



SUPREME COURT OF
TASMANIA

ANNUAL REPORT

2023 / 2024

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

2023-24

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 2023/2024: SOME OBSERVATIONS

The Court celebrated its bicentenary during the reporting year. The backlog of criminal cases and the volume of judicial work remained as the major challenges faced by the Court. Those challenges were exacerbated by a temporary shortage of judicial officers.

THE BICENTENARY

The first sitting of the Supreme Court of Van Diemen's Land was on 10 May 1824. The Court therefore celebrated its bicentenary with a ceremonial sitting on Friday 10 May 2024. That sitting was attended by many distinguished guests including Her Excellency the Governor, the Hon Barbara Baker AC, and Emeritus Professor Donald Chalmers AO; the Hon Michael Grant AO, Chief Justice of the Northern Territory; the Hon Andrew Bell, Chief Justice of New South Wales; the Hon Debra Mortimer, Chief Justice of the Federal Court of Australia;

and two former Chief Justices of Tasmania, namely the Hon Sir Guy Green AC KBE and the Hon William Cox AC RFD ED KC.

The ceremonial sitting was followed by the launch of a book entitled *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court* by the Hon Justice Stephen Estcourt AM. That book is a very thorough, very readable, and very interesting account of the first two hundred years of the Supreme Court of Tasmania, its judges, its buildings, its controversies, some of its major cases, and the changing social and political context in which the Court has functioned. It is a history that we needed to have. Justice Estcourt put an enormous amount of work into this excellent book over several years.

The celebrations continued on the night of 10 May with a reception at Government House and a formal dinner at the Tasmanian Club. A number of activities and displays were organised as part of the bicentenary celebrations. Full details appear later in this report. I would like to thank all of those who organised the activities and displays as well as the people who loaned items for display.

A TEMPORARY SHORTAGE OF JUDICIAL OFFICERS

For a number of reasons, the Court experienced a temporary shortage of judicial officers during the reporting year.

During June 2023 Justice Brett was diagnosed as suffering from cancer. As a result his Honour was not able to hear any cases for the rest of 2023. His Honour did some judicial work during that period, writing judgments and conducting some directions hearings. He resumed sitting full-time at the beginning of the 2024 legal year. He required further treatment in June 2024, and again ceased sitting for an extended period.

Justice Geason did not sit or perform any judicial duties after 2 November 2023. The relevant circumstances and consequences are outlined below.

Associate Justice Holt retired during August 2023. His replacement, Associate Justice Daly, was sworn in on 29 April 2024. During the intervening period of eight months the Court did not have an associate judge, and various judges dealt with the workload of the associate judge.

There were other times when various judges were unable to sit as a result of illness or injury. The shortage of judicial officers was at its worst one week in November 2023 when Justices Brett and Geason were not sitting, there was no associate judge, and two of us had COVID.

Because of the shortage of judicial officers, the Attorney-General arranged for the Hon Brian Martin AO KC to be re-appointed as a part-time acting judge of the Court from 30 October 2023 until 30 June 2024.

Acting Justice Porter, who held a commission as a part-time acting judge, took on an increasingly large workload, and was appointed as a full-time acting judge on 13 February 2024. His commission will expire on 30 June 2025.

JUSTICE GEASON AND HIS CASELOAD

On the night of 2 November 2023 Justice Geason was served with a police family violence order. On the following day, at my request, he agreed not to sit in Court again until further notice. That arrangement remained in force for the rest of the reporting year and he did not sit in Court at all.

On 1 December 2023 Justice Geason was arrested and charged with two summary offences, namely assault and emotional abuse. On 12 December 2023 he gave an undertaking to both Houses of Parliament that he would not sit in respect of any matter except to the extent that I might request. I did not subsequently make any such request. That undertaking remained in force to the end of the reporting year and beyond.

It became necessary for other judges to deal with Justice Geason's caseload as a result of him not sitting on or after 3 November 2023. That day was to have been the fourth day of a criminal trial that he was conducting. The trial was aborted. A new trial of the charges was commenced before another judge on 28 November. A number of matters had been listed before hearing Justice Geason during the final weeks of 2023. Most were relisted before other judges in 2024.

When Justice Geason ceased sitting, there were 14 defendants awaiting sentencing by him. Some of them were in custody. All but one of those defendants were sentenced by other judges in November and December 2023.

When Justice Geason ceased sitting, he had 18 outstanding reserved judgments, the oldest of which was reserved in November 2021. The 18 judgments comprised five in Full Court appeals, three in Court of Criminal Appeal matters, and ten in first instance matters.

In one of the criminal appeals, Justice Geason had written a judgment. The Court of Criminal Appeal gave judgment unanimously dismissing that appeal on 21 November 2023. Justice Geason did not sit in Court when the judgment was delivered.

In most of the other Full Court and Court of Criminal Appeal matters, arrangements were made for the appeals to be finalised without any further participation by Justice Geason. In most of those cases, the two remaining judges agreed upon the outcome of the appeal and made orders finalising the appeal. In one of those appeals, one of the parties unsuccessfully argued that the two remaining judges did not have the power to make final orders determining the appeal: *Blue Derby Wild Inc v Forest Practices Authority (No 2)* [2024] TASFC 1. An application for special leave to appeal to the High Court of Australia was unsuccessful: *Blue Derby Wild Inc v Forest Practices Authority* [2024] HCA Trans 29. When the High Court dismissed that application, Gageler CJ said, "We see no reason to doubt that the order of 26 February 2024 reconstituting the Full Court was an order which was available in the circumstances to be made within the inherent power of the Supreme Court of Tasmania."

Of the ten first instance matters, eight were cases in which evidence had not been given before Justice Geason. They comprised two appeals in relation to planning decisions, five motions for the review of magistrates' decisions, and an application for leave to institute a private prosecution. All but one of those matters were determined by other judges by the end of the reporting year. By then only three of Justice Geason's first instance cases and one Full Court appeal on which he sat had still not been finalised.

THE BACKLOG OF CRIMINAL CASES

The Court's greatest challenge remains the increasing backlog of first instance criminal cases. The number of such cases pending in the Court grew from 743 on 30 June 2023 to 885 on 30 June 2024.

A number of factors resulted in that backlog getting worse rather than better. Two of those factors were the temporary shortage of judicial officers, and the need for other judges to spend time dealing with Justice Geason's caseload after 2 November. Two other factors that contributed to the problem were delays on the part of Tasmania Police and the introduction of strangulation as a new indictable offence in 2022.

Throughout the reporting year the Court encountered unacceptable delays on the part of Tasmania Police in Hobart in relation to the disclosure of documents and recordings to defence counsel, and in relation to the completion of files after accused persons had been committed for trial. Delays in relation to these matters have been common for years. However the number of cases delayed and the length of the delays were unprecedented and most unreasonable.

No criticism can be made of the hard-working staff of the Southern Disclosure Unit of Tasmania Police. The problems with disclosure appear to have been caused by understaffing.

The delays reached the point where prosecutors were telling judges that files sent back for completion were due for return months previously, and sometimes that there was no information as to when they might be completed. In one case a file sent back to the police for completion in April 2022 had still not been completed when a judge conducted a directions hearing on 28 March 2024. The judge commented that the delay was getting to a stage where a judge might direct the investigating officer to attend court and offer an explanation. By March 2024 the Southern Disclosure Unit had about 75 files relating to indictable offences awaiting the completion of disclosure procedures, and many of them were well overdue.

In some cases accused persons were granted bail when they had not been brought to trial after long delays, with the delays being taken into account as something weighing in favour of release on bail.

The Commander of each police district has duties to disclose witness statements, interview transcripts and factual summaries to defendants or their lawyers under ss 56(3) and 57 of the *Justices Act 1959*. Disclosure obligations have become more complicated over the years as a result of the introduction of video-recorded interviews with complainants in sexual cases, evidence in the form of body-worn camera footage, listening device evidence, and various forms of scientific evidence. However defendants' first appearances in the Supreme Court are ordinarily at least 11 weeks after their first appearances in the Magistrates Court. Despite the length of that interval, the time limits imposed by the disclosure provisions in the *Justices Act* were commonly not being complied with.

Delays in disclosure and file completion result in fewer early pleas of guilty. Such delays result in accused persons more commonly telling their lawyers that they want their cases to go to trial, and defence lawyers telling prosecutors and the court that cases will have to go to trial. There is a vicious circle. When prosecutors are told that a case will have to go to trial, work has to be done to prepare the case for trial, despite the fact that there will be late pleas of guilty in many cases after they have been prepared for trial.

Delays in disclosure and file preparation result in repeated pre-trial appearances by accused persons, and in lawyers on both sides spending substantial time trying to get some progress in cases that are delayed, rather than spending time

on the finalisation of cases. Too much time is spent on the 'churning' of pending cases.

The result of the delays in relation to disclosure and file completion has been that the staff of the Director of Public Prosecutions have not been able to prepare as many cases for trial as should have been possible.

All of this has been exacerbated by the creation of the new indictable offence of strangulation. With effect from 22 August 2022, s 170B of the *Criminal Code* has provided that a person who intentionally and unlawfully chokes, suffocates or strangles another person is guilty of a crime called 'Strangulation'. As a result of the amendment of the *Criminal Code* to introduce that new crime, many cases that would previously have been the subject of summary assault charges are now being dealt with in the Supreme Court instead of the Magistrates Court.

Another problem concerns delays in the provision of psychiatric reports by the Chief Forensic Psychiatrist or his nominees. Some judges have encountered delays of 7 to 9 months between the making of an order for a report and the provision of the report. Psychiatric reports are frequently needed in cases where there is doubt as to an accused person's fitness to stand trial, in cases where an accused person has been found unfit to stand trial or not guilty by reason of insanity, or where the Crown seeks a declaration that an offender is a dangerous criminal, as well as for sentencing purposes. Apparently the Chief Forensic Psychiatrist receives no funding for the provision of such reports even though there are statutory requirements for them to be provided in some situations. The delays are most unfair from the perspectives of both complainants and accused persons, and highly inconvenient for the Court.

CRIMINAL LISTINGS

Following an amendment to the *Criminal Code* in November 2023, the associate judge has been empowered to exercise all the powers of the Supreme Court in its criminal jurisdiction other than the conducting of a trial in relation to a crime, the imposing of a sentence in respect of a crime, and the hearing of an appeal from a magistrate's decision in relation to bail. It is intended that the associate judge will take prime responsibility for the case management and listing of criminal matters. At this stage the staff of the Director of Public Prosecutions have primary responsibility for such listings. The formulation of policies and procedures in relation to case management and criminal listings is a work in progress that is involving a great deal of preparation and planning,

particularly by Associate Justice Daly. The results should be a more efficient listing system, with more judicial time devoted to trials and less devoted to avoidable appearances and directions hearings about stagnant cases. As a matter of principle, criminal listings should be managed by the Court, and not by the lawyers on the prosecution side of the cases. It is inevitable that the creation of a new listing system will require additional staff, and therefore additional funding from the Department of Justice.

ASSOCIATE JUDGES

The Honourable Associate Justice Stephen Holt retired in 2023 after 24 years of service as a judicial officer of this Court. Tasmania's second Charter of Justice, which was granted in 1831, provides for one of the officers of the Court to be 'a Master and Keeper of Records'. His Honour was appointed to the office of Master with effect from 6 September 1999. He is a graduate of the University of Tasmania. After completing the Tasmanian Legal Practice Course in 1979 he went to the firm of Murdoch, Clarke, Cosgrove and Drake as an apprentice. He was admitted in February 1981 and practised at Murdoch Clarke as an employed solicitor and then as a partner until his appointment. In 2008 his title was changed by legislation from Master to Associate Judge. His Honour made an invaluable contribution to the administration of justice in this Court by conducting nearly all of its interlocutory business and much of its chamber business. He had to deal with some very difficult questions of law and all sorts of litigants. He consistently showed himself to be learned in law, fair, courteous and conscientious. A ceremonial sitting to mark his retirement was held on 31 August 2023.

The Honourable Associate Justice Michael Daly was appointed with effect from 29 April 2024. His Honour graduated from the University of Tasmania in 1992. After completing the Tasmanian Legal Practice Course in 1993 he practised in Launceston with the firm Rae & Partners until 2000. From 2000 to 2007 he practised as a barrister. He was appointed as a temporary magistrate in 2007, as a permanent full-time magistrate in 2008, and as Deputy Chief Magistrate in 2011. He remained in that role until his appointment as the Associate Judge.

BURNIE COURT RELOCATION

The purchase of the new site for the courts at 100-106 Wilson Street, Burnie was completed in December 2023. Subsequently a firm of architects was engaged to provide design services. It is proposed that the new site will be occupied by the Supreme Court and the Magistrates Court. At the end of the reporting

year, discussions had begun in relation to the possible use of the new building by the Federal Circuit and Family Court of Australia. The planned completion date for the project is September 2026.



The Hon Alan Blow AO
Chief Justice of Tasmania
November 2024

Year at a glance

The following tables provide a snapshot of the Court's caseload in the 2023-24 financial year.

Jurisdiction	Lodgements		Finalised	
	First Instance	Appeals	First Instance	Appeals
Criminal	742	20	512	15
Civil	724	83	713	55
Total	1,466	103	1,225	70

Jurisdiction	Lodgements	Grants
Probate	2,842	2,216

OUR PEOPLE

- 7 permanent Judges
- 1 Acting Judge (full-time)
- 2 Acting Judges (part-time)
- 1 Associate Judge
- 1 Registrar
- 11 Registry staff
- 33 Judicial Support Staff
- 6 Corporate Support Staff

OUR BUDGET

- \$12.982M revenue
- \$11.674M expenditure

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 having three levels of courts:

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

In Tasmania, there are 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 to a serious offence in the Magistrates Court they are ordered to appear in the Supreme Court for sentencing by a judge. If the accused pleads not guilty and there is to be a trial, they are ordered to appear in the Supreme Court for trial, with 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. Since June 2022 legislative provision has been made for judge-alone criminal trials in certain situations.

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

BAIL

The Court hears applications for bail including appeals arising from Magistrates Court bail decisions.

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 their conviction or the sentence imposed. See s 407 of the *Criminal Code*.

Appeals from a decision of a magistrate or a tribunal are usually heard by a single Supreme Court judge.

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 usually consisting of 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 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 Tamara Kaye Jago.

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. In 2023-24 there were seven full-time puisne judges, one associate judge and three part-time acting judges.

The Governor appoints the Associate Judge of the Supreme Court under the *Supreme Court Act 1959*. The Associate Judge:

- assists the judges in conducting the civil business 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
- has jurisdiction to exercise some of the Court's criminal powers, following a legislative change in November 2023.

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 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 Honourable Tamara Kaye Jago

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 Michael Francis Daly

ACTIVITIES

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

CHIEF JUSTICE BLOW

In 2023-24:

- His Honour wrote a paper entitled *Barristers, Solicitors and Amalgams: A Tale of Two Cities* which was presented at a conference entitled 'Enduring Courts in Changing Times' in Sydney on 9 September 2023. The conference was organised by the Australian Academy of Law, the Australasian Institute of Judicial Administration and the Australian Law Journal to celebrate the bicentenaries of the Supreme Courts of Tasmania and New South Wales. Because his Honour was unable to travel, the paper was read by Mr Malcolm Schyvens, the President of the Tasmanian Civil and Administrative Tribunal
- On 5-7 October 2023 his Honour attended the annual colloquium of the Australian Judicial Officers Association in Auckland. His Honour also participated remotely in meetings of the Executive Committee of that association and attended meetings of its Governing Council in Sydney on 16 March 2024 and in Melbourne on 15 June 2024
- His Honour attended a ceremonial sitting of the High Court of Australia on 16 October 2023 to mark the retirement of the Hon Susan Kiefel AC as Chief Justice of Australia
- On 24 October 2023 his Honour presented the keynote speech at the Conference of Regulatory Officers in Hobart. That conference was attended by members and staff of bodies responsible for regulating the Australian legal profession
- His Honour attended meetings of the Council of Chief Justices of Australia and New Zealand in Adelaide on 31 October 2023 and in Canberra on 7 June 2024
- On 6 November 2023 his Honour attended ceremonial sittings of the High Court of Australia in Canberra for the swearing in of the Hon Stephen Gageler AC as Chief Justice of Australia and the Hon Robert Beech-Jones as a judge of the High Court of Australia
- On 12 November 2023, as part of the Open House Hobart weekend, his Honour and Mr Peter Partridge, the architect of the Court's buildings in Salamanca Place, Hobart, conducted a tour of those buildings
- His Honour attended the annual Supreme and Federal Courts Judges' Conference in Melbourne on 21-24 January 2024

- On 15 February 2024 his Honour attended the launch of the Leah Brown First Nations Scholarship Fund in Hobart
- On 29 April 2024 his Honour spoke to students from the University of Tasmania at Jane Franklin Hall
- On 10 May 2024, the 200th anniversary of the first sitting of the Supreme Court of Van Diemen's Land, his Honour launched *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court* by the Hon Justice Stephen Estcourt AM. That evening his Honour hosted a formal dinner to celebrate the bicentenary at the Tasmanian Club in Hobart. On 12 May 2024 his Honour and Mr Peter Partridge conducted a tour of the Court's buildings in Salamanca Place
- On 14 May 2024 his Honour attended the opening of the first session of the 51st Tasmanian Parliament
- On 17 May 2024 his Honour attended a ceremonial sitting of the Supreme Court of New South Wales to celebrate the 200th anniversary of its first sitting. His Honour also attended three related events: an ecumenical service at St James' Church, King Street, Sydney on 16 May 2024, a dinner at Government House in Sydney on 17 May 2024, and a garden party at Government House in Sydney on 18 May 2024
- On 21 May 2024 his Honour attended and spoke at a reception held by the Attorney-General, the Hon Guy Barnett MP, at Parliament House in Hobart to celebrate the bicentenary of the Supreme Court of Tasmania
- On 13 June 2024 at the Burnie Campus of the University of Tasmania his Honour spoke to Year 11 and 12 students. That evening at that campus his Honour was interviewed by Ms Regina Weiss as part of the University's Island of Ideas program. That interview can be viewed on the Court's website
- His Honour participated in advocacy exercises as part of the Tasmanian Legal Practice Course.

JUSTICE WOOD

In 2023-24 Justice Wood:

- As a member of the Tasmania Law Reform Institute Board, her Honour attended meetings in person and by video-link
- Her Honour presented the *Cultural Diversity and Working with Interpreters Module* to students of the Tasmanian Legal Practice Course on 12 July 2023 and 18 June 2024
- As a committee member of the Australian Association of Women Judges (AAWJ), her Honour attended on-line

committee meetings and the Annual General Meeting on 18 June 2024

- Her Honour spoke to a school group visiting the Supreme Court in Hobart about sentencing and jury trials on 18 October 2023
- As a member of the Judicial Council on Diversity and Inclusion attended Council meetings with speakers in Melbourne on Friday 20 October 2023 and in Canberra on 14 June 2024
- Her Honour attended meetings of the Judicial Council on Diversity and Inclusion Sub-committee Working Group on Youth Justice by video-link
- Her Honour presented a paper on the topic of *Vulnerable Witnesses and Litigants*, and co-presented with the Honourable Justice McElwaine on the topic of *Trial and Appeal Success* at the Law Society Litigation Convention on 10 November 2023
- As a member of the Council of the Australian Institute of Judicial Administration (AIJA) attended a meeting in Melbourne on 2 March 2024
- As a member of the AIJA Education Sub-committee, her Honour attended on-line meetings by video-link
- Attended a lunch at Government House on 8 March 2024 to celebrate International Women's Day
- Presented a paper on the topic of *Recognising and Responding to Coercive Control* to the legal profession organised by the Law Society of Tasmania on 13 March 2024
- Her Honour presented a paper titled *A Tour of the Court in 2024* to the Tasmanian Society for Justices of the Peace at a Professional Development Seminar on 17 March 2024
- Attended a dinner in Hobart organised by the Australian Academy of Law on 21 March 2024
- Attended a meeting with the Australian Law Reform Commission (ALRC) regarding the National Inquiry into Justice Responses to Sexual Violence on 19 March 2024
- Her Honour participated by video-link in the ALRC National 'Supreme Court Roundtable' discussions on 30 May 2024
- Attended functions associated with and in celebration of the bicentenary of the Supreme Court of Tasmania in May 2024
- As a panel member spoke to law students at the Tasmania University Law Society Careers Pathway Forum at the University of Tasmania Law School with Judge Kudelka and Professor Warner on 13 May 2024

- Her Honour attended the Opening of Parliament on 14 May 2024
- On 21 May attended an event at Parliament House hosted by the Attorney-General to celebrate the bicentenary of the Supreme Court, 50 years of Tasmanian Legal Aid and Law Week
- Participated in the roundtable review of the Witness Intermediary Pilot for Judicial Officers on 20 March 2024
- On 7 June 2024 participated in the Justice Forum on behalf of the Chief Justice on the Judicial Commission Bill.

JUSTICE ESTCOURT

In 2023-24 Justice Estcourt:

- Attended the Asian Australian Lawyers Association – National Mentoring Program Launch
- Was a member of the Steering Committee of the Justice Connect Project and attended monthly meetings
- Presented a paper on *The Importance of Judicial Independence* delivered to the University of Tasmania Law School LawFest 2023
- Had an article published in the Australian Law Journal (2024) 98 ALJ 176 – *Around the Nation: Tasmania. Age is No Guarantee of Independence*
- Was a seminar panel member at the Legal Aid Practice Conference 2023
- Conducted an Open House tour of the Supreme Court in Hobart
- Authored a book *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court*, which was published by Forty South Publishing. The book was launched on 10 May 2024, the bicentenary of the creation of the Supreme Court of Tasmania
- Conducted an historical tour of the Supreme Court, 11 May 2024
- Attended the Opening of Parliament, 14 May 2024.

JUSTICE PEARCE

In 2023-24 Justice Pearce:

- Attended meetings of the Board of Legal Education as Chair
- Attended meetings of the Australian Law Admissions Consultative Committee as Tasmanian representative
- Attended meetings of the sub-committee on the possible establishment of a Judicial Commission

- Attended meetings of the judicial sub-committee considering the proposed new Burnie Court complex
- Conducted a Supreme Court Sentencing Workshop as part of Law Week
- Participated in sessions of the Supreme Court advocacy training module for the Tasmanian Legal Practice Course.

JUSTICE BRETT

In 2023-24 Justice Brett:

- Attended meetings of the Board of the Centre for Legal Studies, acting as judicial observer
- Acted as the coordinator of the Supreme Court module for the Tasmanian Legal Practice Course, and participated in sessions of the module for the course
- Attended meetings of the National Organising Committee of the Supreme and Federal Courts Judges Conference and acted as Treasurer of the Committee.

JUSTICE GEASON

In 2023-24 Justice Geason:

- Attended a program relating to expert evidence entitled *We the Gatekeepers* presented by the National Judicial College of Australia in Sydney.

JUSTICE JAGO

In 2023-24 Justice Jago:

- Presented at the Law Society Criminal Law conference on 1 March 2024 a paper titled *Presenting a Plea in Mitigation*. This paper was subsequently published in the Law Society Magazine, Winter edition.

ASSOCIATE JUSTICE DALY

In 2023-24 Associate Justice Daly:

- Participated in advocacy exercises as part of the 2024 Tasmanian Legal Practice Course.



Sketches from the media box, Supreme Court, Launceston.

Maher v Tasmania [2023] TASCCA 7

Ms Maher was charged with murdering her 71-year-old mother by smothering her with a cushion, on 3 October 2019. The deceased's body was substantially decomposed by the time it was found, four weeks later, by which time Ms Maher had returned to Western Australia, where she was arrested on 7 November 2019. Ms Maher applied for bail in November 2020. Blow CJ, in reasons delivered on 1 December 2020, refused the application, noting that in a case of murder there must be exceptional circumstances to warrant granting bail, and that no such exceptional circumstances were present.

Her trial commenced in Launceston on 12 October 2021. On 8 November 2021, the jury returned a unanimous guilty verdict to the charge of murder. Pearce J sentenced Ms Maher to a term of imprisonment of 23 years backdated to 7 November 2019, with a non-parole period of 13 years.

Ms Maher appealed against conviction on the grounds that the trial judge erred in ruling that both the appellant's record of interview with police (Ground 1) and opinion evidence of an expert witness, Dr Ritchey, (Ground 2) were admissible on the trial. Counsel for Ms Maher submitted that the trial judge failed to give sufficient weight to the oppressive nature of the police interview and to the prejudicial effect of the evidence given by Dr Ritchey that the circumstances were, in his opinion, "highly suggestive of a homicidal manner of death".

The Court of Criminal Appeal heard the appeal on 11 October 2022. On 25 July 2023, by majority, the Court dismissed the appeal, with all three judges publishing separate reasons.

Estcourt J held that the learned trial judge had not erred in his rulings on the admissibility of either the interview or the evidence of Dr Ritchey. His Honour found that while the interview was "persistent and robust, it did not amount to oppression to the extent that the appellant's right to silence was eroded". As to Ground 2, his Honour found that the opinion evidence was correctly admitted, and that any potential unfairness to the accused was dealt with by the trial judge's directions to the jury about how to use the evidence.

Brett J agreed with Estcourt J's reasons, and made further comments in respect of Ground 2, addressing the issue of opinion evidence being based "wholly or substantially" on specialised knowledge. His Honour took the opportunity to note that while he was satisfied that Dr Ritchey's opinion was ultimately based on his specialised knowledge as a forensic pathologist, he "would warn against drawing any general conclusion from the outcome in this particular case", and that the admissibility of opinion evidence will depend on the specific facts of each case.

Geason J published a dissenting judgment, agreeing with the majority in respect of Ground 1, but differing in his conclusion on Ground 2. His Honour held that, given the pivotal nature of Dr Ritchey's evidence in establishing the charge of murder, its probative value was outweighed by its prejudicial effect. His Honour held that it "infected the fairness of the trial", concluding that he would allow the appeal and order a retrial.

CASE STUDY

Our Registries

CRIMINAL REGISTRY

The Criminal Registry receives and processes:

- documents lodged by the Directors 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.

VALE



THE HON EWAN CRAWFORD AC

8 April 1941 – 5 September 2023

Chief Justice of the Supreme Court of Tasmania 2008 – 2013

Puisne Judge of the Supreme Court of Tasmania 1988 – 2008

The Hon Ewan Crawford AC was a judge of this Court for 24 years, including just under five years

as the Chief Justice. He was the son of Sir George Crawford, who was a judge of this Court from 1958 to 1981. He grew up in Launceston, attended the University of Tasmania, worked in Hobart briefly as an articled clerk and as an associate to Chief Justice Sir Stanley Burbury, and was admitted as a legal practitioner in 1964. He spent the rest of his life living in Launceston, and is the only Chief Justice to have presided over the Court from there. He worked in his father's firm, Douglas & Collins, where he became a partner, before becoming a judge in September 1988.

As a legal practitioner he was heavily involved in professional organisations, including the Northern Area Legal Assistance Committee and the Northern Law Library Committee. He served on the Council of the Law Society of Tasmania for 12 years, including a year as its President. As a judge he served for many years on the Board of Legal Education, on the board of the Centre for Legal Studies Limited (the body that runs the Tasmanian Legal Practice Course) and, at a national level, on the Law Admissions Consultative Committee.

As a Chief Justice based in Launceston, he needed to spend about 20 weeks per year away from home, sitting in Hobart and Burnie. He was an exemplary judge, noted for his patience, his courtesy, his capacity to listen, his humility, his good humour, his thoroughness, and his enjoyment in his work.

He retired upon reaching the then statutory retirement age of 72 years in April 2013. He was made a Companion of the Order of Australia in June 2014. In his retirement he became a carer for his wife Bobby, to whom he was married for 55 years. He was survived by her and their children.

MALCOLM FARMER JP

20 June 1955 – 22 March 2024

The Court was saddened by the passing of Malcolm Farmer, who retired in 2023 after 46 years' conscientious service to the Court and the Tasmanian legal profession.

Malcolm joined the Attorney-General's department on 1 August 1974. He transferred to the Supreme Court in October 1977. He was in charge of the listing of civil cases in Hobart for about 36 years, from about 1987 until 2023. His duties also included witnessing documents as a justice of the peace, dealing with enquiries by members of the public at the front desk of the registry, and looking after work experience students and student groups visiting the Court. He played a significant part in the implementation of modern case management practices, including mediations.

He excelled in his role in the listing of civil cases. He developed a remarkable talent for predicting which cases were likely to settle and how long trials were really likely to take. Because of his talents, the profession could be confident that any trial listed as a backstop had a reasonable chance of getting a start on its listed date. When urgent applications were made to the Court, Malcolm liaised extremely efficiently with lawyers and judges so that they could always be dealt with without delay.

Malcolm was unfailingly courteous and cheerful. He never overlooked any task that needed his attention. The entire Tasmanian legal profession had enormous respect for him, as did the judges.

AWK v Tasmania [2024] TASCRA 5

The appellant, AWK, was charged with one count of persistent sexual abuse of a child or young person. The complainant was his step-daughter, aged between 7 and 8 years old at the time of the conduct which was the subject of the charge. The State alleged that on seven separate occasions unlawful sexual acts were committed by the appellant against the complainant. The jury needed to be satisfied beyond reasonable doubt that unlawful sexual acts had occurred on at least three of those occasions to find the appellant guilty of the charge of persistent sexual abuse of a child.

The jury found the appellant not guilty of the primary charge, but guilty of two counts of rape, relating to “Occasion one” and “Occasion seven”. The appellant was sentenced by the trial judge, Jago J, to a term of imprisonment of 5 years and 4 months.

The appellant appealed against his conviction on two grounds: that the verdicts were “unreasonable and cannot be supported by the evidence”; and that the verdicts of not guilty to the primary charge but guilty to two counts of rape were “factually inconsistent”. He submitted that there were inconsistencies, deficiencies, and inadequacies in the complainant’s evidence, impacting on the credibility and reliability of her evidence generally. The appellant also contended that if the jury were not satisfied beyond reasonable doubt in relation to the other five occasions, they should not have been satisfied beyond reasonable doubt of Occasions one and seven.

The Court granted leave to appeal, but unanimously dismissed the appeal. Wood J, with whom Blow CJ and Martin AJ agreed, found that most inconsistencies, deficiencies, or inadequacies were such that it was open to the jury to find that they were inconsequential and did not affect the honesty or reliability of the complainant. Where more significant inadequacies were present, they related to the other occasions and did not impact the evidence relating to Occasions one or seven.

The Court took the opportunity to criticise the approach taken by the appellant’s counsel in seeking to “perpetuate outdated concepts and myths surrounding the conduct to be ‘expected’ of child complainants in sexual assault cases [and] about the evidence of child complainants”. Wood J drew attention to the extensive body of research in the area of memory, noting that, “Counsel should expect the Court ... to be alert to the risk or reality of counsel propounding erroneous beliefs about memory”. Martin AJ added that “there is a wealth of experience in the criminal courts demonstrating the fallacy underlying the outdated concepts”.

DOROTHY SHEA

25 April 1941 – 5 January 2024

Dorothy Shea was the Court’s librarian for 28 years, from 1988 to 2016. She died suddenly in Hobart in January 2024. She served under five Chief Justices.

Dorothy was very highly regarded by the judiciary and her colleagues, not only for her excellent research and analysis skills and her deep knowledge of librarianship, but also for her enthusiasm and cheerfulness. She eagerly adopted new technology, and created the first database of unreported judgments for the Court in 1993. Apart from providing services for the benefit of the judges, she contributed to an AustLII project on early Tasmanian legislation and the digitisation of the Tasmanian Law Reports. She served as the national President of the Australian Law Librarians Association and as the editor of *Australian Law Librarian*. She published a number of articles and presented at a number of conferences.

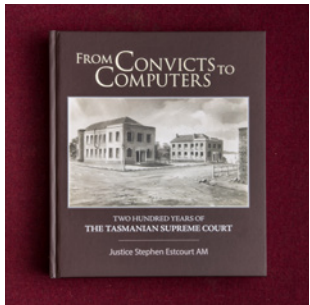
In retirement, Dorothy volunteered her time and expertise towards the archiving of Tasmania’s original statutes, the earliest of which were enacted in 1825. Those statutes, and the little-known statutes of the Federal Council of Australasia, had always been held by the Court, but were transferred to the Tasmanian Archives and Heritage Office. This project was completed shortly after Dorothy died, and was substantially due to her extraordinary efforts.

Dorothy was survived by her husband, Jim, and her children and grandchildren.

CASE STUDY

Bicentenary of the Supreme Court of Tasmania

On 10 May 2024 the Supreme Court celebrated its bicentenary. The Supreme Court of Van Diemen's Land was created by the Third Charter of Justice 1823 and the first sitting of the Court occurred in Hobart Town on 10 May 1824. The Court was first housed in a building on the corner of Murray and Macquarie Streets, now part of the Treasury Building.



Chief Justices of the Supreme Court of Tasmania



Sir John Lewes Pedder
1824 - 1854



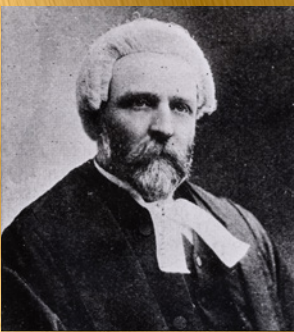
Sir Valentine Fleming, Kt
1854 - 1869



Sir Francis Smith, Kt
1870 - 1885



Sir William Lambert Dobson,
KCMG
1885 - 1898



Sir John Stokell Dodds, KCMG
1898 - 1914



Sir Herbert Nicholls, KCMG
1914 - 1937



The Hon Sir Harold Crisp, Kt
1937 - 1940



The Hon Sir John D Morris,
KCMG
1940 - 1956



The Hon Sir Stanley Burbury,
KCMG, KCVO, KBE
1956 - 1973



The Hon Sir Guy Stephen
Montague Green, AC, KBE, CVO
1973 - 1995



The Hon William John Ellis
Cox, AC, RFD, ED
1995 - 2004



The Hon Justice Peter George
Underwood, AO
2004 - 2008



The Hon Justice Ewan Crawford
2008 - 2013



The Hon Justice Alan Blow, AO
2013 -

Education and Community Engagement

BICENTENARY OF THE SUPREME COURT OF TASMANIA

The Court's focus in the 2023-2024 year has been on its bicentenary on 10 May 2024, with events held on that day and through the following weeks.

The Court began the formal bicentenary celebrations with a ceremonial sitting of the Court in Hobart on 10 May 2024. The Governor of Tasmania, Her Excellency the Hon Barbara Baker AC attended with Emeritus Professor Don Chalmers AO. Also present were Chief Justices from courts around Australia and other esteemed guests.

Dewayne Everettsmith gave a moving Welcome to Country, followed by a speech from the Chief Justice, the Hon Alan Blow AO. The Attorney-General, the Hon Guy Barnett, the President of the Australian Bar, Peter Dunning KC, the President of the Law Society of Tasmania, Julia Higgins, and the President of the Tasmanian Bar, Tom Cox each addressed the Court, to acknowledge and congratulate the Court on the historic occasion.

Following the ceremonial sitting the Chief Justice launched the Hon Justice Stephen Estcourt AM's book *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court* and presented copies of the book to the visiting Chief Justices.

Her Excellency the Governor gave a reception for members of the judiciary and other guests at Government House, which was followed by a formal dinner at the Tasmanian Club, hosted by the Chief Justice, for the judiciary and senior members of the profession.

Throughout May the Court offered several tours of the Court buildings in Hobart, including displays of historical memorabilia. The Court acknowledges the generosity of members of the profession in lending items, and in participating in the bicentenary events.

- Mr Damian Egan loaned his portrait of the Court's first Chief Justice, Sir John Lewes Pedder
- Mrs Jennifer Morris, wife of the late former Chief Magistrate John Morris AM, loaned robes, photographs and other items belonging to former Chief Justice Sir John Morris KCMG
- Mr Raymond Broomhall loaned wigs and related historical items from his personal collection.

Guided walking tours were conducted with the invaluable assistance of the National Trust of Australia (Tasmania),

starting with the early Criminal Court buildings at the Penitentiary in Campbell Street, passing the site of the original criminal and civil courts in the Treasury Building, Franklin Square, and finishing with a tour of the current Supreme Court buildings in Salamanca Place, Hobart. The Court is indebted to the National Trust of Australia (Tasmania), and especially Mr Jim Ward for his enthusiasm and expertise.

As part of the Hobart Court tours participants were given the opportunity to visit the custody cells, and the Court thanks the staff of the Tasmanian Prison Service for making those tours possible.

Ms Nicki Ottavi of the Tasmanian Archives and Heritage Office (TAHO) arranged tours of the TAHO site, which gave participants a rare opportunity to view the original Charter of Justice, with its wax seal, and the leather banjo box in which it was stored. The Tasmanian Museum and Art Gallery kindly loaned pieces of china from the dinner service commissioned for the first Sheriff of Tasmania, Dudley Fereday.

Ms Deb Bowring, Manager of the Andrew Inglis Clark Law Library, was instrumental in setting up displays, and also in curating a digital Legal Heritage Collection to celebrate the Court's bicentenary.

Mr Peter Partridge, the architect of the Court buildings in Salamanca Place, conducted tours of the buildings with the Chief Justice and Justice Estcourt. Mr Partridge, who has remained active in developments at the Court in Hobart since its construction, is a highly valued advisor to the Court and has provided support over many years, particularly in events relating to the Court's heritage-listed buildings in Hobart. To mark the bicentenary Mr Partridge participated in a podcast with former Registrar Mr Jim Connolly in which they discussed the development and design features of the Hobart buildings. Mr Connolly also gave generously of his time and expertise in developing and recording the podcast, which is available on the Court's website.

The Court is also grateful to Mrs Gayle Johnston, of the Legal Profession Board of Tasmania, who assisted in organising bicentenary events and with advertising events in conjunction with Law Week.

The Hon Chief Justice Blow and the Hon Justice Pearce each ran sentencing workshops, one in Hobart and one in Launceston, to give members of the public the opportunity to gain an understanding of the principles of sentencing and

Blue Derby Wild Inc v Forest Practices Authority (No 2) [2024] TASFC 1

Forestry Tasmania, trading as “Sustainable Timber Tasmania” (STT) was harvesting timber from two coupes of land near Derby, pursuant to forest practices plans certified by delegates of the Forest Practices Authority, who were also STT employees. The appellant commenced proceedings challenging the certification of the plans on the grounds that the purported delegates were not validly delegated the power to certify, and that the certifications were invalidated by apprehended bias. STT was subject to an injunction prohibiting harvesting until the determination of the application. Pearce J found that the delegations were valid, and that apprehended bias could not invalidate the certifications because of provisions in the Forest Practices Act 1985. The appellant appealed the decision, contending that the learned trial judge erred in finding that the requirement that the exercise of delegated power to certify be free of apprehended bias was excluded by the legislative scheme.

The Full Court, comprising Geason J, Jago J and Martin AJ, heard the appeal on 18 April 2023 and reserved judgment. In November 2024, Geason J was served with a Family Violence Order relating to his partner. He was subsequently charged with assault and emotional abuse. On 8 December 2023 Geason J signed an undertaking to not sit in respect of any matter until the resolution of court proceedings unless so requested by the Chief Justice. The Chief Justice noted in the unrelated matter of *Ding v De Wit* [2024] TASSC 6 that it would be inappropriate to make such a request while criminal charges were pending. The judgment in this matter was still reserved at the time.

On 26 February 2024, Jago J and Martin AJ conducted a hearing as to the power of the Court to deliver judgment in Geason J’s absence. Jago J and Martin AJ ordered that the Full Court be reconstituted, comprising the two judges only. On 12 April 2024, the reconstituted Full Court dismissed the appeal and the appellant was ordered to pay the respondent’s costs. The Court held that the appellant lacked standing to bring the proceedings in the first instance, finding that the appellant did not have a “special interest” above and beyond the public at large. Martin AJ, with whom Jago J agreed, stated that “at its highest, the plaintiff is an association of like-minded individuals each with an interest in the preservation and protection of the local environment”.

In addressing the decision to deliver judgment in Geason J’s absence, Martin AJ noted that STT’s operation had been stalled for an extended period, potentially affecting STT’s ability to comply with its reforestation obligations. Martin AJ opined that “significant commercial interests are at stake and there is an urgent need for the rights of the parties to be determined by the Full Court without delay”.

The appellant applied for special leave to appeal to the High Court of Australia, contending inter alia that the Full Court erred, both in finding that the appellant lacked standing and by delivering its judgment in Geason J’s absence. The High Court heard the special leave application on 23 April 2024, and dismissed the application with costs.

CASE STUDY

their application in a case. The workshops involved a scenario of a fictitious case with roles played by a judge, prosecution and defence counsel. Ms Emma White, Director of the Centre for Legal Studies and Ms Susie Winter, Assistant Director, assisted with the workshop, together with lawyers from the Office of the Director of Public Prosecutions and Tasmania Legal Aid, who acted as counsel in the role plays.

The Court acknowledges and thanks the members of the Bicentenary Committee for their work:

The Hon Chief Justice Alan Blow AO

The Hon Justice Stephen Estcourt AM

Ms Penelope Ikedife, Registrar

Ms Deb Bowring, Manager, Andrew Inglis Clark Law Library

Dr Elise Histed, Legal Research and Communications Officer

Ms Nicki Ottavi, Archivist, Tasmanian Archives and Special Collections

Mr Jim Ward, Property Manager – South, National Trust of Australia (Tasmania)

Ms Gayle Johnston, Legal Profession Board of Tasmania

OTHER EVENTS

As part of its ongoing engagement with the community, the Court continued to offer educational tours to school groups which enables students of various ages to see the courtrooms and custody cells, join interactive discussions, and sit in on cases as they are conducted.

The Court continued its involvement with the Centre for Legal Studies, coordinating a Supreme Court module for the Legal Practice Course, with judges participating in sessions of the module for the course, acting as judicial observer at meetings of the Board of the Centre for Legal Studies and conducting advocacy exercises for the Legal Practice Course.

The Court participated in Open House Hobart in November 2023, with judges and the architect of the Supreme Court’s buildings in Hobart, Peter Partridge, conducting public tours of the buildings.

Legislative Amendments

During the reporting year the Supreme Court was invited to comment on a number of Bills, including the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2023, the Justice Miscellaneous (Commissions of Inquiry) Bill 2024 and the Judicial Commissions Bill 2024.

On 7 November 2023 the *Criminal Code Amendment (Criminal Jurisdiction of the Associate Judge) Act 2023* amended section 372 of the *Criminal Code Act 1924*. Section 372 provides:

- (1) The Chief Justice may issue a direction that empowers the Associate Judge to exercise the powers of the Supreme Court other than –
 - (a) the conducting of a trial in relation to a crime; and
 - (b) the imposing of a sentence in respect of a crime; and
 - (c) the hearing of an appeal in relation to bail.
- (2) For the avoidance of doubt, if the Associate Judge is empowered to exercise the powers of the Supreme Court by virtue of a direction issued under subsection (1) –
 - (a) the Associate Judge may exercise those powers in the same manner as they may be exercised by the Court and subject to the same provisions; and
 - (b) a reference in this Act, or any other Act, to the Court or a judge in relation to those powers includes a reference to the Associate Judge.

The relevant direction was issued by the Chief Justice on 20 May 2024, empowering the Associate Judge to exercise all the powers of the Supreme Court of Tasmania in its criminal jurisdiction other than the powers set out in sub-section (1) above.

Court Operations

DEFINITIONS AND KEY TERMS

BACKLOG INDICATOR

The 'backlog' indicator is an indicator of case processing timeliness. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks.

The following national benchmark applies to Supreme courts, the Federal Court, district, family, Federal Circuit and Family Court (Division 1) and coroners' courts and all appeals:

- no more than 10 per cent of lodgements pending completion are to be more than 12 months old
- no lodgements pending completion are to be more than 24 months old.

CLEARANCE RATE

The 'clearance rate' is an indicator showing whether the volume of case finalisations has matched the volume of case lodgements during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period.

It is derived by dividing the number of finalisations in the reporting period by the number of lodgements in the same period. The result is multiplied by 100 to convert to a percentage.

The following can assist in interpretation of this indicator:

- a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload is the same as it was 12 months earlier
- a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload has decreased
- a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload has increased.

ON-TIME CASE PROCESSING

The 'on-time case processing' indicator is an indicator of case processing timeliness.

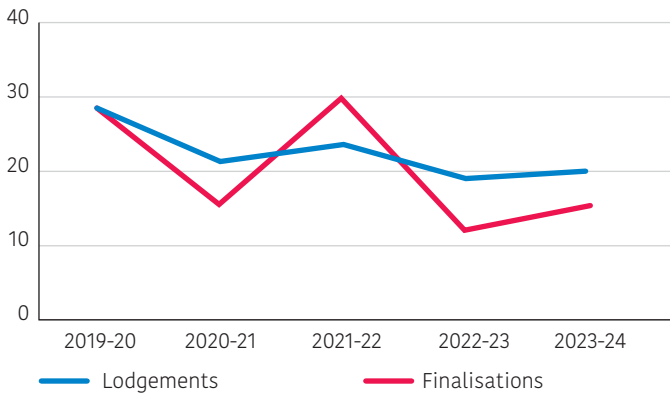
It is a measure of the age of cases which have been finalised in the financial year, against nominated time categories. It is defined as the number of cases finalised in the nominated time category as a percentage of the total cases finalised during the financial year.

Performance Data

APPEALS – COURT OF CRIMINAL APPEAL

Court of Criminal Appeal	2019-20	2020-21	2021-22	2022-23	2023-24	Variance 2022-23 to 2023-24
Lodgements	28	21	23	19	20	5.3%
Finalisations	28	15	29	12	15	25%

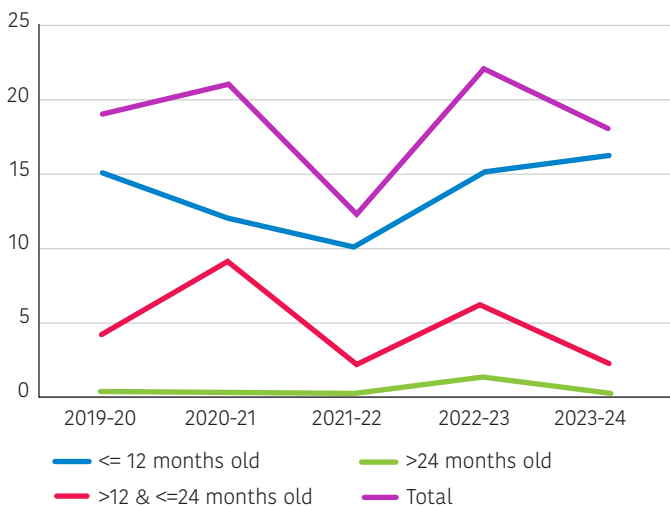
COURT OF CRIMINAL APPEAL LODGEMENTS & FINALISATIONS (No.)



The workload of the Court of Criminal Appeal has remained stable for the 2022-23 and 2023-24 years.

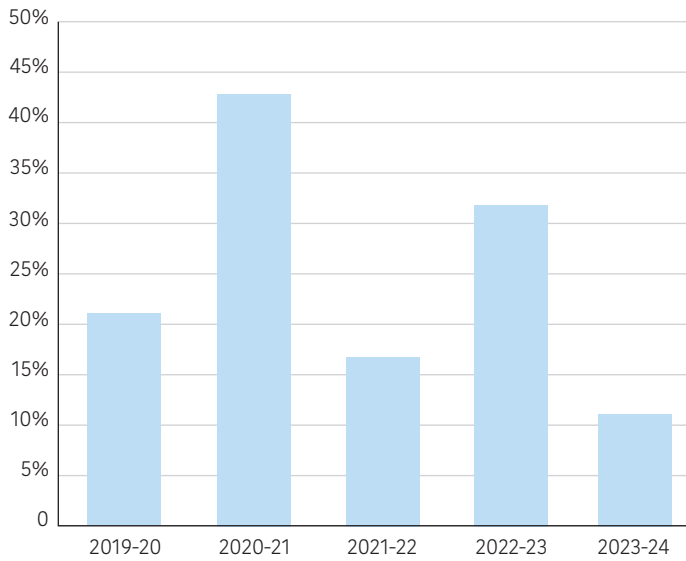
CCA Pending	2019-20		2020-21		2021-22		2022-23		2023-24		Variance 2022-23 to 2023-24
	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	15	78.9	12	57.1	10	83.3	15	68.2	16	88.9	
>12 & <= 24 months	4	21.1	9	42.9	2	16.7	6	27.3	2	11.1	
>24 months old	0	0	0	0	0	0	1	4.5	0	0	
Total	19		21		12		22		18		-18%

CCA PENDING (No.)



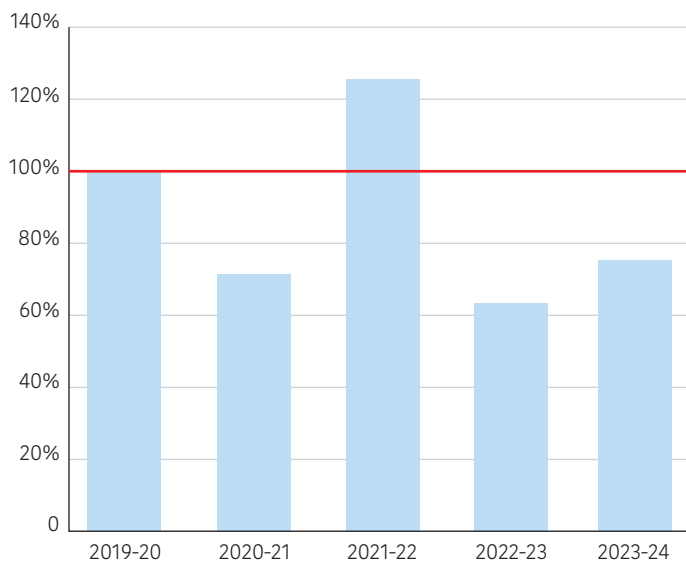
CCA Case Backlog ¹	2019-20	2020-21	2021-22	2022-23	2023-24
Pending >12 months	21.1%	42.9%	16.7%	31.8%	11.1%

CCA CASE BACKLOG



CCA Clearance Rate	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
	100%	71.4%	126.1%	63.2%	75%	100%

CCA CLEARANCE RATE

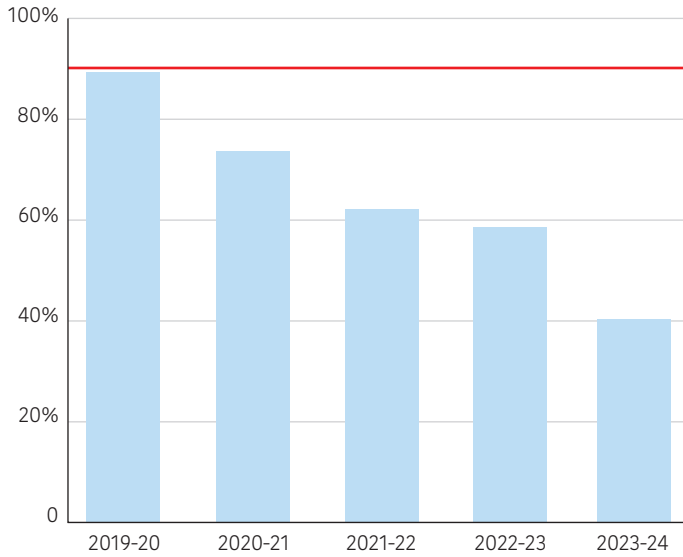


¹ The backlog is the proportion of the Court’s pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court’s pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older than 24 months.

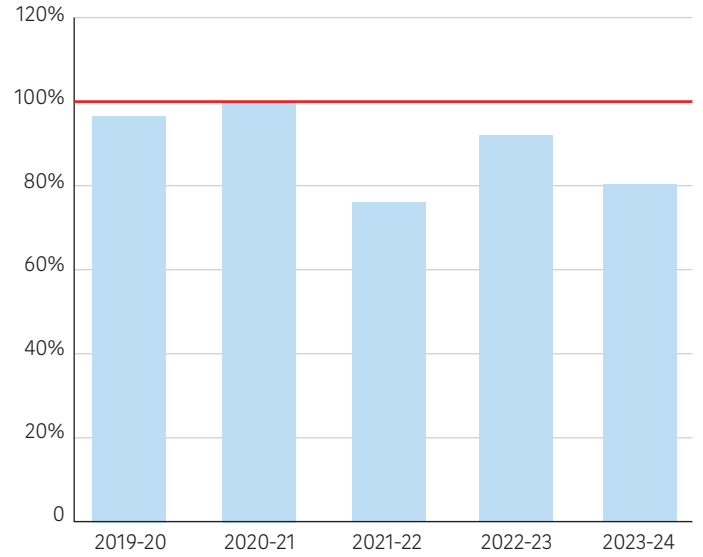
ON-TIME CASE PROCESSING

CCA Cases finalised	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
<=12 months	89.3%	73.3%	62.1%	58.3%	40%	90%
<=24 months	96.4%	100%	75.9%	91.7%	80%	100%
>24 months	3.6%	0%	24.1%	8.3%	20%	0%

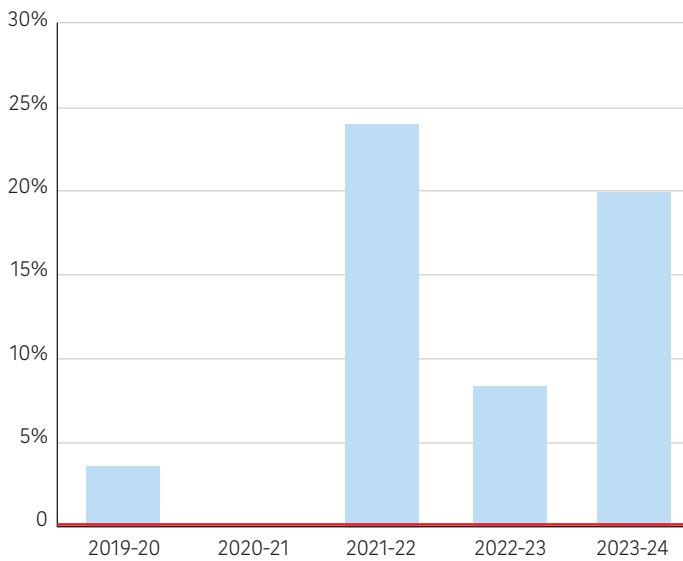
CCA CASES FINALISED <=12 MONTHS



CCA CASES FINALISED <=24 MONTHS



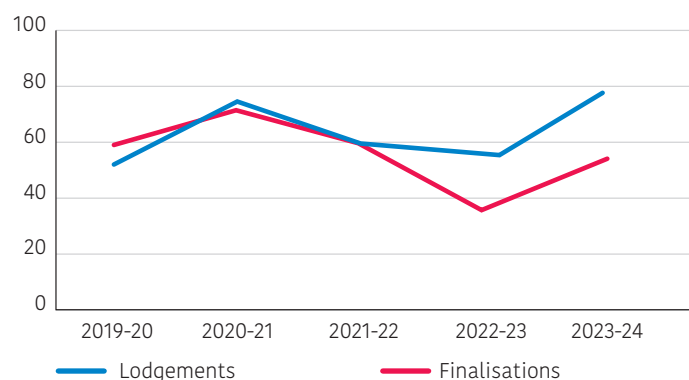
CCA CASES FINALISED >24 MONTHS



APPEALS – FULL COURT AND LOWER COURT APPEALS

FCA/LCA	2019-20	2020-21	2021-22	2022-23	2023-24	Variance 2022-23 to 2023-24
Lodgements	54	75	59	56	83	48.2%
Finalisations	59	72	59	36	55	52.8%

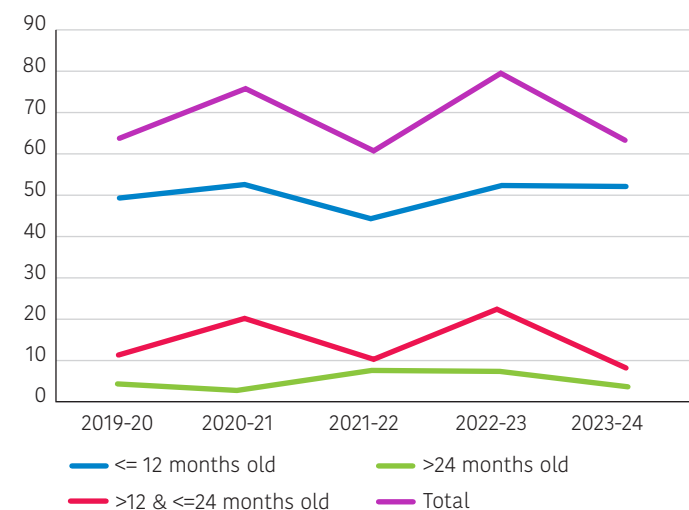
FCA/LCA LODGEMENTS & FINALISATIONS (No.)



Full Court and Lower Court appeal (combined) lodgements have increased significantly on the 2022-23 year by 48.2%. Finalisations have also increased from 36 in 2022-23 to 55 in 2023-24, representing a 52.8% increase.

FCA/LCA Pending	2019-20		2020-21		2021-22		2022-23		2023-24		Variance 2022-23 to 2023-24
	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	49	76.5	52	69.3	44	72.1	52	65	52	82.5	
>12 & <= 24 months	11	17.2	20	26.7	10	16.4	21	26.2	7	11.2	
>24 months old	4	6.3	3	4	7	11.5	7	8.8	4	6.3	
Total	64		75		61		80		63		-21.3%

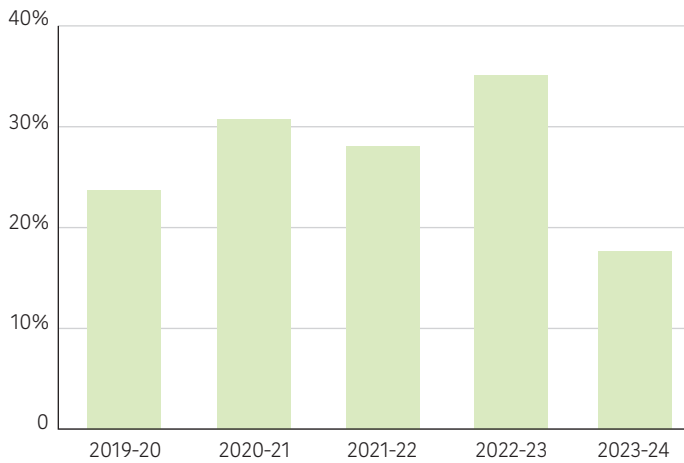
FCA/LCA PENDING (No.)



Full Court and Lower Court appeal (combined) pending matters have decreased 21.3% from 80 in 2022-23 to 63 in 2023-24.

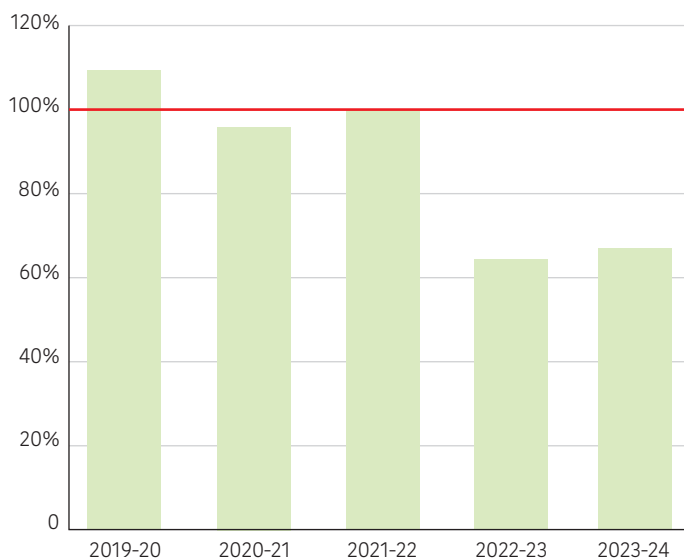
FCA/LCA Case Backlog ²	2019-20	2020-21	2021-22	2022-23	2023-24
Pending >12 months	23.4%	30.7%	27.9%	35%	17.5%

FCA/LCA CASE BACKLOG



FCA/LCA Clearance Rate	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
	109.3%	96%	100%	64.3%	66.3%	100%

FCA/LCA CLEARANCE RATE

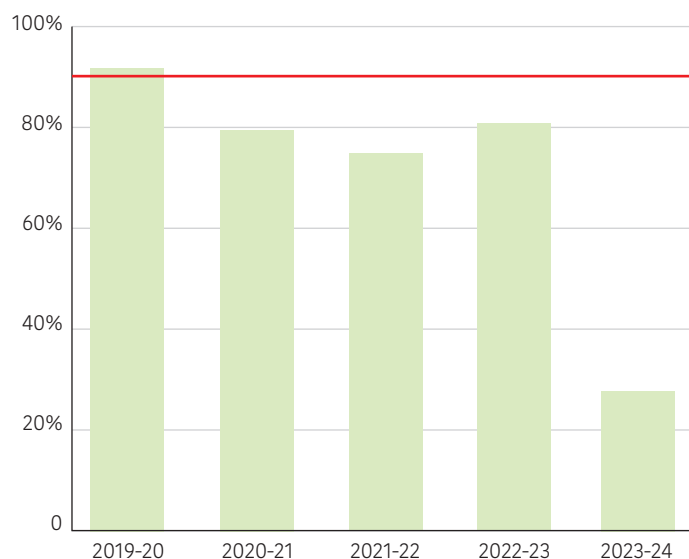


² The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older than 24 months

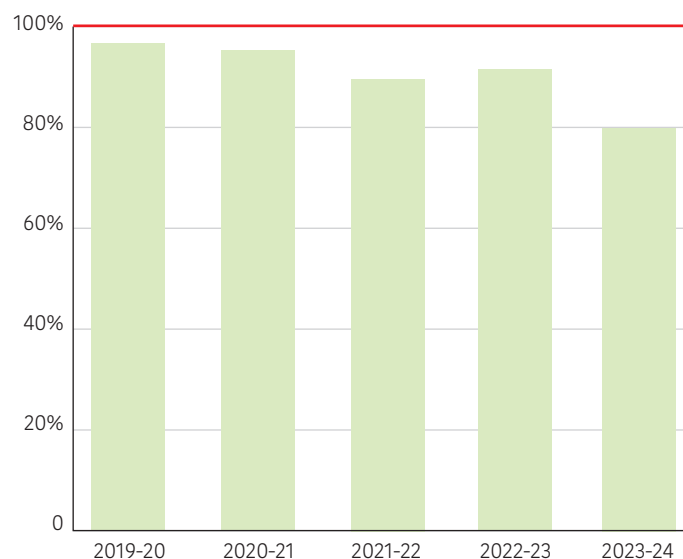
ON-TIME CASE PROCESSING

FCA/LCA Cases finalised	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
<=12 months	91.5%	79.2%	74.6%	80.6%	27.3%	90%
<=24 months	96.6%	95.8%	89.8%	91.7%	80%	100%
>24 months	3.4%	4.2%	10.2%	8.3%	20%	0%

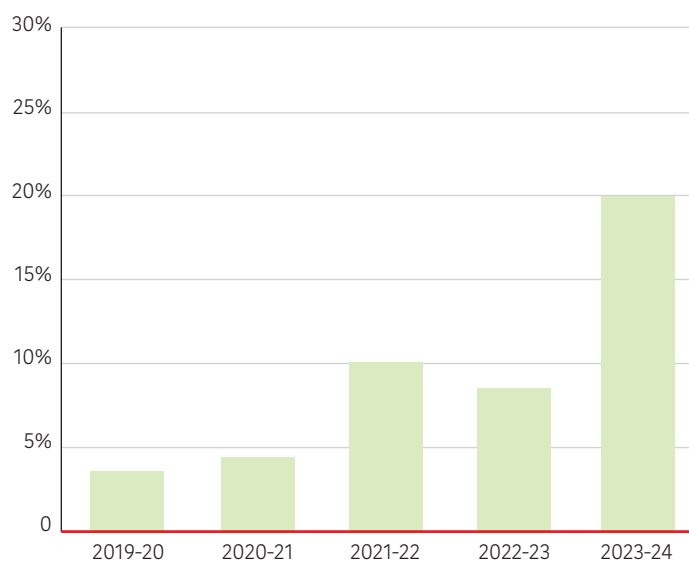
FCA/LCA CASES FINALISED <=12 MONTHS



FCA/LCA CASES FINALISED <=24 MONTHS



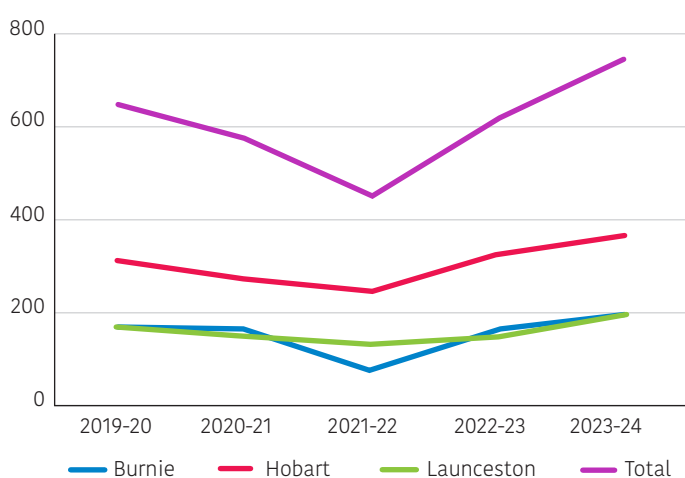
FCA/LCA CASES FINALISED >24 MONTHS



CRIMINAL - NON-APPEAL

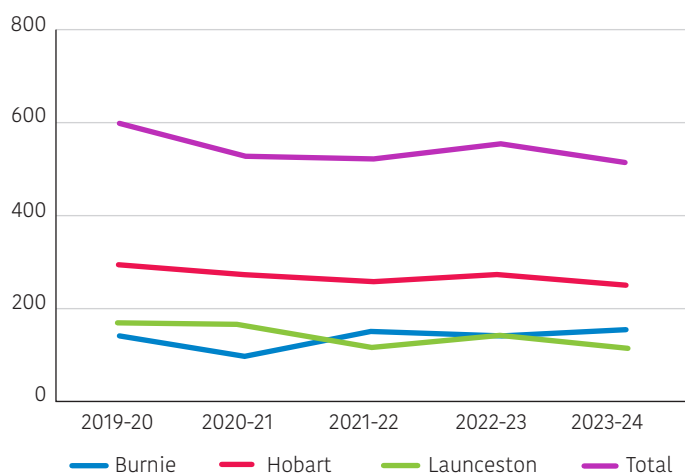
Criminal Non-Appeal Lodgements	2019-20	2020-21	2021-22	2022-23	2023-24	Variance 2022-23 to 2023-24
Burnie	172	162	77	152	190	
Hobart	309	271	243	320	358	
Launceston	166	146	129	140	194	
Total	647	579	449	612	742	21.2%

CRIMINAL NON-APPEAL LODGEMENTS (No.)



Criminal Non-Appeal Finalisations	2019-20	2020-21	2021-22	2022-23	2023-24	Variance 2022-23 to 2023-24
Burnie	143	96	148	141	151	
Hobart	289	267	255	271	249	
Launceston	164	160	117	141	112	
Total	596	523	520	553	512	-7.4%

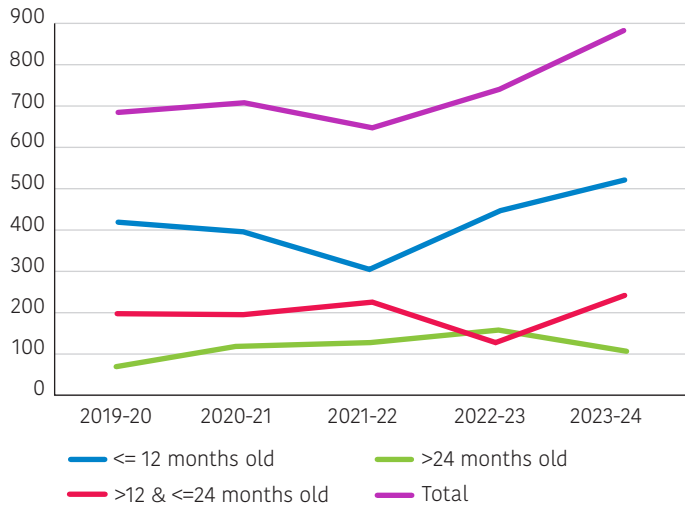
CRIMINAL NON-APPEAL FINALISATIONS (No.)



Criminal (non-appeal) lodgements for the 2023-24 year increased by 21.2% compared with the 2022-23 year. There was a decrease in the number of finalisations compared to the previous year. The clearance rate declined significantly in 2023-24 to 69% from 90.4% in 2022-23.

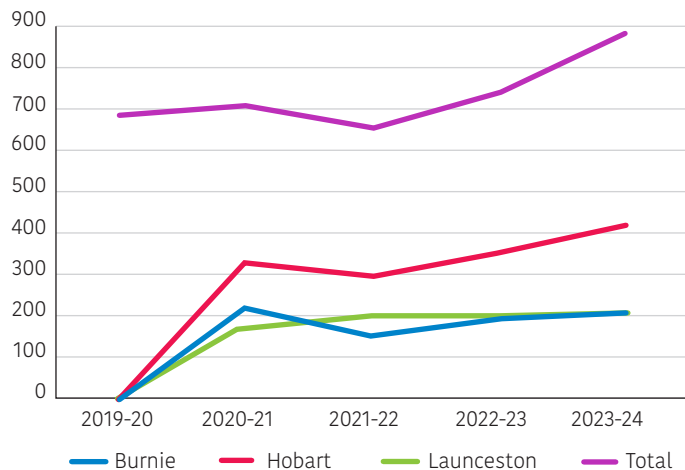
Criminal Non-Appeal Pending	2019-20		2020-21		2021-22		2022-23		2023-24		Variance 2022-23 to 2023-24
	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	421	61.2	398	56	301	46.2	456	61.4	533	60.2	
>12 & <= 24 months	195	28.3	197	27.7	225	34.5	130	17.5	247	27.9	
>24 months old	72	10.5	116	16.3	126	19.3	157	21.1	105	11.9	
Total	688		711		652		743		885		19.1%

CRIMINAL NON-APPEAL PENDING (No.)



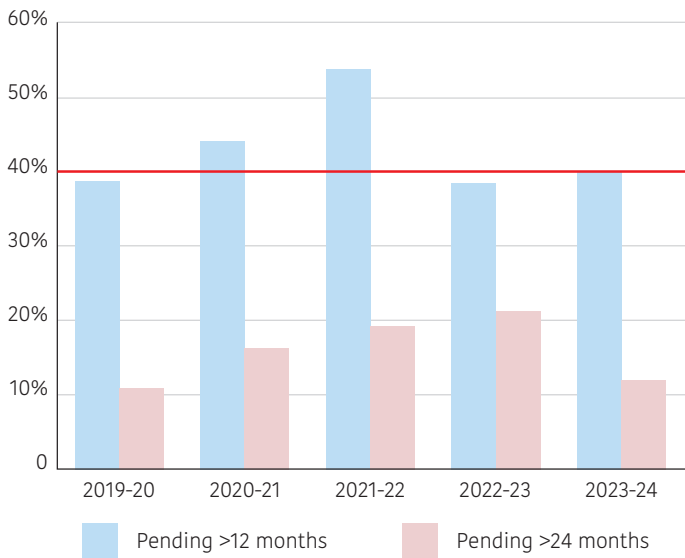
Criminal Non-Appeal Pending by Region	2019-20	2020-21	2021-22	2022-23	2023-24
Burnie	N/A	217	156	193	206
Hobart	N/A	322	300	352	419
Launceston	N/A	172	196	198	206
Total	688	711	652	743	885

CRIMINAL NON-APPEAL PENDING BY REGION (No.)



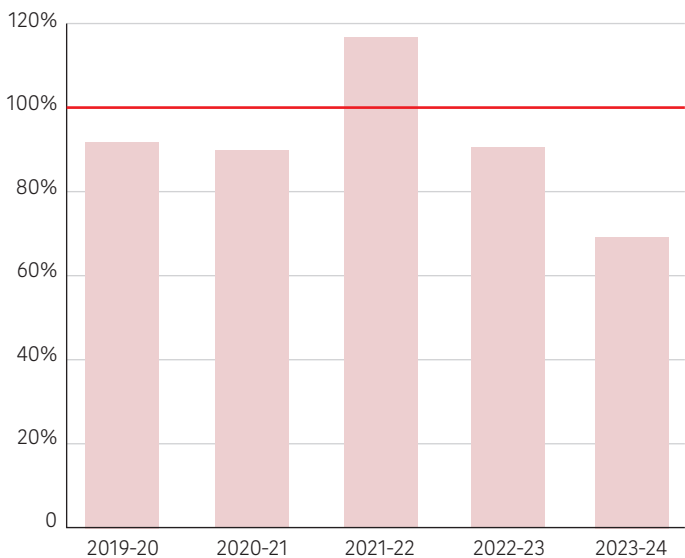
Criminal Non-Appeal Case Backlog ³	2019-20	2020-21	2021-22	2022-23	2023-24	Tasmanian Benchmark
Pending >12 months	38.8%	44%	53.8%	38.6%	39.8%	40%
Pending >24 months	10.5%	16.3%	19.3%	21.1%	11.9%	

CRIMINAL NON-APPEAL CASE BACKLOG



Criminal Non-Appeal Clearance Rate	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
	92.1%	89.6%	116.3%	90.0%	69%	100%

CRIMINAL NON-APPEAL CLEARANCE RATE

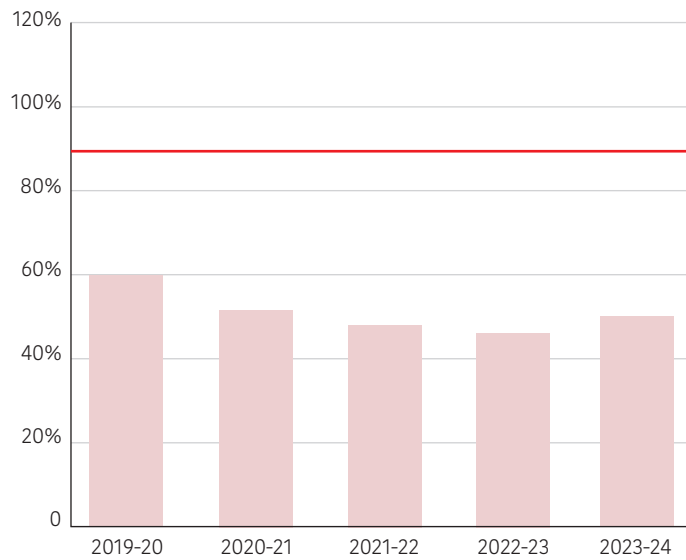


³ The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older than 24 months. The Tasmanian performance measure is that no more than 40% of criminal non-appeal cases be older than 12 months.

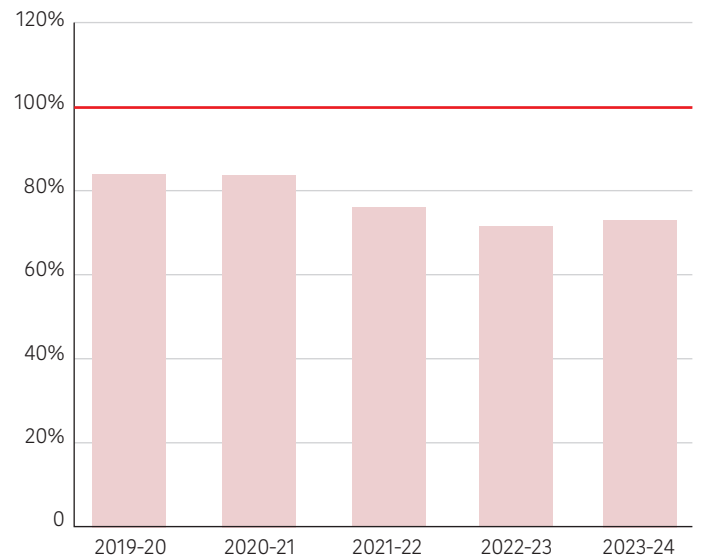
ON-TIME CASE PROCESSING

Criminal Non-Appeal Cases Finalised	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
<=12 months	59.4%	51.3%	47.9%	45.9%	49.8%	90%
<=24 months	84.1%	83.6%	76.1%	71.3%	72.9%	100%
>24 months	15.9%	16.4%	23.9%	28.7%	27.1%	

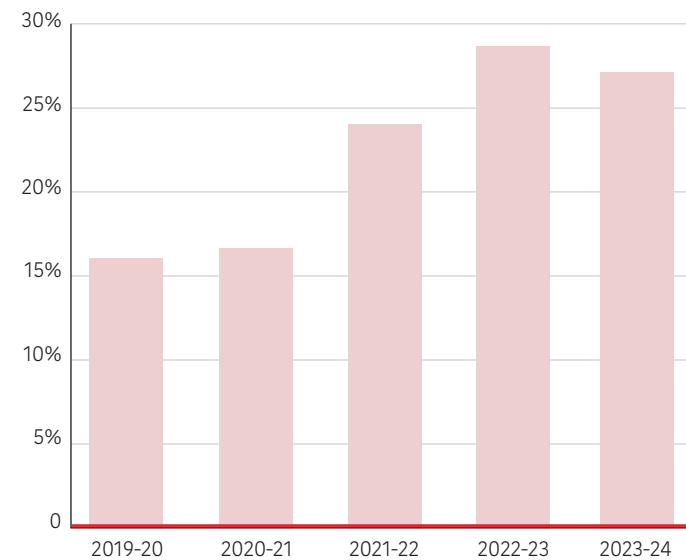
CRIMINAL NON-APPEAL CASES FINALISED <=12 MONTHS



CRIMINAL NON-APPEAL CASES FINALISED <=24 MONTHS



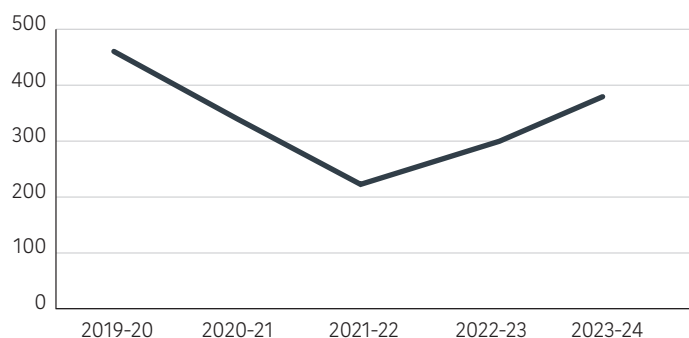
CRIMINAL NON-APPEAL CASES FINALISED >24 MONTHS



Criminal Non-Appeal Method Finalised	2020-21	2021-22	2022-23	2023-24
Pleaded Guilty	143	154	152	209
Withdrawn	157	133	47	25
Found Guilty	28	25	36	37
Acquitted	9	12	17	17
Remitted from Supreme Court to Lower Court	21	22	21	12
Pleaded Guilty - Section 385A <i>Criminal Code</i>	32	36	20	28
Dismissed/Discharged	1	1	156	110
Convicted of Alternative	2	3	1	4
Accused Died	6	4	8	1
<i>Criminal Justice (Mental Impairment) Act</i> disposition	1	2	3	1
Found Not Not Guilty	2	4	6	2
Resentenced	-	-	0	1
Unknown	122	124	88	65
Total	524	520	555	512

Bail Applications	2019-20	2020-21	2021-22	2022-23	2023-24
	461	333	223	296	380

BAIL APPLICATIONS (No.)



Bail applications increased in 2023-24. Although legislative amendments came into effect on 1 July 2021 to reduce the number of bail appeals from the Magistrates Court, there has been a significant increase in bail applications, which have gone up 28.4% since 2022-23. This may be related to the 21.2% increase in criminal lodgements between 2022-23 and 2023-24.

SEXUAL OFFENCE CASES WITH CHILD COMPLAINANTS

CASE MANAGEMENT PILOT

The Supreme Court has jurisdiction in relation to sexual crimes under the *Criminal Code* including crimes such as rape, persistent sexual abuse of a child, penetrative sexual abuse of a child, and indecent assault. Some of the charges heard and determined by the Supreme Court involve complainants who are children. In late 2018 the judges of the Supreme Court resolved to implement a case management pilot program to target these cases.

The background of the case management pilot program was outlined in the Annual Report 2022-23 and essentially is as follows:

- The purpose was to expedite the taking of evidence of child complainants so that their evidence is given at a much earlier time in proceedings.
- The pilot was driven by concerns held by the judges about the impact of delay on young complainants.
- These concerns were informed by the experience of the judges in trials and sentencing hearings and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse⁴.

The pilot commenced in February 2019 and applies to cases that satisfy the following criteria:

- Sexual offence;
- Committed to the Supreme Court for trial (i.e. after plea of not guilty); and
- Complainant aged under 18 at the date of the accused's first appearance in the Supreme Court

Historical cases and cases where the complainant was a child at the time of the offence but is an adult when the matter reaches the Supreme Court do not fall within the pilot. They do, however, attract various legislative measures (set out below) to enable vulnerable witnesses give their best evidence.

The case management approach involves a judge retaining management of a particular case with the objective of having the child complainant give their evidence (generally at a 'special hearing') as soon as practicable after the matter is first listed in the Supreme Court. At directions hearings convened by the judge, timetables are imposed to progress

the matter and reduce delay.

While the objective of the pilot is to enable child complainants to give their evidence as soon as possible, the Court must also ensure the accused has a fair trial and is not prejudiced. Before the special hearing can commence there are steps that must be taken to ensure the process is fair. The indictment and Crown Papers must be filed and there must be full disclosure of all documents relied upon by the State at trial. Preliminary arguments, which may affect the cross-examination of the complainant about matters such as the admissibility of tendency evidence, must be resolved. If these steps are not undertaken before the special hearing, defence counsel will not be properly informed to conduct cross-examination and the child witness may need to be recalled to give additional evidence.

The approach of the judges in case managing these matters has been to progress each matter as much as possible, allowing for the particular circumstances of each case. In some cases, delay has been necessary to accommodate a child's particular needs.

The *Evidence (Children and Special Witnesses) Act 2001* permits special witnesses, including children, to give evidence before the jury is empanelled and to have that evidence video-recorded by the Court and played at the trial without the child having to be called as a witness at the trial. The legislation also allows the Court to appoint witness intermediaries, who assist and enable vulnerable witnesses to communicate so they can give their best evidence. Reports assessing a witness's individual communication needs are ordered by a judge and ground rules hearings held so directions enabling the child to understand the questions and help them communicate their answers can be made. These procedures now form an integral part of the case management undertaken by the judges.

⁴ In August 2017 the Royal Commission released its *Criminal Justice Report* which included recommendations to reduce delays and develop measures to encourage case management and the determination of preliminary issues before trial. See recommendation 72.

COMMENTS

It should be acknowledged that in Tasmania we are fortunate that the legal profession has almost invariably embraced these important reforms and counsel for the defence and the State have been supportive of the pilot and the objective of expediting these cases.

It can be seen that the number of cases involving pre-recordings has steadily increased and is now the norm: Table 2.

It should be noted that the pilot is concerned with managing a relatively small number of matters and one case involving multiple child complainants may represent a significant percentage of such cases in any one financial year and yet not be representative of trends in relation to the management of cases.

In considering the time taken to finalise the evidence of child complainants two factors need to be borne in mind. The necessity of completing pre-trial steps limits how expeditiously the file can be progressed, as well as the fact that, in Tasmania criminal files are not fully investigated by police until after the accused appears in the Supreme Court and confirms his or her plea of not guilty. This investigation stage may take many months and additional time is also taken up with Tasmania Police while the file is at the disclosure unit.

The Court has considered and will continue to review the recommendations of the Report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (August 2023) to identify areas of focus for the Supreme Court. A number of issues had in fact been addressed by the Court before the publication of the recommendations such as improvements to the quality of the recording of child's evidence and the issue of staff training with respect to the recording of evidence. Monitoring the quality of recordings and ensuring appropriate staff training will be an ongoing priority for the Court. One of the recommendations is for the collection and publication of key data about institutional child sexual abuse cases. There is a need for improvement in the collection and recording of Court statistics and publication of key data with respect to child sexual abuse cases. It is considered that this work ought to be overseen by an experienced IT expert and that the Court lacks the necessary resourcing in this regard.

DATA

The Supreme Court has the opportunity to case manage a matter once an accused first appears in the Supreme Court, having been committed by the Magistrates Court. The first appearance is likely to be months after the accused last appeared in the Magistrates Court, however the Supreme Court has no control over any processes that occur before the first appearance in the Supreme Court.

The data relied upon for the figures in this report relates to matters with a first appearance in the Supreme Court in the financial years 2015-16 to 2023-24. The Court's case management approach began during the 2018-19 financial year, in February 2019. The numbers of matters in the current data set are small, so a single case may have a significant impact on the data.

TABLE 1: ALL SEXUAL OFFENCE LODGEMENTS WITH A CHILD COMPLAINANT

Year	Lodgements of Sexual Offences with Child Complainants [#]
2015-16	14
2016-17	20
2017-18	23
2018-19	19
2019-20	29
2020-21	18
2021-22	18
2022-23	26
2023-24	28

[#]Source: CCMS Lodgements-Detail.

For the 2023-24 year Table 1 counts 'lodgements' as new matters with a first appearance in the relevant financial year. In the preceding years, 'lodgements' were defined with reference to the date the matter was received or lodged in the Supreme Court, not by reference to the date of the accused's first appearance in the Supreme Court. The date a new matter is received or lodged with the Supreme Court could be months before the accused's first appearance. From the current financial year onwards, data in relation to lodgements will reference the date of first appearance.

A new matter is a complaint or complaints that are the subject of a committal order for trial. Committals for sentence have not been included as the complainant would not ordinarily need to give evidence.

TABLE 2: TOTAL NUMBER OF PRE-RECORDINGS/EVIDENCE AT TRIAL

Year	Pre-Recording	Evidence at Trial - No Pre-Recording
2015-16	-	-
2016-17	-	2
2017-18	3	5
2018-19 [#]	5	13
2019-20	2	9
2020-21	10	1
2021-22	13	4
2022-23	7	2
2023-24	5	2

[#]Case management started February 2019.

Table 2 shows the number of child complainants who gave evidence either by pre-recording, or by giving evidence at trial.

TRIALS

Not every criminal matter committed for trial to the Supreme Court results in a trial. In some cases the accused changes their plea to guilty, and sometimes the Office of the Director of Public Prosecutions does not continue the prosecution.

Table 3 shows the number of trials involving child complainants that took place in each financial year, noting that some trials involve more than one child complainant, and pre-recorded evidence may have been given in a previous financial year.

Matters which may have been sentenced in a different financial year to the date of the trial are included in the year the trial took place.

TABLE 3: NUMBER OF SEXUAL OFFENCE TRIALS INVOLVING CHILD COMPLAINANTS

Registry	2020-21	2021-22	2022-23	2023-24
Hobart	2	2	3	0
Launceston	1	1	2	2
Burnie	3	4	3	3
Total	6	7	8	5

TABLE 4: OUTCOME OF MATTERS COMMITTED FOR TRIAL

Year	Found Guilty		Found Not Guilty		Pleaded Guilty		Withdrawn	
	With Pre-Rec	No Pre-Rec	With Pre-Rec	No Pre-Rec	With Pre-Rec	No Pre-Rec	With Pre-Rec	No Pre-Rec
2015-16	-	-	-	-	-	-	-	-
2016-17	-	1	-	1	-	5	-	1
2017-18	-	2	-	1	-	3	-	-
2018-19 [#]	-	3	1	5	-	4	-	7
2019-20	1	9	-	3	1	13	-	4
2020-21	4	-	1	1	-	13	-	4
2021-22	4	-	1	2	-	4	-	1
2022-23	6	1	1	-	1	17	-	1
2023-24	2	2	1	-	-	9	1	1

[#]Case management started February 2019.

Table 4:

- counts committals for trial, regardless of whether evidence was given by the child complainant
- records the outcome by the year in which that outcome occurred, not the year in which evidence was given. The relevant outcome is the date the verdict was taken, the date of the plea of guilty, or the date the withdrawal is formalised in Court
- records a mixed verdict of ‘found guilty’ and ‘found not guilty’ where there are multiple charges on an indictment, as one outcome of ‘found guilty’
- counts the number of matters rather than the number of complainants, so where there are multiple child complainants for a matter committed for trial this table records only one outcome for that indictment. For example, if an accused was found guilty of sexual offences against four children, the table records a single ‘found guilty’ outcome, rather than four findings of guilt
- if an accused pleaded guilty to one charge, and went to trial and was found guilty in relation to another charge on the same indictment, that would be recorded as a ‘found guilty’ outcome

Table 4 shows that a significant number of accused who were committed for trial changed their plea to guilty after appearing in the Supreme Court, obviating the need for the child to give evidence.

TABLE 5: TIME TAKEN TO FINALISE EVIDENCE OF CHILD COMPLAINANTS

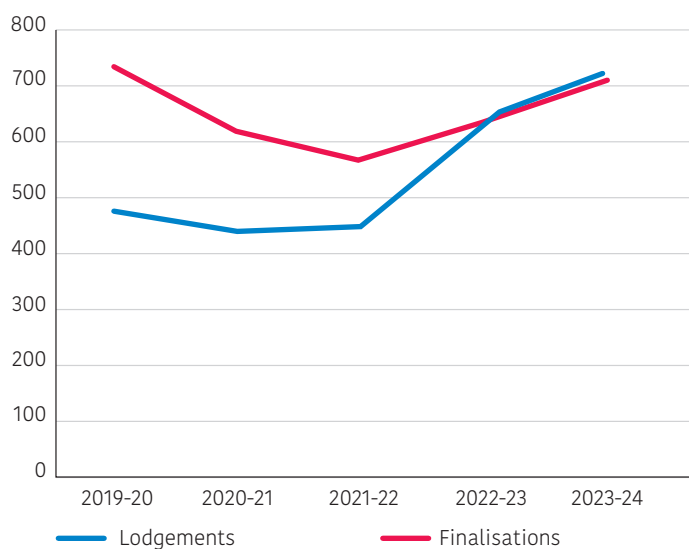
	Complainants with Pre-Recording	Complainants with No Pre-Recording
2015-16		
Total Cases	-	-
2016-17		
First appearance to evidence ≤12m	-	1
First appearance to evidence >12 ≤24m	-	1
First appearance to evidence >24m	-	-
Total Cases	-	2
2017-18		
First appearance to evidence ≤12m	1	-
First appearance to evidence >12 ≤24m	2	5
First appearance to evidence >24m	-	-
Total Cases	3	5
2018-19#		
First appearance to evidence ≤12m	3	4
First appearance to evidence >12 ≤24m	2	7
First appearance to evidence >24m	-	2
Total Cases	5	13
2019-20		
First appearance to evidence ≤12m	1	3
First appearance to evidence >12 ≤24m	1	3
First appearance to evidence >24m	-	3
Total Cases	2	9
2020-21		
First appearance to evidence ≤12m	2	-
First appearance to evidence >12 ≤24m	7	1
First appearance to evidence >24m	1	-
Total Cases	10	1
2021-22		
First appearance to evidence ≤12m	4	1
First appearance to evidence >12 ≤24m	6	2
First appearance to evidence >24m	3	1
Total Cases	13	4
2022-23		
First appearance to evidence ≤12m	2	-
First appearance to evidence >12 ≤24m	4	1
First appearance to evidence >24m	1	1
Total Cases	7	2
2023-24		
First appearance to evidence ≤12m	4	-
First appearance to evidence >12 ≤24m	1	2
First appearance to evidence >24m	-	-
Total Cases	5	2

#Case management started February 2019.

CIVIL - NON-APPEAL

Civil Non-Appeal	2019-20	2020-21	2021-22	2022-23	2023-24	Variance 2022-23 to 2023-24
Lodgements	471	434	447	652	724	11%
Finalisations	733	612	570	646	713	10.4%

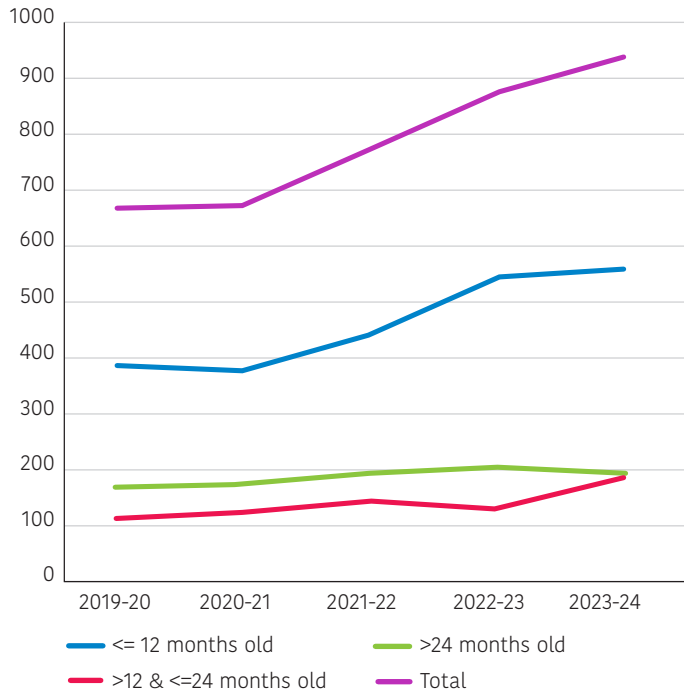
CIVIL NON-APPEAL (No.)



Civil (non-appeal) lodgements for the 2023-24 year increased by 11% (72) on the 2022-23 year, following an increase the previous year of 21%. Finalisations increased by 10.4% (67) in 2023-24 from the 2022-23 year, following an increase of 13% from 2021-22 to 2022-23.

Civil Non-Appeal Pending	2019-20		2020-21		2021-22		2022-23		2023-24		Variance 2022-23 to 2023-24
	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	389	58.2	378	56.2	441	56.8	544	62.1	558	59.7	
>12 & <= 24 months	112	16.8	124	18.4	144	18.5	129	14.7	184	19.7	
>24 months old	167	25	171	25.4	192	24.7	203	23.2	193	20.6	
Total	668		673		777		876		935		6.7%

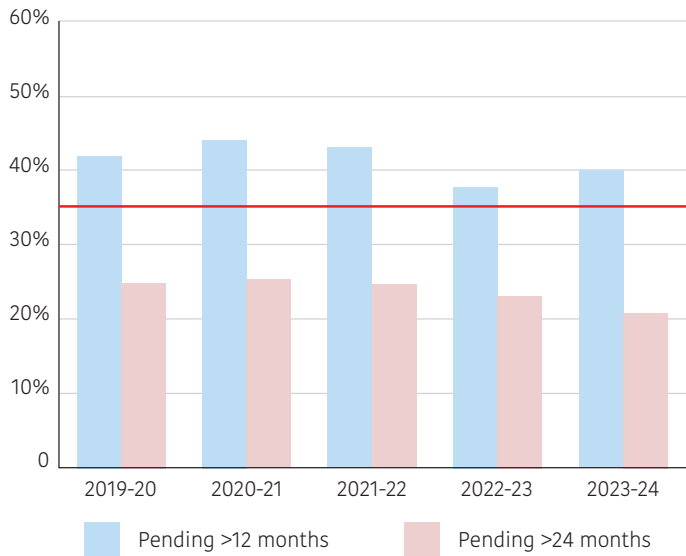
CIVIL NON-APPEAL PENDING (No.)



The civil (non-appeal) pending caseload increased by 6.7% during the reporting year, from 876 in 2022-23 to 935 in 2023-24. The proportion of cases older than 24 months has decreased slightly and the proportion in the 12-24 month category has increased.

Civil Non-Appeal Case Backlog ⁵	2019-20	2020-21	2021-22	2022-23	2023-24	Tasmanian Benchmark
Pending >12 months	41.8%	43.8%	43.2%	37.9%	40.3%	35%
Pending >24 months	25%	25.4%	24.7%	23.2%	20.6%	

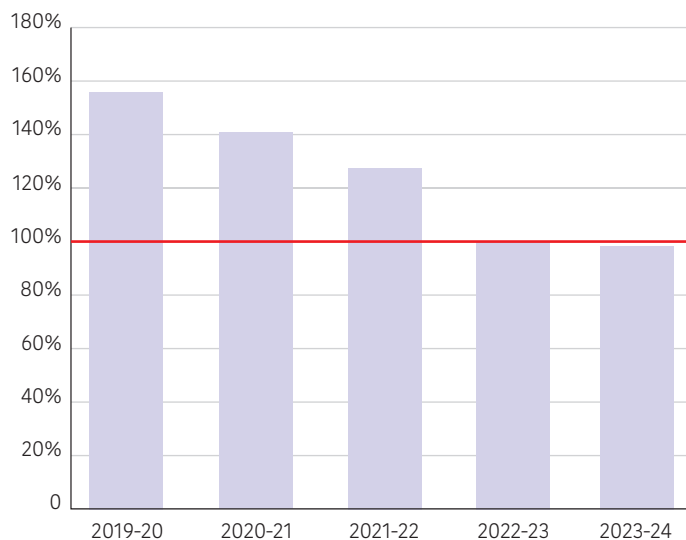
CIVIL NON-APPEAL CASE BACKLOG



There is a small improvement in the proportion of pending cases that are older than 24 months.

Civil Non-Appeal Clearance Rate	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
	155.6%	141%	127.5%	99.1%	98.5%	100%

CIVIL NON-APPEAL CLEARANCE RATE

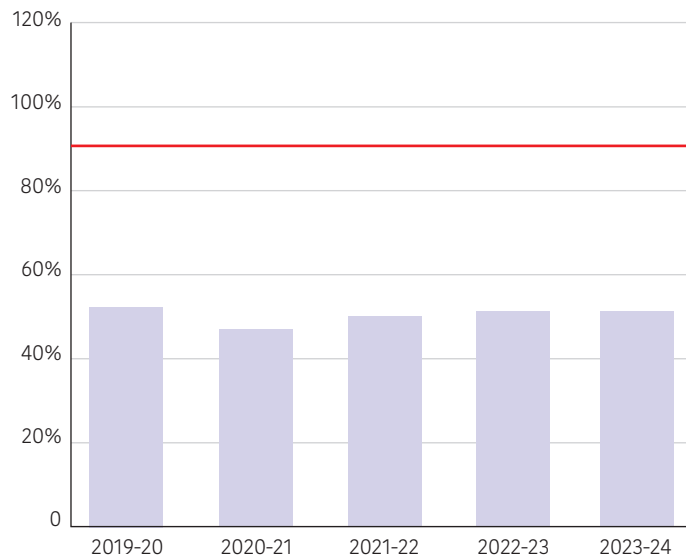


⁵ The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older than 24 months. The Tasmanian performance measure is that no more than 35% of civil non-appeal cases be older than 12 months.

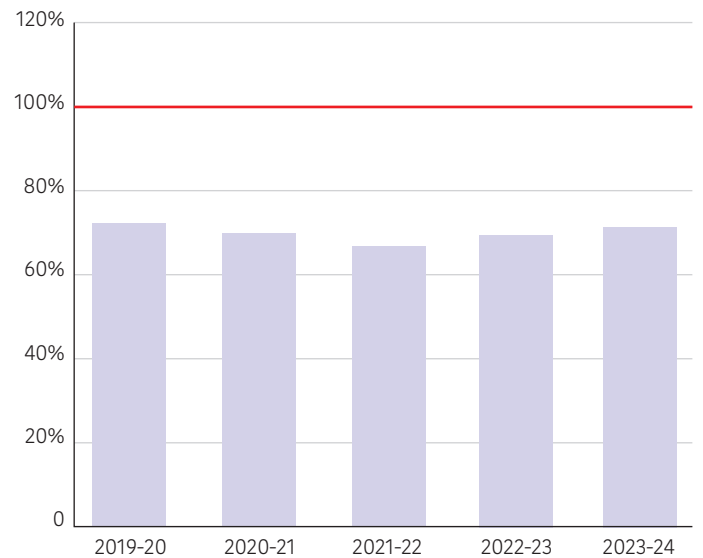
ON-TIME CASE PROCESSING

Civil Non-Appeal Cases Finalised	2019-20	2020-21	2021-22	2022-23	2023-24	National Benchmark
<=12 months	52.1%	46.9%	50.2%	50.8%	50.6%	90%
<=24 months	72%	69.6%	66.8%	69.2%	71.4%	100%
>24 months	28%	30.4%	33.2%	30.8%	28.6%	

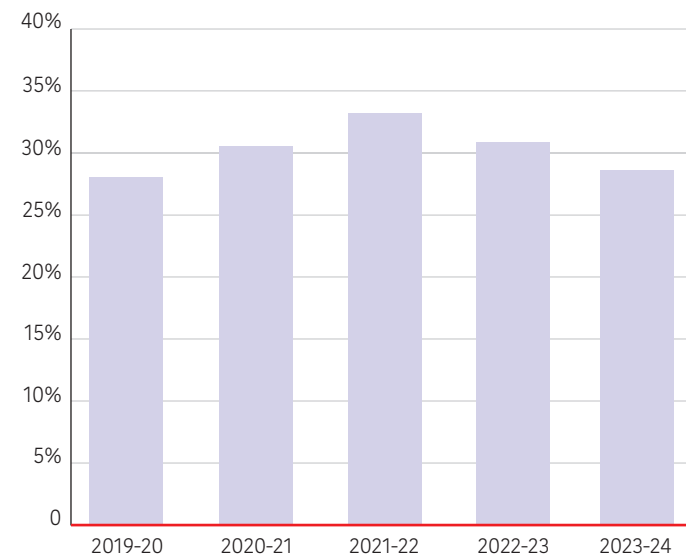
CIVIL NON-APPEAL CASES FINALISED <=12 MONTHS



CIVIL NON-APPEAL CASES FINALISED <=24 MONTHS



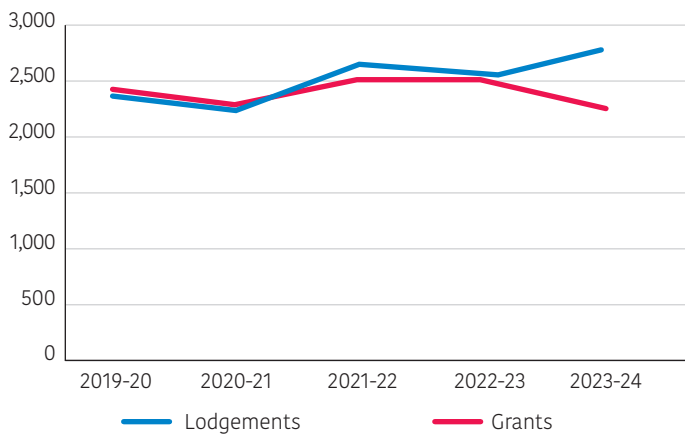
CIVIL NON-APPEAL CASES FINALISED >24 MONTHS



PROBATE JURISDICTION

	2019-20	2020-21	2021-22	2022-23	2023-24
Probate Lodgements	2,366	2,257	2,663	2,561	2,842
Probate Grants	2,418	2,290	2,528	2,502	2,216

PROBATE



Probate lodgements increased by 11%, from 2,561 in 2022-23 to 2,842 in 2023-24.

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 creates an opportunity for an expedited resolution of the matter that is arrived at by the parties and saves costs. It is 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 where necessary, selected legal practitioners who are experienced mediators.

The number of mediations conducted in the 2023-24 year decreased on previous years. Demand for mediation was high, but conflicting demands on mediators, who perform other work in the Court, limited their ability to allocate the necessary time. External mediators were used to assist with the workload during the later part of the reporting period. The availability of suitable mediation spaces on-site is also a constraint in listing mediations. Parties may also arrange for private mediations to be conducted outside the court.

Mediations have become more complex, and many matters require more than one mediation session to resolve.

Financial Year	2019-20	2020-21	2021-22	2022-23	2023-24
Mediations Conducted	140	189	190	206	137
Percentage of Matters settled at, or within 30 days of Mediation	63%	81%	58%	90%	56%

ADMISSIONS TO PRACTICE

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:

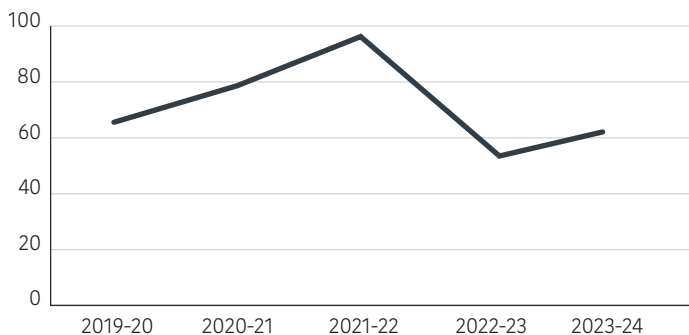
- eligible for admission (which must be certified by the Tasmanian Board of Legal Education), and
- suitable for admission

To be eligible for admission the applicant 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)

Admissions to Practice	2019-20	2020-21	2021-22	2022-23	2023-24
Total	66	79	96	54	63

ADMISSIONS TO PRACTICE



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 her 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 the justice system. In Tasmania, juries are used almost exclusively in criminal trials of 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. 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. Failure to comply with a jury summons may result in a fine, or imprisonment.

JURY AND TRIAL STATISTICS

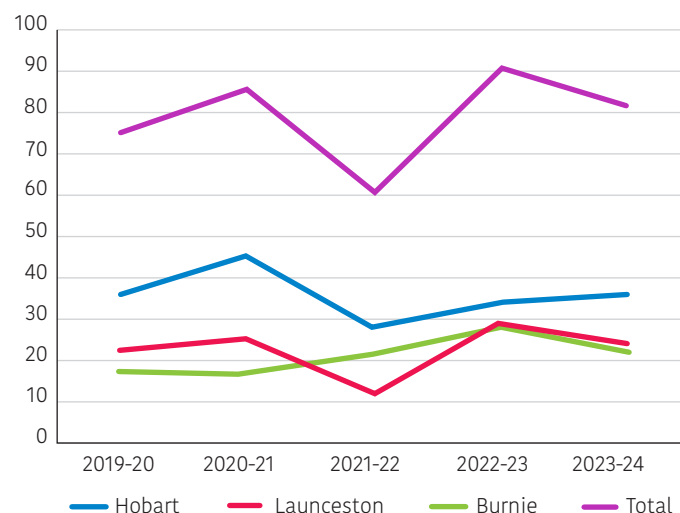
2023-24

Registry	Jurors Summoned	Jurors Attended	Jurors empanelled	Number of Trials
Hobart	5,113	1,200	437	36
Launceston	5,600	959	293	24
Burnie	5,545	967	271	22
Total	16,258	3,126	1,001	82

NUMBER OF JURY TRIALS BY REGION

Registry	2019-20	2020-21	2021-22	2022-23	2023-24
Hobart	36	45	28	34	36
Launceston	22	25	12	29	24
Burnie	17	16	21	28	22
Total	75	86	61	91	82

NUMBER OF JURY TRIALS BY REGION



ENFORCEMENT OF COURT ORDERS

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

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

If circumstances require, the Sheriff or her officers may execute any writ of execution within the State.

SUMMARY OF WRITS OF EXECUTION

APPLICATION/WRIT	2019-20	2020-21	2021-22	2022-23	2023-24
Writs of execution filed, comprised of:	19	9	12	10	19
1. Writs of possession ⁶	9	4	8	7	17
2. Writs of Fieri Facias ⁷	10	5	4	3	2
3. Writs of Venditioni Exponas ⁸	0	0	0	0	0
Applications for possession of premises, pursuant to s 146 of the <i>Land Titles Act 1980</i> ⁹	73	17	53	54	93

6 A writ of execution which commands the sheriff to enter land and give possession of it to a person entitled under a judgment of the Court.

7 A writ of execution which directs the sheriff to levy from the goods and chattels of a judgment debtor a sum equal to the amount of the judgment debt plus interest. This may include the seizure of real property. Whether chattels or real property the sheriff makes a seizure and institutes a sale by auction.

8 A writ of execution that arises when a writ of fieri facias has been issued and upon the sheriff's return there remains goods or property in the sheriff's hands that has not achieved a sale at auction. The judgment creditor may have this writ issued to compel the sheriff to sell the goods or property at any price they will fetch.

9 Where an entity/person holds a mortgage, charge or lease over real property and a breach of the terms of the mortgage, agreement or lease has occurred the mortgagee, lessee or person/ entity seeking to remedy the breach may apply to the Court for an order for possession of the premises to which the breach of mortgage, lease or agreement has occurred and to which the application applies. If the order is not obeyed a writ of possession is available to the mortgagee, lessee or person/entity with the benefit of the order.

FINANCE

RECEIPTS	FY22/23	FY23/24
Recurrent appropriation	6,864,454	6,883,029
Registry fees	441,605	422,725
Provision of transcript	11,002	34,469
Probate fees & charges	3,407,173	3,832,108
Mediation fees	103,852	107,200
Sheriff's fees	9,048	29,193
Court reporting	5,946	1,987
Video conferencing	0	0
Other receipts	1,275,605	1,671,623
TOTAL RECEIPTS	12,118,685	12,982,335

EMPLOYEE-RELATED EXPENDITURE	FY22/23	FY23/24
Salaries & wages	4,812,380	5,362,217
Fringe Benefits Tax	148,674	144,713
Payroll tax	0	0
Superannuation	694,609	726,707
Workers compensation insurance	214,944	216,573
Training	17,563	13,021
Other employee related expenses	114,279	163,392
TOTAL EMPLOYEE-RELATED EXPENDITURE	6,002,450	6,626,622

ADMINISTRATIVE & OTHER EXPENDITURE	FY22/23	FY23/24
Fuel, light & power	242,873	100,561
Advertising & recruitment	20,525	82,058
Rental	6,688	5,768
Communications	75,566	69,762
Travel	349,770	385,890
Consultancies	160,647	171,315
Printing & stationery	90,058	91,714
Rates	213,044	217,514
Repairs & maintenance	496,624	627,450
Minor equipment	25,801	33,260
Library materials	607,262	633,830
Computers & IT	518,860	573,192
Expenses of witnesses	176,598	136,219
Expenses of Jurors	634,746	563,988
Other administrative expenses	1,376,513	1,355,069
TOTAL OTHER EXPENDITURE	4,995,574	5,047,591

RESERVED BY LAW	FY22/23	FY23/24
Salaries & other entitlements of Judges	4,204,732	4,646,447
Salaries & other entitlements of the Associate Judge	441,000	206,239
TOTAL RESERVED BY LAW EXPENDITURE	4,645,732	4,852,686

OVERHEAD CONTRIBUTION TO THE DEPARTMENT OF JUSTICE	2,194,417	3,064,889
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HUMAN RESOURCES

STAFFING	2019-20	2020-21	2021-22	2022-23	2023-24
Judiciary and Support:					
Judges and Associate Judge	7.8	7.9	8.1	8.9	8.7
Judges' Library	0.6	0.5	0.6	0.5	0.6
Judicial Support	17.4	15.7	14.8	13.7	15.6
Registry:					
Civil	4.5	4.5	5.5	5.8	4.2
Criminal	4.4	4.5	4.7	5.9	4.1
Probate	2.4	2.4	2.3	2.3	2.6
Office of the Sheriff	8.4	10.2	8.5	7.7	9.2
Corporate Services:					
Information Communication Technology	1.4	1.4	1.4	1.0	1.1
Transcription Services	8.6	7.9	6.3	7.1	8.1
Mediators	0.4	0.4	0.0	0.4	0.0
First Line Support Staff	5.3	5.4	5.8	7.2	4.6
Total	61.2	60.8	58.0	60.5	58.6

LOCATION & CONTACTS OF COURTS

Hobart: 3-5 Salamanca Place, Hobart TAS 7000

Launceston: 116 Cameron Street, Launceston TAS 7250

Burnie: 38 Alexander Street, Burnie TAS 7320

Phone: 1300 664 608

Email: SupremeCourtHobart@supremecourt.tas.gov.au

