



SUPREME COURT OF
TASMANIA

ANNUAL REPORT

2020 / 2021

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

2020-21

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 2020/2021: SOME OBSERVATIONS

During the reporting year the major challenges faced by the Court were again the need to minimise the disruption to the Court's business caused by the COVID-19 pandemic, the backlog of criminal cases, and the volume of work required in relation to bail matters.

RESPONSE TO THE COVID-19 PANDEMIC

At the beginning of the reporting year, no jury trials had been conducted in Tasmania for four months because of the pandemic. However it had become clear that jury trials could resume provided appropriate public health precautions were taken. Jury trials were resumed in Hobart and Launceston on 21 July 2020, and in Burnie on 13 October 2020. Because of social distancing requirements, it was decided that every jury box and most jury rooms were too small to accommodate a 12-member jury, and that temporary arrangements would have to be made.

In Hobart, the jury room for Court 1 had originally been designed for 7-member civil juries. However, because of the increasing use of that court for criminal trials, its jury room was enlarged during the first half of 2020. It is now large enough for 12 jurors to use it and comply with social distancing requirements. Once jury trials were resumed, they were conducted in Courts 1 and 7. The jury assembly room was used as the temporary jury room instead of Court 7's jury room. To comply with social distancing requirements some jurors in each court were seated outside the jury box, mostly in part of the public gallery. On mornings when juries were empanelled, members of the jury panel were spread out across various parts of the Court buildings.

Court 1 had originally been designed as a civil court, and did not have a dock. A dock was constructed during the summer recess.

Court 1 is our largest court. In April and May 2021 it was required for a large-scale civil trial concerning the Dunalley bushfire of 2013. It was decided to conduct jury trials in Courts 7 and 8 whilst Court 1 was unavailable. The jury assembly room was used as the jury room for Court 8. The jury room of Court 7 was modified. Its round table was dismantled and placed in storage. Fixed seating was installed, with jurors separated from one another by at least 1.3 metres. The new arrangements proved to be satisfactory.

Radical changes were made to Court 1 in Launceston before the resumption of jury trials. The dock in the centre of the Court was removed and placed in storage. The jury box was converted into a large dock. The public seating was removed and replaced by fixed seating for jurors, separated by at least 1.5 metres from one another. Another room was made available for members of the public to watch the proceedings on closed circuit television. Initially Court 2 was used as a jury room, but subsequently juries began using Court 1's jury room. It has not been possible to conduct criminal trials in Court 2 because its jury room is far too small and there is no suitable alternative room. Initially some civil cases were heard by a judge at the Magistrates Court in Launceston, but subsequently Court 2 was used for the hearing of civil cases.

In Burnie the new arrangements were even more drastic. The courtroom, as originally configured, was too small to accommodate all the participants in even the smallest criminal trials. It had been designed as a prototype "court in the round" when Sir Stanley Burbury was the Chief Justice. In order for it to accommodate jury trials in the era of social distancing, it was necessary for all the original fixtures and furniture to be removed, except for the judge's bench. New

fixtures and furniture were installed. It is no longer a court in the round. The jurors sit in fixed seating at the rear of the courtroom. The public are accommodated in another room, with a TV screen. The Court is indebted to the District Registrar, Mr Chris Nason, for his initiative in getting the courtroom redesigned.

As a result of public health advice, jurors aged 65 and over were exempted from jury service until the end of 2020. Arrangements were put in place so that, on appropriate occasions, only half of a jury panel was required to attend court for the empanelment of a jury. From mid-February 2021, all persons attending the Supreme Court were asked to check in using the Check in TAS App.

Although face-to-face appearances became the norm again in mid-2020, judges have continued to permit counsel to appear by audio visual link or to participate in proceedings by telephone, when appropriate. The increasing use of technology no doubt results in the saving of costs for litigants. In a number of cases, Victorian counsel have appeared by means of audio visual links during lockdowns in Melbourne.

At the end of March 2021 the judges and staff of the Court were categorised as “critical workers”, and arrangements were made for them to receive vaccinations as part of Phase 1B of the State’s vaccination program.

On 11 May, the Attorney-General, the Hon Elise Archer MP, signed a fresh 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 proceedings related could be held in an approved manner determined by the Chief Justice. The next day I signed a fresh determination authorising such arrangements. The previous notice and determination, signed in April 2019, expired after 12 months. The new arrangements were put in place for another 12 months in case the Court’s business was affected by a sudden lockdown.

One of the consequences of the routine use of Court 1 as a criminal court is that prisoners are now routinely brought on foot to and from the civil court building in handcuffs, escorted by correctional officers. On 23 September 2020 a photo of a prisoner who was standing trial in Court 1, handcuffed and accompanied by correctional officers on his way back to the criminal court building, was published in the Mercury. His trial was aborted because the jury had not known that he was in custody, had become aware of the photograph, and might have been prejudiced in their deliberations by the information that he

was being held in custody. The Director of Public Prosecutions subsequently prosecuted the publisher of the Mercury for contempt of court. The company was fined \$80,000: Director of Public Prosecutions v Davies Brothers Pty Ltd [2021] TASSC 13.

In October 2020 the Mercury published a photo of a second prisoner in handcuffs, accompanied by correctional officers, walking between the court buildings after a Full Court hearing in Court 1 relating to parole legislation. It is generally considered inappropriately degrading for prisoners to be photographed or filmed in any form of custodial setting. Article 10 of the International Covenant on Civil and Political Rights states, “All persons deprived on their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The publication of a photo of a prisoner in handcuffs, being escorted to or from court, is something so humiliating that it should not be permitted.

Subsequently the judges decided that no further photography of prisoners on the Court premises was to be permitted. On 18 November 2020 I issued a direction under s 30(1) of the Court Security Act 2017 to the effect that no person is to photograph or film any prisoner in the court buildings or the space between the court buildings.

OTHER CHALLENGES

The Court’s greatest challenge remains the backlog of first instance criminal cases. In the reporting year the clearance rate remained steady at 92%. However, so long as the clearance rate remains below 100%, the backlog will continue to get worse. The number of new committals dropped from 647 in 2019-20 to 539 in 2020-21. However the number of finalisations also dropped, from 596 to 496.

These figures appear to reflect two trends. First, in less serious cases where it is appropriate to charge defendants with summary offences, that course is more frequently being taken. Second, in the four months in early 2020 when there were no criminal trials, prosecutors and defence counsel identified and finalised an unusually large number of cases that could be disposed of by pleas of guilty, discharges, or transfers to the Magistrates Court. Once jury trials resumed, a much increased proportion of the pending criminal cases were cases that would need to go to trial.

As in previous years, the Court could have made judges available to conduct more criminal trials, but the Director of Public Prosecutions was constrained by limited resources affecting the number of cases that could be brought to trial. However arrangements were made for the Court’s acting

judges to conduct criminal trials in weeks when they would not otherwise have been conducted, during appeal terms and recesses.

The number of bail cases (applications and appeals from magistrates) dropped from 461 in 2019-20 to 333 in 2020-21. That change was very welcome, but the number of bail cases remains far too high. A very large proportion of them have no merit at all, and they take up far too much of the judges' time.

A number of welcome initiatives were taken by the Tasmanian Government during the reporting year. In February 2021 the Government advertised for expressions of interest with a view to a seventh judge being appointed at or about the beginning of the 2021-22 financial year. The selection process was delayed by months as the result of the Government going into caretaker mode before the State election that was held on 1 May. However the selection process was under way again at the end of the reporting year.

In November 2020 the Tasmanian Parliament passed the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020*. Subsequently it was proclaimed to commence on 1 July 2021. That Act contains provisions that are designed to lighten the workload of the Supreme Court by reducing the number of bail cases, keeping criminal cases in the Magistrates Court until after preliminary proceedings have been completed, and introducing new summary offences with a view to reducing the number of criminal cases coming to the Supreme Court.

APPOINTMENTS

On 21 January 2021 Her Excellency the Governor re-appointed the Hon Brian Ross Martin AO, the Hon Shane Raymond Marshall AM, and the Hon David James Porter AM to be acting judges of the Court, each for a period of two years.

On 14 June 2021 His Excellency the Governor-General announced the appointment of the Hon Acting Justice David James Porter as a member in the general division of the Order of Australia for significant service to the law, and to the judiciary, in Tasmania.

On 12 April 2021 Madeleine Sarah Wilson was appointed as senior counsel.

OTHER DEVELOPMENTS

In January 2021, Cabinet decided to introduce legislation to increase the retirement age for Tasmanian judges and magistrates from 72 years to 75 years. The Justice Miscellaneous (Increasing Judicial Retirement Age) Bill

2021 had its second reading in the House of Assembly on 30 June 2021. Increasing the retirement age will alleviate recruitment problems, prolong the service of experienced judges, and enable those judges, by working longer, to make better provision for their retirements at no increased cost to the Government. Successive Tasmanian governments have been unwilling to pay superannuation contributions above the rate applicable to employees in the Tasmanian State Service. Substantially higher percentages are paid by the Commonwealth for the benefit of those federal judges who do not have pension eligibility, and by the Government of New Zealand for the benefit of that country's judges.

On 11 August 2020 the Attorney-General announced that the Supreme Court and the Magistrates Court were to move from their present location in Alexander Street, Burnie to premises in Moreville Road recently vacated by the University of Tasmania. It is anticipated that the courts will be able to sit at the new location at or about the end of 2023. A number of judges and magistrates are involved in the necessary planning.

On 11 February 2021 the Premier, the Hon Peter Gutwein MP, announced that Tasmania Police officers would not be used for court duties in Burnie as from 1 July 2021. The phasing out of the involvement of police officers in court duties in Tasmania has been in progress since 1992.

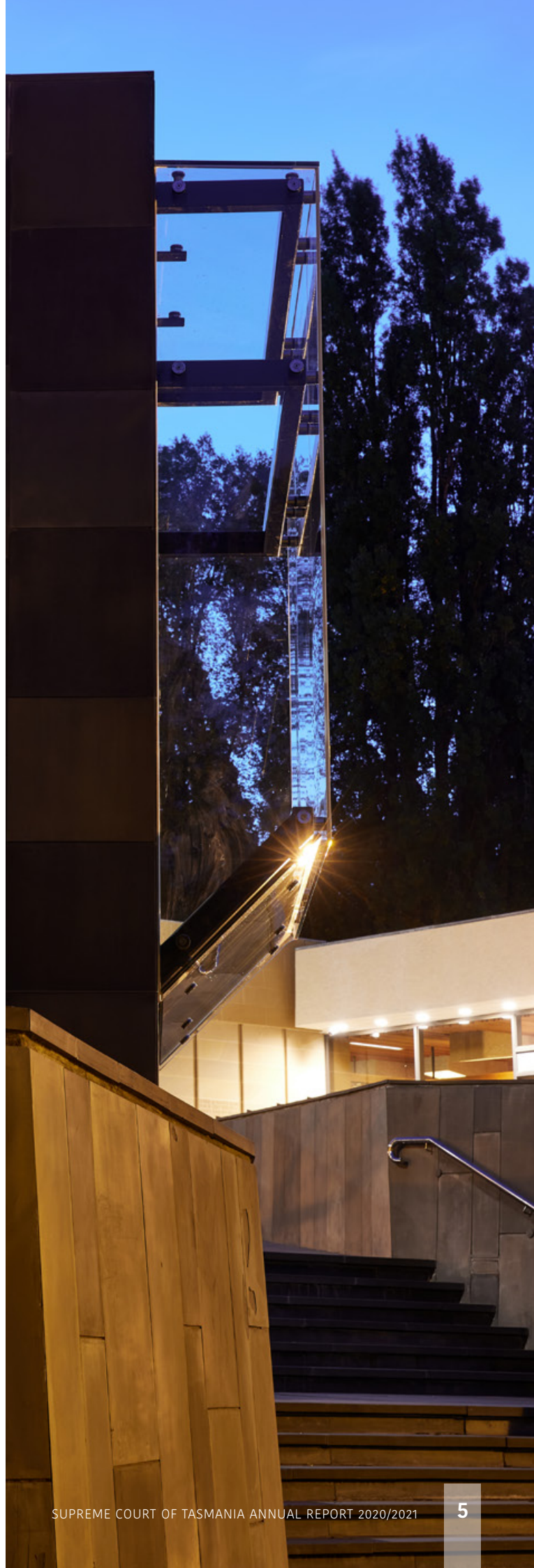
Two new elevators were installed during the reporting year. One was installed in Launceston, where Court 2 is on the first floor. It became operational in March 2021. In Hobart, an outdoor elevator was installed operating between the footpath of Salamanca Place and the forecourt between the Court's two buildings. For over 30 years, wheelchair access from Salamanca Place to the criminal court was possible only by travelling around all four sides of the criminal court building and then going up a ramp. As from April 2021, the front doors of both court buildings have been accessible from the footpath of Salamanca Place via the new elevator.

As the result of publicity concerning the sexual harassment of High Court staff, the judges put in place two protocols during the reporting year relating to allegations of misconduct by judicial officers. One protocol establishes a procedure for Supreme Court staff to make complaints or raise concerns about the conduct of judicial officers. The second protocol was established by the Presidents of the Tasmanian Bar and the Law Society of Tasmania, the Chief Magistrate and myself. It establishes a procedure for legal practitioners, through

their professional organisations, to make complaints or raise concerns about the conduct of judicial officers, including judges and magistrates.



The Hon Alan Blow AO
Chief Justice of Tasmania
12 November 2021



Year at a glance

CASELOAD SUMMARY

The following tables provide summaries of the Court's caseload in the 2020-21 year.

A detailed review of the operations and performance of the Court to 30 June 2021 is contained within this report.

Jurisdiction	Lodgements	Appeals	Finalised First Instance	Finalised Appeals	Bail Applications
Criminal	539	21	496	18	333
Civil	460	75	612	59	n/a
Total	999	96	1,108	77	333

Jurisdiction	Lodgements	Caveat	Application for Reseal	Total
Probate	2,257	38	49	2,344

Jurisdiction	Conducted	Settled at Conference	Settled after Conference (within 30 days)	Total Settled
Mediation	189	60	93	153

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
- 10 Registry staff
- 34 Judicial Support Staff
- 7 Corporate Support Staff

OUR BUDGET

- \$10.836M revenue
- \$11.568M expenditure



Our Judges



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

THE ASSOCIATE JUDGE:

- The Honourable Stephen James Holt.

ACTIVITIES

The Chief Justice and Judges participated in the following extra-curricular activities during the reporting year.

CHIEF JUSTICE BLOW

During the year ended 30 June 2021 Chief Justice Blow took part in the following activities:

- On 12 November 2020, a tour of the Hobart court buildings, conducted jointly with the Court's Architect Peter Partridge, for the Tasmanian Museum and Art Gallery Foundation.
- On 14 November 2020, one of the tours of the Court as part of Open House Hobart, organised by the Australian Institute of Architects.
- On 18 March 2021, guest speaker at the annual dinner of the Australian Association of Magistrates, held in Hobart.
- On 16 June 2021 at Government House his Honour swore in Her Excellency the Honourable Barbara Baker AC.
- On 22 June 2021, together with Justices Wood, Estcourt and Geason attended the opening of the 50th Parliament of Tasmania by Her Excellency.
- An on-line meeting of the Council of Chief Justices Of Australia and new Zealand on 19 October 2020.
- Telephone and on-line meetings of the Governing Council and Executive Committee of the Judicial Conference of Australia, which changed its name in March 2021 to the Australian Judicial Officers Association.
- On-line meetings of a sub-committee of the National Judicial College of Australia planning a conference to be held in 2022.
- Advocacy exercises as part of the Supreme Court module of the 2021 Tasmania, Legal Practice Course.

JUSTICE WOOD

- Delivered 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 1 July 2020. It incorporated teaching about the Recommended National Standards on Working with Interpreters and a foundation in cultural awareness and access to justice. The Tasmanian Legal Practice Course is the first such course in Australia to offer comprehensive teaching about the Standards and cultural awareness.
- Chaired part one of a two part webinar co-hosted by the Law Society and the Centre for Legal Studies with guest speaker Maria Dimopoulos AM: Part 1 – cultural diversity: an essential guide for lawyers on 29 June 2020. Presented part two of the Law Society webinar, on 20 August 2020 to legal practitioners on working with interpreters in courts and tribunals and the National Recommended Standards.
- Attended the Gilbert + Tobin Centre of Public Law Constitutional Law On-line Conference held on 12 February 2021 and chaired a session on the theme 'Recent Cases: Chapter III and the Kable Principle'.
- Attended meetings of the Pilot Intermediary Scheme Steering Committee, a new scheme which has now commenced to ensure that children and adults with communication needs are assisted to better participate in the criminal justice system. Delivered welcome speech at the Witness Intermediary Scheme Training Session in Hobart on 17 February 2021.
- As a member of the Judicial Council on Cultural Diversity, attended meetings of the Council by teleconference on 28 October 2020 and 19 March 2021 and in person on 11 June 2021 in Canberra. Attended a meeting of the Cultural Diversity Justice Network in Canberra on 10 June 2021.
- Attended meetings of the Tasmania Law Reform Institute as a member of the Board.
- As a committee member of the Australian Association of Women Judges attended a telephone meeting.

JUSTICE ESTCOURT

During the year ended 30 June 2021 Justice Estcourt published the following articles and speeches:

- *Hobart's Supreme Court Buildings*; Article published in (2021) 95 ALJ;
- *Bills v Brown*; Article published in 'Law Letter', the Journal of the Tasmanian Law Society, Spring/Summer 2020 at 24;
- *Hitting the Right Note*; Article published in 'Law Letter', the Journal of the Tasmanian Law Society, Autumn/Winter 2020;
- *Enduring Testament to Justice*; Article published in The Mercury, 21 September, 2020;
- *City has a Decorated Court History*; Article published in The Examiner, 20 September 2020;
- *Burnie Court's Important Place in History*; Article published in The Advocate, 9 September 2020;
- *Speech to Applicants for Admission 21 August 2020*.

JUSTICE PEARCE

During the year ended 30 June 2021 Justice Pearce took part in the following activities:

- 16 October 2020: Presentation on advocacy to the Legal Aid Commission of Tasmania Criminal Law Learning Conference, Launceston;
- 18 March 2021: Delivered paper on "Judicial Bullying" to the Australian Association of Magistrates Annual Conference, Hobart;
- March- April 2021: Conducted weekly training sessions for students of the Centre for Legal Studies.

JUSTICE BRETT

During the year ended 30 June 2021 Justice Brett took part in the following activities:

- Attended meetings of the Board of the Centre for Legal Studies;
- Acted as the coordinator of the Supreme Court module for the Legal Practice Course, and participated in sessions of the module for the course;
- Attended the reception held by the Governor at Government House for the 30th anniversary of the establishment of the Legal Aid Commission;
- Attended meetings of the National organising committee of the Supreme and Federal Courts Judges conference and acted as Treasurer of the Committee;
- Attended the Church service and Law Society dinner to mark the opening of the Legal Year;
- Attended meetings of the Judicial Officers reference group in respect of the proposed relocation of the Burnie Court complex;
- Attended a meeting of the Governing Council of the Australian Judicial Officers Association (formerly the Judicial Conference of Australia) as alternate for the Chief Justice;
- Attended meetings of the Rules Committee.

JUSTICE GEASON

During the year ended 30 June 2021 Justice Geason took part in the following activities:

- Attended the opening of the 50th Parliament of Tasmania;
- Provided practical advocacy training to students in the Legal Practice Course Supreme Court module.

ASSOCIATE JUSTICE HOLT

During the year ended 30 June 2021 Associate Justice Holt took part in the following activities:

- Conducted an in house advocacy workshop for judges' associates;
- Worked with IT and registry staff to assist in the creation of electronic court files easily accessible by the judges from bench laptops during trials for all civil proceedings.

EDUCATION AND COMMUNITY ENGAGEMENT

As a result of the various distancing and other requirements of COVID regulations it has been impossible for the Court to engage in many of its normal community and education activities. Fortunately it has been able to continue with some of its activities and also to develop new offerings using technology to stay in touch with the community, as, for example:

- For the first time in its history the Supreme Court, after a refit of Courtroom One, has been able to webcast selected actions. The first webcast was made on 27 April 2021 and covered the ‘Dunalley Bushfires Actions’. Given that space in the courtroom has been severely curtailed by the COVID regulations, this has made it possible for members of the community, and of the press, to view the full progress of the action, including the judgment (which was also placed on the Supreme Court website in full), almost as soon as it happened.
- In addition, the webcast of the Dunalley Bushfires Actions has been used in educational institutions, as its details have been made available to the Legal Practice Course, the University of Tasmania Law School, and the TASC (Legal Studies) for distribution to students of law at High School, University and graduate levels so that they can watch and study a trial in operation.
- Following on from the successful webcast, arrangements have been made to webcast the admission of graduates into the Legal Profession on 6 August 2021. This will allow all friends and family the chance to watch the admission ceremony, which again, because of COVID regulations, could not have happened without the technology becoming available. Not only relatives from interstate will be able to watch, but also relatives internationally, who may not have been able to travel to Tasmania in any event. Additionally, the videos will remain on the internet for watching in the future.
- The Judges continued their long-standing practice of giving lectures at the Tasmanian Legal Practice Course as well as presiding over litigation and advocacy exercises for the Course trainees. These were conducted at the Supreme Court itself, providing the trainees with valuable face to face and practical experience of the Court process, familiarity with the Court environment, and public speaking skills.
- The Court has again provided the venue for the University of Tasmania Law School moots, which give students the experience of arguing a fictitious case in a real court environment.
- The Court also continued its tradition of participating in ‘Open House’ tours of its premises to offer to the public access to architecturally significant buildings in and around Hobart and Launceston.
- In addition to this year’s Open House tour, the Court gave a tour of the buildings for the Tasmanian Museum and Art Gallery Foundation.
- The Judges have continued to present papers to legal conferences, including the Legal Aid Commission of Tasmania Criminal Law Learning Conference and the Australian Association of Magistrates’ Annual Conference and to publish articles about the Court and its history in newspapers, Law Journals and academic Journals.

LEGISLATIVE AMENDMENTS

During the reporting year, new legislation relating to the work of the Court included the following.

WITNESS INTERMEDIARIES

The *Evidence (Children and Special Witnesses) Amendment Act 2020* was proclaimed to commence on 1 March 2021. It made a number of amendments to the *Evidence (Children and Special Witnesses) Act 2001*. The amendments make provision for witness intermediaries to be provided to assist witnesses with communication needs in giving evidence in court proceedings. The intermediaries are neutral officers of the Court, drawn from a panel of professionals with appropriate qualifications. Their role is to ensure that witnesses with communication needs can understand the questions they are asked, are able to express themselves in answering questions, and are able to take the time needed to be able to give their evidence.

A judge may order that an assessment report about a witness be provided by an intermediary. After considering the report, the judge may order that an intermediary be provided to the witness. The judge must then conduct a ground rules hearing relating to the witness. At that hearing the judge may give any appropriate directions, including directions as to how long the witness may be questioned, how often the witness should be allowed to take a break, and what questions may or may not be asked of the witness. The legislation does not apply to defendants who choose to give evidence, but there is a body of English case law in which judges have held that they have common law powers to appoint intermediaries and give ground rules directions in relation to the evidence of defendants.

COURT BACKLOGS, JURISDICTION AND PROCEDURE

The *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020* was passed in November 2020 and was proclaimed to commence on 1 July 2021. That Act makes amendments to various statutes. The most significant changes are as follows:

- Defendants charged with indictable offences will not be committed for trial (ie sent to the Supreme Court) until after the completion of preliminary proceedings, if any. (Preliminary proceedings involve the questioning of witnesses before a magistrate or a justice of the peace.) This was the position in Tasmania until 2008. Following amendments in 2008, defendants were first committed for trial, and could then apply to a judge for an order that witnesses give evidence on oath in preliminary

proceedings. Under the new arrangements, defendants who want witnesses to be questioned in preliminary proceedings will ordinarily have to make an application to a magistrate.

- The Act introduces new provisions limiting the rights of defendants to seek bail from the Supreme Court after being remanded in custody by a magistrate. Appeals may be made to the Supreme Court only if submissions concerning bail have been made to a magistrate by or on behalf of a prisoner, and may only be made within 21 days after bail is refused. Defendants facing charges under the *Criminal Code* in the Magistrates Court will no longer be able to apply to the Supreme Court for bail, but may seek bail from a magistrate and may appeal within 21 days if bail is refused.
- The property value thresholds for crimes triable summarily have been raised. Cases involving property worth up to \$20,000 will be tried in the Magistrates Court. Defendants will have a right of election in cases involving between \$20,000 and \$100,000. The previous thresholds were \$5,000 and \$20,000.
- A number of “mirror offences” have been created to enable minor cases to be dealt with by magistrates. For example, a new summary offence of “stealing with force” has been introduced by an amendment to the *Police Offences Act 1935*, so that defendants in minor cases will not have to be charged with robbery and dealt with in the Supreme Court.
- A number of other amendments have been made to enable less serious cases to be dealt with in the Magistrates Court instead of the Supreme Court.

DANGEROUS CRIMINALS AND HIGH RISK OFFENDERS

The *Dangerous Criminals and High Risk Offenders Act 2021* received the Royal Assent on 22 April 2021, but has not yet been proclaimed. It will replace the current provisions in the *Sentencing Act 1997* as to the indefinite detention of offenders who have been declared to be dangerous criminals. The Act provides for periodic reviews of declarations, and for pre-release orders. It also introduces a scheme relating to High Risk Offender (HRO) orders, which the Court will be able to make when a serious offender is considered to pose a risk to the community, but does not meet the criteria for a dangerous criminal declaration. HRO orders will be able to contain an extensive variety of very restrictive supervisory conditions.

VOLUNTARY ASSISTED DYING

The *End-of-Life Choices (Voluntary Assisted Dying Act 2021)* received the Royal Assent on 22 April 2021, but has not yet been proclaimed. It is to come into force on 22 October 2022 unless proclaimed earlier. Under s 105 of that Act, there will be a right of appeal to the Supreme Court from determinations of the Voluntary Assisted Dying Commission. That Commission will also have a power to state a special case for decision by the Supreme Court on a question of law.



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	2016-17	2017-18	2018-19	2019-20	2020-21
Burnie	105	124	161	172	155
Hobart	254	276	332	309	243
Launceston	153	175	174	166	141
Total	512	575	667	647	539

Finalisations	2016-17	2017-18	2018-19	2019-20	2020-21
Burnie	91	91	112	143	91
Hobart	218	254	244	289	252
Launceston	128	148	124	164	153
Total	437	493	480	596	496

Method of Finalisation - Bail Applications	Bail Applications (Supreme Court)	Appeal against order refusing bail (Lower Court)
Pending	1	2
Bail Adjourned Sine Die	14	13
Bail Granted	27	23
Bail Granted with Surety	31	34
Bail Refused	47	96
Bail Withdrawn	14	31
Total	134	199

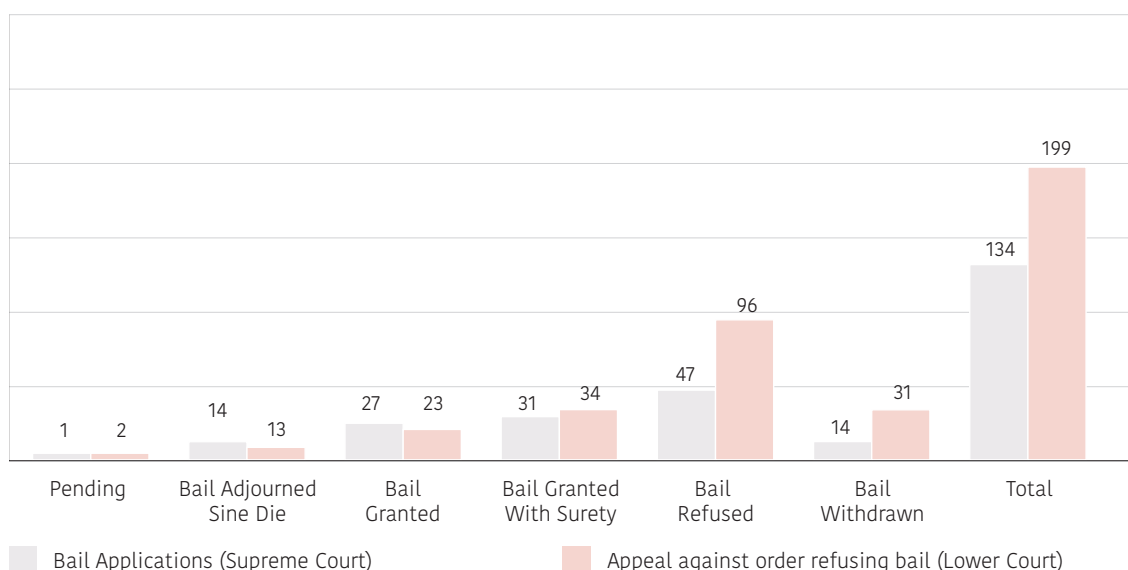
Of the 333 bail applications, 60% (199) originated from appeals against orders refusing bail in the Magistrate Court (lower court), where 29% (57) of these applications were granted bail.

Supreme Court bail applications represented 40% (134) of total applications where 43% (58) were successful in being granted bail.

BAIL

	2016-17	2017-18	2018-19	2019-20	2020-21
Lodgements	304	356	384	461	333

METHOD OF INITIATION AND FINALISATION



INFORMATION TECHNOLOGY

DUNALLEY FORCETT BUSHFIRE E-TRIAL

The Dunalley Forcett Bushfire was the first paperless “eTrial” (electronic trial) conducted by the Supreme Court of Tasmania.

With over 400 plaintiffs, the civil trial before Justice Stephen Estcourt used an electronic court book which was more efficient than the traditional paper-based court books. It was estimated that conducting this trial electronically saved printing 128,000 pages of material, or 256 reams of paper.

Justice Estcourt was able to make electronic notes and multiple displays were available to display documents that are called out. As the documents were electronic they could be quickly referenced with minimal impact to the flow of proceedings.

The Court used the Microsoft SharePoint product to manage the electronic evidence. This system was used by all parties

who could access these documents with ease 24 hours a day, seven days a week. Daily updates to the court book were also made using this system.

Proceedings were broadcast on the internet through the Court’s YouTube channel. Each session was broadcast with the high definition audio visual feed being provided by the Court’s digital recording systems, including the handing down of the judgment.

This was the first time a delayed webcast has been offered by the Tasmanian Supreme Court.

The webcast allowed plaintiffs and other interested parties to view proceedings from home, which was beneficial given the high number of interested parties and the restrictions in the Court’s public gallery due to COVID.

The Court expects eTrials will be used in appropriate civil trials into the future.



Justice Stephen Estcourt presiding over the Dunalley bushfire trial.

CIVIL

Civil matters are those where the Court determines disputes involving sums in excess of \$50,000 and other non-monetary remedies. 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:

	2016-17	2017-18	2018-19	2019-20	2020-21
Total Lodgements	740	761	605	543	460
Total Finalisations	767	771	711	733	612
Clearance Rate	104%	101%	118%	135%	133%

APPEALS (FCA AND LCA)

	2016-17	2017-18	2018-19	2019-20	2020-21
Total Lodgements	85	67	55	54	75
Total Finalisations	77	48	77	59	72

PROBATE

The table below shows the lodgements and finalisations for probate:

	2016-17	2017-18	2018-19	2019-20	2020-21
Probate Lodgements	2,419	2,336	2,069	2,366	2,257
Probate Grants	2,492	2,287	2,309	2,418	2,290

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.

The number of mediations conducted in the 2020-21 year increased significantly (26%) on the previous year. The percentage of mediations settled at, or within 30 days of mediation also increased by 18% on the 2019-20 year.

Financial Year	2016-17	2017-18	2018-19	2019-20	2020-21
Mediations Conducted	134	134	124	140	189
Matters Settled at Mediation	44	31	31	35	60
Percentage of Matters Settled at Mediation	33%	23%	25%	25%	32%
Total Matters Settled within 30 days of Mediation	79	81	45	53	93
Percentage of Total Matters Settled within 30 days of Mediation	59%	60%	36%	38%	49%
Percentage of Matters settled at, or within 30 days of Mediation	92%	84%	61%	63%	81%

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 2020-21

Registry	Jurors summoned	Jurors attended	Jurors Empanelled	Number of Trials
Hobart	4982	1105	502	45
Launceston	5594	1160	289	25
Burnie	2605	472	181	16
Total	13,181	2737	972	86

This year juries were empanelled in 86 criminal trials, and 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 19 (2019-2020) to 9.

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

This year there were 17 applications for orders for possession of premises by mortgagees and landlords, pursuant to section 146 of the Land Titles Act 1980 (down from 73 last year).

Generally speaking the number of writs to enforce judgments has again 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 – AN INDUSTRIAL LAW DISPUTE

Gutwein v Tasmanian Industrial Commission [2021] TASSC 2;

Gutwein v Tasmanian Industrial Commission [2021] TASFC 9

During 2019 representatives of the Tasmania Branch of the Australian Workers Union negotiated with officers of the State Service Management Office in relation to back pay for members of the union who were employed in the Department of Primary Industries, Parks, Water and Environment for the period 1 July 2018 to 30 June 2019. The parties reached agreement on a backdated salary increase. An agreement signed by the parties was approved by the President of the Tasmanian Industrial Commission (TIC) on 19 August 2019. A dispute arose as to whether the agreement applied to members of the union who were no longer employed in the Department. On 5 May 2020 the President of the TIC published a decision to the effect that certain former employees were covered by the agreement and entitled to the benefit of it.

The Minister administering the *State Service Act 2000* applied to the Supreme Court, seeking an order quashing the President's decision. He contended that the TIC had no jurisdiction in relation to the former employees. On 15 September 2020 Brett J heard that application and reserved his decision. On 3 February 2021 his Honour dismissed the application: *Gutwein v Tasmanian Industrial Commission* [2021] TASSC 2.

The Minister appealed to the Full Court. The appeal was heard on 2 June 2021. On 23 June 2021 the Full Court unanimously dismissed the appeal: *Gutwein v Tasmanian Industrial Commission* [2021] TASFC 9. It held that a dispute as to the remuneration of former employees was an industrial matter within the jurisdiction of the TIC, and that the President's approval of the agreement, insofar as it related to former employees, was valid.

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:

	2016-17	2017-18	2018-19	2019-20	2020-21
Total	62	79	70	66	79

Appendices

FINANCE

RECEIPTS	FY 19/20	FY20/21
Recurrent appropriation	6,037,273	6,362,309
Registry fees	898,652	692,944
Provision of transcript	43,824	44,196
Probate fees & charges	2,364,171	2,370,670
Mediation fees	33,788	102,861
Sheriff's fees	20,284	8,200
Court reporting	1,272	11,425
Video conferencing	0	0
Other receipts	797,090	1,243,319
TOTAL RECEIPTS	10,196,354	10,835,925

EMPLOYEE-RELATED EXPENDITURE	FY 19/20	FY20/21
Salaries & wages	4,380,875	4,633,820
Fringe Benefits Tax	124,160	118,983
Payroll tax	0	0
Superannuation	544,812	589,741
Workers compensation insurance	223,813	223,813
Training	1,983	18,354
Other employee related expenses	61,678	68,769
TOTAL EMPLOYEE-RELATED EXPENDITURE	5,337,321	5,653,480

ADMINISTRATIVE & OTHER EXPENDITURE	FY 19/20	FY20/21
Fuel, light & power	250,258	251,260
Advertising & recruitment	1,053	2,245
Rental	2,165	5,069
Communications	65,115	79,395
Travel	294,294	307,243
Consultancies	60,791	63,287
Printing & stationery	67,564	76,294
Rates	186,894	185,441
Repairs & maintenance	423,008	146,283
Minor equipment	14,844	13,756
Library materials	541,786	546,904
Computers & IT	485,906	483,609
Expenses of witnesses	74,468	42,729
Expenses of Jurors	462,801	418,990
Other administrative expenses	1,076,316	1,432,880
TOTAL OTHER EXPENDITURE	4,007,262	4,055,386

RESERVED BY LAW	FY 19/20	FY20/21
Salaries & other entitlements of Judges	3,524,164	3,630,927
Salaries & other entitlements of the Associate Judge	425,196	431,208
TOTAL RESERVED BY LAW EXPENDITURE	3,949,360	4,062,135

OVERHEAD CONTRIBUTION TO THE DEPARTMENT OF JUSTICE	1,577,606	1,294,455
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HUMAN RESOURCES

STAFFING	2016-17	2017-18	2018-19	2019/20	2020/21
Judiciary and Support:					
Judges and Associate Judge	7.2	8.3	8.3	7.8	7.9
Judges' Library	0.6	0.6	0.6	0.6	0.5
Judicial Support	14.0	15.6	16.6	17.4	15.7
Registry:					
Civil	7.3	6.6	6.9	4.5	4.5
Criminal	4.4	4.8	5.8	4.4	4.5
Probate	3.1	3.0	3.0	2.4	2.4
Mediators	0.5	0.4	0.4	0.4	0.4
Office of the Sheriff	6.3	8.2	10.2	8.4	10.2
Corporate Services:					
Information Communication Technology	1.0	1.0	1.3	1.4	1.4
Transcription Services	8.7	8.8	9.8	8.6	7.9
First Line Support Staff	3.0	3.0	2.7	5.3	5.4
Total	55.9	60.2	65.6	61.1	60.8

PERFORMANCE DATA

INTRODUCTION

The *Supreme Court of Tasmania Annual Report 2020-21* is a statistical report providing details of the Court's caseload statistical performance for the 2020-21 financial year reporting period.

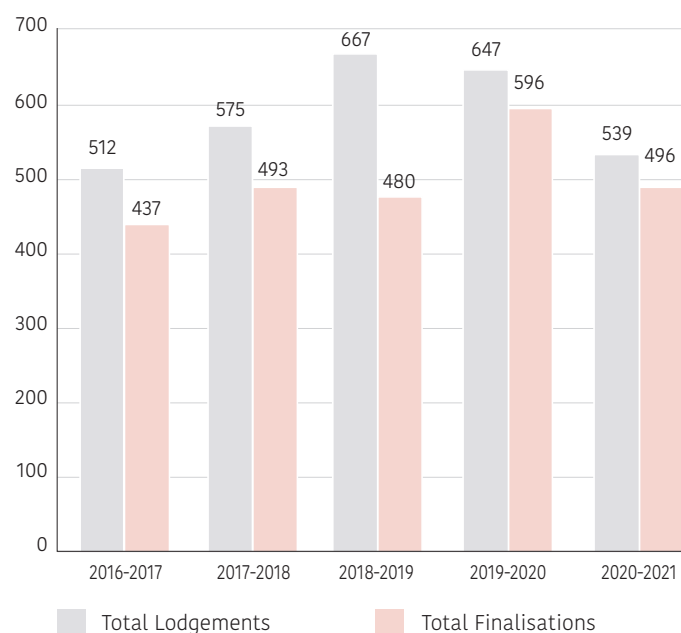
It consists of various reporting components that covers the Court's criminal, civil, appeal and probate jurisdictions, along with statistics on bail applications and mediations.

DATA

The data used in the preparation of this report is as at 30th June 2021 and provides information for the 2020-21 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	2016-17	2017-18	2018-19	2019-20	2020-21
Burnie	105	124	161	172	155
Hobart	254	276	332	309	243
Launceston	153	175	174	166	141
Total	512	575	667	647	539

Finalisations	2016-17	2017-18	2018-19	2019-20	2020-21
Burnie	91	91	112	143	91
Hobart	218	254	244	289	252
Launceston	128	148	124	164	153
Total	437	493	480	596	496



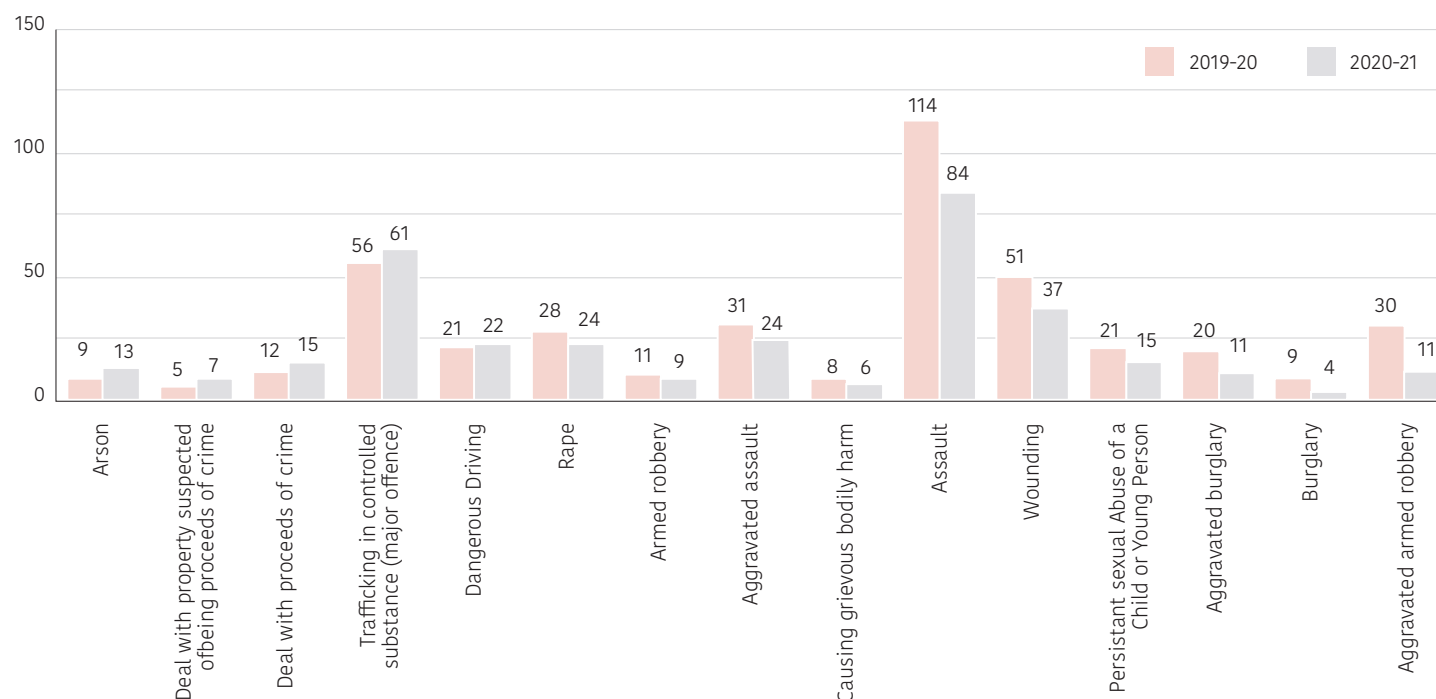
Criminal (Non Appeal) lodgments for the 2020-21 year declined considerably, reaching a total of 539, compared to the 2019-20 total of 647(a 17% decrease). There was a reduction in the number of finalisations compared to the previous year, however the clearance rate remains steady on the previous year at 92%.

Criminal (non-appeal) finalisations reduced from 596 in 2019-20 to 496 in 2020-21 (17% decrease) affected by the pandemic during the 2020-21 year.

Finalisations have been affected by 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 (around 10) 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;
- More disputes about the admissibility of tendency and coincidence evidence;
- An increased amount of surveillance device evidence, and financial records.

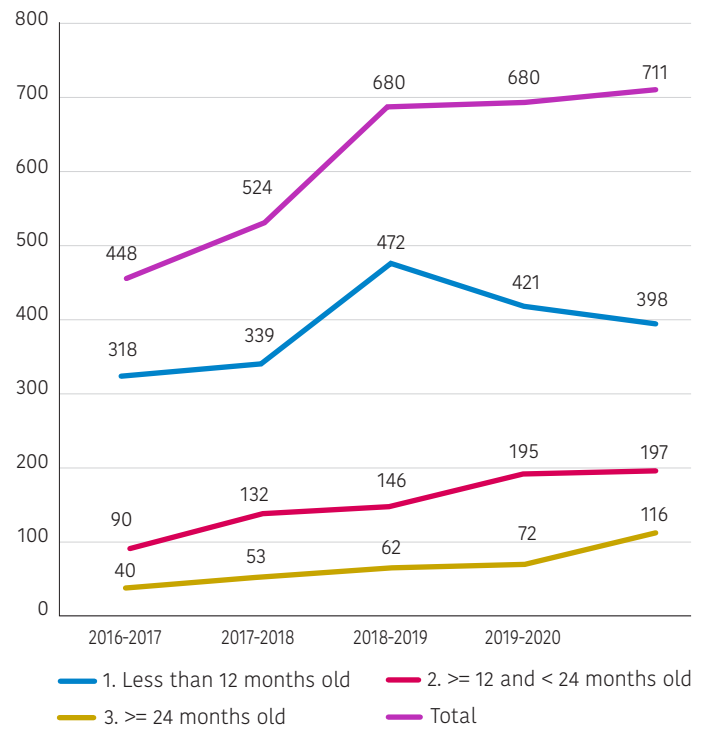
CRIMINAL CASE LODGMENTS BY OFFENCE CATEGORY 2019/20 Vs 2020/21



Code	ANZSOC Breakdown By Group	2019-20	2020-21	Variation	% change
1211	Arson	9	13	4	+44%
831	Deal with property suspected of being proceeds of crime	5	7	2	+40%
831	Deal with proceeds of crime	12	15	3	+25%
1021	Trafficking in controlled substance (major offence)	56	61	5	+9%
412	Dangerous driving	21	22	1	+5%
311	Rape	28	24	-4	-14%
611	Armed robbery	11	9	-2	-18%
212	Aggravated assault	31	24	-7	-23%
211	Causing grievous bodily harm	8	6	-2	-25%
213	Assault	114	84	-30	-26%
211	Wounding	51	37	-14	-27%
311	Persistent Sexual Abuse of a Child or Young Person	21	15	-6	-29%
711	Aggravated burglary	20	11	-9	-45%
711	Burglary	9	4	-5	-56%
611	Aggravated armed robbery	30	11	-19	-63%
	Total	647	539	-108	-17%

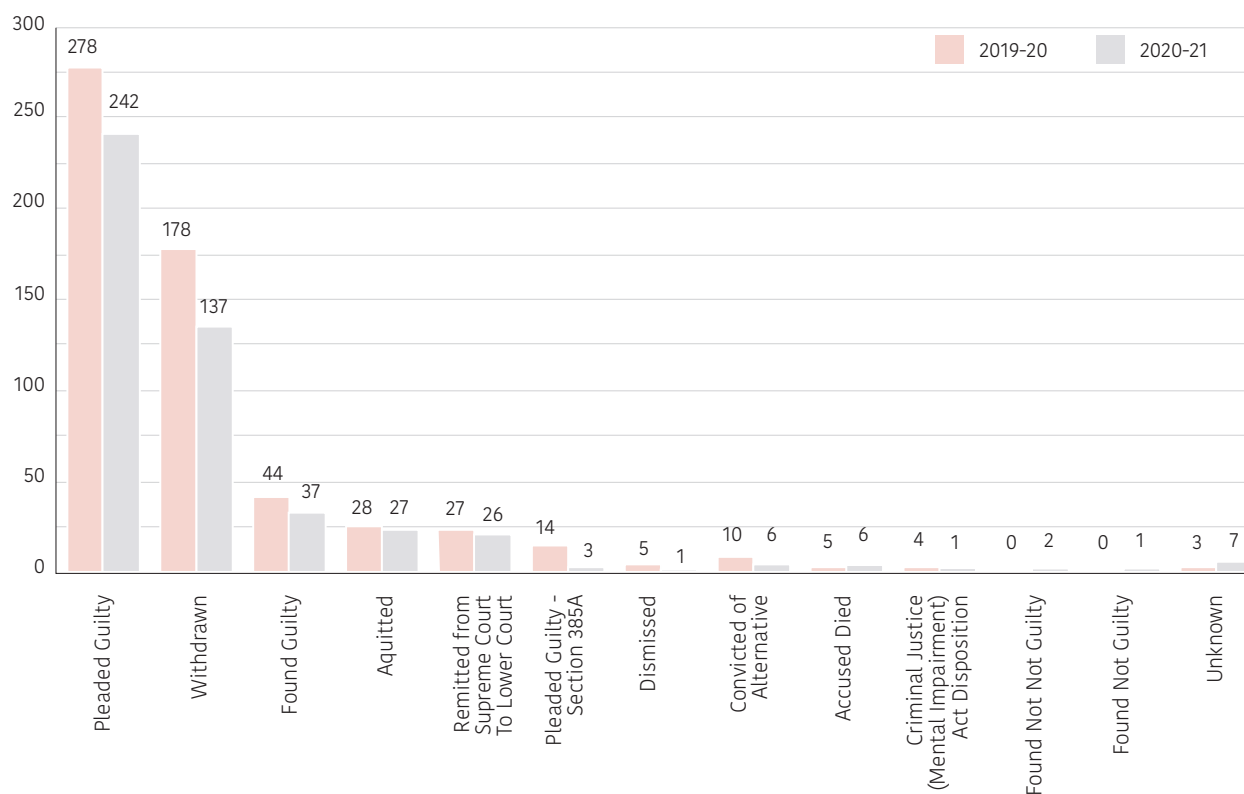


CRIMINAL PENDING - 5 YEAR TREND



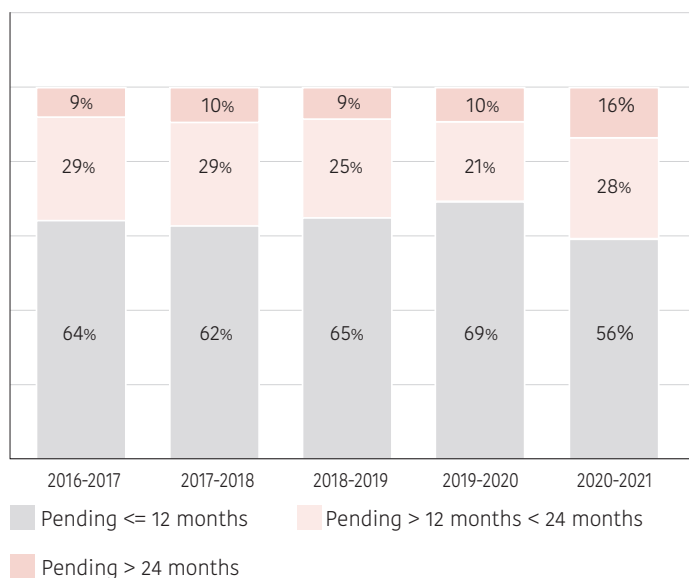
Criminal Pending	2016-17	2017-18	2018-19	2019-20	2020-21
1. Less than 12 months old	318	339	472	421	398
2. >= 12 and < 24 months old	90	132	146	195	197
3. >= 24 months old	40	53	62	72	116
Total	448	524	680	688	711

METHOD OF FINALISATION (MOST SERIOUS CHARGE)



Method Finalised	Total 2019-20	Total 2020-21
Pledged Guilty	278	242
Withdrawn	178	137
Found Guilty	44	37
Acquitted	28	27
Remitted from Supreme Court to Lower Court	27	26
Pledged Guilty - Section 385A	14	3
Dismissed	5	1
Convicted of Alternative	10	6
Accused Died	5	6
Criminal Justice (Mental Impairment) Act disposition	4	1
Found Not Not Guilty	0	2
Found Not Guilty	0	1
Unknown	3	7
Grand Total	596	496

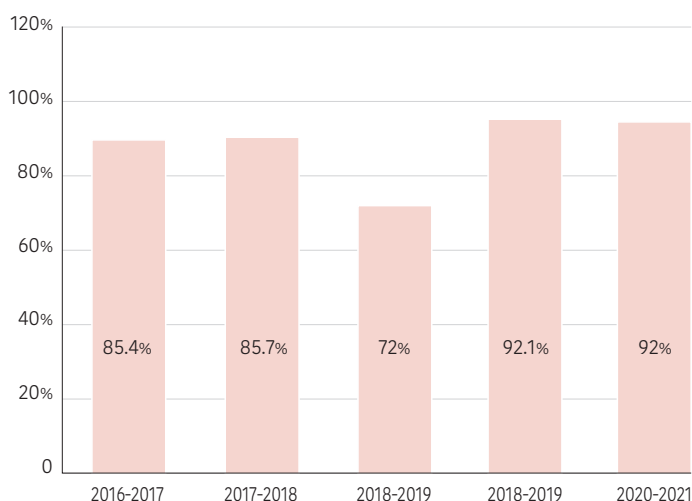
BACKLOG INDICATOR: CRIMINAL



	2016-17	2017-18	2018-19	2019-20	2020-21
Pending <= 12mths	62%	65%	69%	61%	56%
Pending > 12mths <24mths	29%	25%	21%	28%	28%
Pending > 24mths	9%	10%	9%	10%	16%

The criminal (non-appeal) pending caseload (also referred to as backlog) has increased by 3% during the reporting year, from 688 in 2020-21 to 711 in 2020-21.

CRIMINAL CASE (FIRST INSTANCE) CLEARANCE RATES



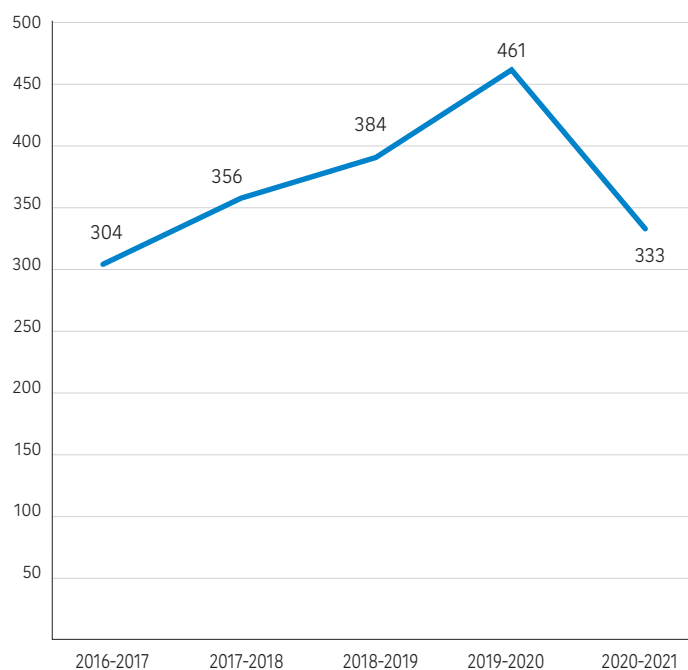
	2016-17	2017-18	2018-19	2019-20	2020-21
First Instance Clearance Rate	85.4%	85.7%	72.0%	92.1%	92%

The fact that the reduction in lodgments equaled the reduction in finalisations (17%) meant that the clearance rate of the Supreme Court's Criminal Division was steady at 92%.

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 permanent judges increased time to prepare judgments, sentences etc.,
- Jurors older than 65 no longer summonsed Increased screening of jurors Increased physical distancing and person density levels No sharing of office stationery between jurors Jurors supplied with bottled water and individual meals Increased monitoring of compliance with COVID safety measures by Court Operations Officers.

BAIL APPLICATIONS

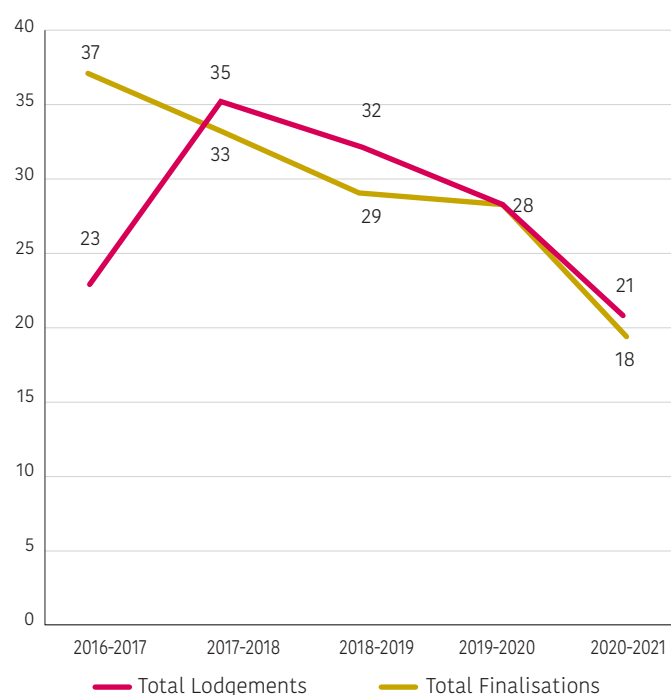


	2016-17	2017-18	2018-19	2019-20	2020-21
Total	304	356	384	461	333

Bail applications reduced for the first time since the 2016-17 year, experiencing a 28% decrease from the 2020-21 year, restoring application numbers to similar levels of three years ago.

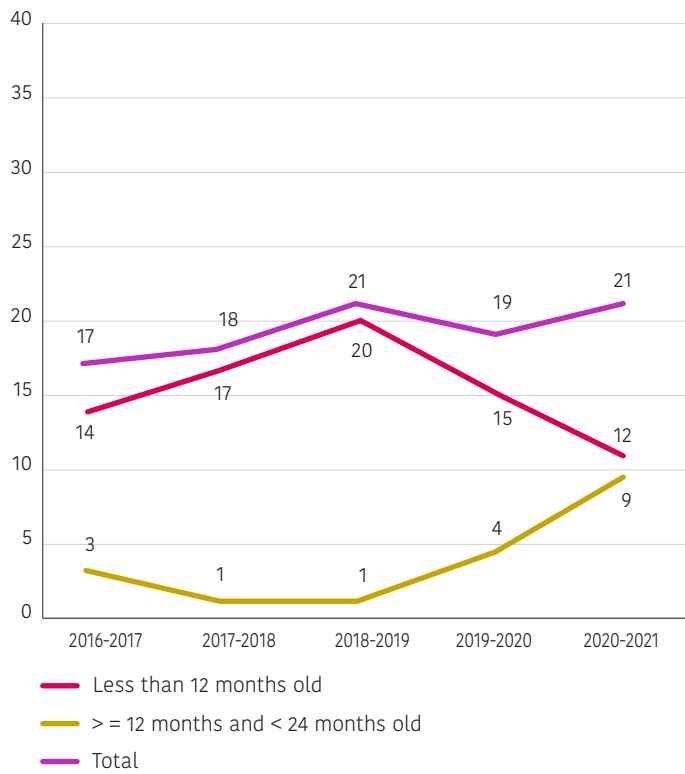
APPEALS (COURT OF CRIMINAL APPEAL)

COURT OF CRIMINAL APPEAL LODGMENTS & FINALISATIONS - 5 YEAR TREND



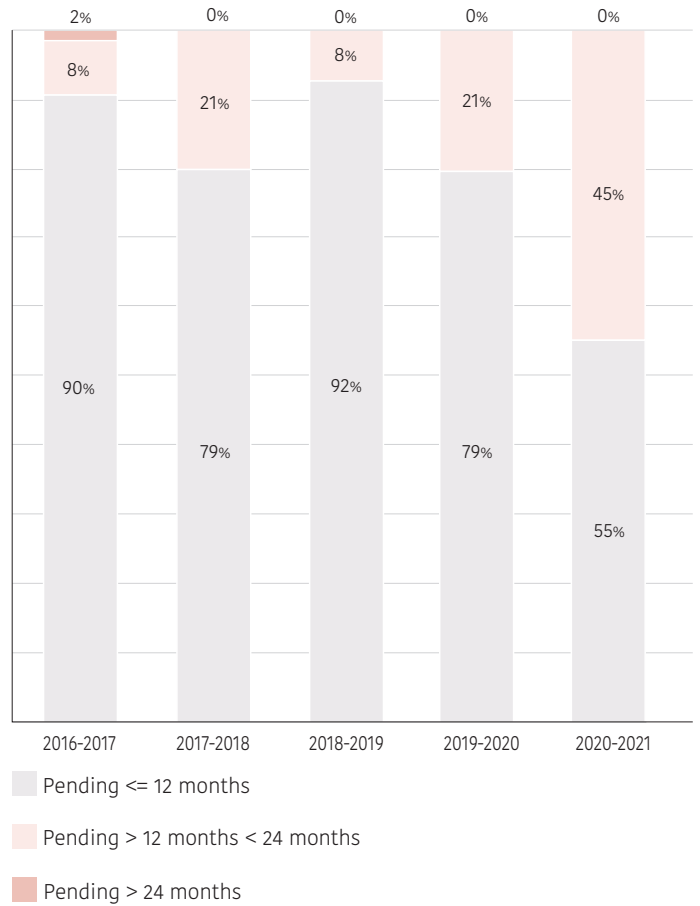
	2016-17	2017-18	2018-19	2019-20	2020-21
Total Lodgements	23	35	32	28	21
Total Finalisations	37	33	29	28	18

COURT OF CRIMINAL APPEAL PENDING - 5 YEAR TREND



Census Date	2016-17	2017-18	2018-19	2019-20	2020-21
1. Less than 12 months old	14	15	20	15	12
2. >= 12 months and < 24 months old	3	1	1	4	9
Total	17	16	21	19	21

BACKLOG INDICATOR: CRIMINAL APPEALS

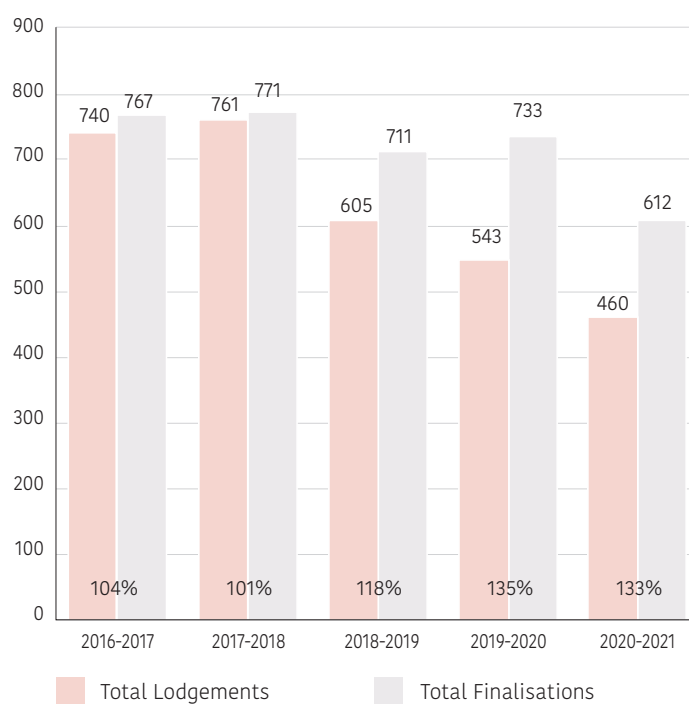


	2016-17	2017-18	2018-19	2019-20	2020-21
Pending <= 12mths	90%	79%	92%	79%	55%
Pending >12mths	8%	21%	8%	21%	45%
Pending >24mths	2%	0%	0%	0%	0%

CIVIL JURISDICTION CASELOAD

FIRST INSTANCE

CIVIL LODGEMENTS AND FINALISATIONS - 5 YEAR TREND

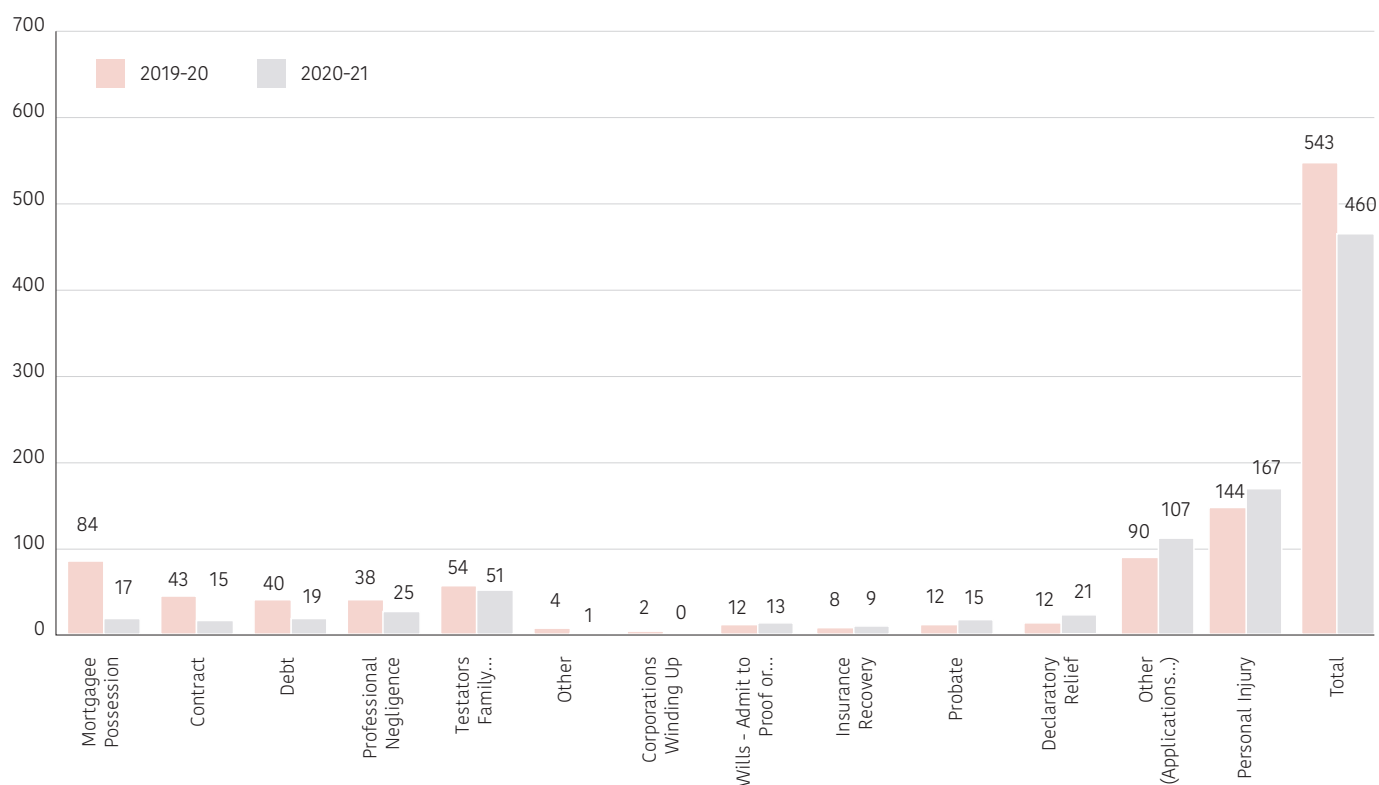


	2016-17	2017-18	2018-19	2019-20	2020-21
Total Lodgements	740	761	605	543	460
Total Finalisations	767	771	711	733	612
Clearance Rate	104%	101%	118%	135%	133%

Civil (Non Appeal) lodgments for the 2020-21 year experienced a 24% (145) decrease on the 2019-20 year. Finalisations also decreased by 17% (121) in 2020-21 from the 2019-20 year. However the overall decrease in lodgments meant that the clearance rate improved by 12%.

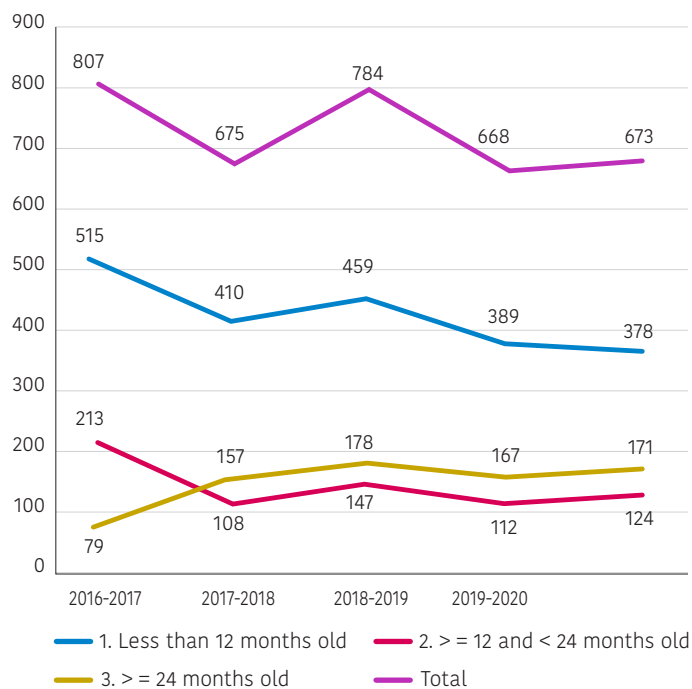


CIVIL LODGEMENTS BY FILE TYPE



Lodgement	2019-20	2020-21	Variation	%
Mortgagee Possession	84	17	-67	-80%
Contract	43	15	-28	-65%
Debt	40	19	-21	-53%
Professional Negligence	38	25	-13	-34%
Testators Family Maintenance	54	51	-3	-6%
Other	4	1	-3	-75%
Corporations Winding Up	2	0	-2	-100%
Wills - Admit to Proof or Rectification	12	13	1	+8%
Insurance Recovery	8	9	1	+13%
Probate	12	15	3	+25%
Declaratory Relief	12	21	9	+75%
Other (Applications Under Acts)	90	107	17	+19%
Personal Injury	144	167	23	+16%
Total	543	460	-83	-15%

CIVIL PENDING - 5 YEAR TREND

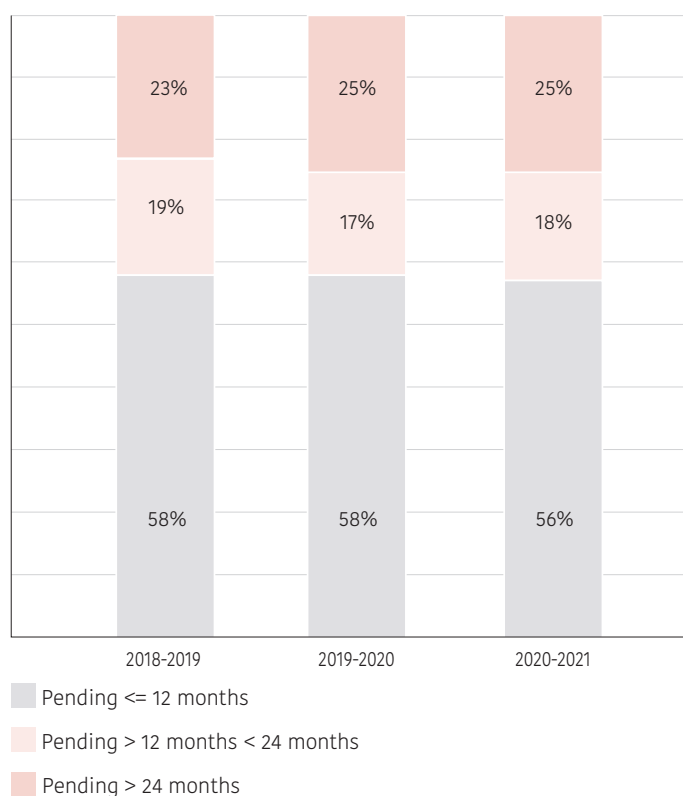


Age Months	2016-17	2017-18	2018-19	2019-20	2020-21
1. Less than 12 months old	515	410	459	389	378
2. >= 12 months and < 24 months old	213	108	147	112	124
3. >= 24 months old	79	157	178	167	171
Total	807	675	784	668	673

The civil (non-appeal) pending caseload increased by less than 1% during the reporting year, from 668 in 2019-20 to 673 in 2020-21. The backlog has remained fairly steady at:

- 25% in cases aged less than 12 months;
- 18% in cases aged between 12 and 24 months; and
- 56% in cases greater than 24 months.

CIVIL BACKLOG INDICATOR - FIRST INSTANCE



	2018-19	2019-20	2020-21
Pending <= 12 mths	58%	58%	56%
Pending >12mths	19%	17%	18%
Pending >24mths	23%	25%	25%

CASE EXAMPLE – A MURDER TRIAL

State of Tasmania v Jack-Harrison Vincent Sadler

Mr Sadler was committed to the Supreme Court on 12 September 2018, charged with the murder of Jake Anderson-Brettner. He had been taken into custody on 18 August 2018. The first directions hearing in this matter was held on 19 November 2018.

Mr Anderson-Brettner was murdered on 15 August 2018 in Riverside. The issue at trial was whether it was Mr Sadler who shot him. The trial commenced on 5 May 2021 and the jury retired on 19 May 2021. The jury returned a guilty verdict on 20 May 2021.

After Mr Anderson-Brettner was shot and killed, Mr Sadler dismembered and disposed of his body.

At the time that the crime was committed Mr Sadler lived with his partner, Ms Gemma Clark. Ms Clark was tasked with buying materials in preparation for the execution style killing of Mr Anderson-Brettner. Ms Clark was involved in the events that followed the killing, but was not part of the plan to kill Mr Anderson-Brettner.

Mr Sadler spoke to police officers who were looking for Mr Anderson-Brettner and told lies. Ms Clark was interviewed by police and eventually told them what had occurred.

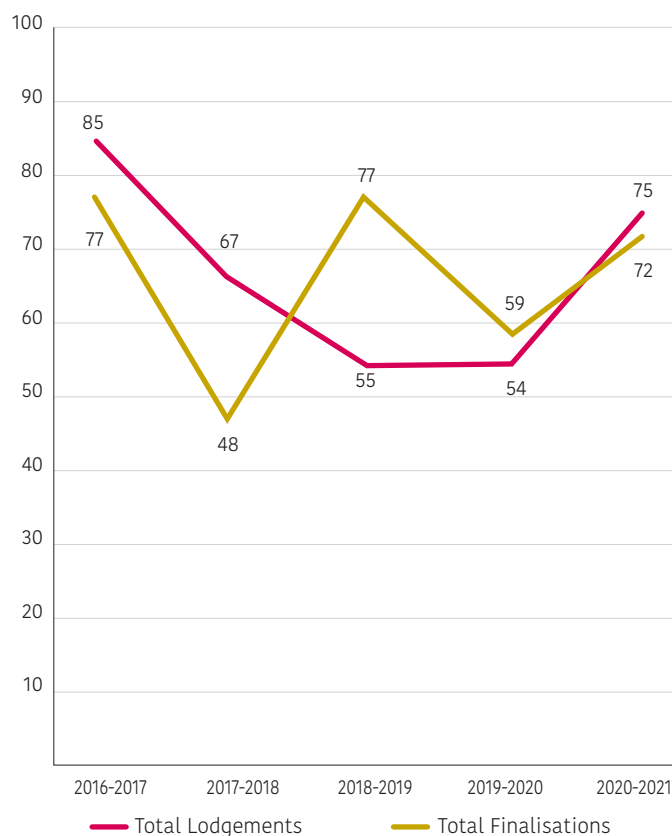
Ms Clark was arrested on the same day as Mr Sadler. She was charged with failing to report a killing and with being an accessory after the fact to murder. On 5 April 2019 she pleaded guilty to those charges. On 11 April 2019 she was convicted and sentenced to 5½ years' imprisonment, with a non-parole period of 3 years. She gave evidence against Mr Sadler at his trial.

On 28 May 2021, Mr Sadler was convicted and sentenced to 32 years' imprisonment (backdated to 18 August 2018). The sentencing judge ordered that he was not eligible for parole until he had served 20 years of that sentence. Mr Sadler was 26 when the crime was committed and 29 when he was sentenced. He had no relevant prior convictions.

Mr Sadler has appealed against his sentence, contending that it is manifestly excessive. That appeal has not yet been heard.

APPEALS (FCA AND LCA)

APPEAL LODGEMENTS AND FINALISATIONS – 5 YEAR TREND

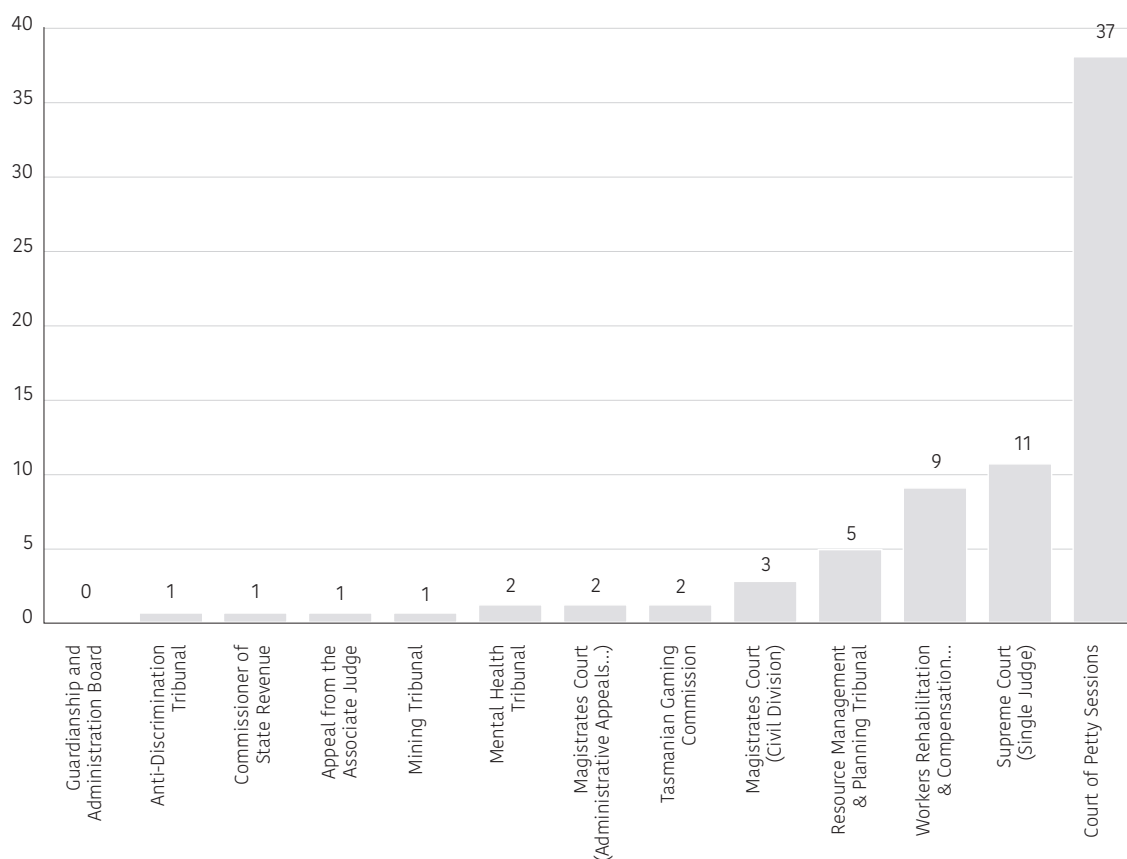


	2016-17	2017-18	2018-19	2019-20	2020-21
Total Lodgements	85	67	55	54	75
Total Finalisations	77	48	77	59	72

FCA and LCA appeals (combined) lodgments have increased on the previous year by 28% (21). Finalisations have also increased from 59 in 2019-20 to 72 in 2020-21, representing an 18 % increase.

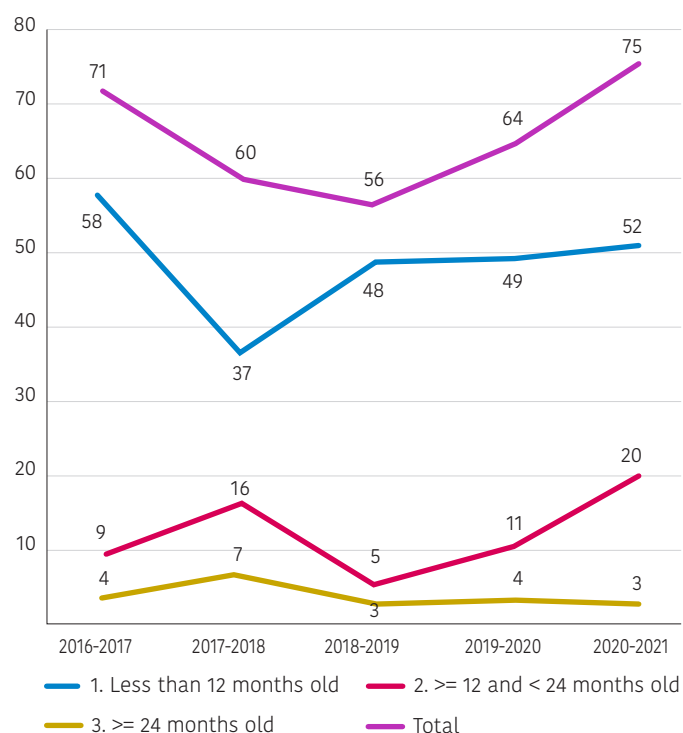
CASE STUDY

CIVIL APPEAL (FCA AND LCA) LODGEMENTS BY ORIGIN



Appeal Origin	Number 2020-21
Guardianship and Administration Board	0
Anti-Discrimination Tribunal	1
Commissioner of State Revenue	1
Appeal from the Associate Judge	1
Mining Tribunal	1
Mental Health Tribunal	2
Magistrates Court (Administrative Appeals Division)	2
Tasmanian Gaming Commission	2
Magistrates Court (Civil Division)	3
Resource Management & Planning Tribunal	5
Workers Rehabilitation and Compensation Tribunal	9
Supreme Court (Single Judge)	11
Court of Petty Sessions	37
Total	75

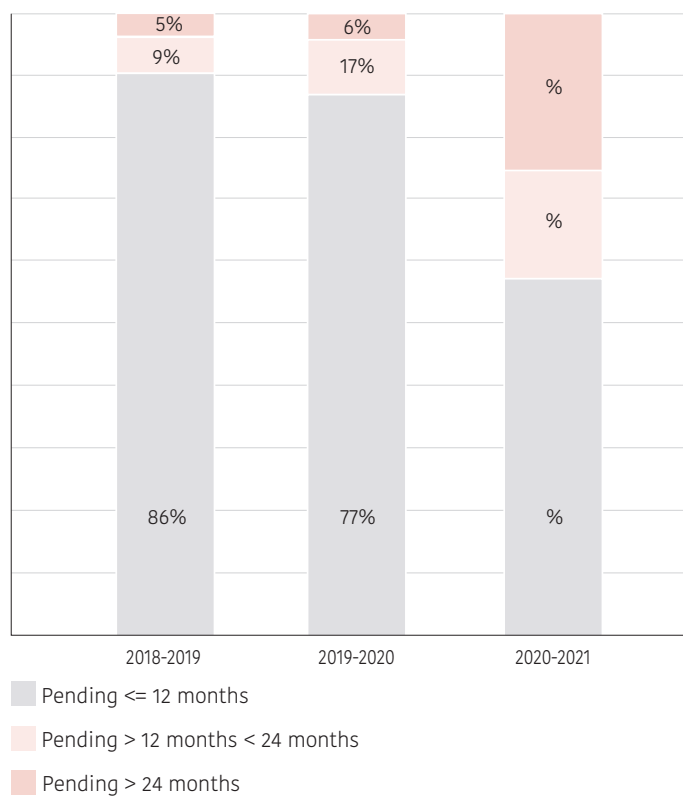
CIVIL APPEAL PENDING (FCA AND LCA) - 5 YEAR TREND



Age	2016-17	2017-18	2018-19	2019-20	2020-21
1. Less than 12 months old	58	37	48	49	52
2. >= 12 and < 24 months old	9	16	5	11	20
3. >= 24 months old	4	7	3	4	3
Total	71	60	56	64	75

FCA and LCA appeals (combined) pending matters have increased from 64 in 2019-20 to 75 in 2020-21, representing an increase of 15%.

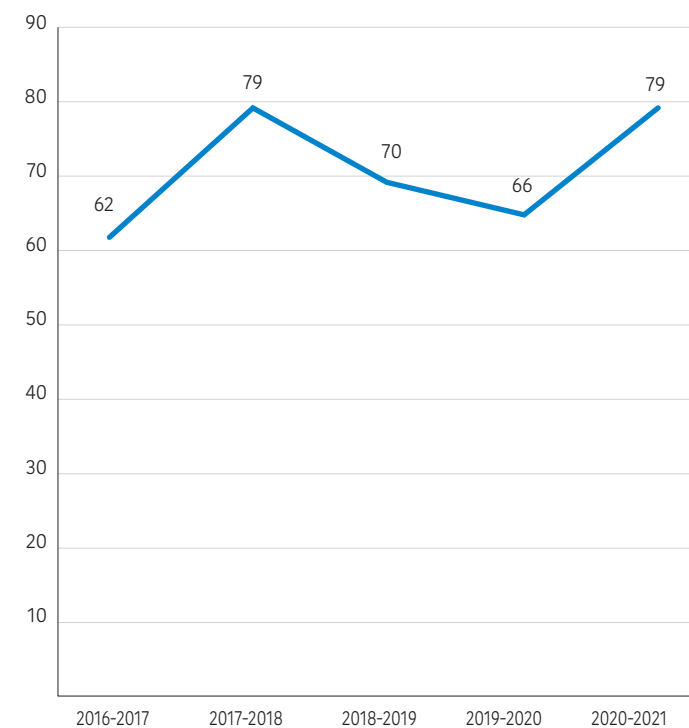
CIVIL APPEALS BACKLOG INDICATOR FIRST INSTANCE



	2017-18	2018-19	2019-20	2020-21
Pending <= 12 months	63%	86%	77%	
Pending > 12 months	25%	9%	17%	
Pending > 24 months	12%	5%	6%	

ADMISSIONS TO PRACTICE

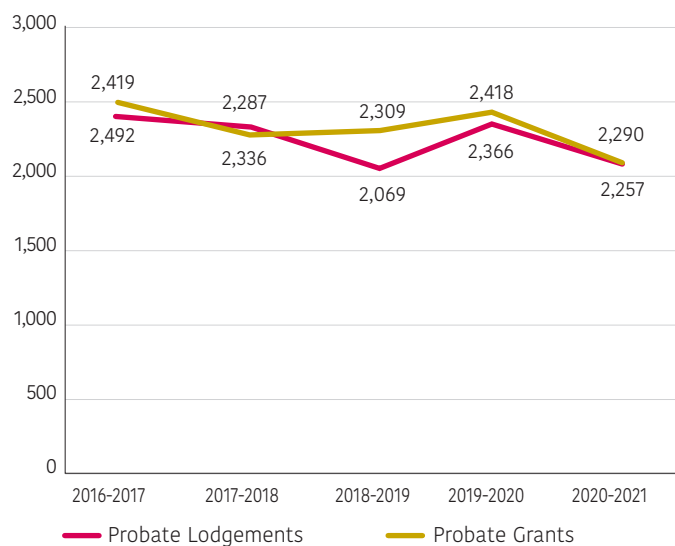
ADMISSIONS TO PRACTICE - 5 YEAR TREND



	2016-17	2017-18	2018-19	2019-20	2020-21
Total	62	79	70	66	79

PROBATE JURISDICTION

PROBATE LODGEMENTS AND GRANTS - 5 YEAR TREND

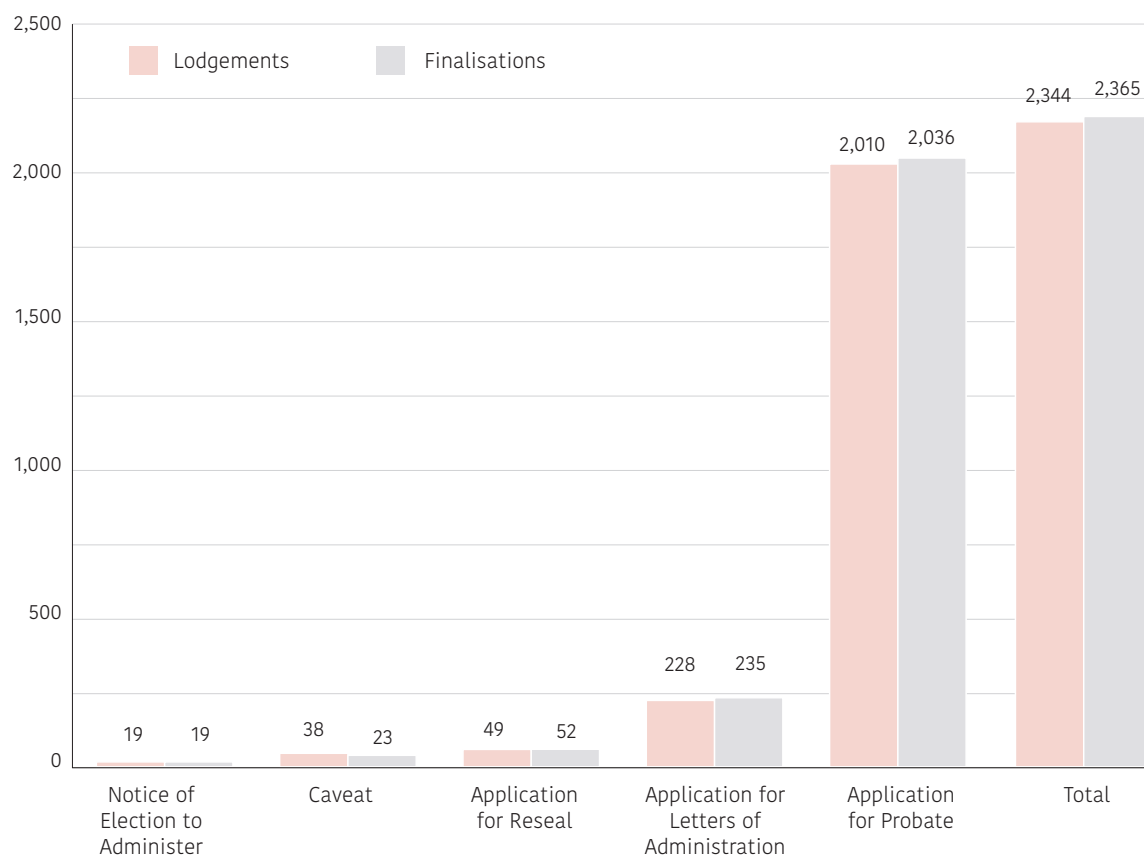


	2016-17	2017-18	2018-19	2019-20	2020-21
Probate Lodgements	2,419	2,336	2,069	2,366	2,257
Probate Grants	2,492	2,287	2,309	2,418	2,290

Probate lodgments decreased 5%, from 2,366 in 2019-20 to 2,257 in 2020-21.

Grants of Probate also decreased by 128 on the 2019-20 year – a 5% decrease.

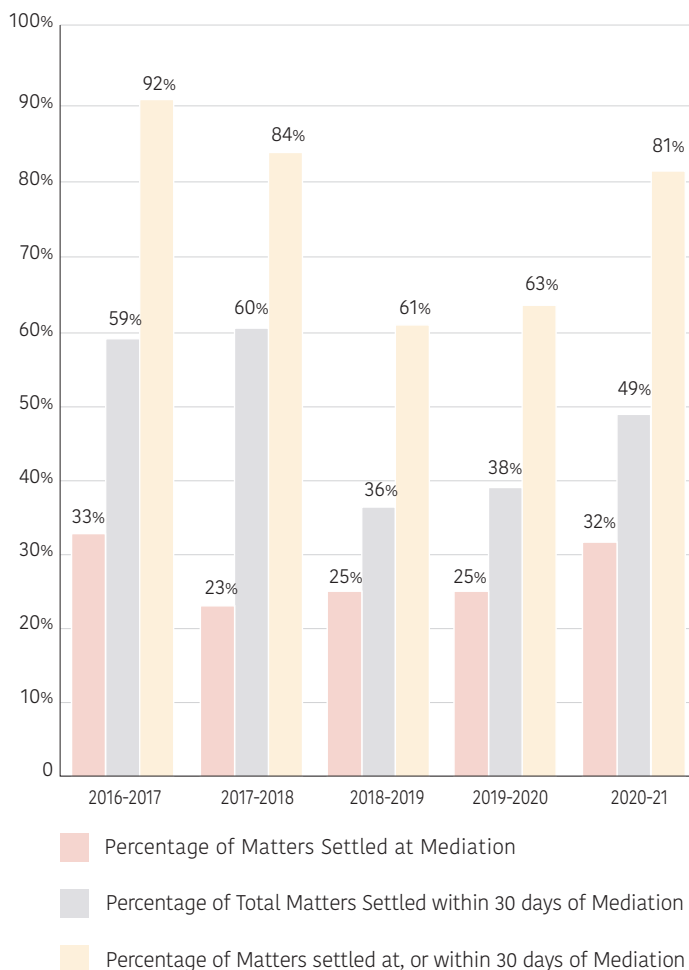
LODGEMENTS AND FINALISATIONS 2020-21



Activity Type	Lodgements	Finalisations
Notice of Election to Administer	19	19
Caveat	38	23
Application for Reseal	49	52
Application for Letters of Administration	228	235
Application for Probate	2,010	2,036
Total	2,344	2,365

MEDIATIONS

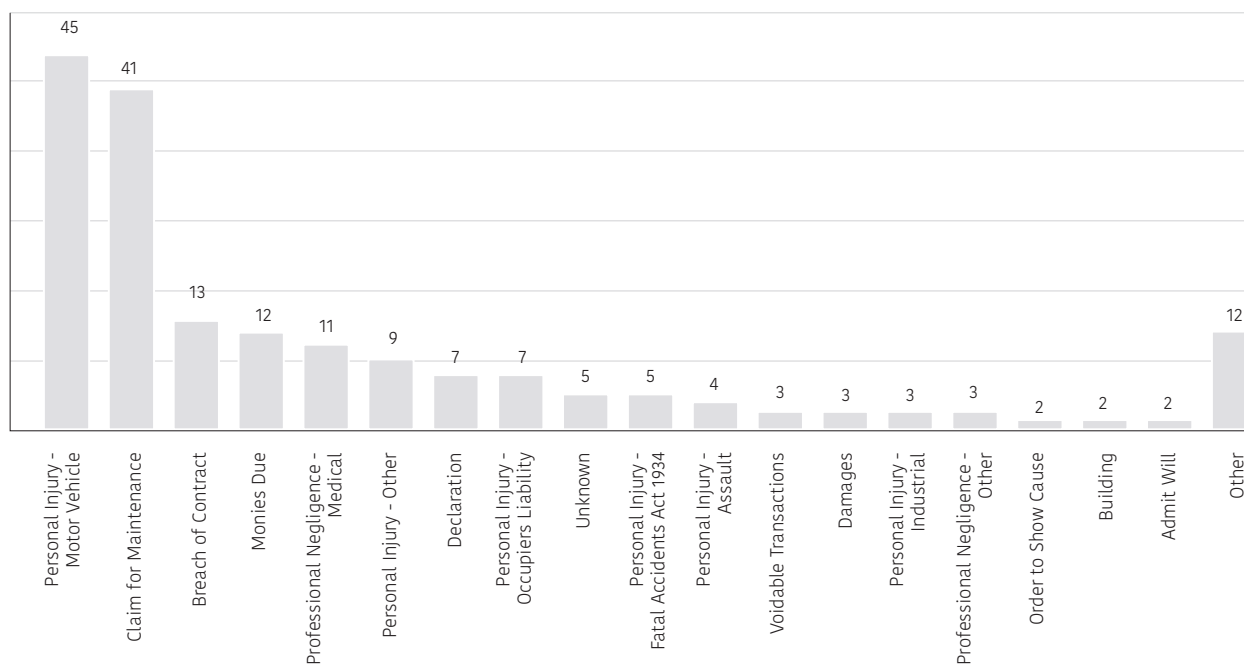
MEDIATIONS 5 YEAR TREND



Financial Year	2016-17	2017-18	2018-19	2019-20	2020-21
Mediations Conducted	134	134	124	140	189
Matters Settled at Mediation	44	31	31	35	60
Percentage of Matters Settled at Mediation	33%	23%	25%	25%	32%
Total Matters Settled within 30 days of Mediation	79	81	45	53	93
Percentage of Total Matters Settled within 30 days of Mediation	59%	60%	36%	38%	49%
Percentage of Matters settled at, or within 30 days of Mediation	92%	84%	61%	63%	81%

The number of mediations conducted in the 2020-21 year increased significantly (26%) on the previous year. The percentage of mediations settled at, or within 30 days of mediation also increased by 18% on the 2019-20 year.

TOTAL CONDUCTED BY NATURE



Mediation Nature	Total
Personal Injury - Motor Vehicle	45
Claim for Maintenance	41
Breach of Contract	13
Monies Due	12
Professional Negligence - Medical	11
Personal Injury - Other	9
Declaration	7
Personal Injury - Occupier's liability	7
Unknown	5
Personal Injury - Fatal Accidents Act 1934	5
Personal Injury - Assault	4
Voidable Transactions	3
Damages	3
Personal Injury - Industrial	3
Professional Negligence - Other	3
Order to Show Cause	2
Building	2
Admit Will	2
Other	12
Grand Total	189

LOCATION OF COURTS

Hobart: 3-5 Salamanca Place, Hobart TAS 7001

Launceston: 116 Cameron Street, Launceston TAS 7250

Burnie: 38 Alexander Street, Burnie TAS 7320

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