to have dealt with in the Magistrates Court. In May 2019, the Magistrates Court (Criminal and General Division) Bill 2019 was introduced into Parliament by the Attorney-General, the Hon Elise Archer MP. The Government had an opportunity to make a significant difference to the workload of the Supreme Court by using that Bill to redraw the jurisdictional boundaries between it and the Magistrates Court. However the Government took very little advantage of that opportunity. The Bill provided for the jurisdictional limit in relation to crimes of dishonesty to be revised, so that magistrates will be able to deal with cases involving property worth up to \$100,000 instead of \$20,000, and a lot of rarely charged crimes of dishonesty have been added to the list that can be disposed of in the Magistrates Court if defendants so elect. But those limited changes will make little difference to the workload of the Supreme Court, and are not likely to come into effect for some years.

It remains the position that criminal prosecutions constitute roughly 80% of the work of the judges, and that only about 20% of the sentences imposed by the judges are sentences of imprisonment for two years or longer. More needs to be done to reduce the Supreme Court's workload by making legislative changes that result in a greater proportion of the State's criminal work being disposed of in the Magistrates Court.

RETIREMENTS AND APPOINTMENTS

The appointments of two part-time acting judges of the Court expired during the reporting year without them being reappointed. The appointment of the Hon Lautalatoa Pierre William Slicer AO, QC expired on 30 January 2019. That of the Hon Bernard Daniel Bongiorno AO, QC expired on 20 March 2019. I am very grateful for their invaluable assistance, without which the Court's backlog problem would now be significantly worse.

On 25 January 2019, Her Excellency the Governor reappointed the Hon Brian Ross Martin AO, QC, the Hon Shane Raymond Marshall, and the Hon David James Porter QC to be part-time acting judges for a further two years from that date.

Two legal practitioners were appointed as senior counsel on 3 June 2019, namely Paul Turner and Kate Louise Mooney.

JUDICIAL RETIREMENT BENEFITS

Each Australian State and Territory has a Supreme Court. The Supreme Court of Tasmania is the only Supreme Court in the country whose serving judges will not be eligible to receive judicial pensions on retirement. Instead they are entitled to superannuation benefits. The Tasmanian Government pays superannuation contributions at the rate applicable to employees in the Tasmanian State Service, currently 9.5% of gross salary. Substantially higher percentages are paid by the Commonwealth for the benefit of judges of the Federal Circuit Court of Australia, and by the Government of New Zealand for the benefit of that country's judges.

It seems inevitable that recruitment and retention of talented judges will become more and more difficult if nothing is done to alleviate the judges' increasing workload or to improve the nature of the judicial superannuation arrangements. In the circumstances, the Government should consider a number of steps that could be taken, including the reintroduction of judicial pensions, increasing superannuation contributions, or increasing the judicial retirement age. New South Wales recently increased its judicial retirement age from 72 to 75. Such an increase would alleviate recruitment problems, and would enable judges, by working longer, to make better provision for their retirement.



The Hon Alan Blow AO
Chief Justice of Tasmania
4th November 2019



Year at a glance

SCORECARD

The following tables provide summaries of the Court's caseload in the 2018-19 year.

A detailed review of the operations and performance of the Court to 30 June 2019 is contained within the appendices of this report.

Jurisdiction	Lodgements	Appeals	Finalised First Instance	Finalised Appeals	Bail Applications
Criminal	667	32	480	29	384
Civil	627	55	663	77	n/a
Total	1,294	87	1,143	106	384

Jurisdiction	Lodgements	Caveat	Application for Reseal	Advice	Total
Probate	2,069	16	40	26	2,151

Jurisdiction	Conducted	Settled at Conference	Settled after Conference (within 30 days)	Total Settled	
Mediation	124	31	45	76	61%

OUR ACHIEVEMENTS

- Management of an increasing number of bail applications and criminal first instance matters.
- Establishment of a case management regime for all criminal cases involving complainants in sexual offences aged under 18 years.
- Finalisation of the implementation of integrated audio visual solutions for all courts.
- Significant progress in the development of an electronic court of appeal.
- Implementation of a dashboard reporting system for all Supreme Court performance data.



OUR STRUCTURE AND JURISDICTION

STRUCTURE

The Supreme Court of Tasmania, created by the Charter of Justice 1823, forms part of a multi-layered court system which exercises both Federal and State jurisdictions. The Supreme Court is the superior court of the State; it is equal in status to but independent of the Legislature and the Executive.

Unlike many other Supreme Courts, the Court is not divided into divisions. All judges hear matters at first instance and on appeal, in both the Criminal and Civil jurisdictions.

Australian court systems are hierarchical with most States adopting three levels of courts:

- Magistrates (or Local) Courts.
- District (or County) Courts.
- Supreme Courts.

In Tasmania, there are only two levels in the court hierarchy: the Supreme Court and the Magistrates Court.

JURISDICTION

The jurisdiction of the Supreme Court falls into two categories:

- Matters in which it exercises original jurisdiction; and
- Matters in which it has an appellate jurisdiction.

Original Jurisdiction

Original jurisdiction means that a matter comes before the court for decision for the first time.

Criminal Law Matters

People accused of serious offences, called crimes or indictable offences, are dealt with in the Supreme Court. Preliminary hearings are conducted in the Magistrates Court.

If the defendant pleads guilty in the Magistrates Court it is ordered that he or she appear in the Supreme Court for sentencing by a judge. If the defendant pleads not guilty and there is to be a trial, it is ordered that he or she appear in the Supreme Court for trial, by a jury of twelve people, in a court presided over by a judge. Those found guilty by the jury are then sentenced by the judge.

When the Supreme Court deals with criminal matters it is often referred to as the Criminal Court.

Civil Matters

Whilst the Supreme Court has jurisdiction in all civil matters, normally only those matters involving a dispute over a sum in excess of \$50,000 are dealt with in this court. These cases are usually tried by a judge alone but, in some cases, a party may choose to be tried by a jury of seven people.

Appellate Jurisdiction

In its appellate jurisdiction the court determines appeals from single judges, from the Magistrates Court and from tribunals, where there is a right of appeal to the Supreme Court. There is a right of appeal to the Supreme Court from the decision of a magistrate and from most tribunals although, in some cases, only on questions of law and not on questions of fact.

Criminal Matters

Appeals from the decision of a Supreme Court judge and jury are usually heard by a court consisting of three Supreme Court judges called the Court of Criminal Appeal. A convicted person may appeal either his/her conviction or the sentence imposed. See s 407 of the Criminal Code.

Civil Matters

Where a civil matter has been determined by a single judge of the Supreme Court, or a judge and jury, a party has a right of appeal to a court consisting of (usually) three Supreme Court Judges. This is called the Full Court of the Supreme Court. See r 659 of the Supreme Court Rules 2000.

High Court

Appeals from the Court of Criminal Appeal and the Full Court are heard in the High Court of Australia.

OUR REGISTRIES

CRIMINAL REGISTRY

The Criminal Registry receives and processes:

- documents lodged by the Director of Public Prosecutions (Tasmanian and Commonwealth), which initiate criminal proceedings, and lists criminal trials, sentencing and other hearings.
- appeals and applications for leave to appeal and prepares appeal documentation for use by the Court of Criminal Appeal.

CIVIL REGISTRY

The Civil Registry receives and processes:

- all documents lodged in the civil jurisdiction of the Court.
- applications to review decisions from the Magistrates Court and statutory tribunals.
- appeals to the Full Court and single judge appeals.

It is also:

- the first point of reference for enquiries from the public and the legal profession.
- responsible for managing the Court's records, and the listing and case management functions for the Court's civil and appellate jurisdictions.

PROBATE REGISTRY

The Probate Registry issues grants appointing legal personal representatives (executors or administrators) to administer the estates of deceased persons.

DISTRICT REGISTRIES

The Court maintains district registries in Launceston and Burnie to deal with civil and criminal matters.

OUR PEOPLE

- 6 permanent Judges.
- 3 Acting Judges (part-time).
- 1 Associate Judge.
- 1 Registrar.
- 25 Registry staff.
- 27 judicial support staff.
- 4 corporate support staff.

OUR BUDGET

- \$10.711M revenue.
- \$9.295M expenditure.

Our Judges



L-R: Justice Greg Geason, Justice Robert Pearce, Justice Helen Wood, Chief Justice Alan Blow AO, Justice Stephen Estcourt AM, Justice Michael Brett, Associate Justice Stephen Holt.

Judges of the Supreme Court are appointed by the Governor on the advice of the Executive Council (comprising the Premier of Tasmania and State Ministers) and from the ranks of barristers and solicitors with at least ten years' standing in their profession.

The Bench of the Supreme Court consists of the Chief Justice and a number of other judges, known as puisne (subordinate) judges. Currently there are five full-time puisne judges and three part-time acting judges.

The Governor appoints the Associate Judge of the Supreme Court in the same manner as a judge. The Associate Judge:

- assists the judges in conducting the civil jurisdiction of the Court.
- deals with interlocutory (procedural) applications in civil matters before they come on for trial.
- can hear and determine many cases that formerly could only be heard by a judge. This legislative change has helped the Court manage its caseload.

Section 2 of the Supreme Court Act 1887 provides that the Court consists of a maximum of seven judges (excluding acting judges). The Court currently has the following judicial officers:

THE CHIEF JUSTICE:

- The Honourable Alan Michael Blow AO.

THE FULL-TIME PUISNE JUDGES:

- The Honourable Helen Marie Wood.
- The Honourable Stephen Peter Estcourt AM.
- The Honourable Robert William Pearce.
- The Honourable Michael Joseph Brett.
- The Honourable Gregory Peter Geason.

THE ACTING JUDGES:

- The Honourable Brian Ross Martin AO.
- The Honourable Shane Raymond Marshall.
- The Honourable David James Porter.

THE ASSOCIATE JUDGE:

- The Honourable Stephen James Holt.

JUDICIAL ACTIVITY

In addition to performing their judicial functions in court and in chambers, the Judges also engaged in a range of professional development activities and community activities.

Chief Justice Blow

- Attended a conference organised by the Hellenic Australian Lawyers Association in Rhodes, Greece (9 – 13 July 2018) and presented a paper.
- Attended the Annual Conference of the International Society for the Reform of Criminal Law in Montreal, Canada (16 – 18 July 2018).
- On 10 August 2018 hosted a function organised by the Law Society of Tasmania at the Court in Hobart for practitioners who had completed 40 years or more of legal practice.
- On 23 August 2018 attended a symposium on interpreters presented by the Judicial Council on Cultural Diversity.
- On 30 August 2018 spoke at Lawfest at the University of Tasmania.
- On 2 October 2018 attended a lecture by Professor Tim McCormack at the University of Tasmania, arranged by the Australian Academy of Law.
- Attended meetings of the Council of Chief Justices of Australia and New Zealand in Melbourne in October 2018 and in Sydney in April 2019.
- Took part in architectural tours of the Supreme Court's Hobart buildings arranged by the Clarence branch of U3A on 28 October 2018, and by Open House Hobart on 10 November 2018.
- Attended the Australian Institute of Judicial Administration's Appellate Judges' Conference in Brisbane on 2 November 2018.
- Attended the swearing in of the Hon William Alstergren as Chief Justice of the Family Court of Australia in Melbourne on 10 December 2018.
- Attended the Supreme and Federal Courts Judges' Conference in Hobart (19-23 January 2019).
- Delivered a paper entitled "Parliamentary Sovereignty – A Law Unto Itself" at the Seminar of the Australian and New Zealand Association of Clerks at the Table in Hobart on 22 January 2019.

- Presented awards at the annual dinner of the Order of Australia Association in Hobart on 13 April 2019.
- Served throughout the year as a member of the Governing Council and the Executive Committee of the Judicial Conference of Australia; attended its annual Colloquium in Melbourne in October 2018, and attended its annual Colloquium in Darwin (7 – 9 June 2019).

Justice Wood

- Organised the: *Symposium on National Standards on Working with Interpreters* 23 August 2018.

The focus of the Symposium was the National Standards on Working with Interpreters published by the Judicial Council on Cultural Diversity. It was held in court 1 of the Supreme Court and opened by the Chief Justice. The Symposium was attended by judicial officers and tribunal members, members of the legal profession, senior court staff of the Supreme Court and the Magistrates Court and interpreters. Justice Wood presented an overview of the National Standards and guest speakers included Consultant, Multicultural and Diversity issues Maria Dimopolous, Alison O'Neill CEO, Migrant Resource Centre, Wanda Buza, Assistant Director Strategic Planning and Communications and Professor Sandra Hale. A panel Q and A session was moderated by Maria Dimpolous with panellists Professor Hale, Wood J, Magistrate Ken Stanton, Mark Painting, CEO NAATI and Dr Rocco Loiacano President AUSIT. Videos on the Standards were shown and the attendees were provided with a folder of information including fact sheets on the Standards.

- Presented on *The National Standards on Working with Interpreters*, delivered to the Guardianship and Administration Board State Conference in Campbell Town on 9 November 2018.
- Attended regular meetings of the Tasmania Law Reform Institute as a member of the Board.

- Attended meetings on 25 -26 October 2018 in Adelaide and 9-10 May 2019 in Brisbane as a member of the Judicial Council on Cultural Diversity and member of the Cultural Diversity Justice Network. A member of sub-committees including one relating to a plain English glossary for interpreters which conferred on a regular basis by telephone.
- Attended the Supreme and Federal Court Judges' Conference in Hobart 19-23 January 2019 and was the convenor for a panel session "Cultural Diversity: A trauma informed approach".
- Participated as a "judge" for the Legal Practice Course Supreme Court Advocacy Program in 2018 and also the workshop on Advocacy Training offered by Professor Lyons on 12 June 2019.
- Presented a paper "Tendency Evidence in criminal trials involving sexual crimes" delivered to the Law Society Criminal Law Conference on 1 March 2019.
- Participated as a panel member in a seminar hosted by Tasmania Women Lawyers on careers in the law. Participated as a panel member in a session hosted by the University Law School for the 125th Anniversary of the Law School.

JUSTICE ESTCOURT

Published:

- Thinking machines and Smiley Faces Article about artificial intelligence aids for the judiciary. This article was first published by Thomson Reuters in the Australian Law Journal and should be cited as (2019) 93 ALJ 855.
- The Arrival of the Hibernia and the First Year of the Supreme Court article published in Law Letter: Journal of the Law Society of Tasmania 2019 Winter 137 Law Letter 10.
- A wise man: the life of Justice Nettlefold. This article was first published by Thomson Reuters in the Australian Law Journal and should be cited as (2019) 93 ALJ 623.
- Section 72 of the Code and Criminal Negligence article published in Law Letter: Journal of the Law Society of Tasmania 2019 Summer/Autumn 136 Law Letter 12.

- Social Media as Evidence. Paper presented to the New Technology and Trial Practice Workshop in Port Moresby, Papua New Guinea 18-20 March 2019.
- Around the nation: Tasmania: Regulation of All-terrain Vehicles This article was first published by Thomson Reuters in the Australian Law Journal and should be cited as (2018) 92 ALJ 596.

JUSTICE PEARCE

- Attended the Interpreters' Symposium hosted by the Supreme Court in Hobart on 23 August 2018.
- Hosted the Supreme Court Building Open Day, Launceston on 8 September 2018.
- Attended the Supreme and Federal Court Judges' Conference, Hobart between 20 and 23 January 2019.
- Participated in the debate at New Town High School between judges and students as part of the celebrations of the school centenary on 6 March 2019.
- Provided advocacy training during mock trials conducted at the School of Legal Practice on 12 April 2019.
- Spoke at the University of Tasmania function at Inveresk to mark the 125th Anniversary of the Faculty of Law on 30 May 2019.
- Delivered a continuing legal education lecture at the Law Society (Hobart) on 6 June 2019.
- Delivered a continuing legal education lecture to the Law Society (Launceston) on 13 June 2019.

JUSTICE BRETT

- Throughout the first 6 months of the year, chaired the local committee which organised the Supreme and Federal Court Judges' conference held in Hobart in January 2019, and attended and conducted duties at the conference.
- On 25 May 2019, attended a meeting of the national Steering committee for that conference, in the capacity of treasurer. The meeting was held in Sydney.
- Throughout the year, attended various meetings as a director of the board of Centre for Legal Studies Ltd, and convened and participated in the Supreme Court module for the legal practice course.

- On 1 March 2019, presented to the Law Society of Tasmania Criminal Law conference, as part of a panel, on the topic of “Legal Ethics”.
- On 16 March 2019, attended a meeting of the governing council of the Judicial Conference of Australia, held in Sydney.
- On 18 May 2019, presented a session to the annual conference of the Family Law Practitioners Association of Tasmania on the topic of “Ethics for Family Lawyers”.

EDUCATION AND COMMUNITY ENGAGEMENT

The Court continued to engage with educational and research institutions. It:

- Participated once again in Open House Hobart (November 2018), organised by the Australian Institute of Architects. This event provides the public with access to architecturally significant buildings in and around Hobart. Three judges and the architect of the Court buildings, Peter Partridge, led the tours of the Court which included the courtrooms, cells and back of Court areas.
- Provided the Sentencing Advisory Council with data for a project relating to sentencing trends.
- Assisted a University of Tasmania student in a thesis on the effectiveness of expert testimony in the Courtroom.
- Provided data to other government agencies to develop an Action plan Against Sexual Violence.

The Court also launched its new website in May 2019. The modernised site provides information for persons attending court or simply wanting to know more about the court, its history and its work. The site allows members of the public to subscribe to an email service advising them of updates in court procedures, the publication of sentences and the publication of the daily list.

Courtrooms continue to be provided for the University of Tasmania Law School’s moots to give students the experience of arguing their case in the court environment. A number of students from local schools and colleges came to the court to gain work experience. The experience aims to give them a broad understanding of all the functions of the Court.

The Judges gave lectures at the Tasmanian Legal Practice Course as well as presiding over litigation and advocacy exercises for the Course trainees.

LEGISLATIVE AMENDMENTS

- In the reporting year the legislative changes relating to the work of the Court included the following:
- With effect from 9 October 2018, s 146 of the *Land Titles Act 1980* was amended so as to simplify the procedure for mortgagees’ and lessors’ applications for orders for possession of real estate. An applicant now needs only to file an application and a supporting affidavit. Previously it was necessary for an applicant to apply for an order authorising the issue of a summons, obtain that order, and then have a summons issued.
- The *Sentencing Act 1997* was amended with effect from December 2018 to give judges the power to make home detention orders. Another amendment empowered magistrates to order pre-sentence reports when defendants plead guilty and are committed to the Supreme Court for sentence.
- Section 125A of the *Criminal Code* was amended with effect from December 2018. That section relates to the crime of maintaining a sexual relationship with a young person under the age of 17 years. On a trial on that charge, the Crown bears the burden of proving beyond reasonable doubt that the accused committed an unlawful sexual act in relation to the young person on at least three occasions. As a result of the High Court’s decision in *Chiro v The Queen* [2017] HCA 37, 260 CLR 425, it had become necessary, when a jury returned a verdict of guilty, to ask the jury to identify the occasions in respect of which unlawful sexual acts had been proven. The section was amended so that, for sentencing purposes, a trial judge may determine which unlawful sexual acts have been proven, without having to ask any questions of the jury.
- With effect from December 2018 the *Criminal Code* was amended to provide for a new crime called “Persistent family violence”.
- The *Supreme Court Civil Procedure Act 1932* was amended by an Act that received the Royal Assent on 28 June 2019. The amendments made provision for class actions, the awarding of pre-judgment interest in relation to damages, the expansion of the associate judge’s jurisdiction so that he can hear interlocutory applications relating to appeals, and the making of rules as to the Court’s admiralty jurisdiction.

Operations

CRIMINAL

Criminal matters are those in which an accused person is charged with an indictable offence. Upon entry of a plea of not guilty, an indictable offence is tried by a judge and a jury of twelve people

FIRST INSTANCE (NON-APPEAL)

The table below shows the number of lodgements and finalisations over time and per region for the Supreme Court:

Lodgements	2014-15	2015-16	2016-17	2017-18	2018-19
Burnie	99	90	105	124	161
Hobart	222	241	254	276	332
Launceston	148	118	153	175	174
Total	469	449	512	575	667

Finalisations	2014-15	2015-16	2016-17	2017-18	2018-19
Burnie	77	78	91	91	112
Hobart	224	217	218	254	244
Launceston	121	141	128	148	124
Total	422	436	437	493	480

Criminal (non-appeal) lodgements for the 2018-19 year experienced a significant increase, reaching a total of 667, compared to the 2017-18 total of 575 (a 14% increase). There was a slight decrease in the number of finalisations compared to the previous year.

The total lodgements was the highest volume of criminal non-appeal lodgements experienced by the Supreme Court since 2007-08. The increase was seen in Hobart which rose 20% from 276 lodgements in 2017-18 to 332 in 2018-19. The biggest increase was experienced in Burnie, rising 30% from 124 lodgements in 2017-18 to 161 in 2018-19. Conversely, Launceston experienced a decrease of one lodgement in the 2018-19 year (174) from the 2017-18 year (175).

Criminal (non-appeal) finalisations slightly decreased (3%) from 493 in 2017-18 to 480 in 2018-19. Finalisations have been typically increasing since 2013-14 up until the 2018-19 year. This consistency has been achieved despite the following factors:

- Complexity and length of trials increasing with greater use of expert witnesses and complex scientific evidence such as DNA evidence;

- More applications made during the course of trials, e.g. applications to have a witness declared unfavourable under s38 of the Evidence Act 2001;
- Greater reliance by the Crown on coincidence and tendency evidence resulting in lengthy disputes as to the admissibility of such evidence;
- An increased amount of surveillance device evidence;

Cases in which assault was the most serious offence charged accounted for the largest increase in the 2018-19 year, increasing by 123% (79) on the 2017-18 year.

The second highest increase was Dangerous Driving, accounting for a 113% (18) increase.

Given the surge and spread in lodgements, decreases were less significant on the previous year, with Wounding and Maintaining a sexual relationship with a young person under the age of 17 years experiencing a 13% and 41% decrease respectively.

The table below shows the pending case profile:

Criminal Pending	2014-15	2015-16	2016-17	2017-18	2018-19
1. Less than 12 months old	281	271	318	339	472
2. >= 12 and < 24 months old	73	82	90	132	146
3. >= 24 months old	34	28	40	53	62
Total	388	381	448	524	680

The 14% increase in lodgements and the 3% decrease in finalisations has meant that the clearance rate of the Supreme Court's Criminal Division has fallen to 72%.

The Supreme Court has put in place various plans to allow better management of criminal (non-appeal) caseload to be achieved, including the following:

- The continued use of part-time acting judges to complement the existing 6 full-time permanent judges.
- Scheduling additional criminal courts to sit, primarily in Hobart and Launceston.
- Allocation of acting Judges to sit on appeals to allow existing permanent judges some increased time to deal with other work.

BAIL MATTERS

The table below shows the number of bail applications heard at the Supreme Court:

	2014-15	2015-16	2016-17	2017-18	2018-19
Total	110	244	304	356	384

Bail matters continue to rise with the 2018-19 year experiencing a 7% increase from the 2017-18 year, and a 249% increase since the 2014-15 year.

Case Example - case finalised by trial.

State of Tasmania v Billinghamurst; State of Tasmania v Billinghamurst (No 1) [2018] TASSC3; *State of Tasmania v Billinghamurst (No 2)* [2018] TASSC4; *Billinghamurst v State of Tasmania* [2018] TASSCA 16

On 6 September 2013, the accused appeared in the Magistrates Court charged with trafficking in a controlled substance. It was alleged he and two other accused trafficked in various drugs at various places in Tasmania between about 1 July 2012 and 4 September 2013, a period of just over 14 months. The accused was remanded on bail to appear in the Magistrates Court on 27 September 2013. On that date, the accused was committed for trial to appear in the Supreme Court on 18 November 2013.

The matter was listed for a series of case management hearings until 25 October 2017 when it was listed for trial. During the trial, there were a number of legal arguments in relation to the admissibility of certain evidence. One legal argument involved the State seeking to admit evidence of two small bags of amphetamine seized by police following the interception of a motor vehicle. Counsel for the co-accused Jones made an application to exclude the evidence pursuant to s 138 of the *Evidence Act* 2001. The judge ruled that the evidence was admissible, as the evidence was not obtained improperly or in contravention of an Australian law; or in consequence of an impropriety or of a contravention of an Australian law.

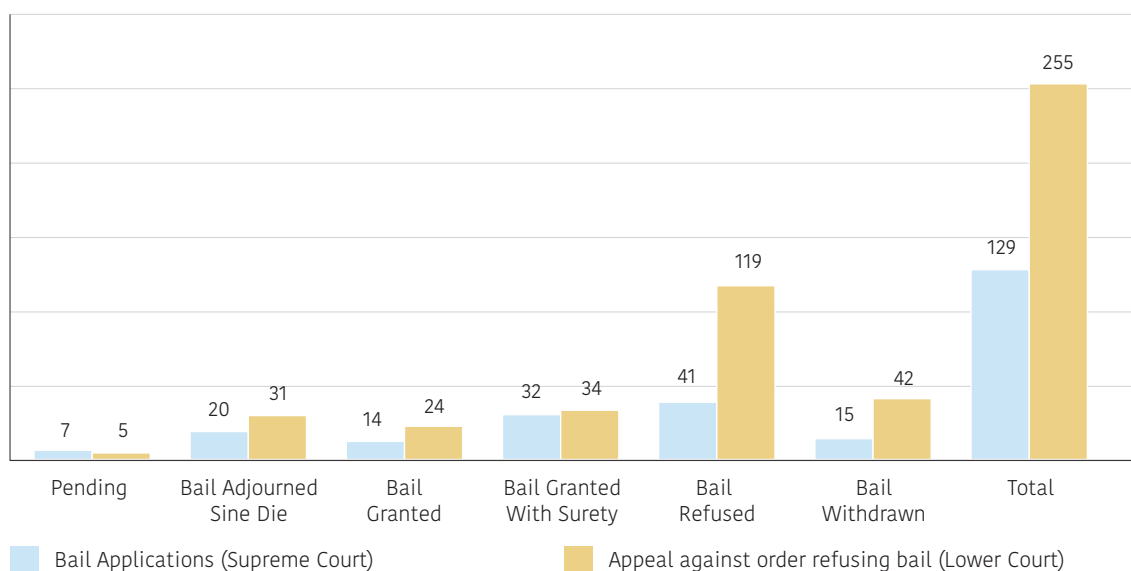
Another legal argument involved an application by counsel for Jones for the exclusion of evidence obtained during a police search carried out on 4 September 2013 on the basis that the accused Jones was not permitted to observe the search, contrary to s 13 of the *Search Warrants Act* 1997. Counsel for the accused Jones submitted that there was an impropriety and/or a contravention of an Australian law within the meaning of s 138 of the *Evidence Act*. The judge ruled that the evidence was admissible.

Following a 30 day trial concluding on 11 December 2017, the jury convicted the three accused of trafficking in a controlled substance. Following the verdict and the discharge of the jury, the trial Judge conducted a sentencing hearing, receiving submissions by the State and defence counsel as to a suitable sentence. On the same day, the accused was sentenced to 9 years' imprisonment with effect from 21 November 2017. The accused will be eligible for parole after he has served 6 years of that sentence.

On 18 December 2017, the accused filed a notice of appeal against sentence on the grounds that the sentence was manifestly excessive in all the circumstances and that the learned trial Judge erred in "failing to state reasons" for imposing a 6 year non-parole period. The appeal was heard by the Court of Criminal Appeal on 20 August 2018. On 10 October 2018, the Court of Criminal Appeal delivered judgment dismissing the appeal.

CASE STUDY

BAIL APPLICATIONS: METHOD OF INITIATION AND FINALISATION



Method of Finalisation - Bail Applications (Supreme Court)	Bail Applications (Supreme Court)	Appeal against order refusing bail (Lower Court)
Pending	7	5
Bail Adjourned Sine Die	20	31
Bail Granted	14	24
Bail Granted with Surety	32	34
Bail Refused	41	119
Bail Withdrawn	15	42
Total	129	255

Of the 384 bail matters, 66% (255) were appeals against orders refusing bail in the Magistrates Court (lower court), of which 23% (58) of the appellants were granted bail.

Supreme Court bail applications represented 33% (129) of total bail matters (384) of those 36% (46) were successful in being granted bail.

APPEALS (COURT OF CRIMINAL APPEAL)

The table below shows the CCA activity over time:

	2013-14	2014-15	2015-16	2017-18	2018-19
Total Lodgements	35	32	23	35	32
Total Finalisations	26	34	29	33	29

It is clear that the Supreme Court is managing criminal appeals in a timely manner.

CIVIL

Civil matters are those where the Court determines disputes involving sums in excess of \$50,000. The trials are usually conducted by a judge sitting alone, although there is provision for some cases to be tried with a jury of seven

The table below shows the lodgements and finalisations for civil first instance matters:

	2014-15	2015-16	2016-17	2017-18	2018-19
Total Lodgements	833	740	761	605	627
Total Finalisations	864	767	771	711	663

Civil (Non Appeal) lodgements for the 2018-19 year experienced a 3% (22) increase on the 2017-18 year. Finalisations decreased by 7% (48) in 2018-19 from the 2017-18 year.

APPEALS (FULL COURT APPEALS AND LOWER COURT APPEALS)

The table below shows the lodgements and finalisations for civil appeal matters:

	2014-15	2015-16	2016-17	2017-18	2018-19
Total Lodgements	94	82	85	67	55
Total Finalisations	80	74	77	48	77

FCA and LCA appeals (combined) lodgements have decreased from 67 in 2017-18 to 55 in 2018-19, a decrease of 18%. Finalisations have increased from 48 in 2017-18 to 77 in 2018-19, representing a 38% increase.

PROBATE

The table below shows the lodgements and finalisations for probate:

	2014-15	2015-16	2016-17	2017-18	2018-19
Probate Lodgements	2,394	2,427	2,419	2,336	2,069
Probate Grants	2,441	2,342	2,492	2,287	2,309

Probate lodgements decreased, from 2,336 in 2017-18 to 2,069 in 2018-19 by (11% decrease).

Grants of Probate increased slightly (22) in 2018-19 on the 2017-18 year (2,287).

MEDIATIONS

Mediation continues to be an effective method of dispute resolution in civil cases. The Court has the power to direct that a case be referred to mediation before it will be listed for trial. It provides expedition, saves costs and enables the parties to achieve a mutually acceptable resolution of the dispute. It is also now fully accepted by the legal profession as an essential step in proceedings. Without it, the Court would not be able to cope with its caseload.

Only a very small percentage of civil cases require resolution by a hearing in the court. Far more civil cases settle at mediation, or by negotiation between the parties.

The mediators are the Registrar, other court officers, and selected legal practitioners where necessary.

Financial Year	2014-15	2015-16	2016-17	2017-18	2018-19
Mediations Conducted	148	143	134	134	124
Matters Settled at Mediation	52	59	44	31	31
Percentage of Matters Settled at Mediation	35%	41%	33%	23%	25%
Total Matters Settled within 30 days of Mediation	98	92	79	81	45
Percentage of Total Matters Settled within 30 days of Mediation	66%	64%	59%	60%	36%

Matters settled at mediation rose by 2% (25%) in 2018-19, up from 23% in 2017-18.

SHERIFF AND ADMIRALTY

The Office of the Sheriff in Tasmania was created by the Charter of Justice published by Letters Patent in 1823 (which also established the Supreme Court). The Sheriff is a statutory officer appointed pursuant to the Sheriff Act 1873. The Sheriff also currently holds office as Registrar of the Supreme Court. The Charter of Justice enables the Sheriff to appoint deputies, and the Sheriff is represented at the Principal and District Registries by his deputies.

The functions of the Sheriff are prescribed by statute and include:

- administration of the Juries Act 2003.
- service and execution (enforcement) of court orders and judgments.
- court security.

JURIES

Juries are an integral part of the judicial system. By providing ‘trial by one’s peers’, they form the link between the community and the criminal justice system.

Jury service is a vital component of civic participation in our democracy and the criminal justice system. For many people it is the most direct contact they will have with this important community responsibility. In Tasmania, juries are used almost exclusively in criminal trials of serious indictable offences. Juries are only occasionally empanelled in civil trials in Tasmania.

The Sheriff is responsible for the administration of juries in accordance with the Juries Act 2003. This involves:

- maintaining the roll of potential jurors.
- determining each registry’s jury districts from which jurors are drawn.
- issuing juror summonses.
- determining applications for exemption or deferral.
- instructing jurors on their role within the justice system.
- administering juror expense claims.
- handling general enquiries.

The Court’s jury list is sourced from the electoral roll maintained by the Tasmanian Electoral Commission, and jurors are selected at random by computer. Juror summonses are issued which require jurors to attend Court unless they are exempted or have their jury service deferred.

Jury Statistics 2018-19

Registry	Jurors summoned	Jurors attended	Jurors Empanelled	Number of Trials
Hobart	4,498	1,243	582	54
Launceston	5,529	1,265	381	32
Burnie	3,366	771	254	21
Total	13,393	3,279	1,217	107

This year there were no civil jury trials conducted.

ENFORCEMENT OF COURT ORDERS

Writs to enforce judgments and orders of the Court are received by the Sheriff for immediate execution.

Execution of court orders outside the immediate precincts of the Hobart, Launceston and Burnie registries is usually entrusted to bailiffs (who are often Tasmania Police officers) by rule 903 of the Supreme Court Rules 2000.

If circumstances require, the Sheriff or his officers may execute any writ within the State. The number of writs of execution filed with the Court has decreased significantly this year from 54 (2017-2018) to 41.

- 25 were writs of possession (down from 30 last year).
- 11 were writs of fieri facias – or writs of delivery (equivalent to last year).
- 0 writs of Venditioni Exponas (same as last year).

This year there were 114 applications for orders for possession of premises, pursuant to section 146 of the Land Titles Act 1980 (down from 177 last year).

COURT SECURITY

Court security officers continue to provide support to the Court to ensure the safety and security of everyone who attends court.

Security officers are appointed as authorised officers (pursuant to s 4 of the Court Security Act 2017) with powers to:

- request identification from people entering the Court.
- request people entering the Court to deposit with the officer any items that falls within the definition of prohibited item under the Court Security Act.
- request people entering the Court to submit to a search of their person or belongings.
- direct someone to leave or not enter the Court; or remove someone from the Court.
- arrest any person on Court premises committing an offence under the Court Security Act.

Security monitoring devices used in the Court include walk-through metal detectors, hand-held metal detectors, X-ray baggage machines at court building entrances, and closed-circuit television surveillance equipment.

PROFESSIONAL REGULATION

Admission to the legal profession in Tasmania is by order of the Supreme Court of Tasmania. To gain admission the Court must be satisfied that the applicant is:

- eligible for admission (which must be certified by the Tasmanian Board of Legal Education), and
- suitable for admission.

To be eligible for admission one must have:

- appropriate academic qualifications (generally meaning a law degree that includes certain core subjects from an approved institution); and,
- appropriate practical legal training (generally meaning practical legal training from an approved facility or of an acceptable type).

The table below shows the number of admissions of legal practitioners in the Supreme Court of Tasmania:

	2014-15	2015-16	2016-17	2017-18	2018-19
Total	89	68	62	79	70

Appendices

FINANCE

RECEIPTS	FY 17/18	FY 18/19
Recurrent appropriation	5,974,553	6,179,171
Registry fees	732,806	984,783
Provision of transcript	26,396	54,458
Probate fees & charges	2,117,882	2,050,529
Mediation fees	14,767	507
Sheriff's fees	27,573	31,587
Court reporting	4,286	1,344
Video conferencing	0	0
Other receipts	685,195	1,409,223
TOTAL RECEIPTS	9,583,457	10,711,601

EMPLOYEE-RELATED EXPENDITURE	FY 17/18	FY 18/19
Salaries & wages	3,995,231	4,214,549
Fringe Benefits Tax	108,309	118,392
Payroll tax	0	0
Superannuation	487,979	518,803
Workers compensation insurance	245,654	223,813
Training	24,312	16,244
Other employee related expenses	21,716	82,335
TOTAL EMPLOYEE-RELATED EXPENDITURE	4,883,201	5,174,136

ADMINISTRATIVE & OTHER EXPENDITURE	FY 17/18	FY 18/19
Fuel, light & power	226,414	241,524
Advertising & recruitment	1,708	3,555
Rental	3,355	2,093
Communications	68,242	70,127
Travel	307,368	383,967
Consultancies	52,426	37,342
Printing & stationery	65,761	57,128
Rates	186,546	183,716
Repairs & maintenance	535,662	140,889
Minor equipment	17,049	38,975
Library materials	495,799	540,926
Computers & IT	464,383	471,638
Expenses of witnesses	121,511	106,553
Expenses of Jurors	563,029	623,139
Other administrative expenses	853,219	1,219,838
TOTAL OTHER EXPENDITURE	3,962,472	4,121,409

RESERVED BY LAW	FY 17/18	FY 18/19
Salaries & other entitlements of Judges	3,580,069	3,638,337
Salaries & other entitlements of the Associate Judge	416,520	424,838
TOTAL RESERVED BY LAW EXPENDITURE	3,996,588	4,063,175

OVERHEAD CONTRIBUTION TO THE DEPARTMENT OF JUSTICE	1,306,447	1,286,829
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HUMAN RESOURCES

Staffing	2016-17	2017-18	2018-19
Judiciary and Support:			
Judges and Associate Judge	7.20	8.26	8.30
Judges' Library	0.60	0.60	0.60
Judicial Support	13.95	15.56	16.56
Registry:			
Civil	7.25	6.59	6.90
Criminal	4.40	4.80	5.80
Probate	3.10	3.00	3.00
Office of the Sheriff	6.29	8.20	10.20
Corporate Services:			
Information Communication Technology	1.00	1.00	1.30
Transcription Services	8.65	8.81	9.80
Mediators	0.50	0.41	0.40
First Line Support Staff	3.00	3.00	2.70
Total:	55.94	62.12	65.56*

*The increases in staff full time equivalent (FTE) is mainly due to increased criminal case activity (both case management and sittings).

PERFORMANCE DATA

INTRODUCTION

The following statistical report provides details of the Court's caseload statistical performance for the 2018-19 financial year reporting period.

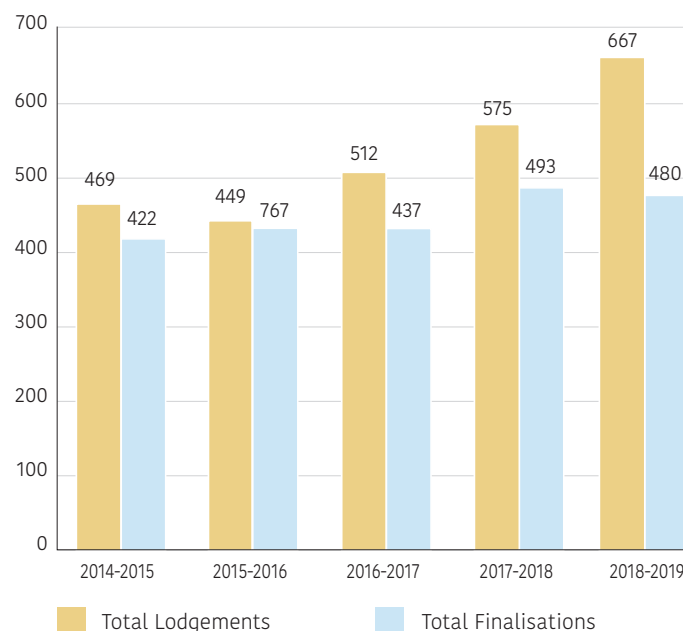
It consists of 22 reporting components that cover the Court's criminal, civil, appeal and probate jurisdictions, along with statistics on bail applications and conducted mediations.

DATA

The data used in the preparation of this report is as at 30th June 2019 and provides information for the 2018-19 financial year unless otherwise stated. It is important to note that data matures over time as matters progress. Therefore if data extractions occur at different times, slight variation in numbers and outcomes may result.

The data is extracted from the Civil Registry Management System (CRMS), the Criminal Case Management System (CCMS) and the Court's Jury Database.

CRIMINAL JURISDICTION - FIRST INSTANCE



Lodgements	2014-15	2015-16	2016-17	2017-18	2018-19
Burnie	99	90	105	124	161
Hobart	222	241	254	276	332
Launceston	148	118	153	175	174
Total	469	449	512	575	667

Finalisations	2014-15	2015-16	2016-17	2017-18	2018-19
Burnie	77	78	91	91	112
Hobart	224	217	218	254	244
Launceston	121	141	128	148	124
Total	422	436	437	493	480

Case Example - case finalised by trial.

State of Tasmania v Nowoczynski; Nowoczynski v State of Tasmania [2019] TASCCA 6

On 13 June 2016, the accused appeared in the Magistrates Court charged with murder. It was alleged he murdered a friend on 11 June 2016 following a physical argument after their four wheel drive was driven off an isolated road in the Central Highlands. The accused was remanded in custody to appear on 14 June 2016. On 19 July 2016, the accused was committed for trial to appear in the Supreme Court on 10 October 2016.

The matter was listed for a series of case management hearings until 6 February 2018 when the matter was listed for trial. Following an eight day trial concluding on 19 February 2018, the jury convicted the accused of murder.

On the same day, the trial Judge conducted a sentencing hearing, receiving submissions by the State and defence counsel as to a suitable sentence, and received victim impact statements. The trial Judge ordered that the Chief Forensic Psychiatrist provide a pre-sentence report as to the mental health of the accused. Two reports were provided to the Court and counsel in relation to the accused's mental health. On 14 September 2018, the trial Judge invited submissions from counsel in relation to those reports.

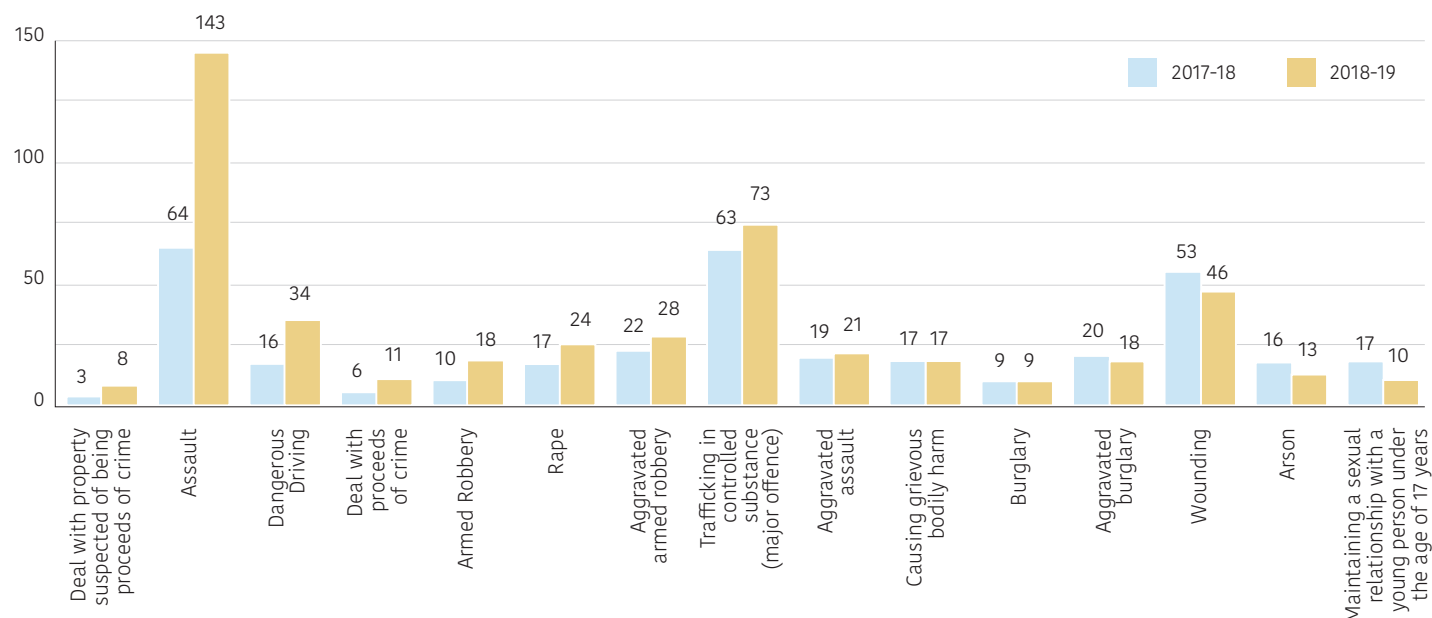
On 14 September 2018, the accused was sentenced to 22 years' imprisonment with effect from 12 June 2016. The accused will be eligible for parole after he has served 13½ years of that sentence.

On 26 September 2018, the accused filed a notice of appeal against sentence on the ground that the sentence was manifestly excessive in all the circumstances. The appeal was heard by the Court of Criminal Appeal on 29 May 2019. On the same day, the Court of Criminal Appeal dismissed the appeal.

CASE STUDY



CRIMINAL CASE LODGEMENTS BY OFFENCE



New lodgements with Assault as the most serious charge accounted for the largest increase in the 2018-19 year, increasing by 123% (79) on the 2017-18 year.

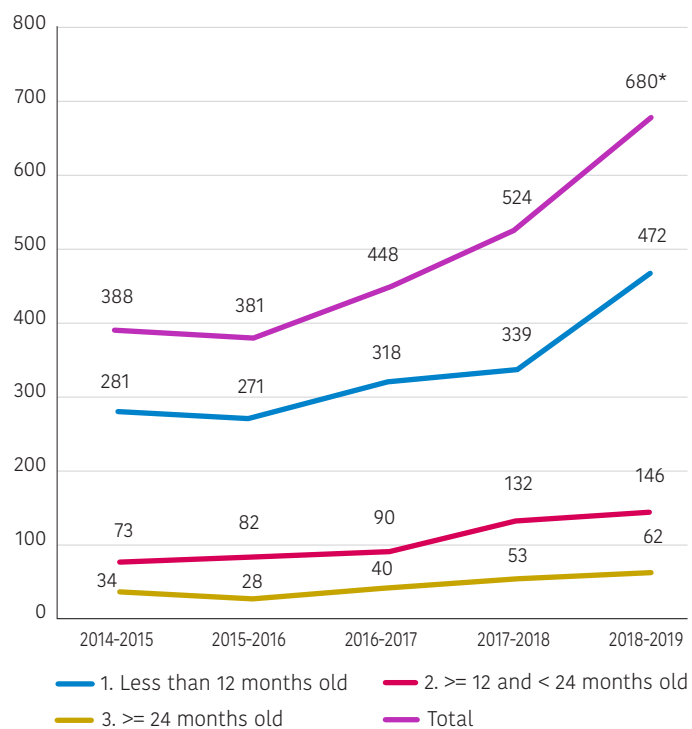
The second highest increase was Dangerous Driving, accounting for a 113% (18) increase.

Given the surge and spread in lodgements, decreases were less significant on the previous year, with Wounding and Maintaining a Sexual Relationship with a Young Person under the age of 17 years experiencing a 13% and 41% decrease respectively.

The remainder of all other most serious offences on new lodgements, accounts for 223 in the 2017-18 year and 194 in the 2018-19 year, meaning a 13% decrease in the spread of different most serious offences that sits outside the top 15 categories.

Code	ANZSOC Breakdown By Group	2017-18	2018-19	Variation	% change
831	Deal with property suspected of being proceeds of crime	3	8	5	167%
213	Assault	64	143	79	123%
412	Dangerous driving	16	34	18	113%
831	Deal with proceeds of crime	6	11	5	83%
611	Armed robbery	10	18	8	80%
311	Rape	17	24	7	41%
611	Aggravated armed robbery	22	28	6	27%
1021	Trafficking in controlled substance (major offence)	63	73	10	16%
212	Aggravated assault	19	21	2	11%
211	Causing grievous bodily harm	17	17	0	0%
711	Burglary	9	9	0	0%
711	Aggravated burglary	20	18	-2	-10%
211	Wounding	53	46	-7	-13%
1211	Arson	16	13	-3	-19%
311	Maintaining a sexual relationship with a young person under the age of 17 years	17	10	-7	-41%
	Other	223	194	-29	-13%
	Total	575	667	92	16%

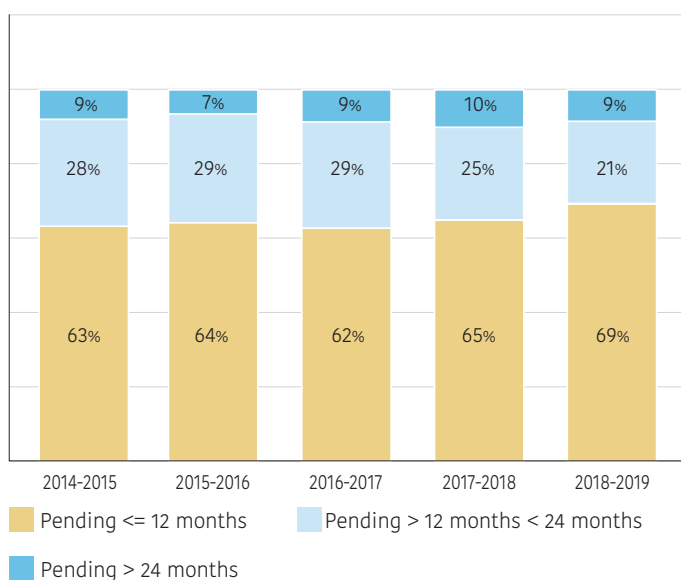
CRIMINAL PENDING - 5 YEAR TREND



*Reflecting a change in counting rules resulting in under reporting in previous years.

Criminal Pending	2014-15	2015-16	2016-17	2017-18	2018-19
1. Less than 12 months old	281	271	318	339	472
2. >= 12 and < 24 months old	73	82	90	132	146
3. >= 24 months old	34	28	40	53	62
Total	388	381	448	524	680

BACKLOG INDICATOR: CRIMINAL



	2014-15	2015-16	2016-17	2017-18	2018-19
Pending <= 12mths	63%	64%	62%	65%	69%
Pending > 12mths < 24mths	28%	29%	29%	25%	21%
Pending > 24mths	9%	7%	9%	10%	9%

The criminal (non-appeal) pending caseload (also referred to as backlog) has increased by 23% during the reporting year, from 524 in 2017-18 to 680 in 2018-19*. The backlog has increased by:

- 28% in cases aged less than 12 months.
- 9% in cases aged between 12 and 24 months.
- 14% in cases greater than 24 months.

*Reflecting a change in counting rules resulting in under reporting in previous years.

Case Example - Full Court Appeal.

Southern Cross Care (Tasmania) Incorporated v Paul [2018] TASFC 9

The appellant, Southern Cross Care (Tasmania) Incorporated is a non-profit organisation that owns and operates a series of retirement villages that include independent living units occupied by aged persons. A dispute arose as to its liability to pay council rates. Five councils issued rate notices requiring it to pay sums by way of “general rates”. The appellant contended that it was exempt under s 87(1)(d) of the *Local Government Act* 1993 because the units were owned and occupied for charitable purposes.

The appellant made five applications to the Magistrates Court for the review of the councils’ decisions to charge general rates.

On 23 February 2018 a magistrate, sitting in the Administrative Appeals Division of the Magistrates Court, held that the appellant was not exempt, and was liable to pay general rates.

On 21 March 2018, the appellant filed five notices of appeal in the Supreme Court asserting that the magistrate erred in the construction of s 87(1)(d) of the *Local Government Act* 1993 (Tas) and in construing agreements pursuant to which residents occupy the units as leases rather than licences.

On 16 April 2018, the Associate Judge made an order by consent that the five notices of appeal be jointly heard and that each appeal be set down for hearing before a Judge in Hobart. On 28 May 2018, Justice Estcourt ordered that the appeals be referred to the Full Court for hearing pursuant to r 692 of the *Supreme Court Rules* 2000.

Prior to the hearing counsel for the appellant and respondents filed written submissions. The appeal was heard on 1 October 2018. The Full Court reserved its decision.

On 12 November 2018, the Full Court allowed the appeals and made the following orders as to each appeal:

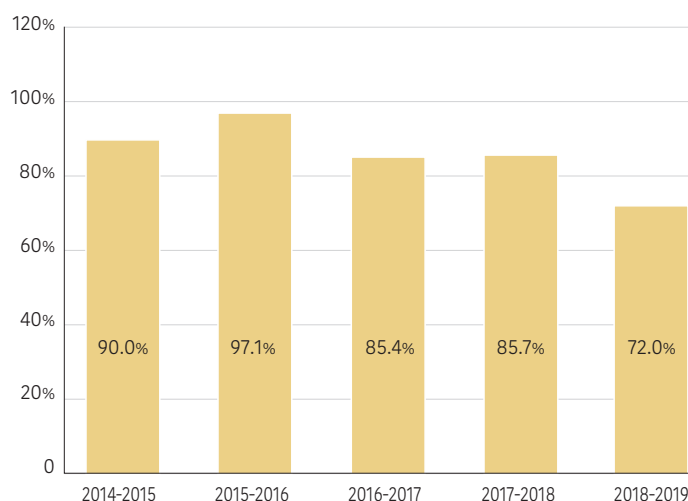
1. Order of the Magistrates Court (Administrative Appeals Division) set aside.
2. Decision of the respondent set aside.
3. That the rates notice to which the appeal relates be amended by deleting the requirement to pay any general rate.
4. That the respondent cause to be repaid to the appellant all monies paid by the appellant in the form of general rates pursuant to that rates notice.

The appellant made an application for its costs of and incidental to each of the appeals. The Full Court ordered that the respondents pay the appellant’s costs of and incidental to the appeals and that an indemnity certificate pursuant to the *Appeal Costs Fund Act* 1968 be granted to each respondent.

On 10 December 2018, the respondents filed five applications for special leave to appeal to the High Court of Australia. On 13 March 2019, pursuant to r 41.08.1 of the *High Court Rules* 2004 (Cth) the applications were decided on the papers and were dismissed with costs.

CASE STUDY

CRIMINAL CASE (FIRST INSTANCE) CLEARANCE RATES



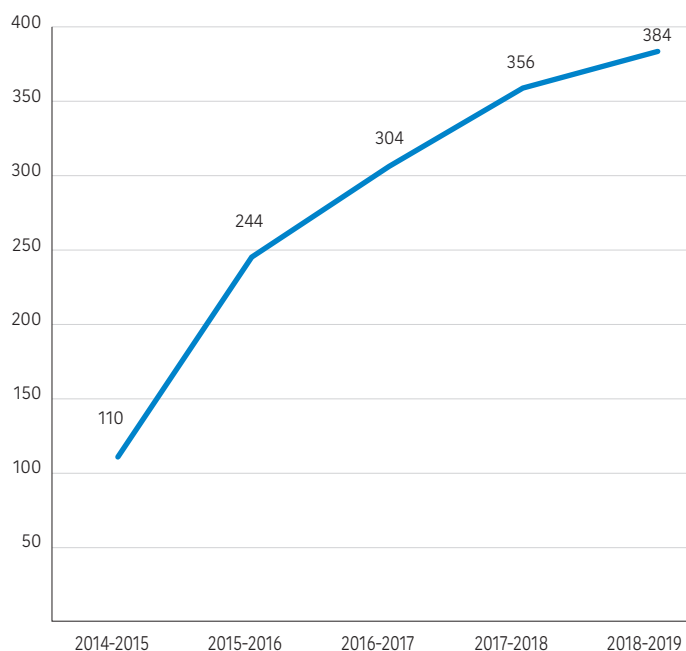
	2014/15	2015/16	2016/17	2017/18	2018/19
First Instance Clearance Rate	90.0%	97.1%	85.4%	85.7%	72.0%

The 14% increase in lodgements and the 3% decrease in finalisations has meant that the clearance rate of the Supreme Court’s Criminal Division has fallen to 72%.

The Supreme Court has put in place various plans to allow better management of criminal (non -appeal) caseload to be achieved, including as follows:

- The continued appointment of acting judges to complement the existing 6 full-time permanent judges,
- Scheduling additional criminal courts to sit, primarily in Hobart and Launceston to ensure that the backlog is managed,
- Allocation of acting Judges to sit on appeals to allow existing permanent judges some increased time to prepare judgments, sentences etc.

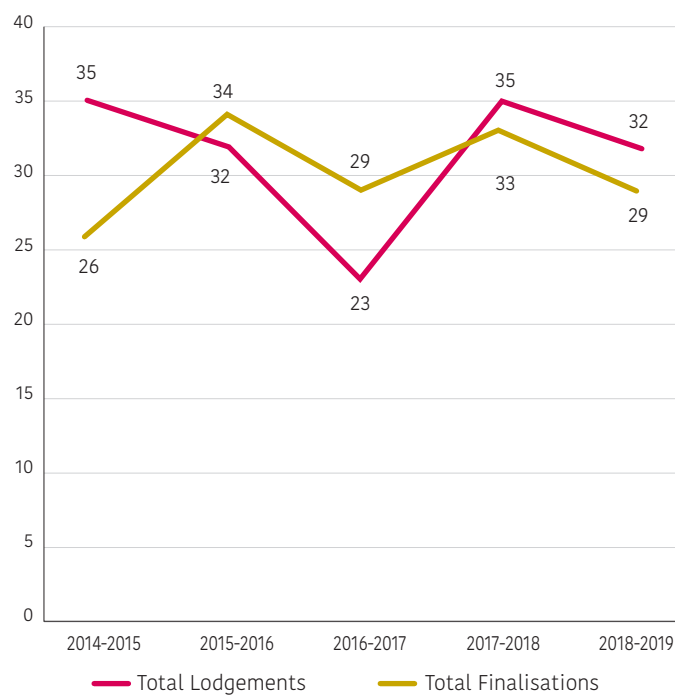
BAIL APPLICATIONS



	2014-15	2015-16	2016-17	2017-18	2018-19
Total	110	244	304	356	384

Bail applications continue to rise with the 2018-19 year experiencing a 7% increase from the 2017-18 year, and a 249% increase since the 2014-15 year.

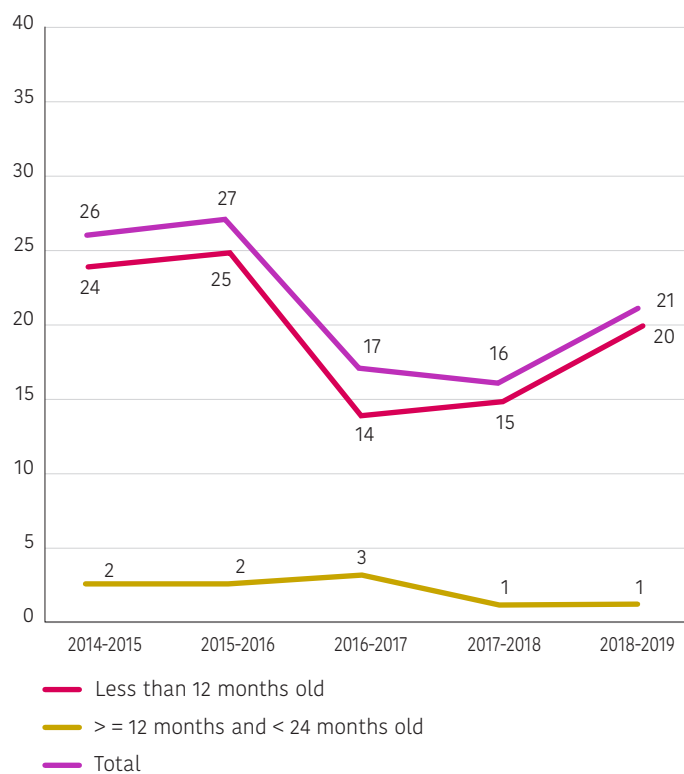
APPEALS (COURT OF CRIMINAL APPEAL)



	2013-14	2014-15	2015-16	2017-18	2018-19
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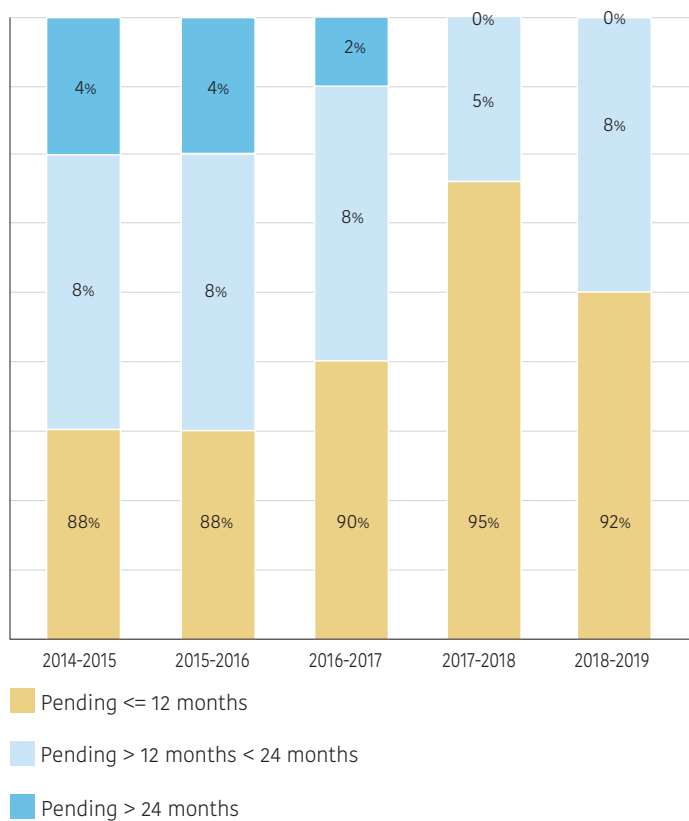


CCA PENDING BY AGE - 5 YEAR TREND



Census Date	2014-15	2015-16	2016-17	2017-18	2018-19
1. Less than 12 months old	24	25	14	15	20
2. >= 12 months and < 24 months old	2	2	3	1	1
Total	26	27	17	16	21

BACKLOG INDICATOR: CRIMINAL APPEALS

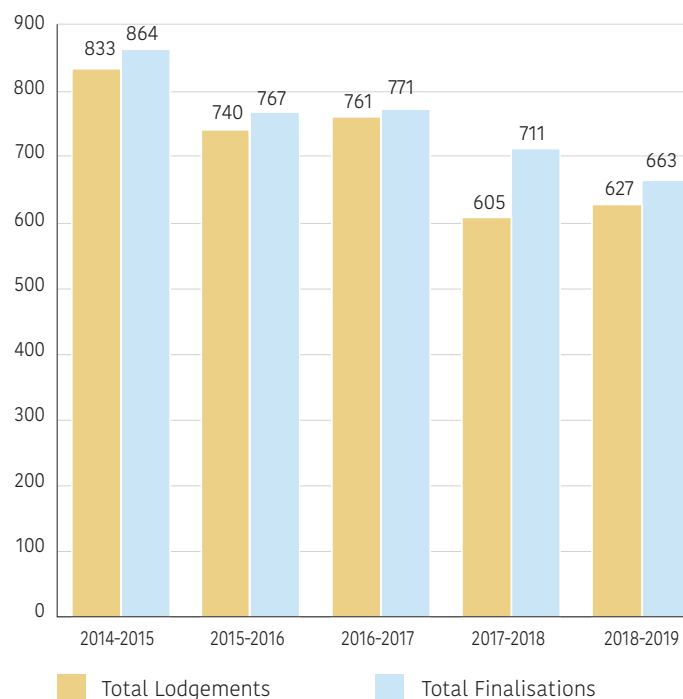


	2014-15	2015-16	2016-17	2017-18	2018-19
Pending <= 12mths	88%	88%	90%	95%	92%
Pending >12mths	8%	8%	8%	5%	8%
Pending >24mths	4%	4%	2%	0%	0%

CIVIL JURISDICTION CASELOAD

First Instance

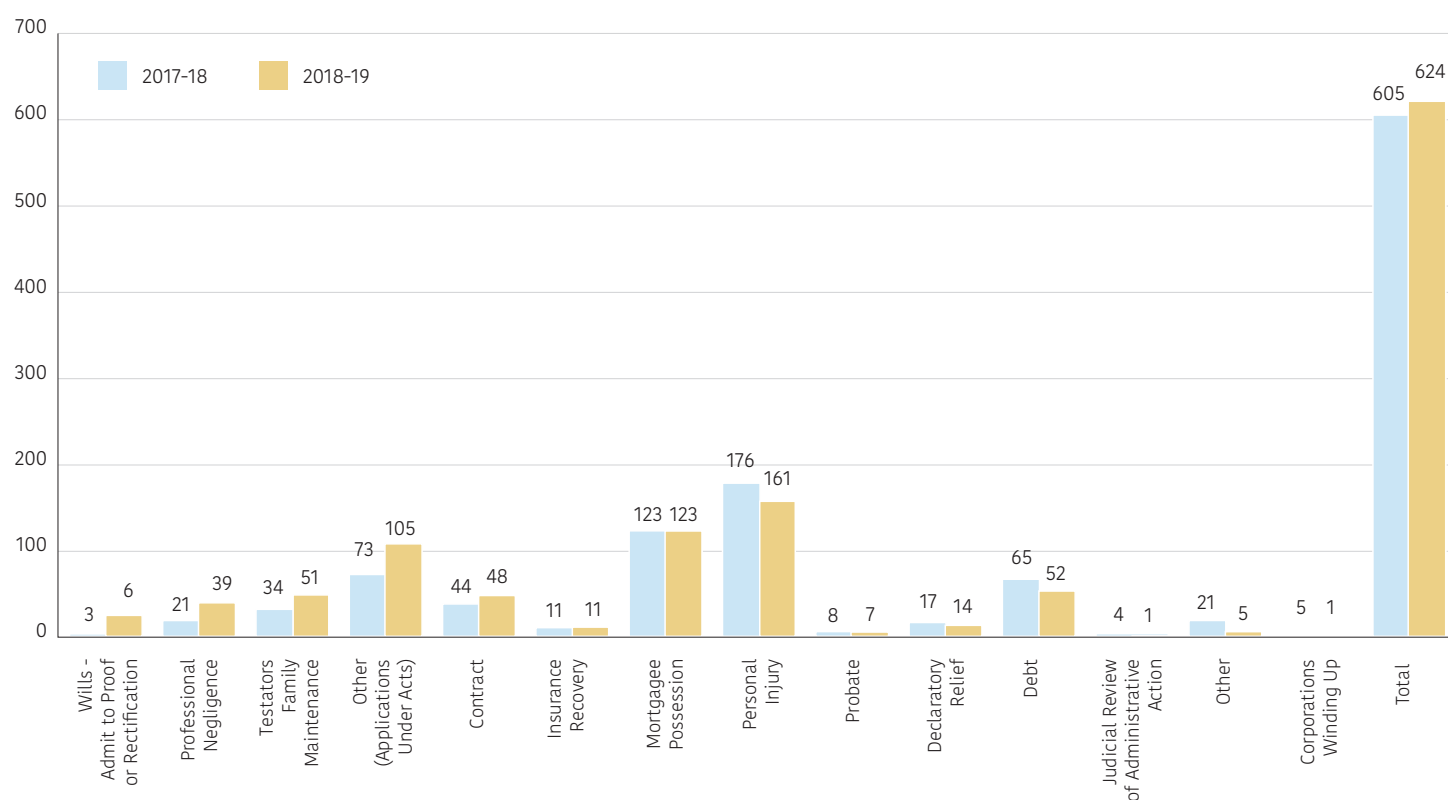
CIVIL LODGEMENTS AND FINALISATIONS - 5 YEAR TREND



	2014-15	2015-16	2016-17	2017-18	2018-19
Total Lodgements	833	740	761	605	627
Total Finalisations	864	767	771	711	663

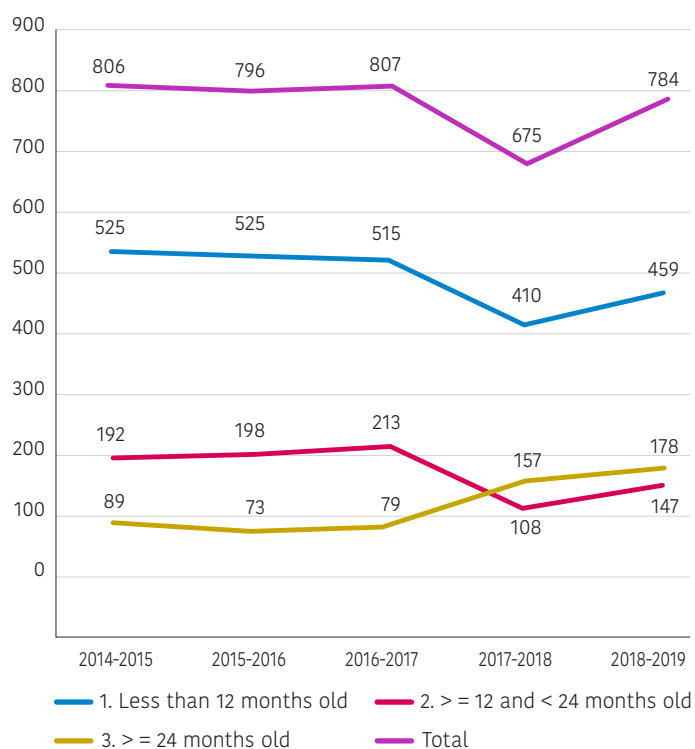
Civil (Non Appeal) lodgements for the 2018-19 year experienced a 3% (22) increase on the 2017-18 year. Finalisations decreased by 7% (48) in 2018-19 from the 2017-18 year.

CIVIL LODGEMENTS BY FILE TYPE



Lodgement	2017-18	2018-19	Variation	%
Wills - Admit to Proof or Rectification	3	6	3	100%
Professional Negligence	21	39	18	86%
Testators Family Maintenance	34	51	17	50%
Other (Applications Under Acts)	73	105	32	44%
Contract	44	48	4	9%
Insurance Recovery	11	11	0	0%
Mortgagee Possession	123	123	0	0%
Personal Injury	176	161	-15	-9%
Probate	8	7	-1	-13%
Declaratory Relief	17	14	-3	-18%
Debt	65	52	-13	-20%
Other	21	5	-16	-76%
Corporations Winding Up	5	1	-4	-80%
Total	601	623	22	4%

CIVIL PENDING - 5 YEAR TREND

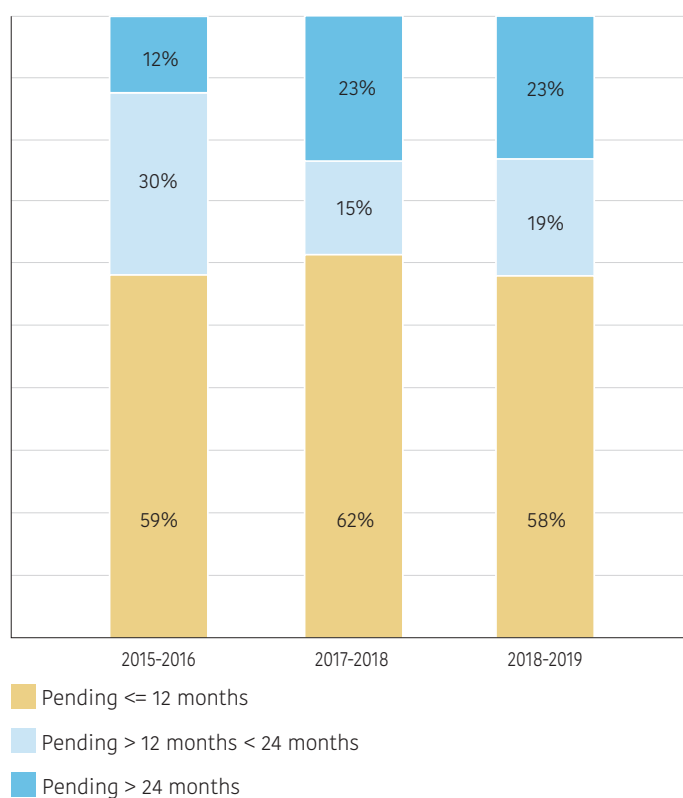


Age Months	2014-15	2015-16	2016-17	2017-18	2018-19
1. Less than 12 months old	525	525	515	410	459
2. >= 12 months and < 24 months old	192	198	213	108	147
3. >= 24 months old	89	73	79	157	178
Total	806	796	807	675	784

The civil (non-appeal) pending caseload increased by 14% during the reporting year, from 675 in 2017-18 to 784 in 2018-19. The backlog has increased by:

- 11% in cases aged less than 12 months.
- 26% in cases aged between 12 and 24 months.
- 12% in cases greater than 24 months.

CIVIL BACKLOG INDICATOR - FIRST INSTANCE

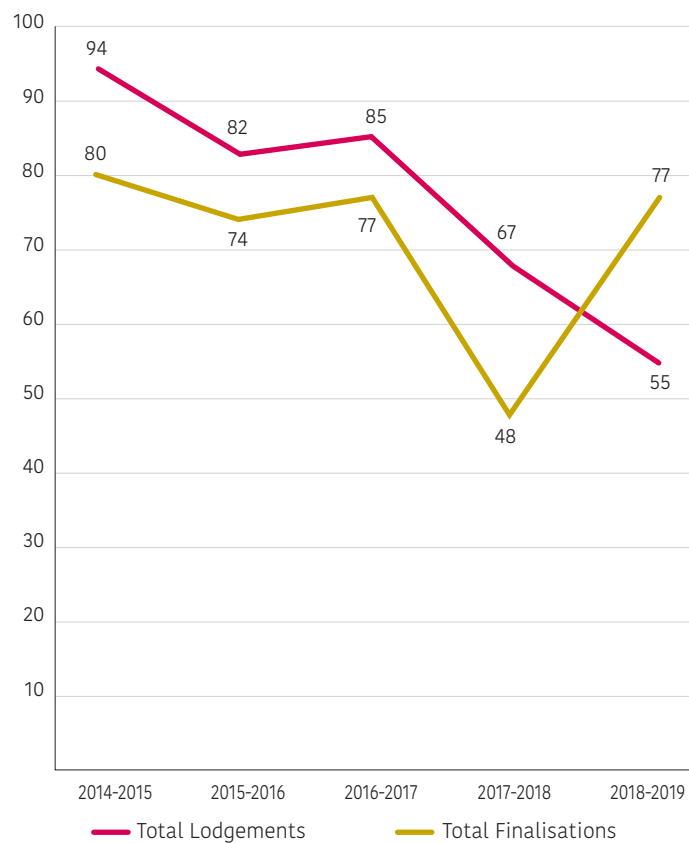


	2015-16	2017-18	2018-19
Pending <= 12 mths	59%	62%	58%
Pending >12mths	30%	15%	19%
Pending >24mths	12%	23%	23%



APPEALS (FCA AND LCA)

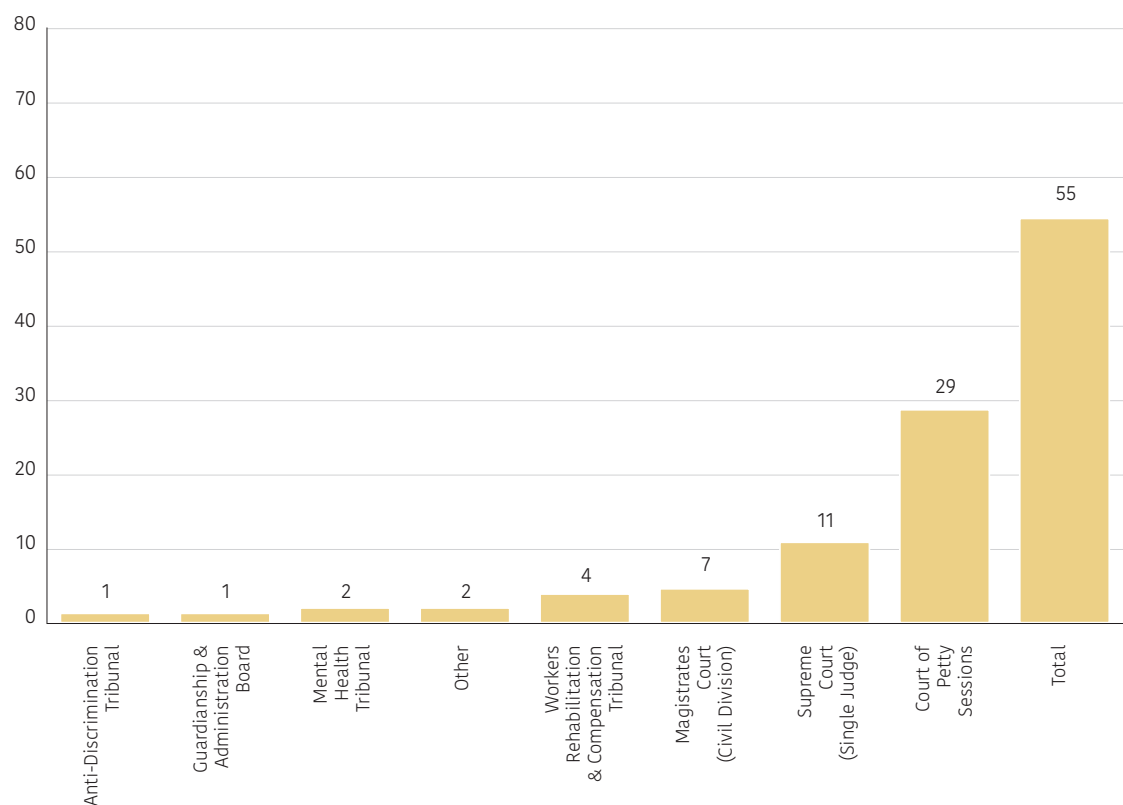
APPEAL LODGEMENTS AND FINALISATIONS - 5 YEAR TREND



	2014-15	2015-16	2016-17	2017-18	2018-19
Total Lodgements	94	82	85	67	55
Total Finalisations	80	74	77	48	77

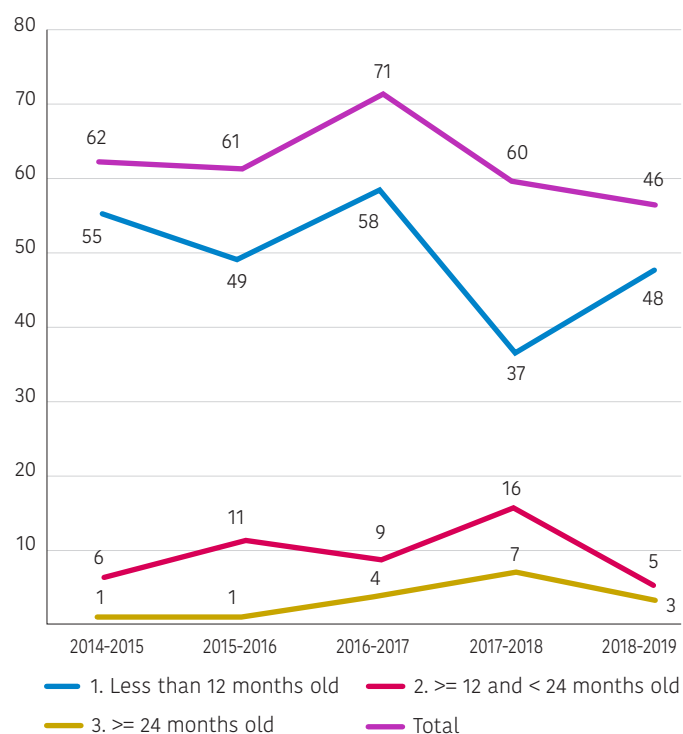
FCA and LCA appeals (combined) lodgements have decreased from 67 in 2017-18 to 55 in 2018-19, a decrease of 18%. Finalisations have increased from 48 in 2017-18 to 77 in 2018-19, representing a 38% increase.

CIVIL APPEAL (FCA AND LCA) LODGEMENTS BY ORIGIN



Appeal Origin	2018-19
Anti-Discrimination Tribunal	1
Guardianship and Administration Board	1
Mental Health Tribunal	2
Other	2
Workers Rehabilitation and Compensation Tribunal	4
Magistrates Court (Civil Division)	5
Supreme Court (Single Judge)	11
Court of Petty Sessions	29
Total	55

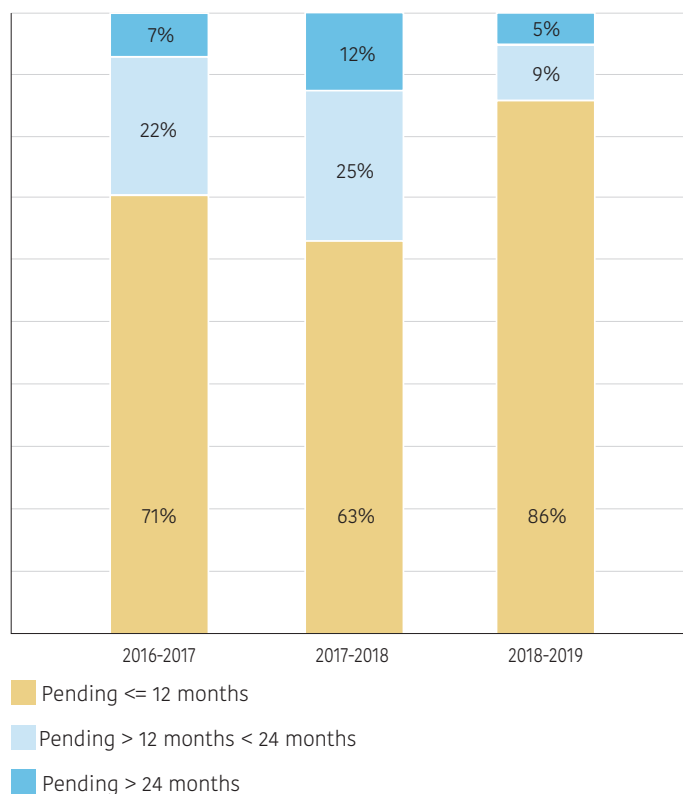
CIVIL APPEAL PENDING (FCA AND LCA) - 5 YEAR TREND



Age	2014-15	2015-16	2016-17	2017-18	2018-19
1. Less than 12 months old	55	49	58	37	48
2. >= 12 and < 24 months old	6	11	9	16	5
3. >= 24 months old	1	1	4	7	3
Total	62	61	71	60	56

FCA and LCA appeals (combined) pending matters have decreased from 60 in 2017-18 to 56 in 2018-19, representing a decrease of 7%.

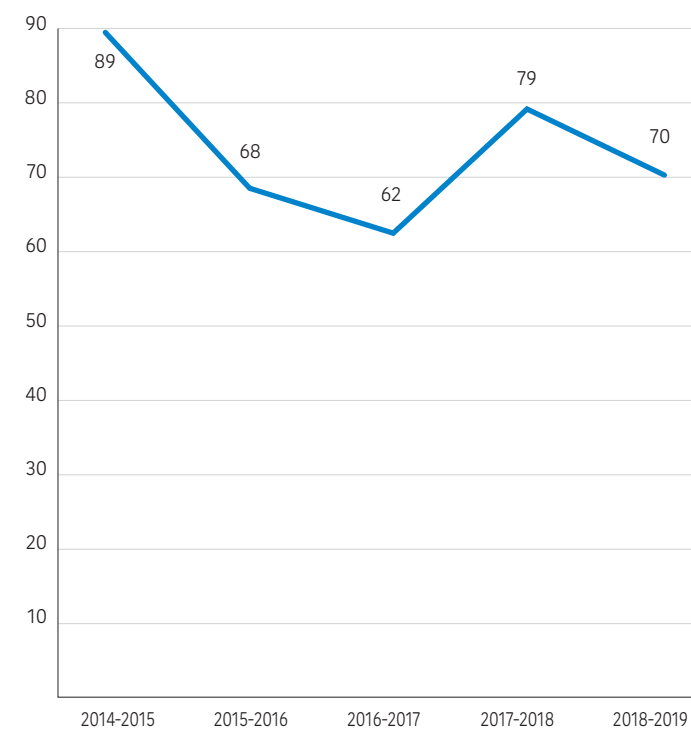
CIVIL APPEALS BACKLOG INDICATOR FIRST INSTANCE



	2016-17	2017-18	2018-19
Pending <= 12 mths	71%	63%	86%
Pending > 12mths	22%	25%	9%
Pending > 24mths	7%	12%	5%

ADMISSIONS TO PRACTICE

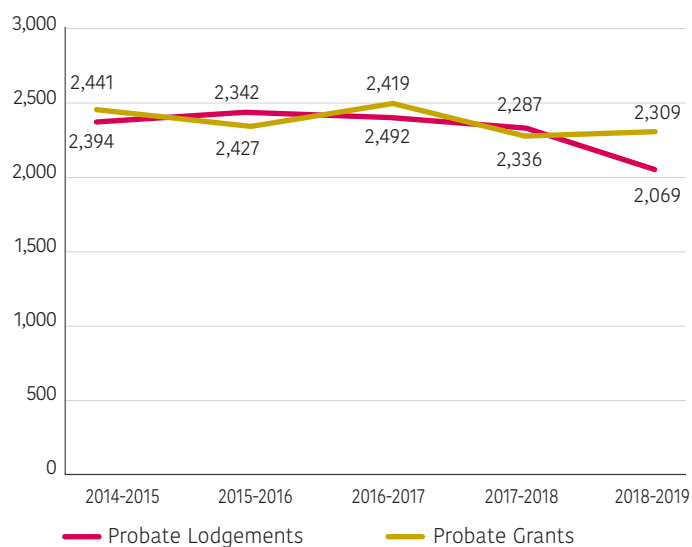
ADMISSIONS TO PRACTICE - 5 YEAR TREND



	2014-15	2015-16	2016-17	2017-18	2018-19
Total	89	68	62	79	70

PROBATE JURISDICTION

PROBATE LODGEMENTS AND GRANTS - 5 YEAR TREND

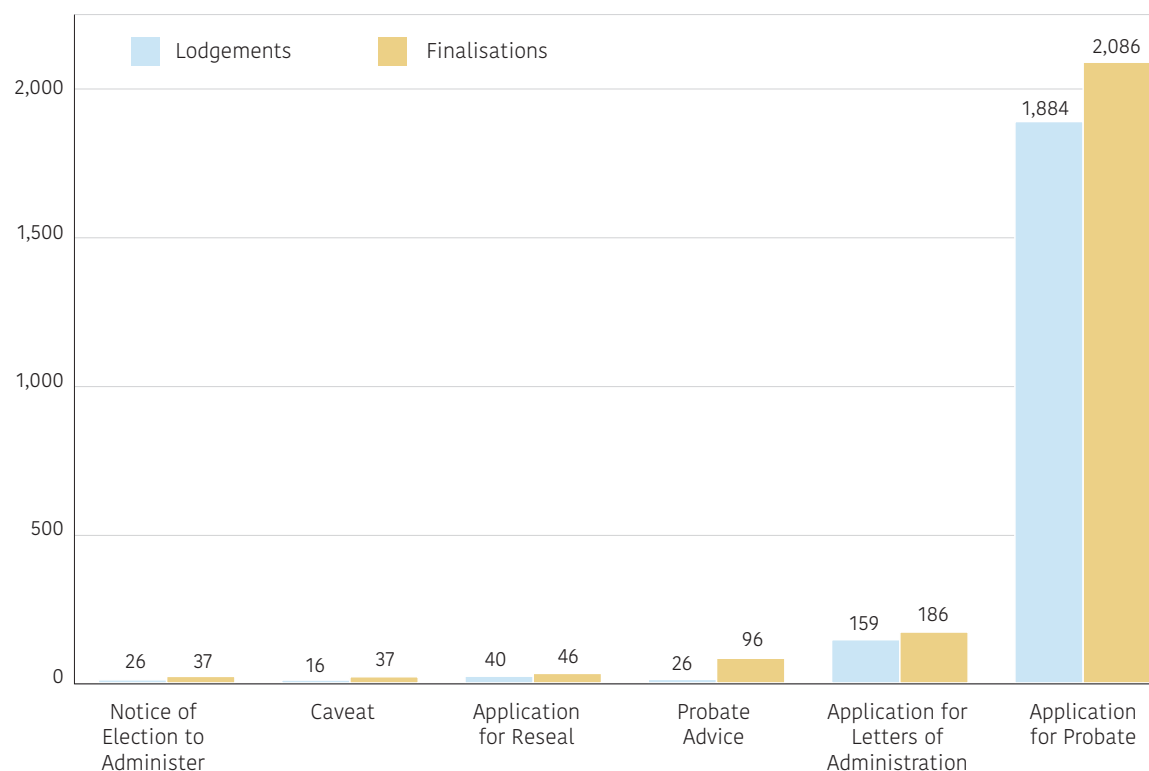


	2014-15	2015-16	2016-17	2017-18	2018-19
Probate Lodgements	2,394	2,427	2,419	2,336	2,069
Probate Grants	2,441	2,342	2,492	2,287	2,309

Probate lodgements decreased, from 2,336 in 2017-18 to 2,069 in 2018-19 by (11% decrease).

Grants of Probate increased slightly (22) in 2018-19 on the 2017-18 year (2,287).

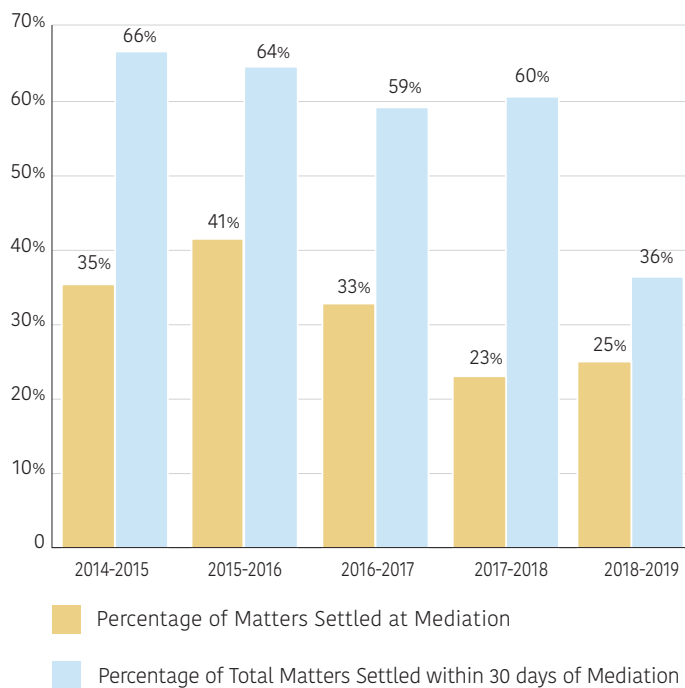
PROBATE: LODGEMENTS AND FINALISATIONS 2017-18



Activity Type	Lodgements	Finalisations
Notice of Election to Administer	26	37
Caveat	16	37
Application for Reseal	40	46
Probate Advice	26	96
Application for Letters of Administration	159	186
Application for Probate	1,884	2,086
Total	2,151	2,488

MEDIATION

MEDIATIONS - 5 YEAR TREND



Financial Year	2014-15	2015-16	2016-17	2017-18	2018-19
Mediations Conducted	148	143	134	134	124
Matters Settled at Mediation	52	59	44	31	31
Percentage of Matters Settled at Mediation	35%	41%	33%	23%	25%
Total Matters Settled within 30 days of Mediation	98	92	79	81	45
Percentage of Total Matters Settled within 30 days of Mediation	66%	64%	59%	60%	36%

Matters settled at mediation rose by 2% (25%) in 2018-19, up from 23% in 2017-18.

LOCATION OF COURTS

Hobart: 3-5 Salamanca Place

Launceston: Cameron Street

Burnie: 38 Alexander Street





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