



SUPREME COURT OF
TASMANIA

ANNUAL REPORT

2019 / 2020

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

2019-20

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



The Hon Alan Blow AO

THE SUPREME COURT OF TASMANIA IN 2019/2020: SOME OBSERVATIONS

During the reporting year the major challenge faced by the Court was the need to minimise the disruption to the Court's business caused by the COVID-19 pandemic. A worsening backlog of pending criminal cases and the volume of work required in relation to bail matters continued to present challenges as in previous years.

RESPONSE TO THE COVID-19 PANDEMIC

Substantial concerns about public safety arose during the first half of March 2020. No jury trials were in progress then. Appeals to the Full Court and the Court of Criminal Appeal were being heard during the period 2 to 13 March. A judges' meeting was held on Sunday, 15 March. It was attended by the Acting Director of Public Health, Dr Scott McKeown, and the Secretary of the Department of Health and Human Services, Ms Kathrine Morgan-Wicks. It was decided to introduce

arrangements to protect the health and safety of persons attending the Court, and to delay the resumption of jury trials until Monday, 23 March whilst such arrangements were made. A media release was issued by the Registrar on the afternoon of 15 March announcing those decisions.

The judges very soon decided that more drastic steps needed to be taken. On Wednesday, 18 March, it was announced that no jury trials would proceed in Tasmania until at least 21 July 2020, and that steps would be taken to avoid the need for people to come to court, and to protect them from any risk of infection when they had to come to court. Those decisions were announced in a media release that day.

Practice Directions were issued on 20 and 24 March outlining new procedures for cases and mediations to be dealt with without judges, counsel, litigants, witnesses or prisoners having to come to court. Instead of sitting in courtrooms, judges began to hear cases from their homes and other locations, participating by various forms of audio-visual technology and sometimes by telephone. Legal practitioners began appearing in court by means of audio-visual technology and by phone. The Practice Directions allowed them either to robe or to wear appropriate business attire. Bail proceedings commenced to be heard with prisoners appearing from the prison via video link. Written materials relied upon by the Crown in such cases were emailed to the prison and to the judges' associates. The judges continued to deal with pleas of guilty and all types of criminal proceedings other than trials. An enormous number of appearances in the criminal jurisdiction were rescheduled for later dates. In many of those cases, the Crown issued bail consent letters under s 7(3A) of the *Bail Act* 1994. In many other cases, judges held directions hearings in advance of scheduled appearance dates, gave case management directions as appropriate, and rescheduled the accused's next appearance for a later date.

On Wednesday, 25 March, approval was given for all law firms and sole practitioners to use the Court's electronic filing services. Before then, e-filing had been approved for only a small number of legal practices.

On 1 April arrangements were put in place where each judge was allocated a series of "holding dates" for criminal cases to be listed. Shortly before each such holding date, arrangements were made for matters to be adjourned to later holding dates, either by means of a bail consent letter or at a telephone directions hearing.

Because of a COVID-19 outbreak in Burnie, the Court's Registry there did not re-open after Easter on Wednesday, 15 April, but

remained closed until Monday, 4 May. During that period the Court's business in Burnie was conducted entirely by phone and video link.

On 16 April the Attorney-General, the Hon Elise Archer MP, signed a notice under s 20 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* declaring that, despite certain statutory provisions that required persons to be present at court, the proceedings to which those provisions related could be held in an approved manner determined by the Chief Justice. Later that day I signed a determination authorising new arrangements for the conducting of the proceedings of the Court. Amongst other things, it provided that judges hearing appeals did not need to sit together in one place and did not need to sit in courtrooms; that Full Court and Court of Criminal Appeal proceedings could be heard by any form of audio-visual link, by telephone, or in certain circumstances without an oral hearing; that single judges could sit at any place and conduct proceedings by audio-visual link or by telephone; and that sentences could be imposed by audio-visual link or by telephone.

On 10 June the Registrar issued a Practice Direction announcing arrangements for the resumption of face-to-face court proceedings. As part of that Practice Direction, the Registrar published a protocol relating to health and safety precautions. It dealt with matters relating to cleaning, the availability of hand sanitiser, social distancing, and continuing arrangements obviating the need for people to come to court in various situations.

Face-to-face appearances in criminal proceedings other than jury trials were resumed as from 15 June 2020. It was decided that jury trials could resume in Hobart and Launceston with effect from 21 July. Because of social distancing requirements, it was decided that every jury room and every jury box was too small to accommodate a 12-member jury. It was decided that the courtroom in Burnie, as then configured, was too small to accommodate all the participants in even the smallest criminal trials. As a result, no arrangements were made during the reporting year for jury trials to resume in Burnie. However, on 30 June summonses were mailed to members of jury panels requiring them to attend court in Hobart and Launceston on 21 July when jury trials were to resume. In accordance with public health advice, jurors aged 65 and over were exempted from jury service for the rest of 2020.

When the Court responded to the pandemic, it commenced using video conferencing software called RealPresence. That software allowed judges and practitioners to appear remotely in a courtroom using a PC, a laptop or an iPad.

It required a high speed internet connection, a webcam, an audio microphone, and speakers or headphones. It was compatible with the video conferencing infrastructure of the Tasmanian Prison Service and the Office of the Director of Public Prosecutions, the infrastructure of the Court's protected witness rooms, and all eight courtrooms in Hobart, Launceston and Burnie. This software was primarily used in the criminal jurisdiction, but was also used for the hearing of some civil matters and Full Court appeals. Legal practitioners were provided by the Court with instructions for the installation of the software and a user guide. Although judges, legal practitioners and prisoners were able to use this software from remote locations, every hearing required a judge's associate to be in a courtroom to co-ordinate video calls and operate recording equipment.

The Court had previously used Skype for Business in its civil and appellate jurisdictions. That software was also used in the months when face-to-face appearances were avoided. Skype allowed anyone with a PC and a webcam to connect to a Skype enabled courtroom, whether that person had the Skype software application installed or not. Skype used the Court's existing video conferencing infrastructure, and was therefore integrated with the Court's recording infrastructure. Initially only Court 2 in Hobart and Court 2 in Launceston were Skype enabled. Courts 1, 3 and 8 in Hobart were upgraded to become Skype enabled. The Skype software also required an associate to be in a courtroom to co-ordinate the video calls, operate the recording equipment, and handle and generate documents.

For proceedings by telephone, teleconference phones were permanently installed in each courtroom in Hobart, Launceston and Burnie.

The technological and organisational challenges presented by the pandemic were enormous. The Court was able to function with a minimum of disruption only because of the skill, dedication and hard work of its Assistant Manager, Karen Marr, its senior ICT support officer, Nick Hawley, and the judges' associates.

Although no criminal trials were conducted between 28 February and 21 July, the judges continued to finalise criminal cases during that period. Some 147 cases were finalised during the April-June quarter, as compared with 134 cases during that quarter in 2019. The number of pending firstinstance criminal matters at the end of the reporting year had increased from the end of the previous year, but only from 680 to 688. However those figures are deceptive because the 688 cases include an unusually high proportion of cases that will go to

trial and, on average, take several days. The number of trials completed in the reporting year was 73, as compared with 100 in 2017/18 and 87 in 2018/19.

During the months when the Court was unable to conduct jury trials, every effort was made to deal with as many other cases as possible. A number of appeals to the Full Court and the Court of Criminal Appeal were listed on an ad hoc basis as soon as they were ready to be heard, rather than being delayed until scheduled appeal terms.

Two of the Court's part-time acting judges, Acting Justice Martin and Acting Justice Marshall, do not live in Tasmania. Neither of them took on any new cases after 15 March. The other part-time acting judge, Acting Justice Porter, actively participated in the work of the Court during the pandemic period, particularly in relation to appeals.

OTHER CHALLENGES

The Court's greatest challenge remains the backlog of first instance criminal cases. As a result of the pandemic, the number of new cases dropped, and the number of finalisations increased. The clearance rate went up from 72.0% in 2018/19 to 92.1% in 2019/20. However, so long as the clearance rate remains below 100%, the backlog will continue to get worse.

As in previous years, the Court could have made judges available to conduct more criminal trials during the months from July to February, but the Director of Public Prosecutions lacked the resources to bring additional cases to trial. There are two possible solutions to the problem. One is for the Government to provide the Director of Public Prosecutions, the Legal Aid Commission and the Court with additional resources so that more criminal cases can be finalised by the Court each financial year. The other is for the workload of the Supreme Court to be decreased and that of the Magistrates Court correspondingly increased. That is likely to require greater resourcing of the Magistrates Court. The *Magistrates Court (Criminal and General Division) Act 2019* will one day have the effect of diverting some prosecutions to the Magistrates Court, but it has yet to be proclaimed. Other legislative reforms are receiving consideration, as they were 12 months ago. More needs to be done.

As in previous years, the number of bail appeals and bail applications increased. The judges dealt with 461 bail matters in the reporting year, as compared with 384 in the previous year. However the number of such cases fell during the months of the pandemic, possibly because fewer defendants were being refused bail by magistrates. In the April-June

quarter of the reporting year there were 102 such cases, as compared with 136 in the October-December quarter.

APPOINTMENTS

On 8 June 2020 His Excellency the Governor-General announced the appointment of the Hon Acting Justice Shane Raymond Marshall as a member in the General Division of the Order of Australia for significant service to the law, and to the judiciary, to industrial relations, and to mental health.

On 15 May 2020, four legal practitioners were appointed as senior counsel. They were Gregory Joseph Barns, Anthony Charles Roblin Spence, Marcus Turnbull, and Jacqueline Hartnett.

THE TASMANIAN JUDICIARY IN THE FUTURE

The Tasmanian Government has made provision in its Budget forward estimates for a seventh Supreme Court judge to be appointed at or about the beginning of the 2021-22 financial year. That will restore the Court to its full strength of seven full-time judges for the first time since 1995. No provision appears to have been made for part-time acting judges to continue in office after the appointment of the seventh judge. It remains to be seen what impact the appointment of a seventh judge will have on the backlog of criminal cases.

The Supreme Court of Tasmania is the only superior court in Australia whose serving judges will not be eligible to receive judicial pensions on retirement. Instead they are entitled to superannuation benefits. Superannuation contributions are now taxed more heavily than they were when judicial pensions were abolished in Tasmania. 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 the 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' workload or to improve the nature of the judicial superannuation arrangements. Having regard to the economic consequences of the COVID-19 pandemic, this is clearly not the time for the Government to consider increasing expenditure in relation to judges' retirement incomes. However one step that the Government could consider is raising the judicial retirement age from 72, perhaps to 75. Such an increase would alleviate recruitment problems, prolong the

service of experienced judges, and enable those judges, by working longer, to make better provision for their retirements.



The Hon Alan Blow AO
Chief Justice of Tasmania
25 November 2020



Year at a glance

CASELOAD SUMMARY

The following tables provide summaries of the Court's caseload in the 2019-20 year.

A detailed review of the operations and performance of the Court to 30 June 2020 is contained within this report.

Jurisdiction	Lodgements	Appeals	Finalised First Instance	Finalised Appeals	Bail Applications
Criminal	647	28	596	28	461
Civil	543	54	733	59	n/a
Total	1,190	82	1,329	87	461

Jurisdiction	Lodgements	Caveat	Application for Reseal	Total
Probate	2,366	47	43	2,456

Jurisdiction	Conducted	Settled at Conference	Settled after Conference (within 30 days)	Total Settled
Mediation	140	35	53	88



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:

- Supreme Courts.
- District (or County) Courts.
- Magistrates (or Local) 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
- 18 Registry staff
- 25 Judicial Support Staff
- 7 Corporate Support Staff

OUR BUDGET

- \$10.196M revenue
- \$9.345M expenditure

Our Judges



L-R: The Honourable Gregory Peter Geason. The Honourable Robert William Pearce. The Honourable Helen Marie Wood. The Honourable Alan Michael Blow AO. The Honourable Stephen Peter Estcourt AM. The Honourable Michael Joseph Brett. The Honourable Stephen James 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

CHIEF JUSTICE BLOW

- In July 2019 participated in the annual conference of the International Society for the Reform of Criminal Law at Brisbane as the Conference Chair, and delivered the Michael Hill Memorial Lecture, entitled “Balancing Individual Liberties and Coercive Powers: an Australian Perspective”.
- On 2 August 2019 attended a dinner for students who had completed the Tasmanian Legal Practice Course, and delivered the after dinner speech.
- On 23 and 24 August 2019 attended the annual conference of the judges of the Supreme Court of New South Wales at Bowral, and delivered an after dinner speech.
- On 30 August 2019 attended the Tasmanian Bar’s Bench and Bar Dinner, and made an after dinner speech.
- On 22 October 2019 attended a meeting of the Council of Chief Justices of Australia and New Zealand in Wellington, New Zealand.
- On 31 October 2019 participated in a debate during the Australian Insurance Law Association’s Conference in Hobart.
- Took part in an architectural tour of the Supreme Court’s Hobart buildings arranged by Open House Hobart on 9 November 2019.
- Attended the National Judicial Orientation Program, presented by the National Judicial College of Australia on the Gold Coast, as an instructor on 11 November 2019.
- Attended the Supreme and Federal Courts Judges’ Conference in Canberra (18-22 January 2020).
- Served throughout the year as a member of the Governing Council and the Executive Committee of the Judicial Conference of Australia.
- In 2019 and 2020 participated in the Supreme Court module of the Tasmanian Legal Practice Course.

JUSTICE WOOD

- Developed a module on cultural diversity and working with interpreters for the Tasmanian Legal Practice Course in collaboration with the Director of the Course. The module was delivered on 23 and 30 July 2019. It incorporated teaching about the Recommended National Standards on Working with Interpreters and a foundation in cultural awareness and access to justice including a session with panellists from the Migrant Resource Centre, and a presentation by cultural diversity expert Maria Dimopoulos AM.

Presented aspects of the training including a session on the National Standards and chaired a session with criminal lawyers providing practical instruction on working with interpreters.

The Tasmanian Legal Practice Course is the first such course in Australia to offer comprehensive teaching about the Standards and cultural awareness. The module was recognised nationally and nominated as a finalist in the Australian Migration & Settlement Awards held in Canberra on 23 October 2019.

- Delivered a presentation at the Australian Institute of Interpreters & Translators National Seminar held in Hobart at the Supreme Court on 5 October 2019.
- Presented at the Mental Health Tribunal Conference on the Recommended National Standards on Working with Interpreters at Campbell Town on 7 October 2019.
- As a member of the Judicial Council on Cultural Diversity, attended meetings of the Council on 25 October 2019 in Canberra and by teleconference on 27 March 2020. Attended telephone meetings of a JCCD sub-committee on developing a Plain English Glossary for interpreters.
- Attended regular meetings of the Tasmania Law Reform Institute as a member of the Board.
- Attended telephone meetings as a committee member of the Australian Association of Women Judges.
- Attended a Webinar on 26 June 2020 provided by the National Judicial College of Australia on Judgment Writing: Judge alone criminal trials.

JUSTICE ESTCOURT

- **Around the Nation: Tasmania** – Paper published in the Australian Law Journal 2020
- **The Launceston Judge Debates** – Article describing the history of the appointment of a Judge to sit permanently in Launceston. Article published in Law Letter: Journal of the Law Society of Tasmania 2019 Spring/Summer 138 Law Letter 16
- **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. For all subscription inquiries please phone, from Australia: 1300 304 195, from Overseas: +61 2 8587 7980. or online at www.legal.thomsonreuters.com.au/search
- **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. For all subscription inquiries please phone, from Australia: 1300 304 195, from Overseas: +61 2 8587 7980 or online at www.legal.thomsonreuters.com.au/search

JUSTICE PEARCE

- Hosted Examiner Newspaper presentation on Launceston Supreme Court July 2019;
- Hosted Supreme Court Building Open Day, Launceston 7 September 2019;
- Presentation to the Launceston Committee of White Ribbon Tasmania on 6 September 2019;
- Hosted school visit to Supreme Court 17 October 2019;
- Provided advocacy training to students of School of Legal Practice during February and May 2020.

JUSTICE BRETT

- Throughout the year, attended virtually various meetings of the national Steering committee of the Supreme and Federal Court Judges' conference, in the capacity of treasurer.
- Throughout the year, attended in person and then virtually 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.
- Attended the dinner hosted by the Law Society of Tasmania for the opening of the legal year.
- On 7 September 2019, co-hosted (with Justice Pearce) open house for the public at the Supreme Court in Launceston.

JUSTICE GEASON

- Provided a Law Society CPD lecture on ethical advocacy.
- Participated in the legal practice course advocacy sessions.

ASSOCIATE JUSTICE HOLT

- Member of the Council of Chief Justices' Harmonisation of Rules Committee
- Member of the Australian Centre for International Commercial Arbitration Judicial Liaison Committee
- Presenter at the Law Society of Tasmania Litigation Conference
- Lecturer at the Centre for Legal Studies.

EDUCATION AND COMMUNITY ENGAGEMENT

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

- Participated once again in Open House Hobart (November 2019), 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 input into the Tasmania Law Reform Institute's Report on "Juries, Social Media and the Right of an Accused to a Fair Trial".
- Provided the Sentencing Advisory Council with data for a project relating to sentencing trends.
- Delivered a presentation to the Australasian Parliamentary Educators Conference about the Court's public information strategies, and provided a tour of the Court.
- Courtrooms continue to be provided as the venue for the University of Tasmania Law School's moots to give students the experience of arguing their case in the court environment prior to the COVID-19 restrictions. 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. Those exercises were interrupted as a result of the COVID-19 pandemic. In the final weeks of the 2020 course, advocacy exercises were conducted on line.
- The Gilbert and Sullivan Society of Tasmania Inc presented performances of Trial by Jury in Court 1 in Hobart during January 2020. That society has performed Trial by Jury in Court 1 every year since 2017.

LEGISLATIVE AMENDMENTS

In the reporting year the legislative changes relating to the work of the Court included the following:

- The *Magistrates Court (Criminal and General Division) Act 2019* and the *Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019* both received the Royal Assent on 12 December 2019. Those Acts are to commence on a date or dates yet to be proclaimed. Once they commence, magistrates will have an increased jurisdiction in relation to crimes of dishonesty. At present, under the *Justices Act 1959*, charges relating to property worth up to \$5,000 must be dealt with in the Magistrates Court, and defendants may elect to have their charges dealt with in either the Magistrates Court or the Supreme Court if the amount involved is between \$5,000 and \$20,000. Under the new Act, matters relating to property worth under \$20,000 will have to be dealt with in the Magistrates Court, and

there will be a right of election for matters involving property worth between \$20,000 and \$100,000.

- With effect from 6 April 2020, the *Criminal Code* was amended by changing the names of various sex crimes. For example, the crime previously named "Maintaining a sexual relationship with a young person under the age of 17 years" was renamed "Persistent sexual abuse of a child [or young person]".
- Section 194K of the *Evidence Act 2001* was amended with effect from 6 April 2020. That section makes it an offence to publish identifying information in relation to victims, alleged victims, witnesses and intended witnesses in cases relating to sexual crimes. The amendments permit the publication of identifying information with the consent of the person to whom it relates after the completion of proceedings, provided that person has attained the age of 18 years and provided that the publication would not lead to the identification of another person who has not similarly consented. Prior to that amendment, the publication of identifying information was prohibited unless a judge had made an order permitting publication. Applications for such orders were fairly straightforward, but very rare.
- Under s 20(1) of the *COVID-19 Virus Emergency (Miscellaneous Provisions) Act 2020*, the Attorney-General was empowered to declare, by notice, that, despite any provision of a relevant legislative instrument, any hearing conducted by a court specified in the notice could be held in a manner determined by the Chief Justice. On 16 April 2020 the Attorney-General signed such a notice, and the Chief Justice signed a determination permitting proceedings to be conducted by the Court in various ways that obviated the need for face-to-face appearances, and the need for judges to sit in courtrooms.

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 12 people.

FIRST INSTANCE

Lodgements	2015-16	2016-17	2017-18	2018-19	2019-20
Burnie	90	105	124	161	172
Hobart	241	254	276	332	309
Launceston	118	153	175	174	166
Total	449	512	575	667	647

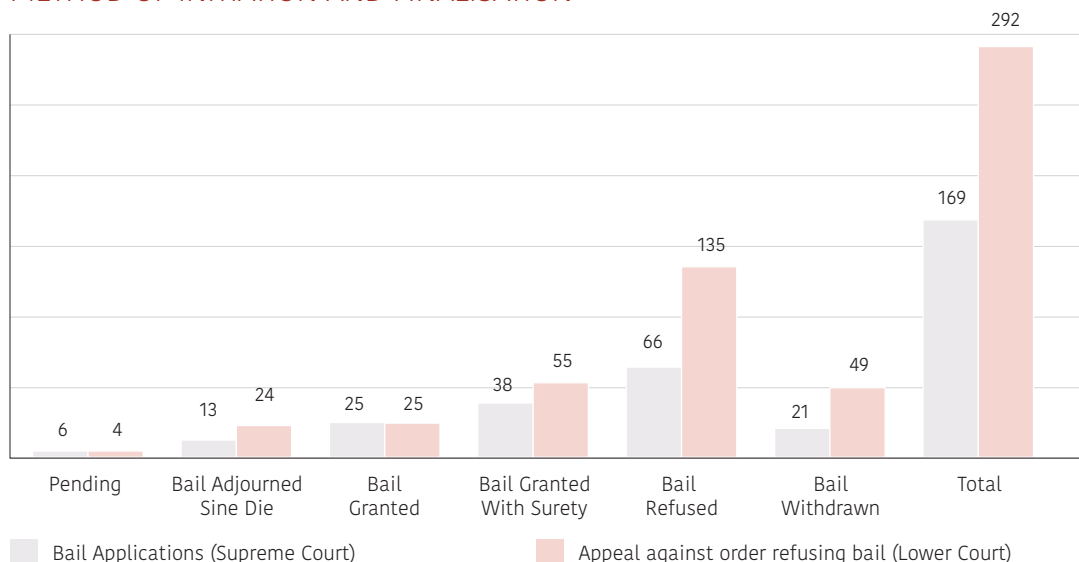
Finalisations	2015-16	2016-17	2017-18	2018-19	2019-20
Burnie	78	91	91	112	143
Hobart	217	218	254	244	289
Launceston	141	128	148	124	164
Total	436	437	493	480	596

Criminal Pending	2015-16	2016-17	2017-18	2018-19	2019-20
1. Less than 12 months old	271	318	339	472	421
2. >= 12 and < 24 months old	82	90	132	146	195
3. >= 24 months old	28	40	53	62	72
Total	381	448	524	680	688

BAIL

	2015-16	2016-17	2018-19	2019-20	2019-20
Lodgements	244	304	356	384	461

METHOD OF INITIATION AND FINALISATION



Of the 461 bail applications, 63% (292) originated from appeals against orders refusing bail in the Magistrate Court (lower court), where 27% (80) of these applications were granted bail.

Supreme Court bail applications represented 37% (169) of total applications where 37% (63) were successful in being granted bail.

APPEALS (COURT OF CRIMINAL APPEAL)

	2015-16	2016-17	2018-19	2019-20	2019-20
Total Lodgements	32	23	35	32	28
Total Finalisations	34	37	33	29	28

INFORMATION TECHNOLOGY

eBUSINESS

The Court introduced various electronic initiatives in 2019-20. There was a substantial shift towards eFiling in the civil and appellate jurisdictions. Registries experienced a decline in traditional hard copy filings as the legal profession and litigants in person utilised the eFiling services further offered by the Court.

Coinciding with the introduction of the new eFiling rules, was a shift from paper based to digital court files. Project eBench was initiated which facilitates the use of digital court files in place of paper based files, in civil and appellate proceedings. The eBench initiative was further supported by the implementation of the eCourt project within all registries in the State.

The registries started to use digital methods to distribute large quantities of subpoenaed documents to legal practitioners. This was achieved by using a combination of the Microsoft SharePoint and Microsoft OneDrive products.

Following on from eBusiness the Court implemented a system of PC computers at the Judge's bench of each court in the State. If desired a bench can be configured for a matter where electronic documents can take the place of traditional paper ones. The bench infrastructure is configured in such a way that it can be set up and taken down quickly by court staff depending on requirements. There are two appeal courts in Hobart that offer up to three computers for the presiding judicial officers..

COURT RECORDING

The Court completed state-wide implementation of a sophisticated high definition (HD) recording solution. The initiative is for the pre-recording and Court use of sensitive matters involving vulnerable witnesses and or complainants. All eight courtrooms and three remote witness rooms now have the ability to record proceedings in HD video.

COVID PANDEMIC AND VIDEO CONFERENCING

While the COVID-19 pandemic presented the Court with many challenges in the initial periods of lockdown, it also brought an opportunity to rapidly expand the Court's technology platforms. The continuation of processing caseload was essential to deliver judicial services to the community. Sophisticated video conferencing solutions were required to accommodate various court participants to appear remotely into a virtual courtroom. The developments and acceptance of the new technology will have lasting benefits to all Supreme Court users.

During the pandemic the Court upgraded three of its Hobart court's new video conferencing facilities capable of doing both traditional internet protocol calls and Skype for Business calls. The criminal jurisdiction also utilised a software based product that could interface remote participants such as Judges and counsel, the courtroom and the Tasmania Prison Service in the one call.

Remote attendees to civil matters utilised the Microsoft Skype for Business product. Virtual meetings were managed through electronic calendars by Associates and the Registry staff. This product also enabled remote participants to join via a regular telephone connection if they did not possess the necessary computer equipment.



eBusiness Projects: Assistant Manager, Karen Marr and Senior ICT Support Officer, Nick Hawley

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:

	2015-16	2016-17	2018-19	2019-20	2019-20
Total Lodgements	833	740	761	605	543
Total Finalisations	864	767	771	711	733
Clearance Rate	104%	104%	101%	118%	135%

APPEALS (FCA AND LCA)

	2015-16	2016-17	2018-19	2019-20	2019-20
Total Lodgements	82	85	67	55	54
Total Finalisations	74	77	48	77	59

PROBATE

The table below shows the lodgements and finalisations for probate:

	2015-16	2016-17	2018-19	2019-20	2019-20
Probate Lodgements	2,427	2,419	2,336	2,069	2,366
Probate Grants	2,342	2,492	2,287	2,309	2,418

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.

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

Financial Year	2015-16	2016-17	2018-19	2019-20	2019-20
Mediations Conducted	143	134	134	124	140
Matters Settled at Mediation	59	44	31	31	35
Total Matters Settled within 30 days of Mediation	92	79	81	45	53
Percentage of Total Matters Settled within 30 days of Mediation	64%	59%	60%	36%	38%

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 2019-20

Registry	Jurors summoned	Jurors attended	Jurors Empanelled	Number of Trials
Hobart	3128	895	410	36
Launceston	3459	823	253	22
Burnie	2597	588	205	17
Total	9184	2306	868	75

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 29 (2018-2019) to 19.

- 9 were writs of possession (down from 21 last year).
- 10 were writs of fieri facias – (up from 8 last year).
- 0 writs of Venditioni Exponas (same as last year).

Note that the figures above represent actual filings at the Supreme Court. Applications filed do not always end up being executed by the Sheriff.

This year there were 73 applications for orders for possession of premises for mortgagees and landlords, pursuant to section 146 of the Land Titles Act 1980 (down from 98 last year).

Generally speaking the number of writs to enforce judgments has decreased significantly in the reporting year as a result of the economic impact of COVID-19, with financial institutions providing relief for mortgagors experiencing stress.

CASE EXAMPLE - CASE FINALISED BY TRIAL.

State of Tasmania v Kefalianos

On 15 September 2017, the accused appeared in the Magistrates Court charged with a series of burglaries and thefts he allegedly committed in north-western Tasmania over a period of 10 or 11 days in September 2017. Amongst other things, he was charged in relation to burglaries at seven rural residences, and with arson in relation to a fire at one of those residences. The fire caused over \$300,000 worth of damage. The accused was remanded in custody to appear on 11 October 2017. On 31 January 2018, he was committed for trial, to appear in the Supreme Court on 13 March 2018.

The matter was listed for a series of case management hearings. On 12 June 2019, he was indicted on 33 charges, including burglary, stealing, aggravated burglary, attempted aggravated burglary, arson, unlawfully injuring property, stealing a firearm and possession of a firearm when subject to a firearms prohibition order.

On 10 February 2020, he pleaded guilty to 17 counts on the indictment and not guilty to the other 16 counts. The matter proceeded to trial on that date. At the end of a 12 day trial, on 26 February 2020 the jury found him guilty on 13 counts and not guilty on 3 counts. On the same day the trial judge conducted a sentencing hearing, receiving submissions by prosecution and defence counsel.

On 11 March 2020, the trial judge convicted the accused on the 30 charges to which the guilty pleas and guilty verdicts related and sentenced him to a total of 6 years 3 months' imprisonment. Chief Justice Blow made orders for him not to be eligible for parole until he had served 3 years 9 months in prison.

CASE STUDY

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 walkthrough 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:

	2015-16	2016-17	2017-18	2018-19	2019-20
Total	68	62	79	70	66



Appendices

FINANCE

RECEIPTS	FY 18/19	FY 19/20
Recurrent appropriation	6,179,171	6,037,273
Registry fees	984,783	898,652
Provision of transcript	54,458	43,824
Probate fees & charges	2,050,529	2,364,171
Mediation fees	507	33,788
Sheriff's fees	31,587	20,284
Court reporting	1,344	1,272
Video conferencing	0	0
Other receipts	1,409,223	797,090
TOTAL RECEIPTS	10,711,601	10,196,354

EMPLOYEE-RELATED EXPENDITURE	FY 18/19	FY 19/20
Salaries & wages	4,214,549	4,380,875
Fringe Benefits Tax	118,392	124,160
Payroll tax	0	0
Superannuation	518,803	544,812
Workers compensation insurance	223,813	223,813
Training	16,244	1,983
Other employee related expenses	82,335	61,678
TOTAL EMPLOYEE-RELATED EXPENDITURE	5,174,136	5,337,321

ADMINISTRATIVE & OTHER EXPENDITURE	FY 18/19	FY 19/20
Fuel, light & power	241,524	250,258
Advertising & recruitment	3,555	1,053
Rental	2,093	2,165
Communications	70,127	65,115
Travel	383,967	294,294
Consultancies	37,342	60,791
Printing & stationery	57,128	67,564
Rates	183,716	186,894
Repairs & maintenance	140,889	423,008
Minor equipment	38,975	14,844
Library materials	540,926	541,786
Computers & IT	471,638	504,378
Expenses of witnesses	106,553	74,468
Expenses of Jurors	623,139	462,801
Other administrative expenses	1,219,838	1,057,844
TOTAL OTHER EXPENDITURE	4,121,409	4,007,262

RESERVED BY LAW	FY 18/19	FY 19/20
Salaries & other entitlements of Judges	3,638,337	3,524,164
Salaries & other entitlements of the Associate Judge	424,838	425,196
TOTAL RESERVED BY LAW EXPENDITURE	4,063,175	3,949,360

OVERHEAD CONTRIBUTION TO THE DEPARTMENT OF JUSTICE	1,286,829	1,577,606
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HUMAN RESOURCES

STAFFING	2016-17	2017-18	2018-19	2019/20
Judiciary and Support:				
Judges and Associate Judge	7.2	8.3	8.3	7.8
Judges' Library	0.6	0.6	0.6	0.6
Judicial Support	14.0	15.6	16.6	17.4
Registry:				
Civil	7.3	6.6	6.9	4.5
Criminal	4.4	4.8	5.8	4.4
Probate	3.1	3.0	3.0	2.4
Mediators	0.5	0.4	0.4	0.4
Office of the Sheriff	6.3	8.2	10.2	8.4
Corporate Services:				
Information Communication Technology	1.0	1.0	1.3	1.4
Transcription Services	8.7	8.8	9.8	8.6
First Line Support Staff	3.0	3.0	2.7	5.3
TOTAL	55.9	60.2	65.6	61.1

PERFORMANCE DATA

INTRODUCTION

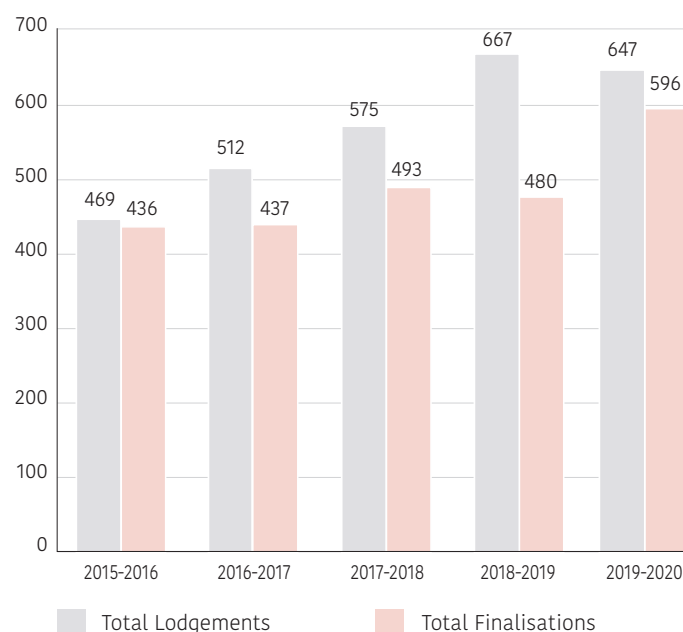
The *Supreme Court of Tasmania Annual Report 2019-20* is a statistical report providing details of the Court's caseload statistical performance for the 2019-20 financial year reporting period.

DATA

The data used in the preparation of this report is as at 30th June 2020 and provides information for the 2019-20 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 (FIRST INSTANCE) LODGEMENTS & FINALISATIONS - 5 YEAR TREND



Lodgements	2015-16	2016-17	2017-18	2018-19	2019-20
Burnie	90	105	124	161	172
Hobart	241	254	276	332	309
Launceston	118	153	175	174	166
Total	449	512	575	667	647

Finalisations	2015-16	2016-17	2017-18	2018-19	2019-20
Burnie	78	91	91	112	143
Hobart	217	218	254	244	289
Launceston	141	128	148	124	164
Total	436	437	493	480	596

Criminal (Non Appeal) lodgements for the 2019-20 year declined slightly, reaching a total of 647, compared to the 2018-19 total of 667 (a 5% decrease). There was a significant increase in the number of finalisations compared to the previous year.

The number of lodgements in 2019-20 is still high but skewed due to the impact of the pandemic.

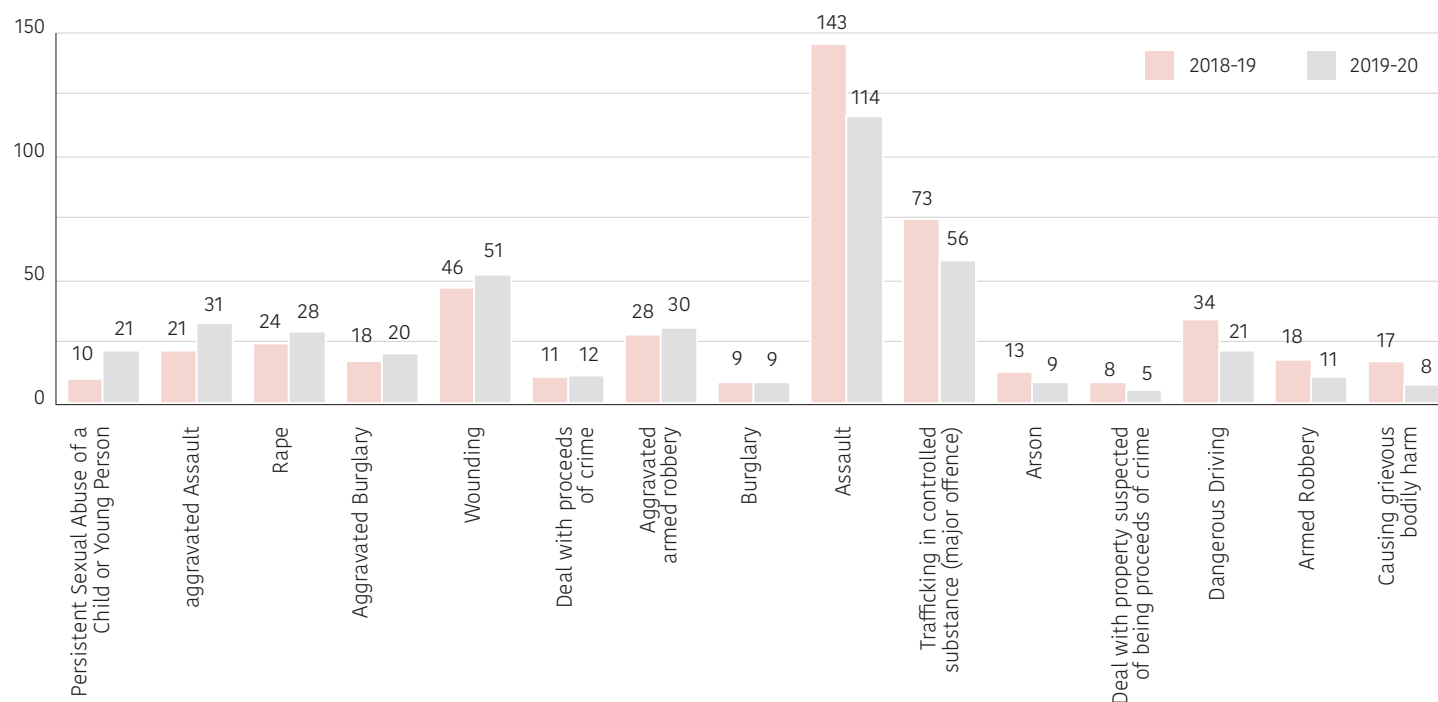
Criminal (non-appeal) finalisations significantly increased from 480 in 2018-19 to 596 in 2019-20 (25% increase) despite the impact of the pandemic in Q4. This is certainly due to a greater attention to criminal case management (closing off files), and also possibly due to the ability of counsel to provide more time to criminal cases resulting in earlier delivery of Crown papers to defence lawyers.

Finalisations have been typically trending upwards since 2013-14 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 s 38 Evidence Act 2001;
- The introduction of special hearings to pre-record evidence of witnesses declared as special witnesses under the Evidence (Children and Special Witnesses) Act 2001; and applications for children to give evidence in Court in some cases, rather than remotely from the protected witness room;
- An increased amount of surveillance device evidence, and financial records; and
- Evidentiary rules relating to consent in sexual offence matters, with the requirement to seek leave to crossexamine on certain issues.



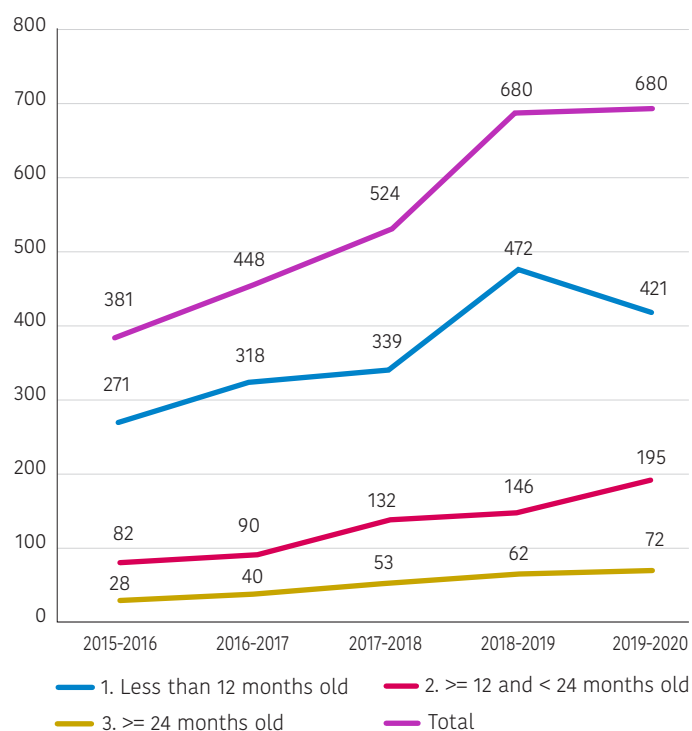
CRIMINAL CASE LODGMENTS BY OFFENCE CATEGORY 2018/19 Vs 2019/20



There was a general decrease in many offence categories with the exception of the offence *Persistent Sexual Abuse of a Child or Young Person*.

Code	ANZSOC Breakdown By Group	2018-19	2019-20	Variation	% change
311	Persistent Sexual Abuse of a Child or Young Person	10	21	11	110%
212	Aggravated assault	21	31	10	48%
311	Rape	24	28	4	17%
711	Aggravated burglary	18	20	2	11%
211	Wounding	46	51	5	11%
831	Deal with proceeds of crime	11	12	1	9%
611	Aggravated armed robbery	28	30	2	7%
711	Burglary	9	9	0	0%
213	Assault	143	114	-29	-20%
1021	Trafficking in controlled substance (major offence)	73	56	-17	-23%
1211	Arson	13	9	-4	-31%
831	Deal with property suspected of being proceeds of crime	8	5	-3	-38%
412	Dangerous driving	34	21	-13	-38%
611	Armed robbery	18	11	-7	-39%
211	Causing grievous bodily harm	17	8	-9	-53%
	Total	667	647	-20	-3%

CRIMINAL PENDING - 5 YEAR TREND



Criminal Pending	2015-16	2016-17	2017-18	2018-19	2019-20
1. Less than 12 months old	271	318	339	472	421
2. >= 12 and < 24 months old	82	90	132	146	195
3. >= 24 months old	28	40	53	62	72
Total	381	448	524	680	680

CASE EXAMPLE - FAMILY VIOLENCE.

State of Tasmania v Johnson; Director of Public Prosecutions v Johnson [2020] TASCRA 4

On 20 August 2018, the accused appeared in the Magistrates Court on charges that included assault. He was remanded in custody and committed for trial to appear in the Supreme Court on 15 October 2018.

The matter was listed for a series of case management hearings. On 12 March 2019, an indictment was filed. It included counts of assault, stalking and attempting to interfere with a witness. On 29 March 2019, the accused pleaded guilty to two counts on the indictment. On 2 May 2019, he pleaded guilty to two more counts on the indictment and it was indicated that a nolle prosequi would be filed in relation to another count. The sentencing Judge ordered that Forensic Mental Health Services provide a report in relation to the accused.

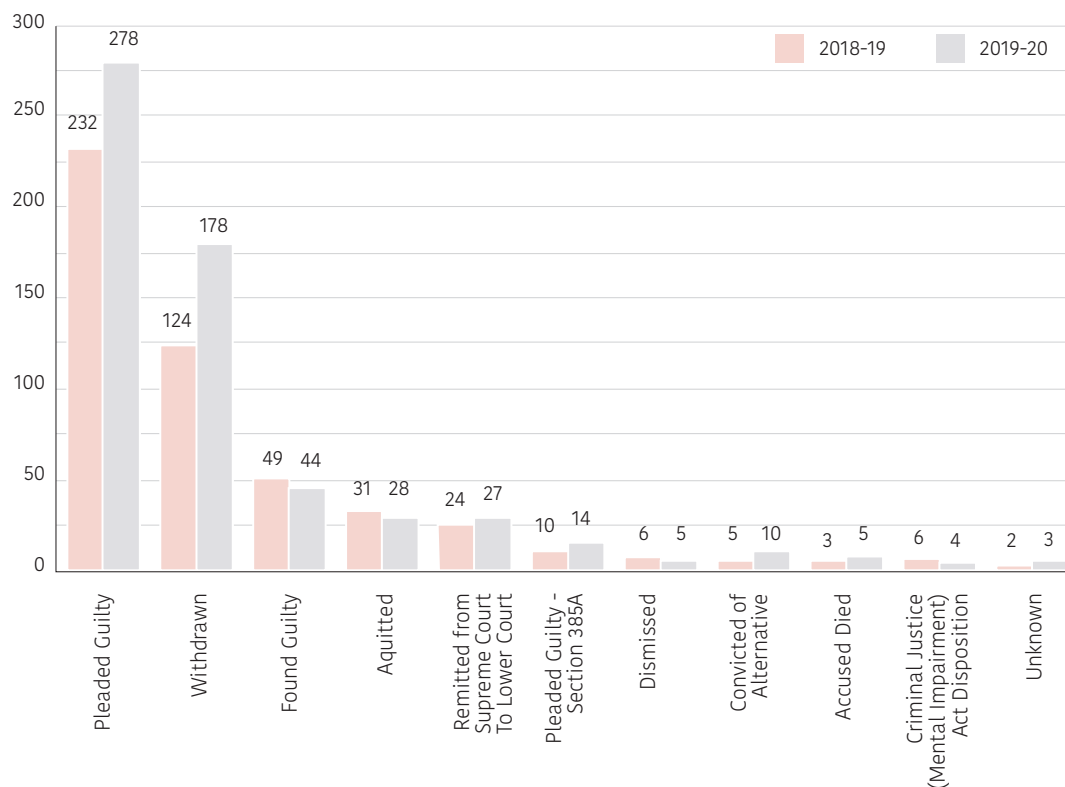
On 13 June 2019, the accused pleaded guilty in the Supreme Court to a number of related summary offences, including 15 counts of breaching a family violence order and 23 counts of attempting to breach a family violence order. On 14 June 2019, the sentencing Judge conducted a sentencing hearing and received submissions. On that date, the Crown asked the sentencing Judge to impose a family violence order for an indefinite period. That was not opposed by defence counsel. The sentencing Judge made a family violence order, to remain in place indefinitely.

On 23 July 2019, the sentencing Judge conducted a further sentencing hearing and the Crown applied to activate a suspended sentence of two months' imprisonment. On the same day, the accused was convicted of each of the crimes and offences to which he pleaded guilty. The sentencing Judge activated the suspended sentence of two months' imprisonment (backdated to 19 August 2018) and sentenced him to a global term of two years' imprisonment, to be served cumulatively upon the activated suspended sentence. The sentencing Judge ordered that he will not be eligible for parole until he has served one half of that sentence.

On 1 August 2019, the Director of Public Prosecutions filed a notice of appeal on the ground that the sentence was manifestly inadequate in all the circumstances of the case. The appeal was heard by the Court of Criminal Appeal on 30 September 2019. On 9 April 2020, the Court of Criminal Appeal allowed the appeal, set aside the sentence of two years' imprisonment with the non-parole period of 12 months and sentenced the respondent to three years' imprisonment (cumulative to the term of two months' imprisonment from 19 August 2018). It was ordered that the respondent would not be eligible to apply for parole until he had served 18 months of the three-year sentence.

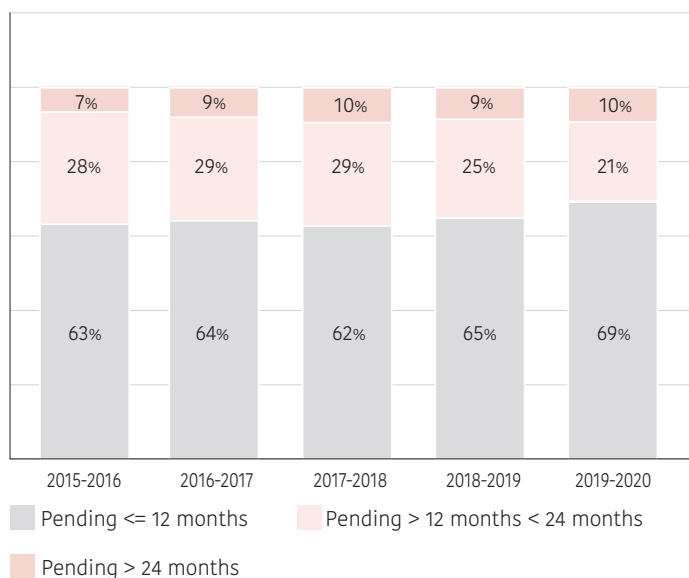
CASE STUDY

METHOD OF FINALISATION - CRIMINAL



Method Finalised	Total 2018-19	Total 2019-20
Pledged Guilty	232	278
Withdrawn	124	178
Found Guilty	49	44
Acquitted	31	28
Remitted from Supreme Court to Lower Court	24	27
Pledged Guilty - Section 385A	10	14
Dismissed	6	5
Convicted of Alternative	5	10
Accused Died	3	5
Criminal Justice (Mental Impairment) Act disposition	6	4
Unknown	2	3
Grand Total	492	596

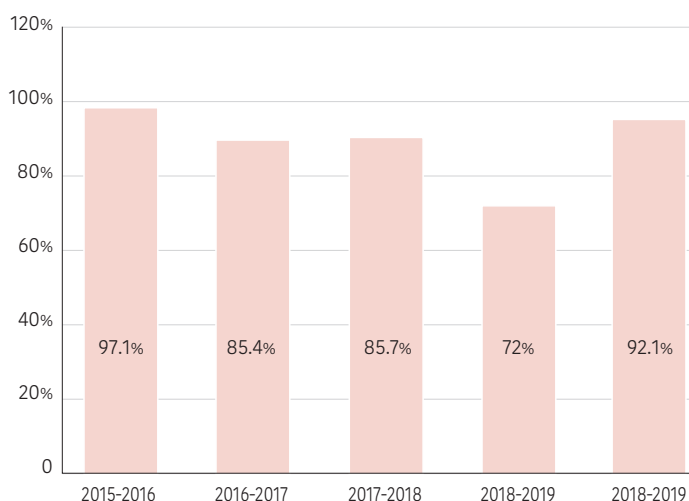
BACKLOG INDICATOR: CRIMINAL



	2015-16	2016-17	2017-18	2018-19	2019-20
Pending <= 12mths	64%	62%	65%	69%	61%
Pending > 12mths <24mths	29%	29%	25%	21%	28%
Pending > 24mths	7%	9%	10%	9%	10%

The criminal (non-appeal) pending caseload (also referred to as backlog) has increased by 1% during the reporting year, from 680 in 2018-19 to 688 in 2019-20.

CRIMINAL CASE (FIRST INSTANCE) CLEARANCE RATES



	2015/16	2016/17	2017/18	2018/19	2019/20
First Instance Clearance Rate	97.1%	85.4%	85.7%	72.0%	92.1%

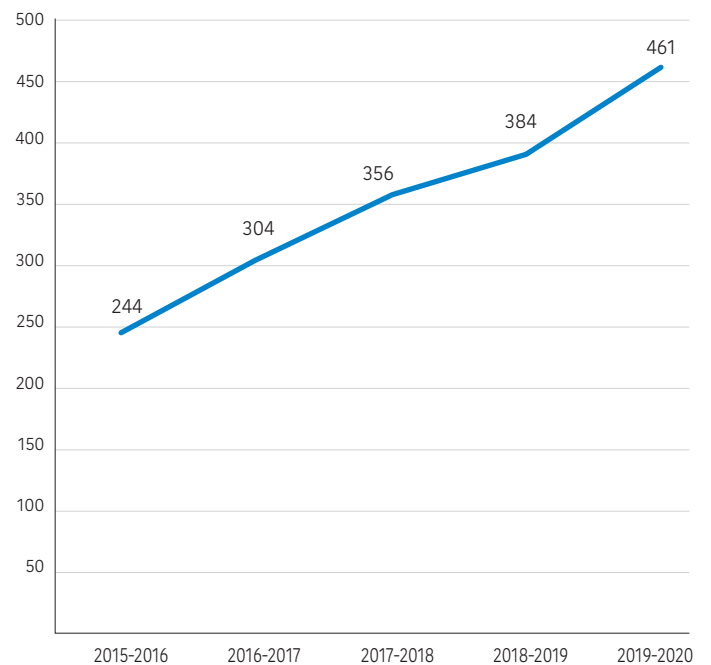
The 5% reduction in lodgements and the 25% increase in finalisations has meant that the clearance rate of the Supreme Court's Criminal Division has risen to 92.1%.

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 allocation of acting judges to complement the existing 6 full-time permanent judges.
- Scheduling additional criminal courts to sit, primarily in Hobart and Launceston to slow the increase in the backlog.
- The allocation of acting Judges to sit on appeals to allow existing permanent judges some increased time to prepare judgments, sentences etc.
- Measures to counteract the hiatus in criminal trials due to the pandemic.



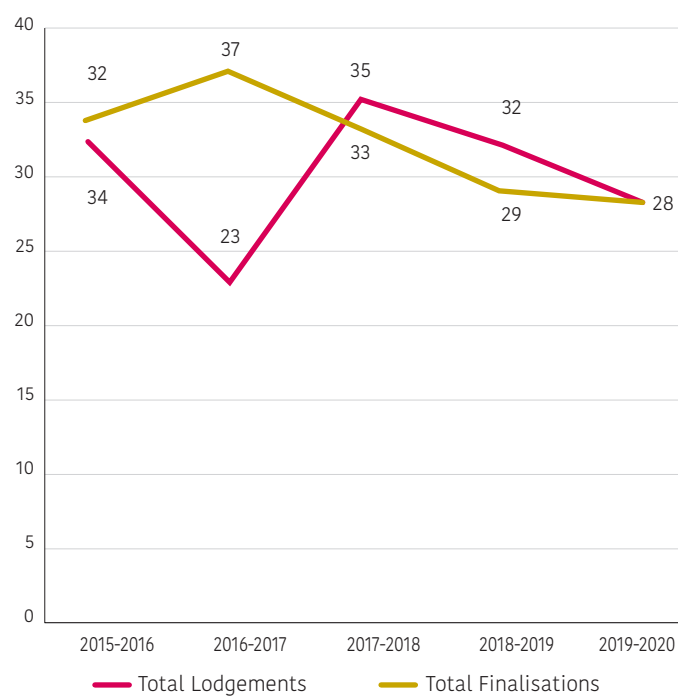
BAIL APPLICATIONS



	2015-16	2016-17	2017-18	2018-19	2019-20
Total	244	304	356	384	461

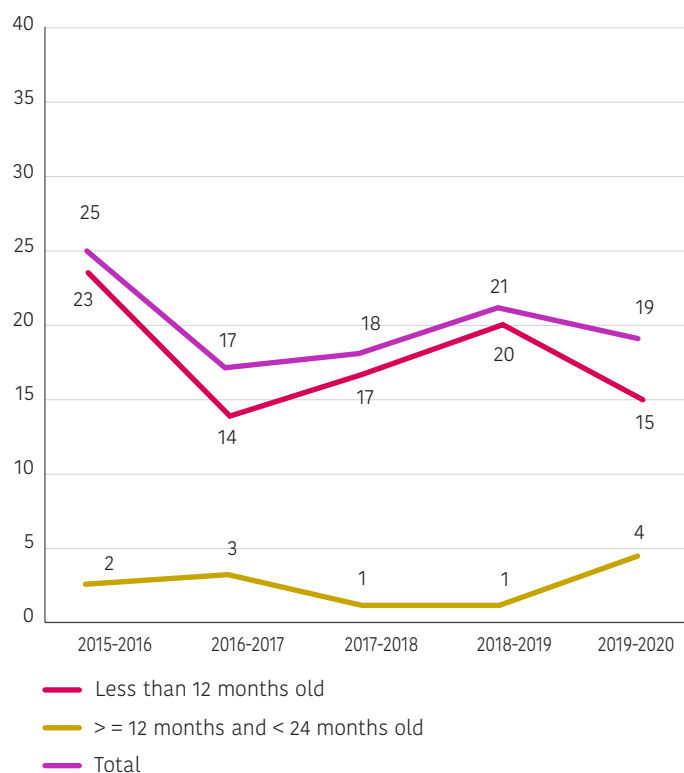
Bail applications continue to rise with the 2019-20 year experiencing a 20% increase from the 2018-19 year, and an 89% increase since the 2015-16 year.

COURT OF CRIMINAL APPEAL LODGMENTS & FINALISATIONS



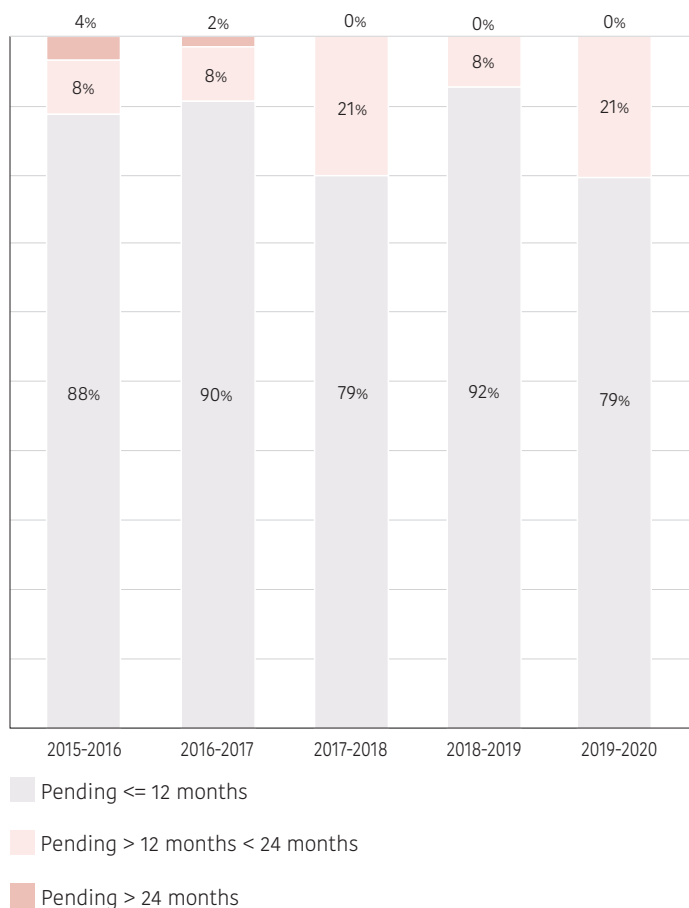
	2015-16	2016-17	2017-18	2018-19	2019-20
Total Lodgements	32	23	35	32	28
Total Finalisations	34	37	33	29	28

COURT OF CRIMINAL APPEAL PENDING - 5 YEAR TREND



Census Date	2015-16	2016-17	2017-18	2018-19	2019-20
1. Less than 12 months old	25	14	15	20	15
2. >= 12 months and < 24 months old	2	3	1	1	4
Total	27	17	16	21	19

BACKLOG INDICATOR: CRIMINAL APPEALS



	2015-16	2016-17	2017-18	2018-19	2019-20
Pending <= 12mths	88%	90%	79%	92%	79%
Pending >12mths	8%	8%	21%	8%	21%
Pending >24mths	4%	2%	0%	0%	0%

CIVIL JURISDICTION CASELOAD

FIRST INSTANCE

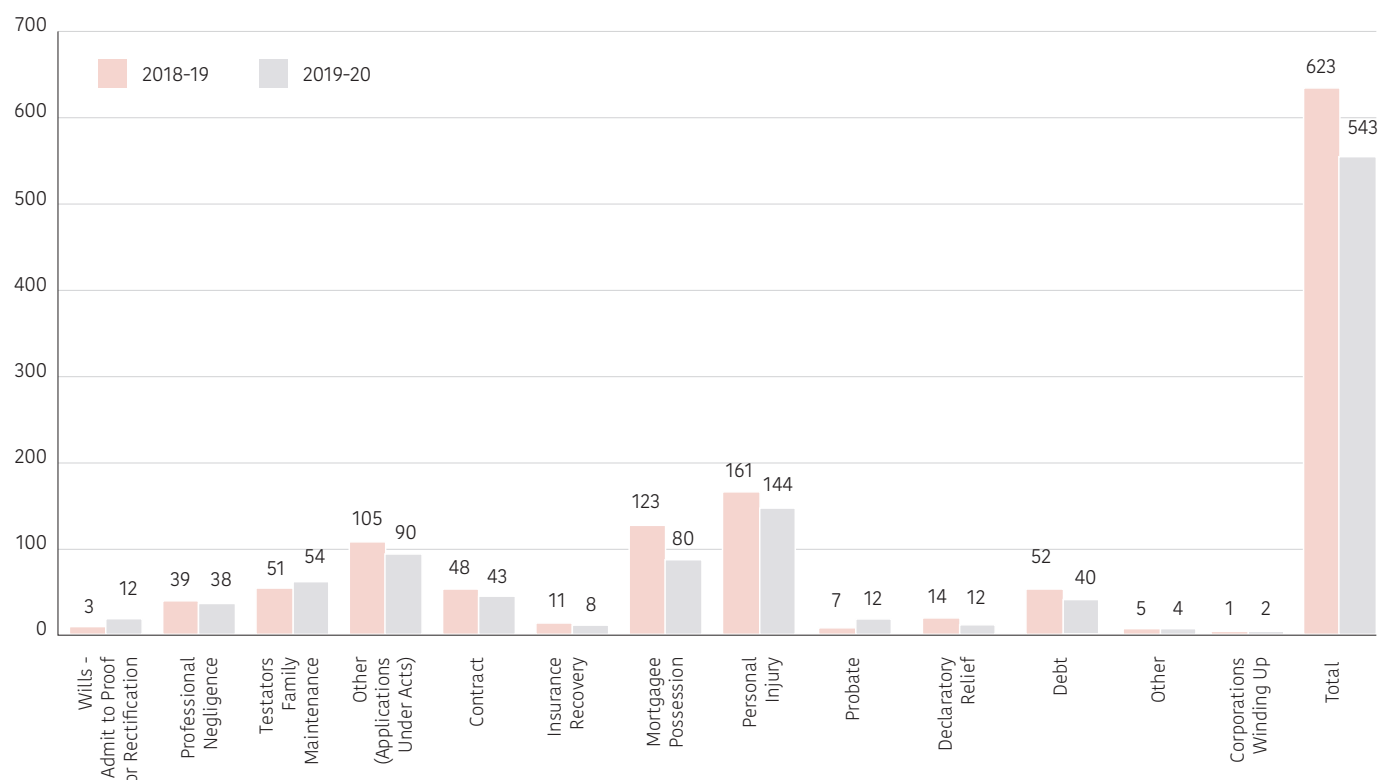
CIVIL LODGEMENTS AND FINALISATIONS - 5 YEAR TREND



	2015-16	2016-17	2017-18	2018-19	2019-20
Total Lodgements	833	740	761	605	543
Total Finalisations	864	767	771	711	733
Clearance Rate	104%	104%	101%	118%	135%

Civil (Non Appeal) lodgements for the 2019-20 year experienced a 10% (62) decrease on the 2018-19 year. Finalisations increased by 3% (22) in 2019-20 from the 2018-19 year.

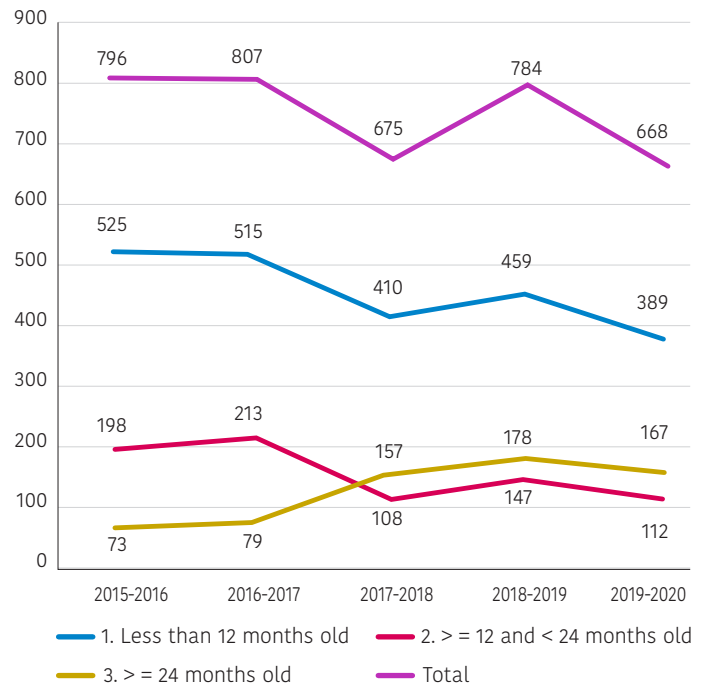
CIVIL LODGEMENTS BY FILE TYPE



Lodgement	2018-19	2019-20	Variation	%
Wills - Admit to Proof or Rectification	3	12	9	100%
Professional Negligence	39	38	-1	-3%
Testators Family Maintenance	51	54	3	6%
Other (Applications Under Acts)	105	90	-15	-14%
Contract	48	43	-5	-10%
Insurance Recovery	11	8	-3	-27%
Mortgagee Possession	123	84	-39	-32%
Personal Injury	161	144	-17	-11%
Probate	7	12	5	71%
Declaratory Relief	14	12	-2	-14%
Debt	52	40	-12	-23%
Other	5	4	-1	-20%
Corporations Winding Up	1	2	1	100%
Total	623	543	-80	-13%



CIVIL PENDING - 5 YEAR TREND

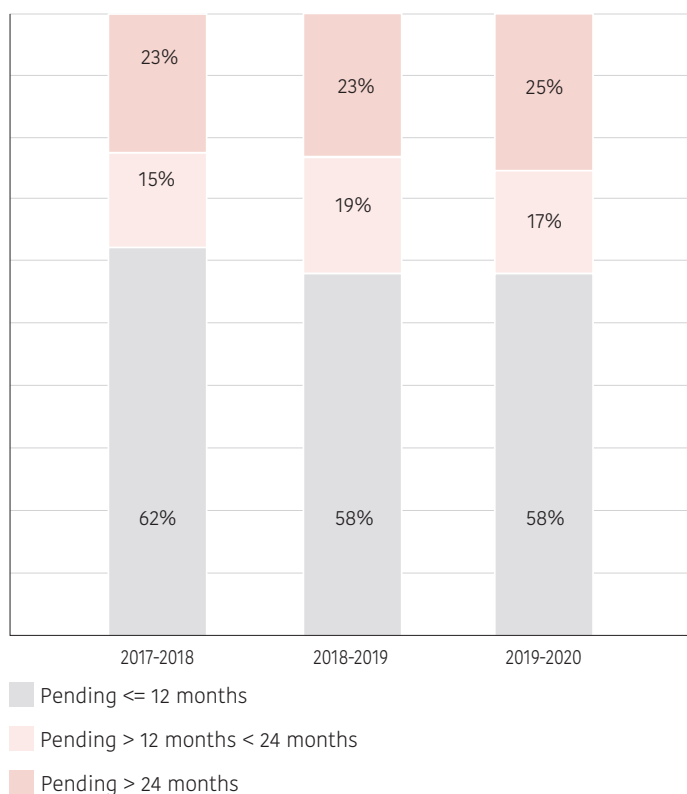


Age Months	2015-16	2016-17	2017-18	2018-19	2019-20
1. Less than 12 months old	525	515	410	459	389
2. >= 12 months and < 24 months old	198	213	108	147	112
3. >= 24 months old	73	79	157	178	167
Total	796	807	675	784	668

The civil (non-appeal) pending caseload decreased by 15% during the reporting year, from 784 in 2018-19 to 668 in 2019-20. The backlog has decreased by:

- 15% in cases aged less than 12 months
- 24% in cases aged between 12 and 24 months
- 6% in cases greater than 24 months

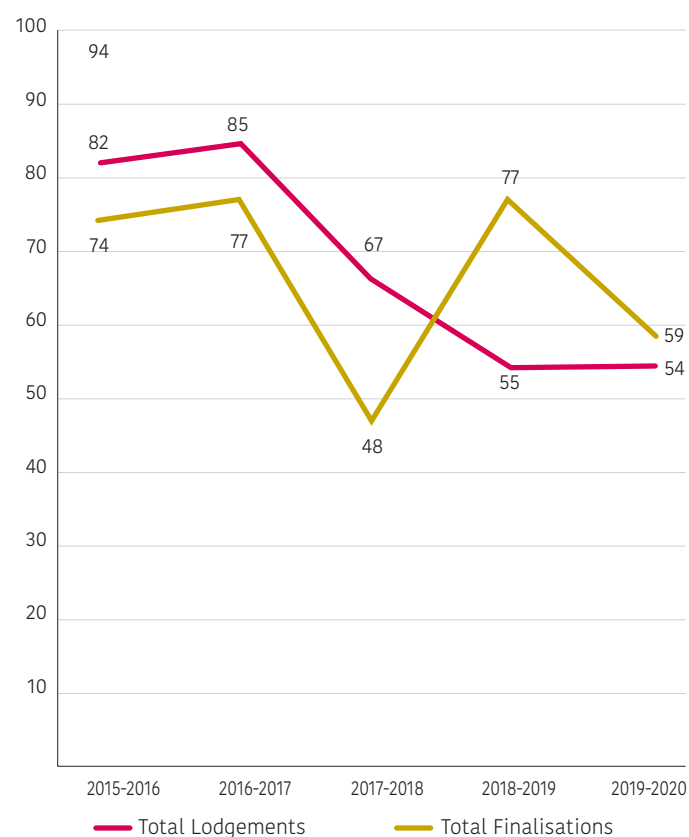
CIVIL BACKLOG INDICATOR - FIRST INSTANCE



	2017-18	2018-19	2019-20
Pending <= 12 mths	62%	58%	58%
Pending >12mths	15%	19%	17%
Pending >24mths	23%	23%	25%

APPEALS (FCA AND LCA)

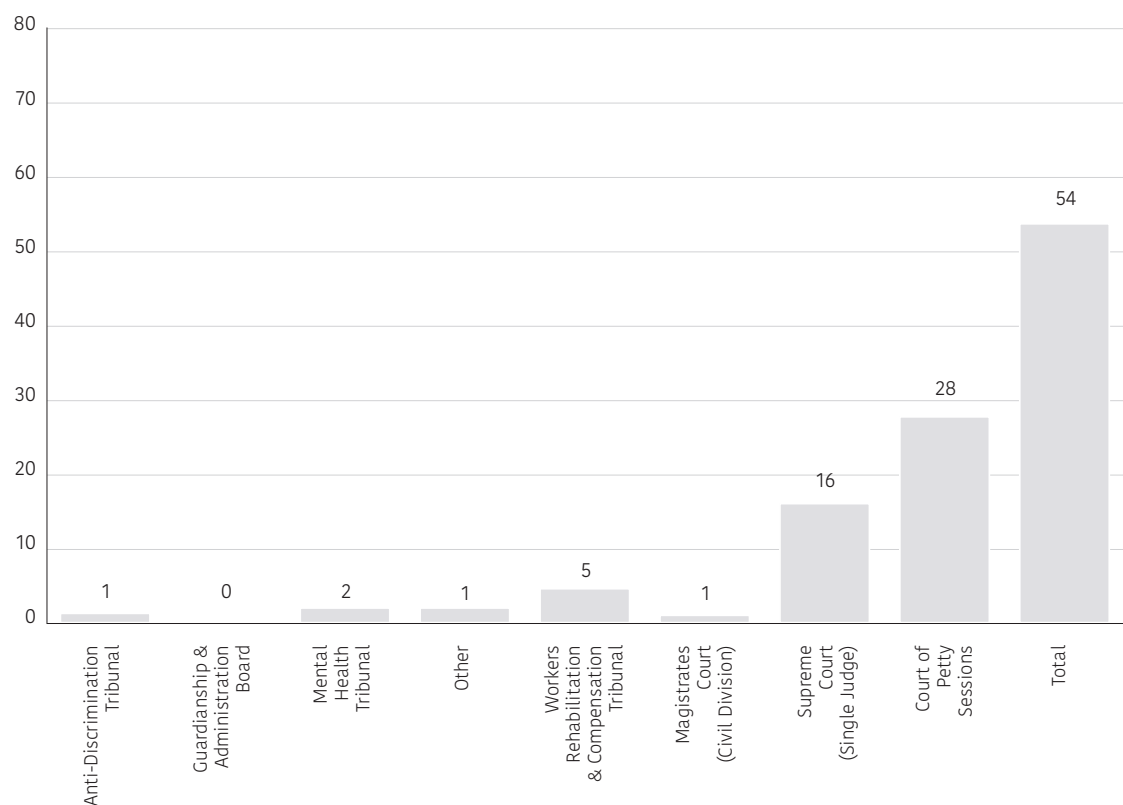
APPEAL LODGEMENTS AND FINALISATIONS - 5 YEAR TREND



	2015-16	2016-17	2017-18	2018-19	2019-20
Total Lodgements	82	85	67	55	54
Total Finalisations	74	77	48	77	59

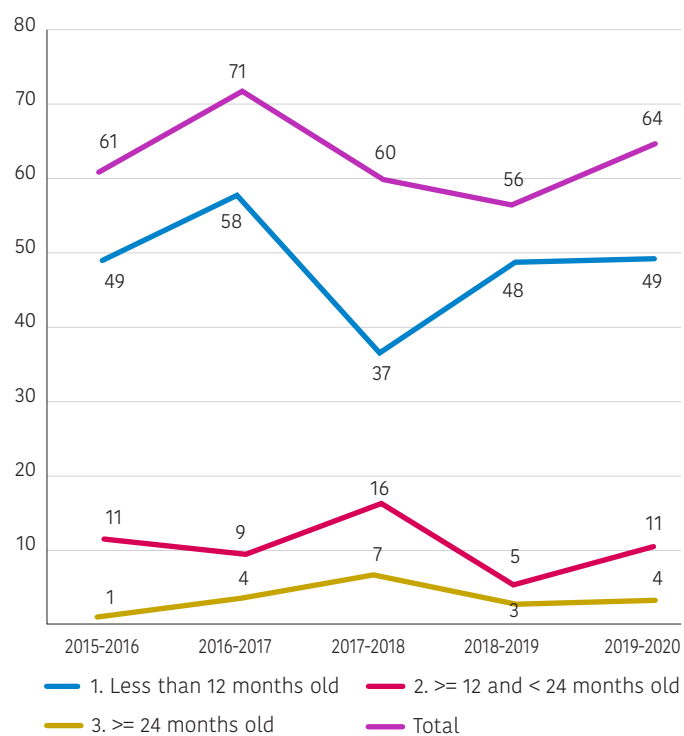
FCA and LCA appeals (combined) lodgments have effectively remained stable over the past two years. Finalisations have decreased from 77 in 2018-19 to 59 in 2019-20, representing a 23% decrease.

CIVIL APPEAL (FCA AND LCA) LODGEMENTS BY ORIGIN



Appeal Origin	Number 2019-20
Anti-Discrimination Tribunal	1
Guardianship and Administration Board	0
Mental Health Tribunal	2
Other	1
Workers Rehabilitation and Compensation Tribunal	5
Magistrates Court (Civil Division)	1
Supreme Court (Single Judge)	16
Court of Petty Sessions	28
Total	54

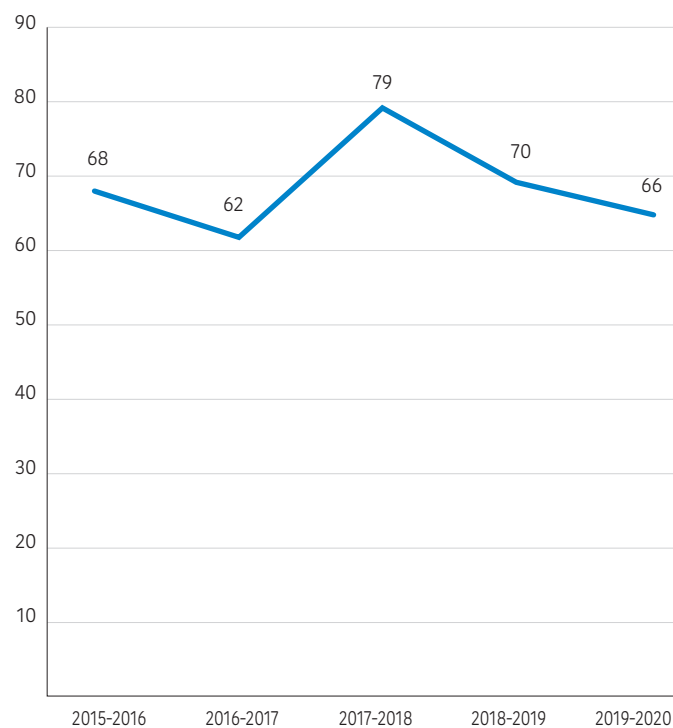
CIVIL APPEAL PENDING (FCA AND LCA) - 5 YEAR TREND



Age	2015-16	2016-17	2017-18	2018-19	2019-20
1. Less than 12 months old	49	58	37	48	49
2. >= 12 and < 24 months old	11	9	16	5	11
3. >= 24 months old	1	4	7	3	4
Total	61	71	60	56	64

ADMISSIONS TO PRACTICE

ADMISSIONS TO PRACTICE - 5 YEAR TREND



	2015-16	2016-17	2017-18	2018-19	2019-20
Total	68	62	79	70	66

CASE EXAMPLE - AN IMPORTANT DANGEROUS DRIVING CASE.

State of Tasmania v Brown; Director of Public Prosecutions v Brown [2019] TASCCA 11

On 16 July 2018, the accused appeared in the Magistrates Court charged with a number of driving related offences. On 24 August 2018, he was remanded in custody and committed for trial, to appear in the Supreme Court on 3 September 2018.

The matter was listed for a series of case management hearings. On 29 November 2018, an indictment charging him with dangerous driving was filed. On 8 March 2019, he pleaded guilty to the crime of dangerous driving, and to a number of related summary offences, including evading police.

On 20 March 2019, the accused was convicted on all charges. On the charge of dangerous driving and three of the summary charges, he was sentenced to imprisonment for 22 months (backdated to 25 July 2018) and disqualified from driving for three years. The sentencing Judge ordered that he was not to be eligible for parole until he had served 12 months of that sentence. On the charge of evading police, on which a separate sentence has to be imposed, he was sentenced to four months' imprisonment, concurrently with the 22-month sentence.

On 27 March 2019, the Director of Public Prosecutions filed a notice of appeal, contending that the sentences were manifestly inadequate. The appeal was heard by the Court of Criminal Appeal on 3 June 2019.

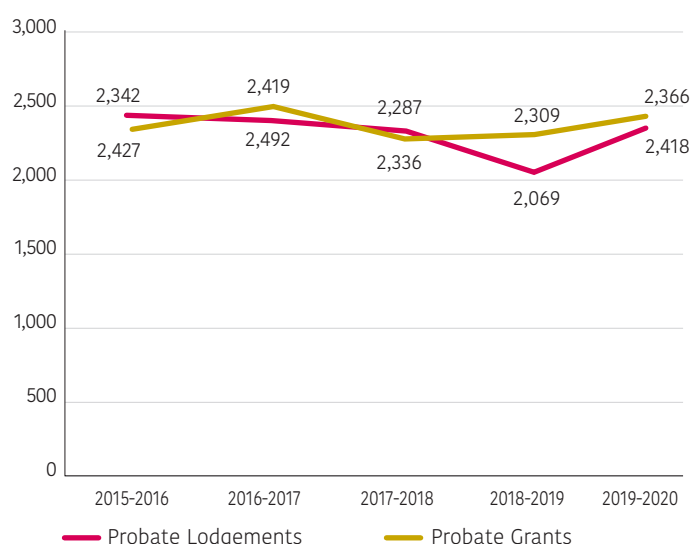
On 20 August 2019, the Court of Criminal Appeal allowed the appeal and made orders to the following effect:

- The sentence of 22 months' imprisonment was set aside and replaced by a sentence of 2 years 8 months' imprisonment (backdated to 25 July 2018).
- The sentence of 4 months' imprisonment was made cumulative instead of concurrent.
- The order as to parole eligibility was set aside and replaced with an order that the prisoner not be eligible for parole until he had served half of the sentence of 2 years 8 months' imprisonment and half of the cumulative sentence of 4 months' imprisonment.

CASE STUDY

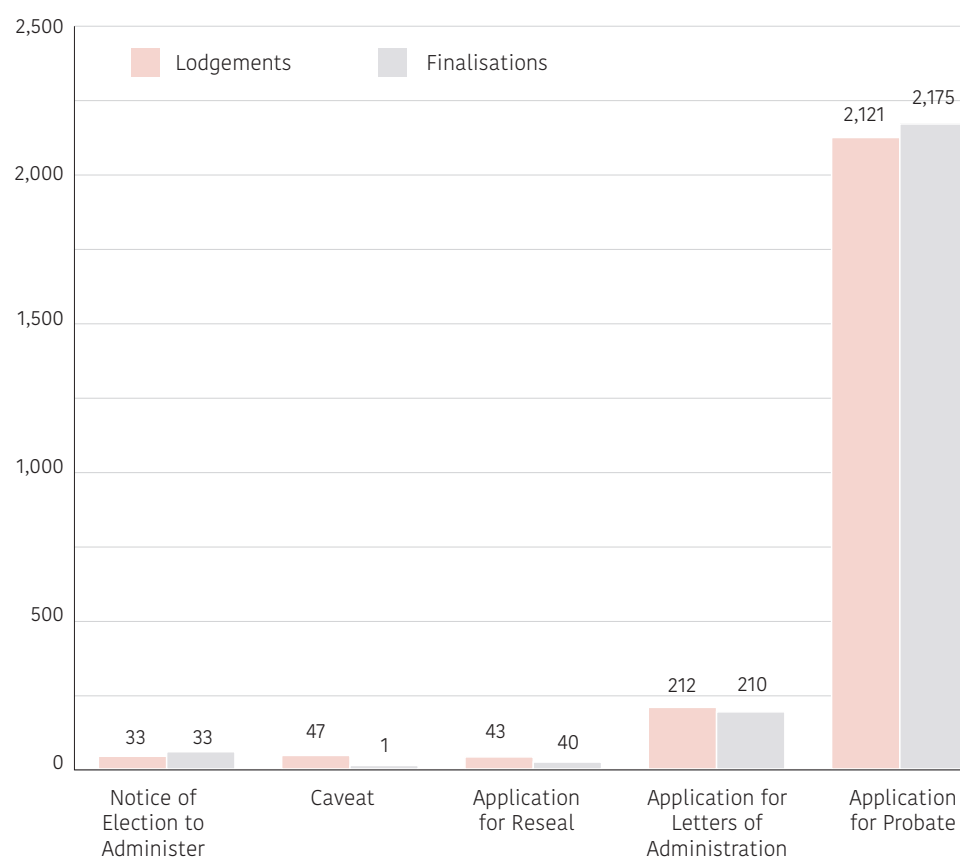
PROBATE JURISDICTION

PROBATE LODGEMENTS AND GRANTS - 5 YEAR TREND



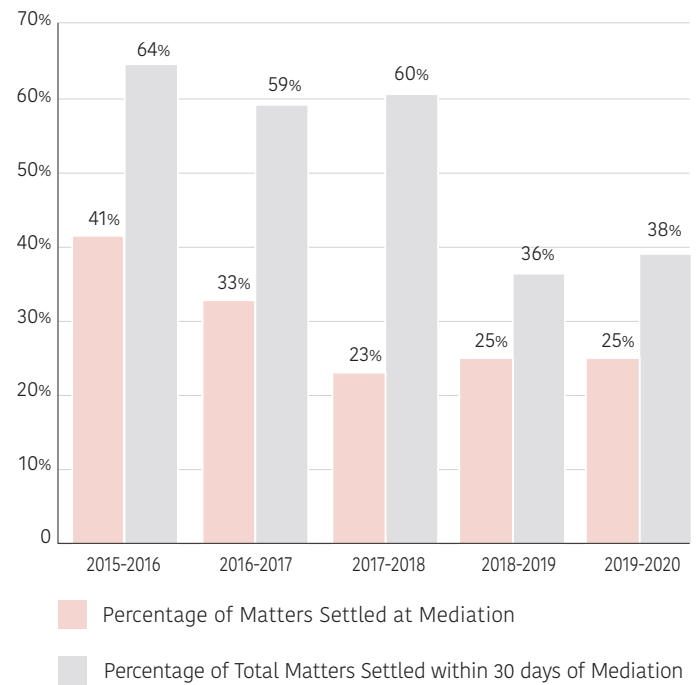
	2015-16	2016-17	2017-18	2018-19	2019-20
Probate Lodgements	2,427	2,419	2,336	2,069	2,366
Probate Grants	2,342	2,492	2,287	2,309	2,418

LODGEMENTS AND FINALISATIONS 2019-20



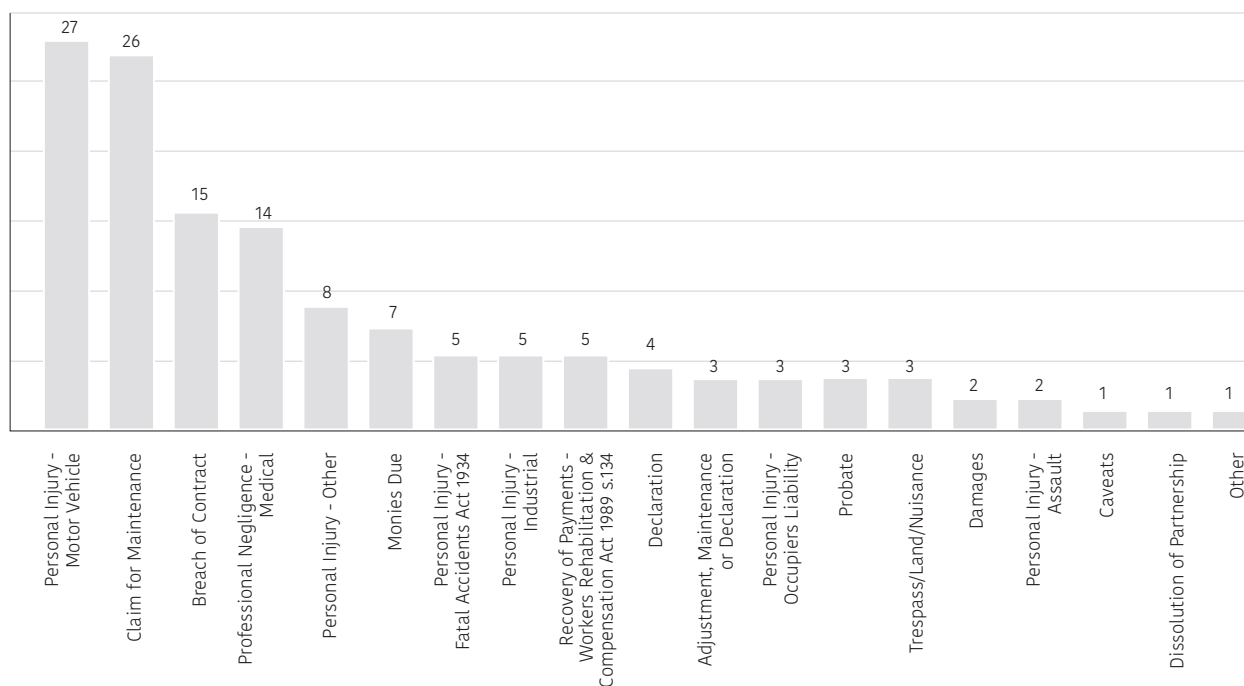
Activity Type	Lodgements	Finalisations
Notice of Election to Administer	33	33
Caveat	47	1
Application for Reseal	43	40
Application for Letters of Administration	212	210
Application for Probate	2,121	2,175
Total	2,456	2,459

MEDIATIONS 5 YEAR TREND



Financial Year	2015-16	2016-17	2017-18	2018-19	2019-20
Mediations Conducted	143	134	134	124	140
Matters Settled at Mediation	59	44	31	31	35
Percentage of Matters Settled at Mediation	41%	33%	23%	25%	25%
Total Matters Settled within 30 days of Mediation	92	79	81	45	53
Percentage of Total Matters Settled within 30 days of Mediation	64%	59%	60%	36%	38%

TOTAL CONDUCTED BY NATURE



Nature of Mediation	2019-20
Personal Injury - Motor Vehicle	27
Claim for Maintenance	26
Breach of Contract	15
Professional Negligence - Medical	14
Personal Injury - Other	8
Monies Due	7
Personal Injury - Fatal Accidents Act 1934	5
Personal Injury - Industrial	5
Recovery of Payments - Workers Rehabilitation & Compensation Act 1989 s.134	5
Declaration	4
Adjustment, Maintenance or Declaration	3
Personal Injury - Occupier's liability	3
Probate	3
Trespass/Land/Nuisance	3
Damages	2
Personal Injury - Assault	2
Caveats	1
Dissolution of Partnership	1
Other	1

LOCATION OF COURTS

Hobart; 3-5 Salamanca Place

Launceston: 116 Cameron Street

Burnie: 38 Alexander Street

