SUPREME COURT OF TASMANIA



ANNUAL REPORT

2025 / 2026

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

2025-26

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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Cover image: Architect Design of the Burnie Court Complex.



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From the Chief Justice



The Hon Christopher Shanahan

The Court is facing a critical turning point in its history. No institution can remain static and survive. Overall the annual statistics show that the Court is continuing to maintain its high rates of disposition and resolution. However, in circumstances where civil lodgements have risen 79.5% since the last addition of a judge in 2021, and there is an existing, backlog of some 405 criminal matters (criminal matters pending for over 12 months), the Court cannot meet the demands upon its services without new resources.

The criminal cases pending in this Court are the product of delay *throughout* the justice system not a lack of efficiency or effort by judges or staff. The Court already 'punches well above its weight' and as noted by Lloyd Babb SC in his recent independent report, 'compared to the Australian average the ... [Supreme Court of Tasmania] ... uses fewer full time equivalent judges to finalise each thousand matters'. The judges of this Court to my observation are all extremely hard working, committed and talented lawyers, and its staff are dedicated to the effective operation of the justice system.

The workload that judges are now expected to shoulder in this environment is rarely less than 60 hours a week and is characterised by other pressures, such as exposure to graphic and disturbing evidence with the health challenges that brings. The judges sit in every part of the Court's jurisdiction, they are neither siloed nor 'divisionalised', they sit in civil and crime, at first instance and on appeal. Unlike *every* other Supreme Court judge in Australia, Tasmanian Supreme Court judges are not pensioned.

In that context, to recognise the need for new resources should be neither an epiphany nor a surprise, the increasing pressure on what is already an incredibly efficient court has been evident for some time. Commentators refer to the Court's pending criminal cases as 'the backlog'. That is a misnomer as it refers *only* to cases in the Court's *criminal* jurisdiction and equates pending cases with delay in this Court rather than acknowledging such delay as the product of the broader criminal justice system.

THE LOGICAL CONUNDRUM

If the Court is efficient but pending cases remain unacceptably high and levels of demand are rising, then new approaches and solutions *must* be found. That was the task accepted by Mr Babb in his recent review. His study was independent of this Court, other elements of the justice system and Executive Government. It was an initiative of the Justice Forums conducted during 2025 driven by the Deputy Premier, the Hon Guy Barnett MP.

The purpose of the Babb Review was to identify the contemporary challenges in the justice system causing delay, and to proffer a blueprint for change. Of the recommendations affecting this Court, many of the initiatives identified by Mr Babb had already been the subject of substantial and cooperative deliberative work and discussion by this Court with Executive Government and the Department of Justice during 2025 and 2026.

The number of pending *criminal* cases in this Court is 877, and of those 405 are, at least, 12 months old. Cases over 12 months old can be tried only when 'judge ready'. When 'judge ready' those case are listed. The Court is currently listing well into the future. Listing too far ahead can become something of a hypothetical exercise. Mr Babb records the reasons why criminal matters in Tasmania take additional time to be made ready for trial, he notes the disclosure regime in this State as a primary driver.

To try pending matters and reduce the numbers to a more

acceptable operational volume requires more judges and court rooms. No increase in the efficiency of this Court as *currently constituted* can resolve the now historical burden on the criminal side of its jurisdiction, nor meet the burgeoning demand in its civil jurisdiction. Even Mr Babb's suggestion that there be a call over of all pending criminal matters (877 matters) (recommendation 12), and that further resolution of those matters should be sought, requires considerable additional judicial time and court space which the Court currently *does not have*. The question arises how have we reached this position and what are the solutions? That is the question that has now been answered by Mr Babb.

COURTS

In Tasmania we currently have four trial courts in Hobart, two in Launceston and one in Burnie. In 2028, I am assured the new Burnie Court building will make up to two courts available to the Supreme Court of Tasmania. The Hobart registry needs a new fifth trial court with a jury room, with access to the custodial suite to allow the Court to hear five trials at once with all the flexibility that the additional court and jury room would provide when an accused is in custody. The Associate Judge currently discharges his role in the Criminal Case Management List (CCML) in a large criminal court once a week during court sittings as part of the Court's criminal listing procedures and that can constrain the hearing of jury trials. The Court believes that it should be working towards the fabric required to support and secure its operations in 2030. That is because of the lead time in planning and construction. The Court is seeking to contribute to the Department of Justice's planning in this regard.

JUDGES

Accepting that from early 2028 the Court will have, up to, eight available courts it makes sense that to use all the courts at any one time would require eight full-time permanent Supreme Court judges (or their equivalent). Were the Hobart registry to add the fifth trial court and jury room that is needed, then the number of judges required would be nine. That, however, makes no allowance for judgment writing time for each judge, which is an essential part of the Court's civil and appellate jurisdictions, nor for judicial leave and the indisposition of judges through illness or other causes. Even if one allowed a single judicial position to cover judgment writing, leave and indisposition, which is arguably inadequate, the required constitution of the Court would be ten full time permanent judges plus the Associate Judge. There is also an argument that to deal with the burgeoning demand in the Court's civil jurisdiction a further process court is required which in turn would require a second Associate Judge.

It is immediately apparent that with a current manifest of seven permanent Supreme Court judges, and an Associate Judge, the Court is facing a dilemma.

There is a limit to which the Court can stretch its limited resources to absorb emerging pressure. We have now reached that point.

Executive Government has sought to assist the Court by the provision of acting judges. The support of Executive Government and the contribution of those judges has been substantial and welcome. In 2017 the Court had five acting judges. When I arrived, in 2025, the Court had three acting judges, the Hon David Porter AJ, the Hon Brian Martin AJ, the Hon Shane Marshall AJ. The Court currently has a single full-time Acting Judge appointed until July 2027, the Hon Paul Slattery AJ.

However, in evaluating the efficacy of a single acting judge one must keep in mind that one of the Court's permanent judges is retiring in May 2027 and has accrued leave for a period of four and a half months prior to his retirement. During that accrued leave the judge's position will be filled by the acting judge effectively reducing the Court's complement of judges back to seven full-time judges from December 2026.

A second judge is retiring in 2028 and starts six and a half months of accrued leave in September 2027. The Court has no guarantee that its numbers will not then be further reduced. Even were a full-time acting judge appointed for 2027-28, the Court will not have more than seven full-time judges for most of that year. As noted, that number of judges is no longer adequate to address the challenges faced by this Court.

Due to associated on-costs it is well-established that acting judges are more expensive to appoint and retain than permanent full-time judges. Seeking to recruit acting judges is time consuming and often complicated by the pension arrangements of prospective appointees coming from other States and Territories. As Tasmanian Supreme Court judges are not pensioned there is no possibility of reciprocal arrangements. In any event, Tasmanian jurisprudence should, arguably, be made by permanent Tasmanian judges rather than those drafted to fill immediate, albeit often overwhelming, need.

There are legal barriers to replacing acting judges with permanent Supreme Court judges, Mr Babb SC proposes those barriers be removed. First, there is a legislative cap on the number of Supreme Court judges at seven, refer to s 2 of the *Supreme Court Act 1887*, which states:

> 'In addition to the Chief Justice and the puisne judge of the Supreme Court required to be appointed under the

> Charter of Justice, the Governor may appoint persons to be additional puisne judges of the Supreme Court, so long as at any one time there are not more than 5 such additional puisne judges.'

If this cap is not lifted then a new permanent judge cannot be appointed until the expiry of a retiring judge's accrued leave. In the next two years that will mean the Court will be down one judge for, at least, a period of six and a half months in 2027-28 unless a further acting judge is appointed. The Court derives no additional benefit from the appointment of an acting judge during periods of accrued leave. In the case of each of the retiring judges an acting judge appointed during their accrued leave would simply be returning the Court to its constitutive numbers. The Court is seeking the support of Executive Government to move quickly to lift this cap. Such legislative change does not require further resources unless, of course, Executive Government *then* decides to provide additional resources and such decision-making remains a matter for it.

Second, appointing acting judges is an expensive, time consuming and limited process. I say *limited* because the appointment of acting judges currently requires the Governor to form the opinion legislated for under s 3(1) of the *Supreme Court Act 1887*:

> 'Where the Governor is of opinion that a situation of a temporary nature has arisen, or is likely to arise, in which it is necessary or desirable, in the public interest, that the powers of this section should be exercised, he or she may appoint a qualified person as an acting judge of the Court to act as puisne judge thereof until the happening of such event, or for such period, as the Governor may specify in the instrument of appointment.'

Section 3 focuses on *temporary* situations not systemic need. The Court's needs are now substantial and systemic. The proposition advanced by the Court since early 2025 is that a system of reserve judges, as is used in Victoria and Queensland, should replace acting judges.

Essentially, reserve judges are not appointed as full or part-time, or on a temporary basis, but rather are appointed to a panel for a period of years and they can be deployed by the fiat of the Chief Justice as required (subject to funding restraints). There would be no requirement that a vice-regal opinion be formed regarding temporary need as a qualification for appointment as a reserve judge.

The advantages of such a system are obvious in that appointments are made less regularly, and multiple judges are available to sit at any one time. A broad range of expertise can be secured in the panel and reserve judges are only deployed and paid *as required*.

Once the equivalent in reserve judge time of a full-time permanent judge has been deployed in any one year (or such period as is deemed reasonable) then arguably it is then time to increase the Court's judicial complement by adding an additional permanent judge. Using such a metric as an automatic adjustment would remove the need for the Chief Justice to be a mendicant to Executive Government for judicial resources and provide an evidence based approach to resourcing the Court. Reserve judges will be required into the future to provide a court of the size of the Supreme Court of Tasmania with the flexibility necessary to meet emerging need and to grow appropriately whilst maintaining existing services.

Another less obvious difficulty in respect of acting judges is the statistical accounts of the Court's performance year on year. There is no point comparing the Court's performance in different financial years unless the figures are first adjusted for the number, type, availability and activity of acting judges. That observation makes the annual statistics published in the Court's annual reports hard to use on a comparative basis, and I have asked that some adjustments be considered to allow more accurate comparable judgments to be made.

There are three recommendations by Mr Babb that are of great significance in this space (Executive Government's response is shown in bold and in brackets):

> '13 repealing or amending s 2 of the *Supreme Court Act 1887* to allow for the appointment of additional Supreme Court judges, and which would allow for an overlap in the appointment of new judges when retiring judges take accumulated leave maintaining current judicial numbers during those periods (**supported in principle**);
>
> 14 the introduction of a system of reserve judges to replace the current use of acting judges (**supported in principle**);
>
> 15 funding of an additional Supreme Court judge (**requires further consideration**).'

If the Babb Report provides a blueprint to address the problems identified by those participating in his extensive review, then action to implement each of these recommendations is imperative. Whilst implementation of the Babb Report, and recommendation 15 in particular, is a matter for Executive Government the need for an additional judge is established by, at least, the systemic use of acting

judges in this Court since 2017. Building Tasmanian solutions to the challenges described above remains at the heart of this Court's constant concern with court improvement.

INFORMATION AND COMPUTER TECHNOLOGY (ICT)

During 2025, the Court approached Executive Government to secure the services of an ICT Manager. The Court is delighted to welcome Mr Brett Godfrey who has now been appointed. That role is crucial if the Court is to appropriately develop its ICT, which is critical to the conduct of hearings and management of the Court. The Court is grateful for the support provided by Executive Government in this regard.

In concert with the introduction of an ICT Manager the Court has engaged with the Department in a project to repatriate and improve its ICT. The jointly funded project by an independent consultant, Laconic Partners Pty Ltd, assessed the merits of repatriation as a prelude to integration. The joint funding model for that consultancy reflects the extensive support provided by the Department to the Court in its attempts to secure efficiency dividends through ICT improvements and initiatives. The project builds on the work described in my 2024-25 Annual Report.

Laconic has now recommended repatriation and provided a pathway for the Court to develop its ICT, providing for the independent control of the Court's data and the Court's engagement with Astria and the Justice Connect project. That pathway is yet to be funded. The Court's activities in this regard are consistent with recommendation 16 of the Babb Report, which is supported by Executive Government, i.e. tailored information solutions be adopted to support the Court's work.

THE JUDICIAL COUNCIL

In what has been a particularly busy year we also saw the establishment of the Judicial Council at the end of the financial year 2025-26 following the proclamation of the *Judicial Commission Act 2024*. My role as head of that Council and the establishment of the Council's operations will be an emerging challenge in 2026-27.

THE HON SHANE MARSHALL AM

During 2026, the Court lost one of its long-standing judges. The Hon Shane Marshall AM served the Court as an acting judge for nine years. His untimely death at the age of 70 following a lengthy illness came as a shock to many. Shane and his wife, Lyn, were an important part of the fabric of this Court and its broader community. His contribution in that regard is enduring. Our thoughts and condolences go out to Lyn, and Shane's daughters Kate and Amy. The Court and the Tasmanian legal profession were well represented at Shane's funeral in Melbourne.

BRENDAN MCMANUS

I would like to acknowledge the service of Brendan McManus, who has recently retired as Deputy Registrar. Brendan has been at the Court for 17 years and has worked in the State Service for 31 years. He has been admitted as a lawyer for almost 40 years, starting as the associate to former Chief Justice the Hon Sir Guy Green, and moving on to practice in civil and criminal litigation, family law, and to a very high level in both contentious and non-contentious probate. All of this adds up to an enormous amount of experience and knowledge which the Court, and the legal profession more broadly, has benefitted from. Brendan has always been willing to put aside his own work to assist someone else and his generosity in giving his time and expertise has been a hallmark of his service. He will be missed.

SEQUOIA TREES

During 2026, two of the oldest trees in St David's Park were felled as a result of disease and damage. The Hobart Council proffered the timber for proponents with a suitable proposal. The Court has now obtained a quantity of the sequoia wood for a project in which the timber will be milled and crafted as lecterns for use in the Court. The concept is that the voice of the trees will not be lost and that they will continue to play an active part in the life of the Court.

THE COURT STAKEHOLDERS AND GOVERNMENT

I wish to acknowledge the work of the Deputy Premier, the Hon Guy Barnett MP, the Secretary of the Department, Ms Kristy Bourne, all of the Judges of this Court, Court staff and relevant stakeholders which include the Law Society of Tasmania, Tasmanian Bar Association, Director of Public Prosecutions and Tasmania Legal Aid. I also acknowledge the work of the Registrar, Ms Penelope Ikedife. Without committed concern for the development of the Supreme Court of Tasmania and a preparedness to work with the Court we would be unable to look forward to building the contemporary court required to meet the needs of the Tasmanian community.

I wish to acknowledge the following awards of long service medals: Allen Davenport and Luke Venn (Tuesday 30 September 2025 – Burnie); Chris Nason, Michael Long,

Michael Mione, Therese Cochrane, Marlene Crawford, Louise Spencer and Michelle Wilson (Wednesday 1 October 2025 – Launceston); Gordon Taylor, Brendan McManus, Penelope Ikedife, Craig Garland and Karen Dean (Thursday 18 June 2026 – Hobart); Mike Richardson, Cindy Burdon, Richard Grubb, Stuart Baker, Marissa Priest and Joanne White (Thursday 2 July 2026 – Hobart), Michael White (14 September 2026).

The internal Court newsletter, 'Communique' has gone from strength to strength during the last year, and I acknowledge and thank the editor Stuart Baker for his continuing work and the quality of his product.

Finally on a personal note I would like to thank Karen Dean, my Chambers Manager, and my Associates and Attendants for all of their assistance in 2025-26. In addition to my administrative and other formal obligations, I complete a full judicial allocation and that would be impossible without their assistance for which I am, and remain, very grateful.



The Hon Christopher Shanahan
Chief Justice of Tasmania
October 2026



Launceston Supreme Court

Year at a glance

The following tables provide a snapshot of the Court's caseload in the 2025-26 financial year.

Jurisdiction	Lodgements		Finalised	
	First Instance	Appeals	First Instance	Appeals
Criminal	625	20	688	15
Civil	779	68	668	55
Total	**1,404**	**88**	**1,356**	**70**

Jurisdiction	Lodgements	Grants
Probate	2,825	2,783

OUR PEOPLE

- 7 permanent Judges
- 1 Acting Judge (full-time)
- 1 Associate Judge
- 1 Registrar
- 13 Registry staff
- 42 Judicial Support Staff
- 6 Corporate Support Staff

OUR BUDGET

- $14,927M revenue
- $12,801M 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: Acting Justice David James Porter AM, Justice Tamara Kaye Jago, Justice Robert William Pearce, Justice Helen Marie Wood, Chief Justice Christopher Patrick Shanahan, Justice Stephen Peter Estcourt AM, Justice Michael Joseph Brett, Justice Kate Cuthbertson, and Associate Justice Michael Francis Daly.

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 2025-26 there were seven full-time judges, one associate judge and one acting judge.

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 previously 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 Christopher Patrick Shanahan

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 Tamara Kaye Jago
- The Honourable Kate Cuthbertson

THE ACTING JUDGES:

- The Honourable David James Porter AM (appointment ended 31 December 2025)

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 SHANAHAN

In 2025-26:

- Attended the Tasmanian Women Lawyers *Meet the Judiciary* cocktail party
- Attended the Tasmanian Legal Practice Course end of course cocktail party and addressed the trainees
- Gave a speech at the Law Society of Tasmania's Winter Criminal Law Conference on 18 July 2025 - '*The Supreme Court of Tasmania - An Institution In Motion*'
- Official visit with Her Excellency Mrs Ingrid Dahl-Madsen, Ambassador of Denmark
- Attended the ABA Anti-Corruption Conference as part of a panel
- Attended the Justice Forum 2 September, 16 December and 10 June
- Attended Investitures at Government House
- Attended the Judicial Leadership Program in Sydney
- Attended the National Police Remembrance Day
- Presented medals in recognition of service to staff at the Burnie Supreme Court
- Presented medals in recognition of service to staff at the Launceston Supreme Court
- Attended the Australian Judicial Officers Association Colloquium in Perth
- Attended the University of Tasmania to speak with students at the Law School about Supreme Court Associateships
- Attended the 64th Council of Chief Justices meeting in Canberra
- Attended Tasmania Police Graduation Parade - Invited to be the Reviewing Officer for Recruit Training Course 3 of 2025
- Attended an event to mark the Bicentenary of the Executive Council at Government House
- Attended a reception at Government House to mark the visit of Their Majesties the King and Queen of Denmark
- Attended the 12th Appellate Judges' Conference in Perth
- Hosted an event at the Supreme Court for Fellows of the Australian Academy of Law
- Keynote speaker at the launch of the Hobart Community Legal Service's evening advice clinic
- Attended the 65th Council of Chief Justices Meeting in Uluru
- Attended the Lord Mayor's ANZAC Morning Tea and Parade viewing at Town Hall, followed by a wreath laying ceremony at the Cenotaph
- Attended an event at Government House to mark the retirement of Her Excellency the Honourable Barbara Baker AC
- Attended the National Judicial College of Australia Appellate Judgment Writing Program in Sydney
- Official visit with His Excellency Mr Davaasuren Damdinsuren, Ambassador of Mongolia.

JUSTICE WOOD

In 2025-26:

- As a member of the Tasmanian Law Reform Institute Board, her Honour attended regular Board meetings
- Attended the Tasmanian Women Lawyers *Meet the Judiciary Cocktail Party* on 4 July 2025
- As a member of the committee responsible for the National Judicial College of Australia conference on Jury Management, attended on-line meetings convened by the College
- Attended on-line meetings convened by the National Judicial College of Australia as a member of the Managing Sexual Assault Hearings conference committee
- As a member of the Reference Group on 'Attracting and Retaining Criminal Lawyers in Tasmania', attended on-line meetings
- As a committee member of the Australian Association of Women Judges, her Honour attended on-line committee meetings
- Attended the Hobart Community Legal Service 40th Anniversary Celebration on 25 July 2025
- Her Honour was a guest panellist at the University of Tasmania Law School *Law Pathways* event on 6 August 2025

- Her Honour attended the University of Tasmania Law School *Career Conversations* event on 28 August 2025
- Attended the Tasmania University Law Society *Women in Law Breakfast* on 10 September 2025
- As a member of the Witness Intermediary Scheme Expansion Advisory Committee, attended a number of meetings in October and November 2025
- Her Honour co-presented a session at the Tasmanian Magistrates Statewide Conference on 17 October 2025, titled 'Interpreters in the Court – Tips, Tricks, and the Gold Standard'. Her Honour's co-presenters were NAATI interpreters, Marie-Paule Leroux-Rousseau and Ruoxuan Liu
- Her Honour gave a presentation to a class of Legal Studies students at Elizabeth College on 4 November 2025
- As a member of the Judicial Council on Diversity and Inclusion, attended Council meetings with speakers in Brisbane on 7 November 2025 and in Melbourne on 15 May 2026
- As a member of the Judicial Council on Diversity and Inclusion, attended an on-line meeting of the Youth Justice Working Group
- As the Supreme Court advocate and representative on the Diversity and Inclusion Justice Network, her Honour attended an on-line meeting on 6 November 2025
- Attended the reception to mark the Bicentenary of the Executive Council at Government House on 3 December 2025
- Participated in interviews with academics in relation to research projects on law reform topics
- Her Honour 'co-judged' a moot for the University of Tasmania Jessup International Law Moot Team on 6 February 2026
- Attended, and presented a session at the National Judicial College of Australia Jury Management Program in Perth, Western Australia on 'Taking Jury Verdicts', on 25 and 26 February 2026
- Her Honour provided the welcome address to newly appointed witness intermediaries on 13 March 2026 in Hobart
- Her Honour was a guest panellist on the Tasmania University Law Society *International Women's Day* event held at the University of Tasmania Law School on 18 March 2026
- Attended meetings convened by the Australasian Institute of Judicial Administration and meetings of the Education Sub-Committee on-line
- Attended a dinner in Sydney to mark the retirement of Judge Tupman of the District Court of New South Wales and former President of Australian Women Judges on 20 March 2026
- As a Fellow of the Australian Academy of Law, attended a *Meet the Fellows* event at the Supreme Court in Hobart on 9 April 2026
- Attended the reception to mark the Bicentenary of the Legislative Council at Government House on 18 May 2026
- On 23 May 2026, her Honour co-presented a session at the Managing Sexual Assault Hearings Program convened by the National Judicial College of Australia on 'Trauma-Informed Judgment Writing' in Brisbane
- Her Honour attended the National Reconciliation Week Breakfast hosted by Reconciliation Tasmania on 27 May 2026
- Attended a reception hosted by the Premier of Tasmania to farewell Her Excellency Barbara Baker, Governor of Tasmania, and Emeritus Professor Don Chalmers on 28 May 2026
- Attended the presentation 'Wellbeing, Ill-being and Suicide in the Legal Profession' delivered by Associate Professor Jennifer Schultz Moore and Dr Nina Hudson at the University of Tasmania Law School on 4 June 2026
- Participated in the National Judicial College of Australia's Appellate Judgment Writing Program in Sydney on 11 and 12 June 2026
- Her Honour presented a full day module on 'Cultural Diversity and Working with Interpreters' to students of the Tasmanian Legal Practice Course on 16 June 2026.

JUSTICE ESTCOURT

In 2025-26:

- Chair of the Council of Law Reporting
- Chair of the Supreme Court Users Group
- Chair of the Supreme Court ICT Committee
- Presented *From the Bench: Avoidable Pitfalls in Criminal Advocacy* at the Law Society of Tasmania's Winter Criminal Law Conference 2025.

JUSTICE PEARCE

In 2025-26:

- 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 judicial sub-committee considering the proposed new Burnie Court Complex
- Participated in sessions of the Supreme Court advocacy training module for the Tasmanian Legal Practice Course
- Attended the program conducted by the National Judicial College of Australia 'Writing Better Judgments' in Brisbane
- Conducted a sentencing workshop for members of the public as part of Law Week.

JUSTICE BRETT

In 2025-26:

- Acted as the coordinator of the Supreme Court module for the Legal Practice Course, and participated in sessions of the module for the course
- Attended swearing-in ceremony for the Governor at Government House
- Attended a function for Her Excellency the Honourable Barbara Baker AC conducted by the Premier
- Attended National Judicial College of Australia program, 'Writing Better Judgments III', conducted as a residential program in Brisbane in September 2025
- Conducted a tour and discussion for the Northern Early Career Lawyers Committee in March 2026.

JUSTICE JAGO

In 2025-26:

- Presentation at the DPP Annual Conference – 'Observations from the Bench'
- Participated in sessions of the Supreme Court advocacy training module for the Tasmanian Legal Practice Course
- Supreme Court representative on the Burnie Court Complex Stakeholder group
- Attended the National Judicial College of Australia Advanced Judicial Skills and Techniques Program in February 2026
- Attended the north-west early career lawyers function.

JUSTICE CUTHBERTSON

In 2025-26:

- Attended meetings of the National Organising Committee of the Supreme, Federal & New Zealand Senior Courts Conference (SFNZSC) as the Court's representative
- Attended the Australasian Institute of Judicial Administration's 12th Appellate Judges' Conference in Perth
- Attended the National Judicial College of Australia's inaugural *Indigenous Justice* program in Alice Springs
- Attended and chaired a session at the Supreme, Federal & New Zealand Senior Courts Conference in Darwin
- Presented a paper to the Law Society of Tasmania's Litigation Conference on 'Ethical engagement: Navigating Relationships with Colleagues and the Judiciary' at St Helens
- Keynote speaker at the University of Tasmania's annual LawFest
- Judged the inaugural Australian Insurance Law Association's 'Great Debate' at the Court on the topic: 'Should All Ginger Beer Come with a "May Contain Molluscs" Warning?'
- Judged the annual Golden Gavel competition organised by the Southern Early Career Lawyers' committee of the Law Society of Tasmania
- Conducted a tour of the Supreme Court building in Hobart as part of Law Week

- Conducted a Supreme Court Sentencing Workshop as part of Law Week
- Participated in sessions of the Supreme Court advocacy module of the Tasmanian Legal Practice Course
- Attended the Tasmania University Law Society's annual Women in Law Breakfast
- Attended the 2026 Inaugural Leah Brown Indigenous Scholarship in Law presentation at the University of Tasmania's Law School
- Attended the Reconciliation Week Breakfast.

ASSOCIATE JUSTICE DALY

In 2025-26:

- Presentation to the Law Society of Tasmania relating to the Court's system for managing criminal listings
- Lecture to the University of Tasmania Law School on Management of Civil Cases in the Supreme Court of Tasmania
- Keynote speaker to the Society of Estate and Trust Practitioners Victoria-Tasmania Conference: Family Provision – 'A Judicial Perspective on Themes and Practical Considerations'
- Represented the Court at the Committee for the Harmonisation of Rules of the Council of Chief Justices of Australia and New Zealand
- Attended meetings of the Governing Council of the Australian Judicial Officers Association in 9-11 October 2025, 14 March 2026 and 13 June 2026
- Presenting to various tours by school groups through the course of the year.

Burnie Courts Complex Relocation Project

Substantial progress has been achieved on the Burnie Courts Complex Relocation Project during the last reporting period, with key milestones reached across design, approvals, procurement, and site readiness.

The detailed design of the new complex has been finalised. The facility will comprise four courtrooms, including two Magistrates Courts, one Supreme Court, and one flexible courtroom. The flexible courtroom will be suitable for jury trials, and so will enable a second judge to sit in Burnie, where at least 25% of the Court's criminal lodgements are filed. The flexible courtroom will be made available for the use of other courts, including the Federal Circuit and Family Court of Australia, thereby enhancing the capacity and adaptability of court services in the region.

During the final quarter of 2025, an enabling works package was successfully delivered at the 106 Wilson Street site in Burnie. These works involved the demolition of all existing structures and associated infrastructure, and the preparation of the site to support the commencement of the main construction phase.

The procurement process for the main construction contractor has now been completed. A Request for Tender was released in November 2025, and following a comprehensive and competitive evaluation process, Fairbrother was awarded the contract for the construction of the new Burnie Courts Complex in May 2026.

The project was referred to the Parliamentary Standing Committee on Public Works in February 2026. It has since received final approval from the Committee. In addition, all required statutory approvals and planning permits have been obtained, providing the necessary authorisations for construction to proceed.

The main construction works are scheduled to commence in June 2026, with Practical Completion and operational commissioning anticipated in 2028.



The history of the Casper Clock

The Supreme Court of Tasmania continues to preserve and showcase significant pieces of the State's legal and cultural heritage. Among the most notable artefacts held within the Hobart registry is the Casper Clock, an early colonial timepiece crafted by the London-born clockmaker Ellis Levy Casper. More than a functional object, the clock represents a remarkable intersection of craftsmanship, family history, and the broader narrative of 19th century transportation to Australia.



Ellis Levy Casper was born in London in 1784, the sixth of eight children. A trained watch and clock merchant, he married Elizabeth Miriam Nathan in 1809, and together they raised eleven children.

Casper's life took a dramatic turn following his conviction for involvement in the Gold Dust Robbery of 1839, a high profile case involving the theft of approximately 51 kilograms of gold dust valued at £4,600 (equivalent to roughly $4 million today). Casper, then 55, was charged alongside his 24-year-old son Lewin, and two associates.

The theft was uncovered when discrepancies emerged between shipping agents, leading investigators to trace cab movements and identify that an accomplice Henry Moss had fraudulently taken the gold dust. Despite pleading not guilty, both Ellis and Lewin were convicted and sentenced to transportation, Ellis for 14 years and Lewin for 7.

They were transported aboard the Lord Lyndoch - a male convict ship - in August 1840, joining many others whose lives were reshaped by the penal system of the era.

Casper lived in Tasmania for approximately 15 years, during which time he continued his trade as a clockmaker. It is during this period that the Casper Clock is believed to have been produced. His craftsmanship contributed to the material culture of the growing colony, and his work remains a tangible link to that formative period.

Around the mid 1850s, Ellis and his wife relocated to Melbourne. He died on 30 August 1862, at his residence at 208 King Street, Melbourne, at the age of 78. He is buried in the Melbourne General Cemetery, close to his wife, Elizabeth.

NV v State of Tasmania [2026] TASSC 12

This case concerns a claim brought by the plaintiff, NV, against the State of Tasmania (the first defendant) and Stephen Fane Noga (the second defendant) for damages arising from sexual abuse perpetrated by the second defendant while he was employed as a teacher at Hobart College in 1981. The plaintiff alleged that the second defendant raped her when she was 16 years old and subjected her to ongoing sexual abuse during and after her time as a student. She further claimed that the State of Tasmania was vicariously liable for the second defendant's actions and had breached its non-delegable duty of care.

Allegations Against the Second Defendant

The plaintiff alleged that the second defendant groomed her during accounting classes, made inappropriate physical contact, and subjected her to sexual abuse both on and off school premises. The abuse escalated to rape in May or June 1981 at a Hobart hotel, followed by repeated sexual assaults over a period of approximately five years. The plaintiff claimed that the second defendant's actions caused her significant physical and psychological harm, including Post-Traumatic Stress Disorder (PTSD) and Borderline Personality Disorder (BPD).

Allegations Against the State of Tasmania

The plaintiff argued that the State of Tasmania owed her a non-delegable duty of care as the operator of Hobart College and was vicariously liable for the second defendant's actions. She alleged systemic failures, including inadequate supervision, failure to prevent boundary transgressions, and lack of mechanisms to report and address abuse. The State denied liability for off-school conduct and argued that it could not be held responsible for the second defendant's actions after the plaintiff ceased to be a student.

Findings on Liability

The Court found the second defendant liable for breach of his common law duty and for assault and battery in the form of a single act of rape in May or June 1981. The Court also found the State of Tasmania vicariously liable for the second defendant's tortious acts committed within the scope of his employment. However, the Court did not find the State liable for breaches of its non-delegable duty or systemic failures, as there was insufficient evidence to establish these claims.

Causation

The Court concluded that the rape was the sole cause of the plaintiff's PTSD and BPD, rejecting arguments that her psychiatric conditions were attributable to pre-existing factors. The Court accepted expert evidence that the plaintiff's strict religious upbringing and family environment provided protective factors against the development of BPD, and that the rape fundamentally disrupted her personality development.

Damages

The Court awarded the plaintiff a total of $1,644,817.03 in damages, broken down as follows: - General damages for pain, suffering, and loss of enjoyment of life: $275,000.00 - Aggravated damages: $150,000.00 - Exemplary damages: $200,000.00 - Impairment of earning capacity: $800,000.00 - Past medical and associated expenses: $25,939.65 - Future medical and associated expenses: $28,365.38 - Interest: $165,512.10

Orders

The Court entered judgment for the plaintiff against the State of Tasmania and the second defendant in the sum of $1,444,817.03, with an additional judgment against the second defendant for $200,000. The application by the State for leave to file a notice of contribution against the second defendant was adjourned.

The decision has been appealed to the Full Court. The Full Court's decision is pending.

CASE STUDY 1


EXIT

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.

Poulton v Conrad [2025] TASFC 7

This case concerns an appeal to the Full Court of the Supreme Court of Tasmania by Adam Poulton (the appellant) against Jeff Conrad (the respondent). The dispute originated from an arrangement in December 2013, where the respondent paid $10,000 to the appellant to invest in Bitcoin on his behalf. The appellant acquired Bitcoin but retained a portion of it, claiming it as a fee for his services. The respondent initiated legal proceedings, alleging claims including detinue, conversion, restitution, contract, and negligence. The Magistrates Court ruled in favour of the respondent on the claims of detinue and conversion, awarding $46,000 in damages (plus interest and exemplary damages), limited to the court's jurisdictional cap of $50,000. The appellant was found entitled to a $1,500 fee but was not permitted to retain any portion of the Bitcoin as payment.

The magistrate determined that Bitcoin constitutes property and can be subject to claims in detinue and conversion. The magistrate reasoned that Bitcoin satisfies the criteria for property under the test in *National Provincial Bank v Ainsworth* [1965] AC 1175, as it is definable, identifiable by third parties, capable of being assumed by third parties, and has a degree of permanence. The magistrate also found that the appellant had control over the Bitcoin through possession of the private key, which equated to possession of the property.

The appellant appealed the magistrate's decision to a single judge of the Supreme Court, under section 28 of the *Magistrates Court (Civil Division) Act 1992*. The appellant pursued only one ground of appeal, arguing that the magistrate erred in finding that the torts of detinue and conversion were established. Brett J dismissed the appeal, finding no error in the magistrate's determination. The appellant did not challenge the magistrate's finding that Bitcoin constitutes property.

The appellant then appealed to the Full Court, asserting that Bitcoin, as intangible property, cannot be possessed and therefore cannot be subject to the torts of detinue and conversion. The Full Court dismissed the appeal, holding that the appellant was precluded from raising this argument, as it was contrary to the position he had taken before Brett J. The Court emphasised the principles of finality in litigation and procedural fairness, noting that allowing the appellant to raise this argument would prejudice the respondent.

Estcourt J also addressed the substantive issue of whether Bitcoin can be possessed for the purposes of detinue and conversion. The Court concluded that Bitcoin is a form of property capable of possession, as control over Bitcoin is determined by possession of the private key, which allows exclusive control and dominion over the asset. The Court recognised Bitcoin as a novel form of intangible property that does not fit neatly into the traditional categories of choses in possession or choses in action. The whole court endorsed the view that Bitcoin represents a new category of intangible property that is rivalrous, capable of exclusive control, and susceptible to possession.

The appeal was dismissed, and the Full Court upheld the decisions of the magistrate and Brett J. The Court also noted the broader implications of recognising Bitcoin as property and its potential to be subject to common law remedies such as detinue and conversion.

The appellant subsequently applied to the High Court of Australia and was granted special leave to appeal to that Court. There had been no decision on the appeal as at the date of the printing of this Annual Report.

CASE STUDY 2

Education & Community Engagement

The Court is committed to engaging with the community and providing opportunities for education about the role of the Court in our system of government.

During the reporting year the Court continued its programme providing educational tours to school groups, enabling 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 also continued its involvement with the Centre for Legal Studies. As it has done for many years, the Court coordinated a Supreme Court module for the Tasmanian Legal Practice Course. Over a period of approximately six months students attend court to present a series of mock cases before Supreme Court judges, who provide feedback and guidance on the students' legal and advocacy skills.

In November 2025 the Court participated in Open House Hobart. Judges and the architect of the Supreme Court's buildings in Hobart, Peter Partridge, conducted public tours of the buildings over the course of a weekend.

Law Week took place from 18 to 24 May 2026. Several judges ran sentencing workshops in Hobart and Launceston, giving members of the public the opportunity to gain an understanding of the principles of sentencing and their application in a case. The workshops involved a fictitious case with roles played by a judge, prosecution and defence counsel. The Court acknowledges and thanks those members of the legal profession who gave up their time to assist with the workshop, leading discussions with participants and acting as counsel in the role plays.

Also as part of Law Week events judges conducted court tours in Hobart and Launceston. In Hobart the architect of the Court buildings in Salamanca Place, Mr Peter Partridge, participated in the tours, adding his unique insights into the buildings and their design.

The Court thanks the Court-based staff of the Tasmania Prison Service who generously support Law Week, Open House Hobart, and numerous school tours by opening the cells area to participants and speaking to the groups.


STAFF

Atileo and Anor v Public Trustee [2026] TASFC 6

This case concerns an appeal to the Full Court of the Supreme Court of Tasmania by Fauleupolu Atileo and SL Security Pty Ltd against a decision awarding damages to the Public Trustee, acting as the administrator of the estate of Matthew Peter Leonard. The appeal was dismissed.

Background and Facts

On 19 July 2014, Mr Atileo, employed as a crowd controller at Syrup Nightclub in Hobart, punched Mr Leonard outside the nightclub. Mr Leonard, who was intoxicated and behaving aggressively, had earlier punched another security guard and was removed from the premises. After returning to the nightclub, Mr Leonard punched Mr Atileo, who retaliated with a forceful punch that caused Mr Leonard to fall and sustain serious injuries. The trial judge, Porter AJ, found that Mr Atileo's response was retaliatory and not in self-defence.

Issues on Appeal

The appellants challenged Porter AJ's decision that the *Civil Liability Act 2002* (CLA) did not apply because Mr Atileo's punch was an intentional act done with intent to cause injury, per s 3B(1)(a) of the CLA. The appellants also claimed that s 6 of the CLA precluded an award of damages to Mr Leonard because, at the time of the incident which resulted his injury, he was engaged in conduct which constituted a serious offence.

Court's Findings

1. Intent to Cause Injury (Section 3B(1)(a)):

The Court upheld the trial judge's finding that the CLA was disengaged under s 3B(1)(a) because Mr Atileo's punch was an intentional act done with the intent to cause injury. The trial judge relied on CCTV evidence and witness testimony, concluding that the punch was deliberate and forceful, with no lawful justification. The Court rejected the appellants' argument that the trial judge had erred in finding intent, noting that intent to injure was readily to be inferred from the conduct itself, could be formed instantaneously and did not require premeditation.

2. Criminal Conduct Defence (Section 6):

The Court agreed with the trial judge that s 6 of the CLA did not apply because Mr Leonard was not engaged in criminal conduct at the time of the incident which resulted in his injury. The trial judge interpreted the temporal requirement of s 6 strictly, finding that Mr Leonard's punch, which constituted an assault, had ceased before Mr Atileo's retaliatory punch. The Court rejected the appellants' argument that the incident should be viewed as a continuous chain of events.

Conclusion

The Full Court dismissed the appeal, finding no errors in the trial judge's reasoning or application of the law. The appellants failed to establish that the trial judge erred in concluding that the CLA was disengaged under s 3B(1)(a) or in determining that s 6 did not preclude Mr Leonard's claim.

CASE STUDY 3

Director of Public Prosecutions v Woolley [2026] TASCCA 1

This case concerns a prosecution appeal against the sentence imposed on David Conrad Woolley for two counts of arson. The appeal was heard by the Supreme Court of Tasmania (Court of Criminal Appeal) on 3 March 2026, with judgment delivered on 26 March 2026.

The respondent had pleaded guilty to instigating others to set fire to his estranged wife's rented home and shed in November 2023, motivated by a desire to harm her because of the breakdown of their marriage. The respondent orchestrated two separate arson incidents on 2 November and 5 November 2023. He recruited his current partner to arrange for her 15-year-old son and others to set fire to the house and shed. His wife and children had moved out temporarily for an unrelated reason but had left the majority of their belongings in the house and shed. The respondent facilitated the crimes by leaving doors open and repeatedly encouraging those setting the fires through text messages. When he realised that only the house had been set on fire on the first occasion, he demanded that his accomplices return and burn down the shed as well. The house sustained $350,000 worth of damage, while the shed and its contents were destroyed, resulting in a $70,000 loss. The crimes caused significant emotional and financial harm to the respondent's estranged wife, their three children, and the property owners. The respondent admitted his actions were motivated by a desire to harm his wife emotionally.

The original sentence, imposed on 8 September 2025, was 15 months' imprisonment, with three months suspended and parole eligibility after six months. The sentencing judge took into account mitigating factors, including the respondent's guilty plea, admissions to police, and lack of prior convictions for arson. However, the Director of Public Prosecutions appealed on the sole ground that the sentence was manifestly inadequate. The Court of Criminal Appeal, constituted by Pearce, Brett and Jago JJ, in a unanimous judgment, agreed with the DPP and upheld the appeal. The Court considered that the respondent's motive for the crimes, that is to do as much harm to his wife as possible and to seek retribution against her, rendered the crimes acts of serious family violence against her and their children. Notwithstanding the absence of direct physical violence, he had perpetrated grave emotional abuse and intimidation against them. The Court concluded that this aspect of his conduct was strongly aggravating and deserved particular weight in sentencing. The Court emphasised that such behaviour would not be tolerated and would usually require a sentence which communicates censure and denunciation and deters others from similar conduct.

The Court allowed the appeal, quashed the original sentence, and imposed a new sentence of four years' imprisonment, with eligibility for parole after serving half of the sentence.

CASE STUDY 4



Jones v Jones [2026] TASFC 4

This case concerns an appeal by Shane Desmond Jones (the appellant) against a decision of the Associate Judge in favour of his brother Michael John Jones (the respondent) under the *Testators Family Maintenance Act 1912*. The respondent sought provision from the estate of their late mother, who passed away on 12 May 2022, leaving her entire estate to the appellant. The estate primarily consisted of a house valued at $530,000 and other minor assets, with a net value of approximately $460,000 after deductions. The appellant, aged 54 at the time of his mother's death, had lived with her since 2000, claimed to be financially dependent on her, and suffered from significant health issues. The respondent, aged 59, was married, employed, and owned a house with his wife. He claimed financial need due to health problems and depleted superannuation. In particular, both he and his wife suffered from significant health problems which had resulted in them stopping work within months of his mother's death. Although the respondent had returned to limited work at the time of the trial, he and his wife had spent most of their superannuation supporting themselves while not working. His income barely covered their living expenses.

The primary judge found that the respondent had been left without adequate provision for his maintenance and support and ordered $100,000 to be paid to him from the estate, with the balance distributed according to the will. The judge made this award despite finding that the respondent had failed to fully and frankly disclose his financial circumstances, particularly those of his wife. The judge also acknowledged and took into account the appellant's strong moral claim to the estate, his financial dependance on his mother and the respect due to her wishes concerning the disposition of her estate. However, he also took into account the need created by the respondent's health problems and their impact on his present and future capacity for work. The judge concluded that 'a wise and just testatrix would have given close consideration to' these factors.

The appellant appealed on grounds that included that the decision was unreasonable or plainly unjust and that the primary judge failed to provide adequate reasons for the award. It was also argued that the failure to properly disclose his financial circumstances should have disentitled the respondent to an award. The appellant's ultimate argument was that the primary judge should have dismissed the application.

The Full Court, comprising Pearce J, Brett J, and Cuthbertson J, dismissed the appeal. Brett J, with whom the other members of the Court agreed, concluded that the primary judge had correctly determined that despite the imperfect disclosure by the respondent, there was sufficient information to provide a broad outline of the financial circumstances of the respondent so as to enable the judge to make the necessary determination. The Full Court concluded that having regard to the competing considerations, the primary judge's decision was reasonable and fell within his discretion. The Court also found that the primary judge's reasons were adequate, as the assessment of such an award involved a process of instinctive synthesis rather than mathematical calculation.

The appeal was dismissed, and the original order for provision from the estate in favour of the respondent was upheld.

CASE STUDY 5

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.

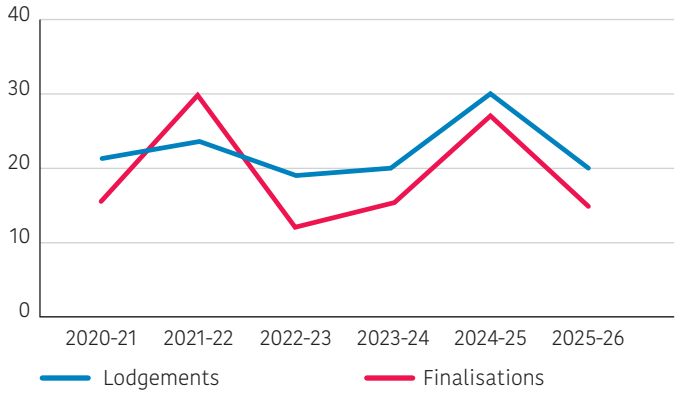
It is a measure of the age of cases which have been finalised in the financial year, against nominated time categories. It is defined as the number of cases finalised in the nominated time category as a percentage of the total cases finalised during the financial year.

Performance Data

APPEALS – COURT OF CRIMINAL APPEAL

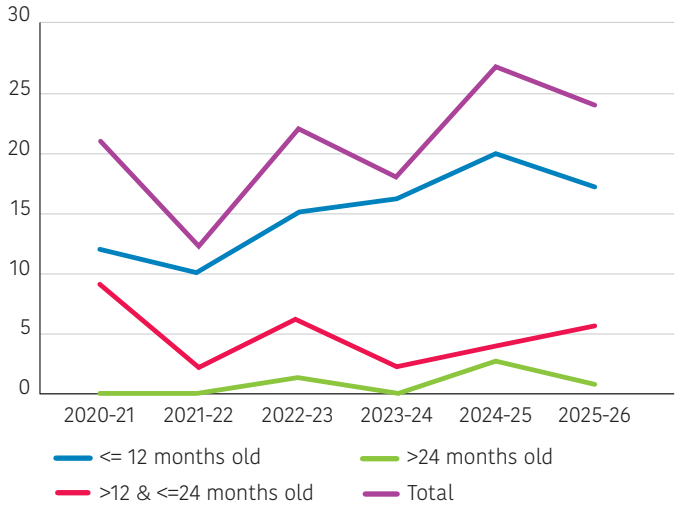
Court of Criminal Appeal	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Variance 2024-25 to 2025-26
Lodgements	21	23	19	20	30	20	-33.3%
Finalisations	15	29	12	15	26	15	-42.3%

COURT OF CRIMINAL APPEAL LODGEMENTS & FINALISATIONS (No.)



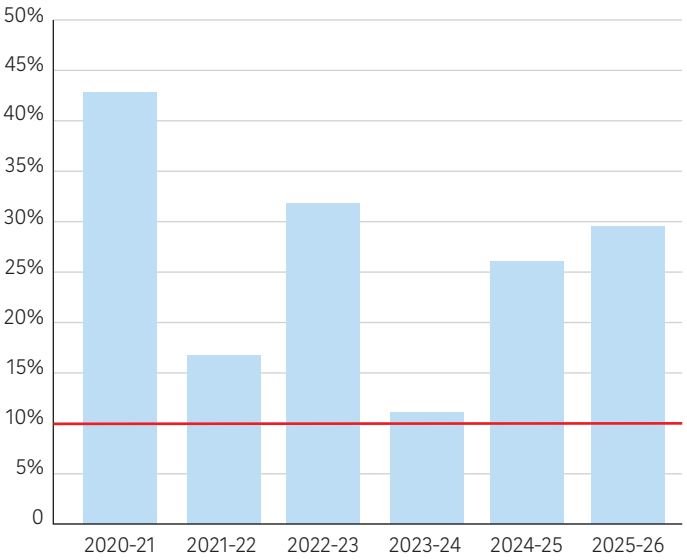
CCA Pending	2020-21		2021-22		2022-23		2023-24		2024-25		2025-26		Variance 2024-25 to 2025-26
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	12	57.1	10	83.3	15	68.2	16	88.9	20	74	17	71	-15%
>12 & <= 24 months	9	42.9	2	16.7	6	27.3	2	11.1	4	15	6	25	+50%
>24 months old	0	0	0	0	1	4.5	0	0	3	11	1	4	-67%
Total	**21**		**12**		**22**		**18**		**27**		**24**		**-11%**

CCA PENDING (No.)



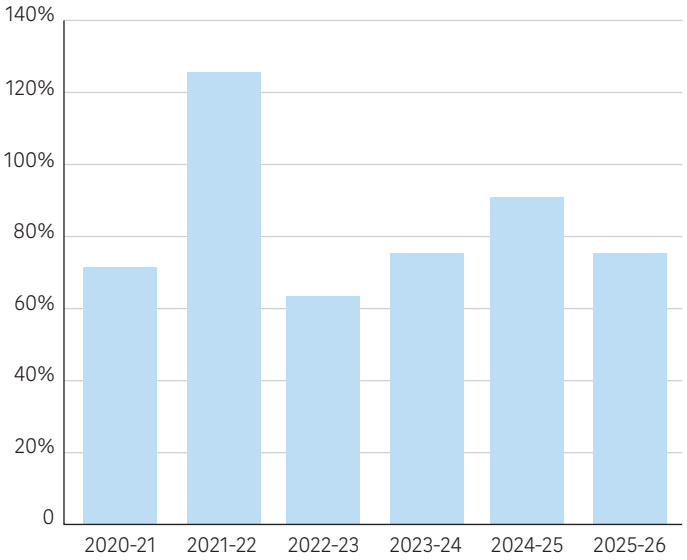
CCA Case Backlog[1]	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
Pending >12 months	42.9%	16.7%	31.8%	11.1%	25.9%	29.2%	10%

CCA CASE BACKLOG



CCA Clearance Rate	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	71.4%	126.1%	63.2%	75%	86.7%	75%

CCA CLEARANCE RATE

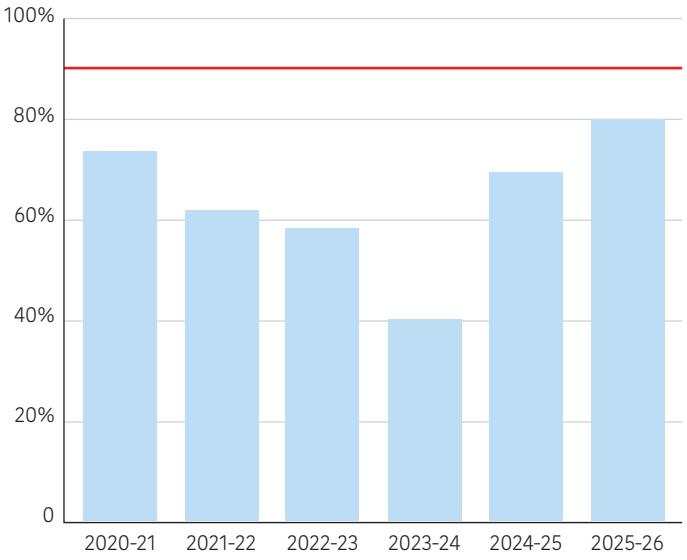


1 The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older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

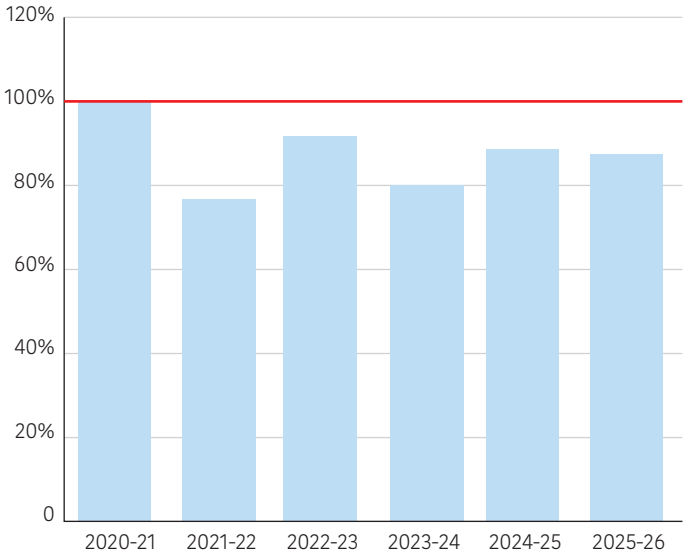
ON-TIME CASE PROCESSING

CCA Cases finalised	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
<=12 months	73%	62%	58%	40%	69%	80%	90%
<=24 months	100%	76%	92%	80%	88%	87%	100%
>24 months	0%	24%	8%	20%	12%	13%	0%

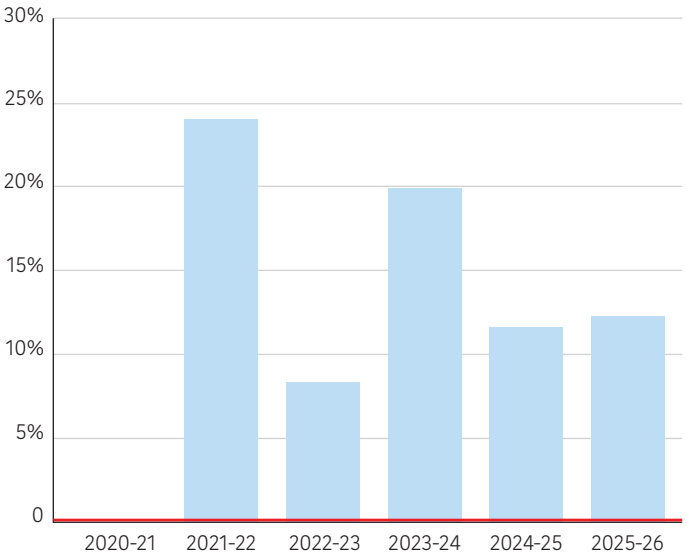
CCA CASES FINALISED <=12 MONTHS



CCA CASES FINALISED <=24 MONTHS



CCA CASES FINALISED >24 MONTHS

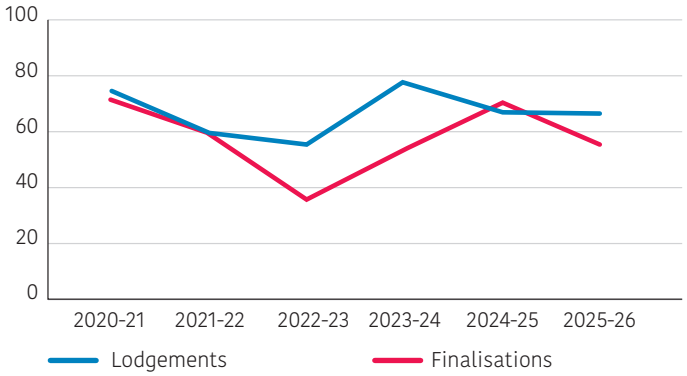




APPEALS – FULL COURT AND LOWER COURT APPEALS

FCA/LCA	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Variance 2023-24 to 2024-25
Lodgements	75	59	56	83	69	68	-1.5%
Finalisations	72	59	36	55	71	55	-22.5%

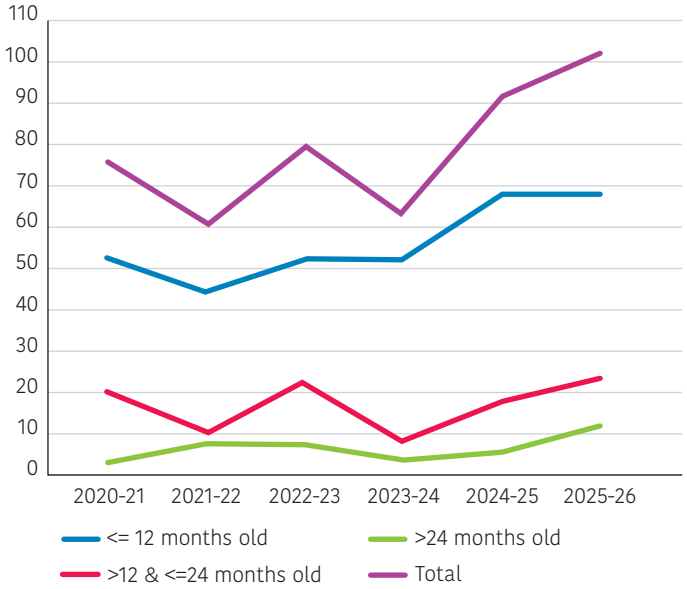
FCA/LCA LODGEMENTS & FINALISATIONS (No.)



Full Court and Lower Court appeal (combined) lodgements in 2025-26 are steady when compared with 2024-25. Finalisations have decreased by 22.5% when compared with a high number of finalisations in 2024-25.

FCA/LCA Pending	2020-21		2021-22		2022-23		2023-24		2024-25		2025-26		Variance 2024-25 to 2025-26
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	52	69.3	44	72.1	52	65	52	82.5	68	74.7	68	65.4	0%
>12 & <= 24 months	20	26.7	10	16.4	21	26.2	7	11.2	17	18.7	24	23.1	+41.2%
>24 months old	3	4	7	11.5	7	8.8	4	6.3	6	6.6	12	11.5	+100%
Total	**75**		**61**		**80**		**63**		**91**		**104**		**+12.5%**

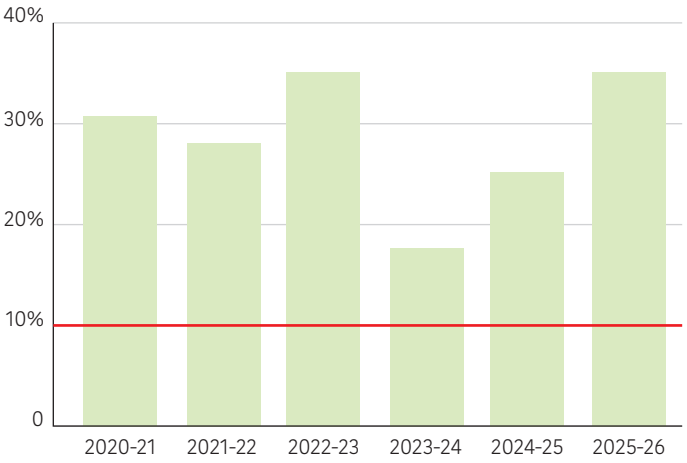
FCA/LCA PENDING (No.)



Full Court and Lower Court appeal (combined) pending matters have increased 12.5% from 91 in 2024-25 to 104 in 2025-26.

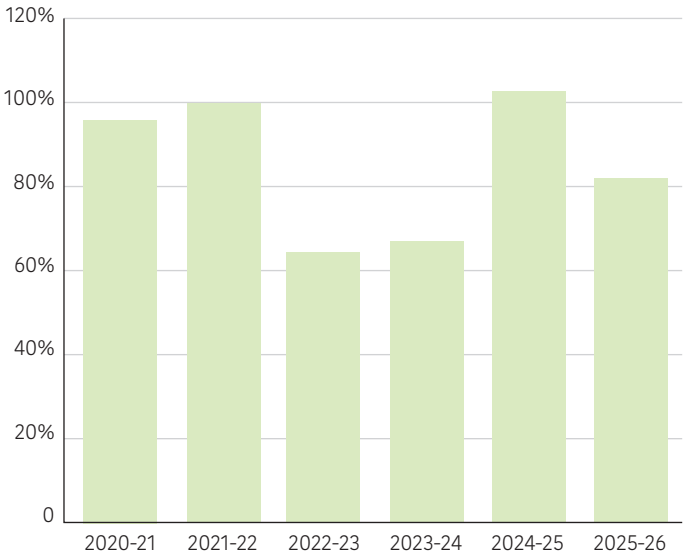
FCA/LCA Case Backlog[2]	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
Pending >12 months	30.7%	27.9%	35%	17.5%	25%	35%	10%

FCA/LCA CASE BACKLOG



FCA/LCA Clearance Rate	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	96%	100%	64.3%	66.3%	103%	81%

FCA/LCA CLEARANCE RATE

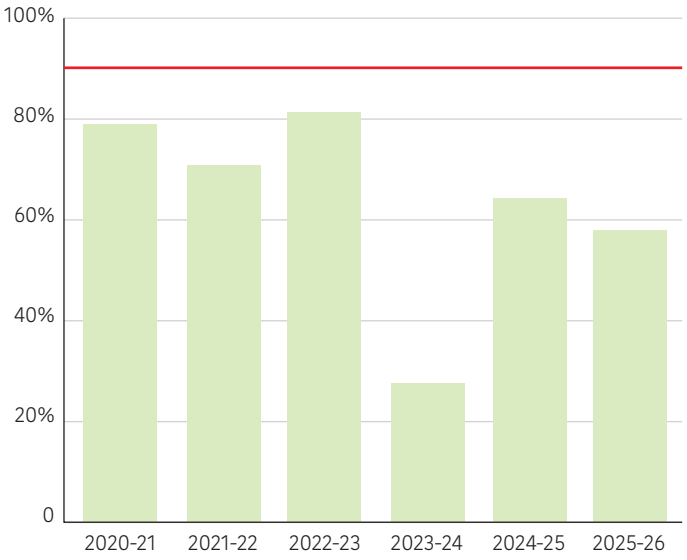


2 The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older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

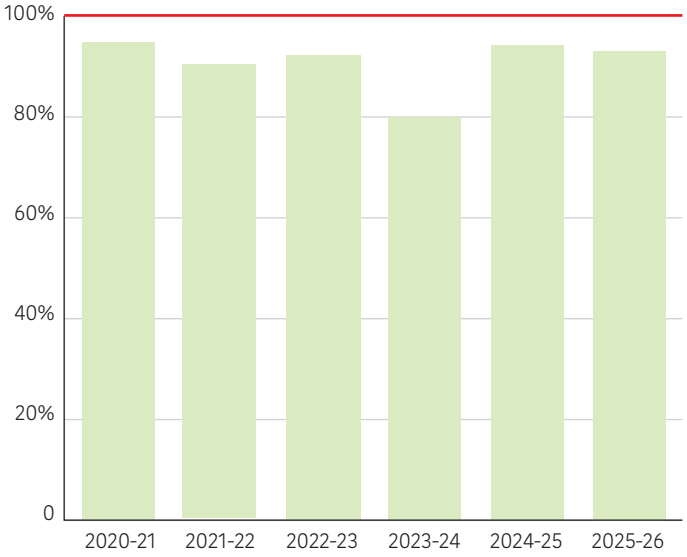
ON-TIME CASE PROCESSING

FCA/LCA Cases finalised	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
<=12 months	79%	75%	81%	27%	63%	58%	90%
<=24 months	96%	90%	92%	80%	94%	93%	100%
>24 months	4%	10%	8%	20%	6%	7%	0%

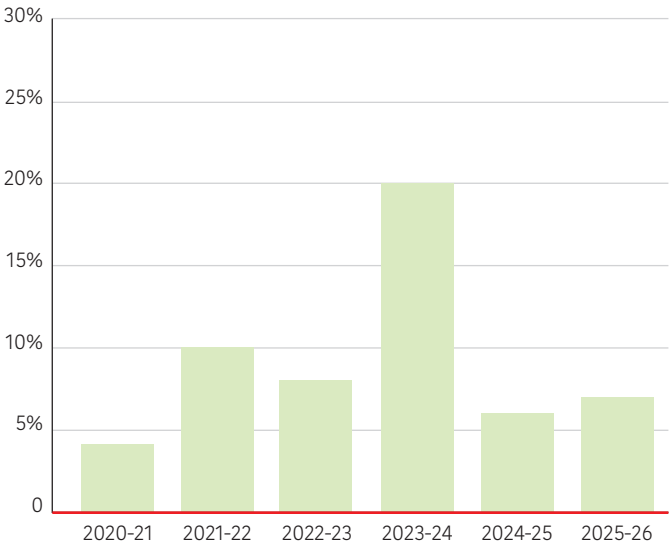
FCA/LCA CASES FINALISED <=12 MONTHS



FCA/LCA CASES FINALISED <=24 MONTHS



FCA/LCA CASES FINALISED >24 MONTHS

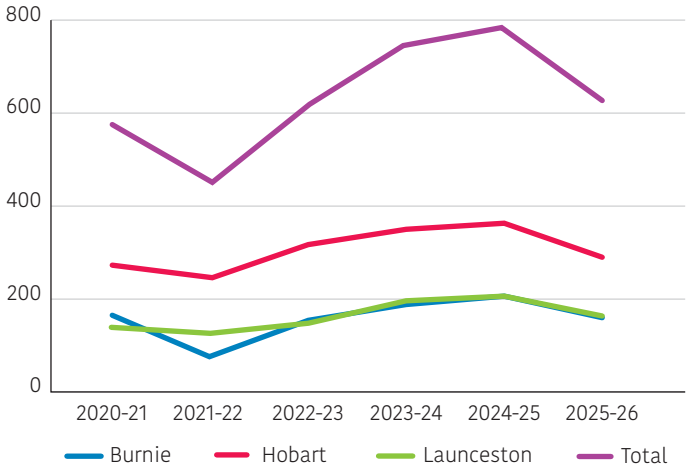




CRIMINAL - NON-APPEAL

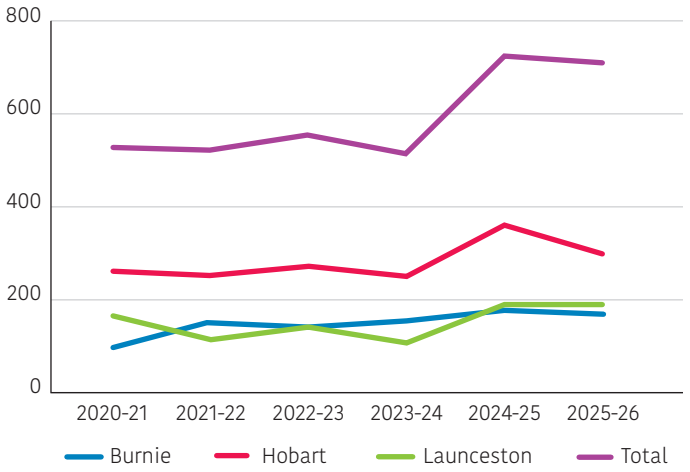
Criminal Non-Appeal Lodgements	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Variance 2024-25 to 2025-26
Burnie	162	77	152	190	203	160	-21.2%
Hobart	271	243	320	358	369	299	-19%
Launceston	146	129	140	194	202	166	-17.8%
Total	**579**	**449**	**612**	**742**	**774**	**625**	**-19.3%**

CRIMINAL NON-APPEAL LODGEMENTS (No.)



Criminal Non-Appeal Finalisations	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Variance 2024-25 to 2025-26
Burnie	96	148	141	151	181	179	-1.1%
Hobart	267	255	271	249	378	312	-17.5%
Launceston	160	117	141	112	198	197	+0.5%
Total	**523**	**520**	**553**	**512**	**757**	**688**	**-9.1%**

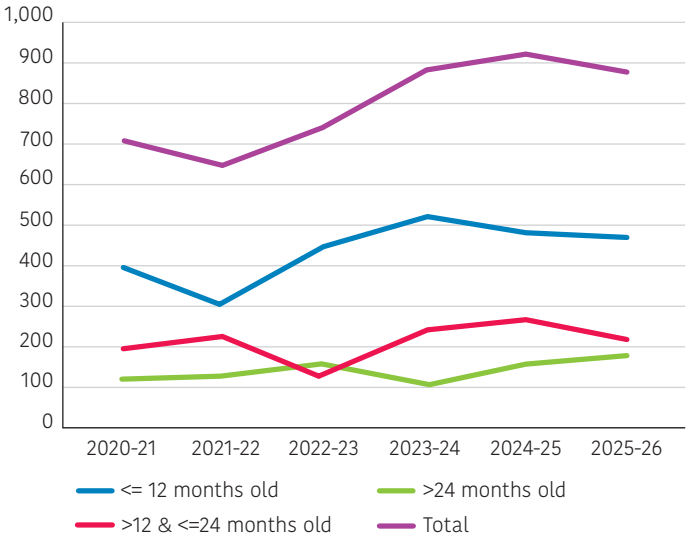
CRIMINAL NON-APPEAL FINALISATIONS (No.)



Criminal (non-appeal) lodgements for the 2025-26 year decreased by 19.3% compared with the 2024-25 year. There was a small decrease in the number of finalisations compared to the previous year.

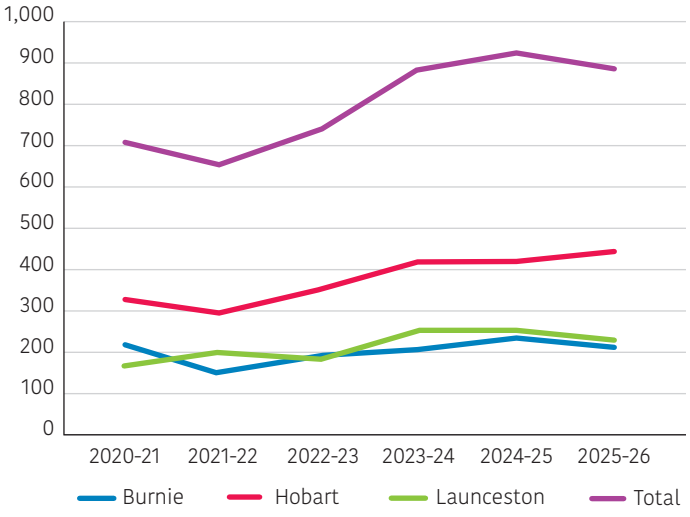
Criminal Non-Appeal Pending	2020-21		2021-22		2022-23		2023-24		2024-25		2025-26		Variance 2024-25 to 2025-26
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	398	56	301	46.2	456	61.4	533	60.2	488	53.5	472	54	-5.1%
>12 & <= 24 months	197	27.7	225	34.5	130	17.5	247	27.9	265	29.1	219	25	-16.3%
>24 months old	116	16.3	126	19.3	157	21.1	105	11.9	159	17.4	186	21	+18.9%
Total	**711**		**652**		**743**		**885**		**912**		**877**		**-4.2%**

CRIMINAL NON-APPEAL PENDING (No.)



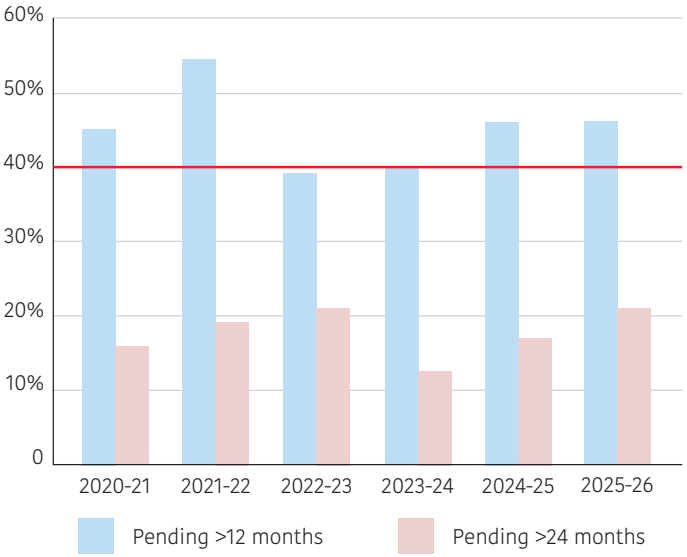
Criminal Non-Appeal Pending by Region	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Burnie	217	156	193	206	235	212
Hobart	322	300	352	419	420	443
Launceston	172	196	198	260	257	222
Total	**711**	**652**	**743**	**885**	**912**	**877**

CRIMINAL NON-APPEAL PENDING BY REGION (No.)



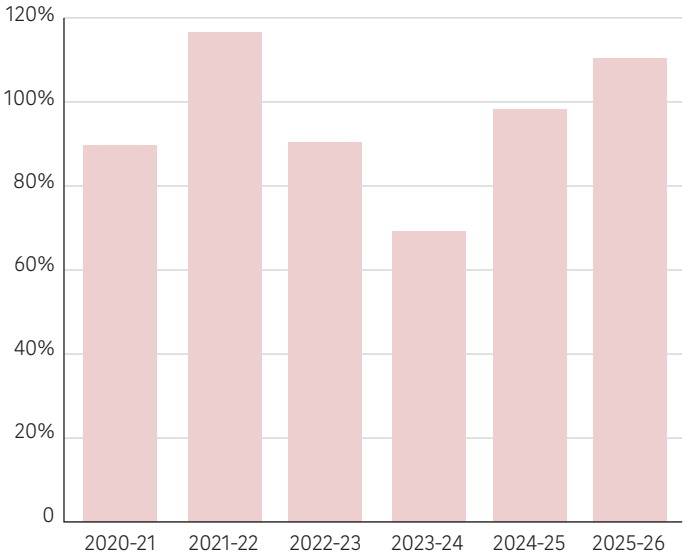
Criminal Non-Appeal Case Backlog[3]	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Tasmanian Benchmark
Pending >12 months	44%	54%	39%	40%	46%	46%	40%
Pending >24 months	16%	19%	21%	12%	17%	21%	

CRIMINAL NON-APPEAL CASE BACKLOG



Criminal Non-Appeal Clearance Rate	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	89.6%	116.3%	90.0%	69%	97.8%	110.1%

CRIMINAL NON-APPEAL CLEARANCE RATE

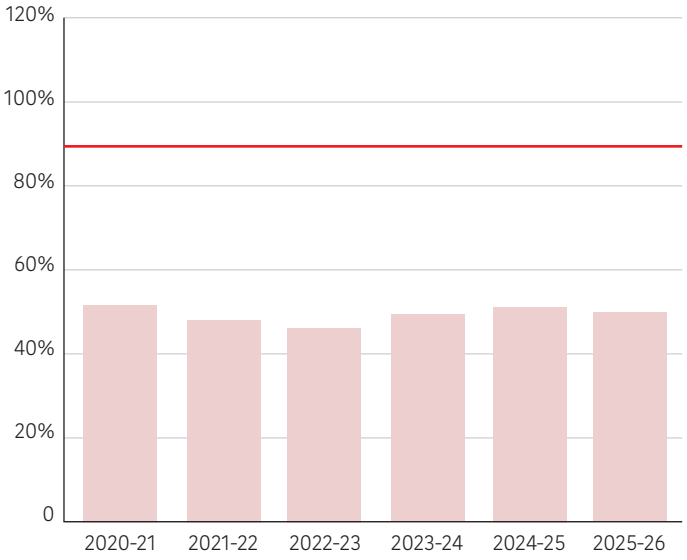


3 The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older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

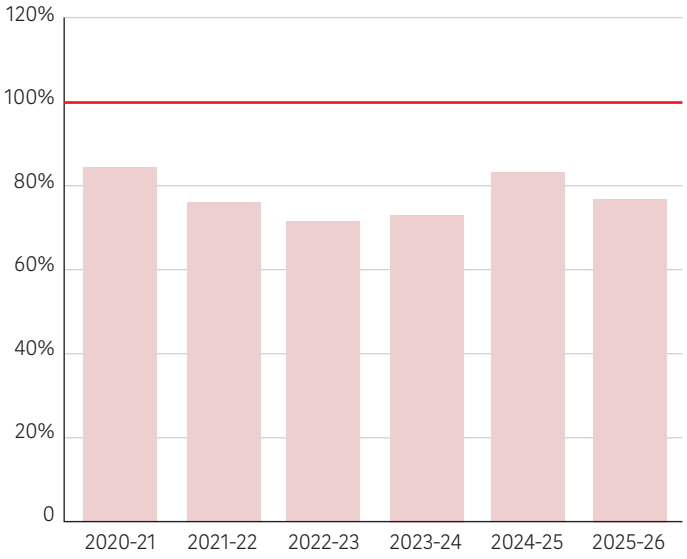
ON-TIME CASE PROCESSING

Criminal Non-Appeal Cases Finalised	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
<=12 months	51%	48%	46%	50%	54%	51%	90%
<=24 months	84%	76%	71%	73%	82%	77%	100%
>24 months	16%	24%	29%	27%	18%	23%	

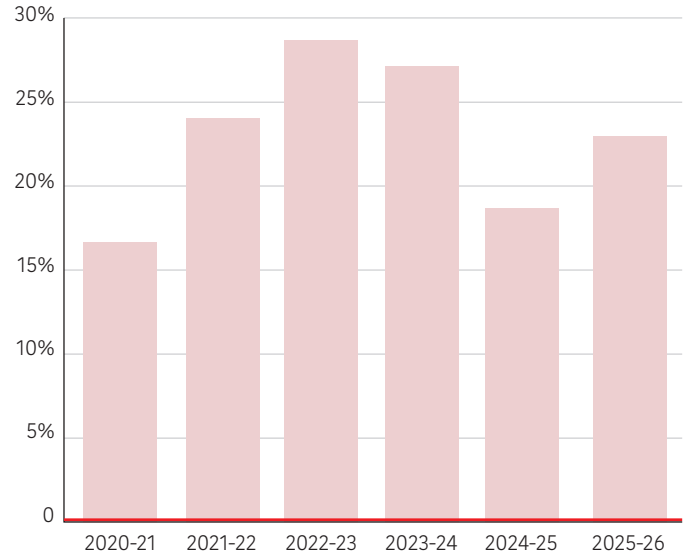
CRIMINAL NON-APPEAL CASES FINALISED <=12 MONTHS



CRIMINAL NON-APPEAL CASES FINALISED <=24 MONTHS



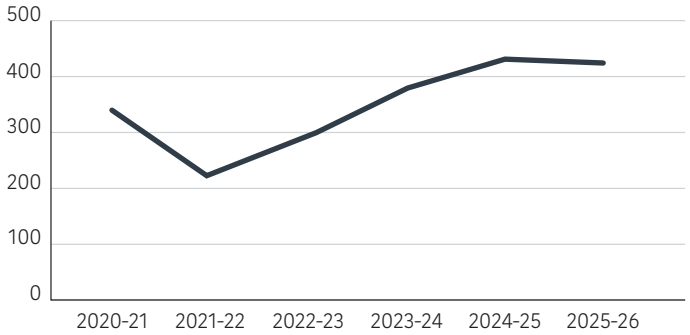
CRIMINAL NON-APPEAL CASES FINALISED >24 MONTHS



Criminal Non-Appeal Method Finalised	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Not guilty by reason of mental illness/condition	2	4	6	2	3	2
Accused died	7	6	8	1	7	7
Found guilty	51	59	65	62	52	59
Pleaded guilty	257	254	240	284	304	250
Acquitted	20	16	23[4]	19	16	19
Remitted to Magistrates Court	22	20	23	20	24	23
Withdrawn by prosecution	160	142	189	129	347	311
Total	**519**	**501**	**554**	**517**	**753**	**671**

Bail Applications	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	333	223	296	380	438	430

BAIL APPLICATIONS (No.)



Bail applications decreased slightly in 2025-26. 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 96.4% between 2021-22 and their peak in 2024-25. This may be related to the 72% increase in criminal lodgements between 2021-22 and 2024-25.

4 Includes 3 matters found not guilty by direction.



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 has been outlined in previous Annual Reports and essentially is as follows:

- The purpose is 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 Abuse.[5]

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

- Sexual offence/s;
- 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 to 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 as soon as practicable after the matter is first listed in the Supreme Court.

The *Evidence (Children and Special Witnesses) Act 2001* permits certain witnesses, including children, to give evidence at a special hearing before the jury is empanelled and to have that evidence video-recorded by the Court and played 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 are held so directions can be made to enable the child to understand the questions and help them communicate their answers. At directions hearings convened by the judge, timetables are imposed to progress the matter and reduce delay. These procedures now form an integral part of the case management undertaken by the judges.

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.

5 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 can be seen that cases involving special hearings, also known as pre-recordings are the norm: Table 2.

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 matter can be progressed, as well as the fact that, in Tasmania criminal cases 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.

In the 2025-26 year there was an improvement compared with previous years reflected in an increase in the number of child complainants whose evidence was given within 12 months (see Table 5) of the accused's first appearance in the Supreme Court. Notably, the evidence of eight child complainants was pre-recorded within that time.

As foreshadowed in the Annual Report 2024-25, the Court has now collected additional statistics regarding the time taken to finalise trials with a verdict in the current financial year which involved pre-recording of evidence of child complainant/s. For these trials, it is instructive to look at the duration from first appearance to special hearing, and special hearing to trial verdict. The latter timeframe is useful because the time taken to finalise the trial following a special hearing (pre-recording) may have implications for the need to re-call a child complainant as a witness at the trial. For commentary on the data for 2025-26, which concerns trials that concluded within that financial year, see commentary below.

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.

One of the recommendations is for the collection and publication of key data about institutional child sexual abuse cases. Recommendation 16.20.1(a)(iv) calls for data to be published about whether abuse took place in an institutional setting. While the Court does not have the ICT systems to collect structured data about the setting of the alleged abuse, the data has been manually collected from documentation filed with the Court.

Of the 19 relevant lodgements, where the first appearance in the Supreme Court occurred in the 2025-26 financial year (see Table 1), one involved conduct that is alleged to have taken place in an institutional setting. The Court relies on the definition of 'institutional context' used in the Order under the *Commissions of Inquiry Act 1995* (Tas), page 6 at https://www.commissionofinquiry.tas.gov.au/__data/assets/pdf_file/0015/610350/Order-establishing-Commission-of-Inquiry.pdf

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 relate to matters with a first appearance in the Supreme Court in the financial years 2015-16 to 2025-26. The Court's case management approach began during the 2018-19 financial year, in February 2019.

TABLE 1: ALL SEXUAL OFFENCE LODGEMENTS INVOLVING 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
2024-25	32[6]
2025-26	19

#Source: CCMS Lodgements-Detail.

From the 2023-24 year onwards, 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.

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.

From the 2025-26 financial year onwards, Tables 2, 3, 4 and 5 include data with respect to 'special hearings' under the *Criminal Justice (Mental Impairment) Act 1999* which determine whether an accused is 'not guilty' or 'not not guilty'. These hearings are included in the statistics where relevant as they are trials.

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
2024-25	10	6[7]
2025-26	13	2[7]

#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.

When a child complainant's evidence spans more than one day (for the purposes of Table 2 and Table 5), the date the child commenced giving evidence is treated as the relevant date.

For example, in one trial that occurred in the 2025-26 financial year the substantive evidence of the two child complainants was given in the 2024-25 year, but the child complainants were recalled for a further pre-recording in the current financial year. The pre-recording is captured only in the figures for the 2024-25 year given this is when the evidence commenced.

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.

6 This total does not include a matter where there was no date of birth for the complainant beyond an estimate that they would have been 17 or 18 as at the date of the accused's first appearance in the Supreme Court.

7 This total does not include one matter where an accused pleaded guilty but the complainant gave evidence at a disputed facts hearing.

Table 3 shows the number of trials involving child complainants that took place in each financial year from 2020-21 onward. It is noted that some trials involve more than one child complainant, and it may be that pre-recorded evidence was given in a previous financial year.

TABLE 3: NUMBER OF SEXUAL OFFENCE TRIALS INVOLVING CHILD COMPLAINANTS

Registry	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Hobart	2	2	3	0	2[8]	3
Launceston	1	1	2	2	3	2
Burnie	3	4	3	3	3[9]	2
Total	**6**	**7**	**8**	**5**	**8**	**7**

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
2024-25	4	2	1	1	-	9	-	6
2025-26	5	2	-	1	1	20[10]	-	6

#Case management started February 2019.

8 This total includes one trial which commenced in June 2024 and concluded in July 2024. For the purpose of these statistics, trials are to be counted in the financial year in which the verdicts are taken.

9 This total includes one special hearing under Part 2 of the *Criminal Justice (Mental Impairment) Act 1999* (Tas).

10 One matter had a child complainant give evidence at a disputed facts hearing and is counted here.

Table 4:

- Records the outcomes of committals for trial, regardless of whether evidence was given by the child complainant.
- From 2025-26 onwards, counts 'special hearings' under the *Criminal Justice (Mental Impairment) Act 1999* which determine whether an accused is 'not guilty' or 'not not guilty'. Outcomes of 'not not guilty' would be recorded in the 'found guilty' column and outcomes of 'not guilty' would be recorded in the 'found not guilty' column. There are two special hearings with an outcome of 'not not guilty' recorded in this financial year.
- 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 an outcome of 'found guilty' when:
  - a mixed verdict of 'found guilty' and 'found not guilty' where there are multiple charges on an indictment, as one outcome of 'found guilty';
  - 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.
- 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 matter. 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
- Does not include outcomes for matters where there was no verdict, including where there was a hung jury or where the trial was aborted.

Table 4 shows a significant increase in the number of accused committed for trial who changed their plea to guilty after appearing in the Supreme Court. In 19 of 21 cases this obviated the need for the child to give pre-recorded evidence or evidence at trial. It should be noted that the figures of 9 in 2024-25 and 20 in 2025-26 in the Pleaded Guilty – No Pre-Recording category each include a disputed facts hearing where a child complainant was required to give evidence.

FINALISATION OF TRIALS POST PRE-RECORDED EVIDENCE

As noted above, the Court is now collecting additional statistics on the finalisation of trials and the time from pre-recording to verdict. It can be seen from Table 4 that there were five trials (involving seven complainants) with verdicts reached in 2025-26 which involved the earlier pre-recording of complainants' evidence. Of those five trials, the timeframe from first appearance to pre-recording is as follows:

- 2 had pre-recordings in the first 12 months
- 3 had pre-recordings in the period >12 ≤24 months.

In terms of lapse of time from pre-recordings to trial verdicts:

- 4 of the trials were within 12 months
- 1 was within the >12 ≤24 month period.

It is also useful to look at the total period from first appearance to trial verdicts where pre-recordings were held.

In the five trials where pre-recordings were held, the timeframes from first appearance to verdict is as follows:

- 1 within 12 months
- 2 within the >12 ≤24 month period
- 2 took more than 24 months.

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**

	Complainants with Pre-Recording	Complainants with No Pre-Recording
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**
2024-25		
First appearance to evidence ≤12m	-	1
First appearance to evidence >12 ≤24m	10	1
First appearance to evidence >24m	-	4
Total Cases	**10**	**6**
2025-26		
First appearance to evidence ≤12m	8	1
First appearance to evidence >12 ≤24m	4	-
First appearance to evidence >24m	1	1
Total Cases	**13**	**2**

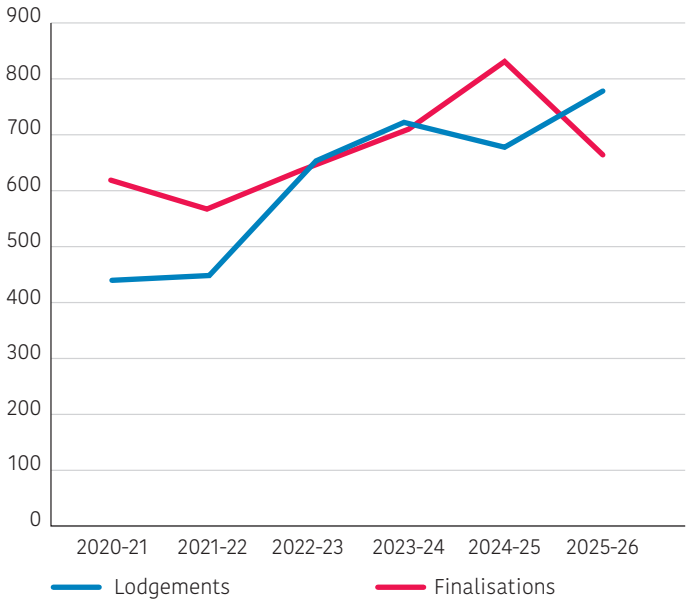
#Case management started February 2019.

Table 5 records the time elapsed between the accused's first appearance in the Supreme Court and the time each child complainant gave evidence, whether by pre-recorded evidence, or at trial.

CIVIL - NON-APPEAL

Civil Non-Appeal	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Variance 2024-25 to 2025-26
Lodgements	434	447	652	724	681	779	+14.4%
Finalisations	612	570	646	713	804	668	-16.9%

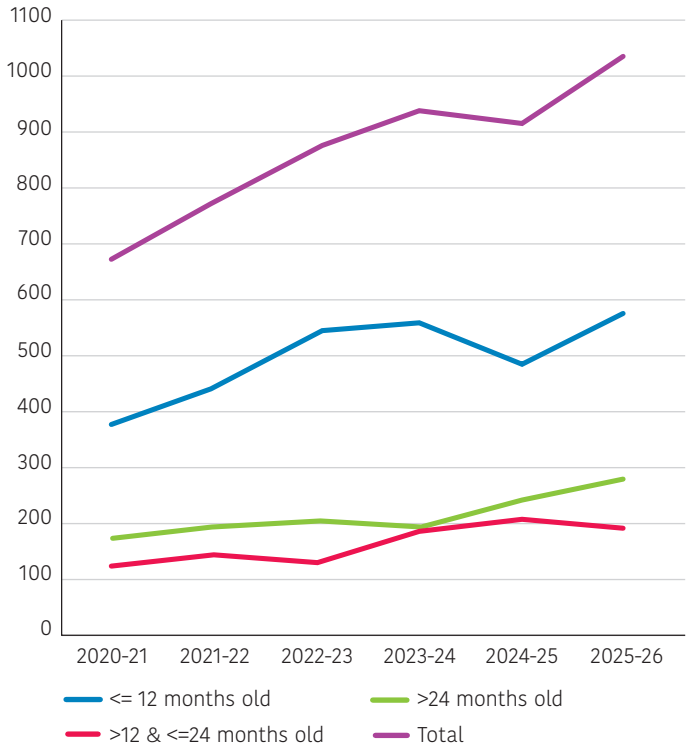
CIVIL NON-APPEAL (No.)



Civil (non-appeal) lodgements for the 2025-26 year increased by 14.4% (98) on the 2024-25 year, following a decrease the previous year of 5.9%. There has been a 79.5% increase in civil lodgements since 2020-21. Finalisations decreased by 16.9% (136) in 2025-26 from the 2024-25 year.

Civil Non-Appeal Pending	2020-21		2021-22		2022-23		2023-24		2024-25		2025-26		Variance 2024-25 to 2025-26
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
<=12 months old	378	56.2	441	56.8	544	62.1	558	59.7	480	51.8	585	55.2	+21.9%
>12 & <= 24 months	124	18.4	144	18.5	129	14.7	184	19.7	204	22.0	195	18.4	-4.4%
>24 months old	171	25.4	192	24.7	203	23.2	193	20.6	243	26.2	279	26.3	+14.8%
Total	**673**		**777**		**876**		**935**		**927**		**1059**		**+14.2%**

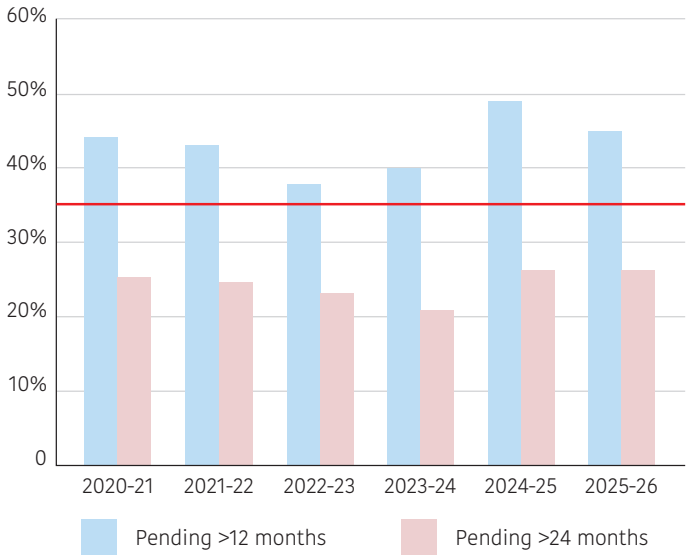
CIVIL NON-APPEAL PENDING (No.)



The civil (non-appeal) pending caseload increased significantly by 14.2% during the reporting year, from 927 in 2024-25 to 1,059. The number of cases older than 24 months has increased again although the proportion has not. The number and the proportion in the 12-24 month category has decreased slightly.

Civil Non-Appeal Case Backlog[11]	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Tasmanian Benchmark
Pending >12 months	44%	43%	38%	40%	48%	45%	35%
Pending >24 months	25%	25%	23%	21%	26%	26%	

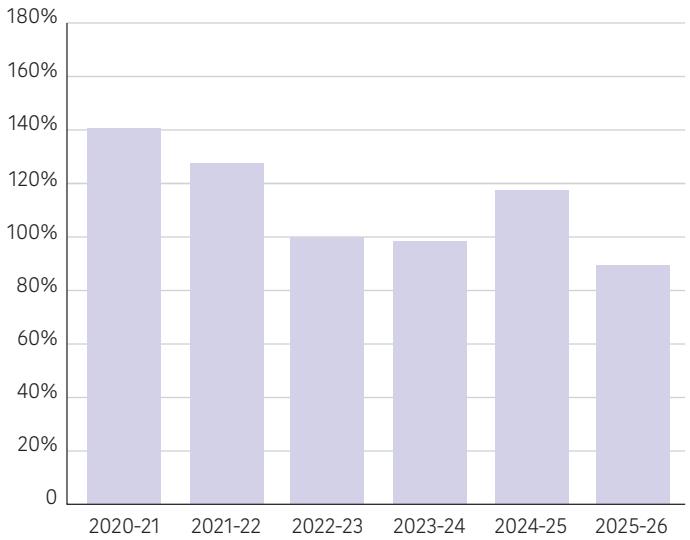
CIVIL NON-APPEAL CASE BACKLOG



There has been a slight decrease in the proportion of pending cases in the greater than 12 month category. The greater than 24 month category is unchanged.

Civil Non-Appeal Clearance Rate	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	141%	128%	99%	98%	118%	86%

CIVIL NON-APPEAL CLEARANCE RATE

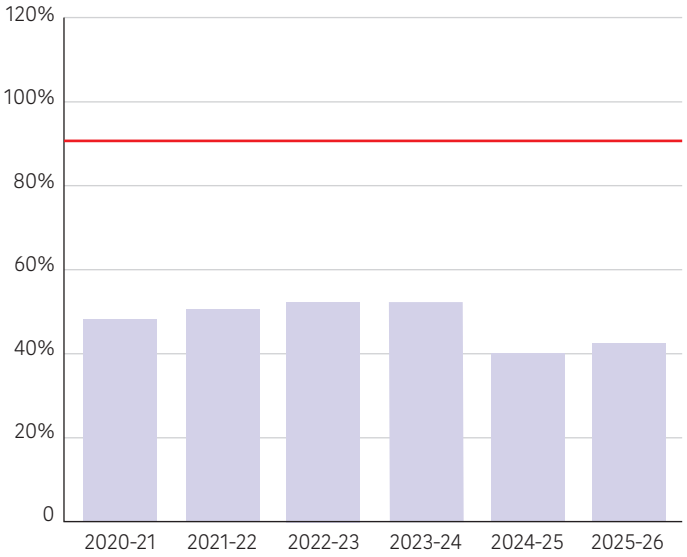


11 The backlog is the proportion of the Court's pending caseload that is older than 12 months. It is derived by comparing the age (in elapsed time) of a court's pending caseload against time benchmarks. The national standard is that no more than 10% of cases be older than 12 months, and no cases be older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

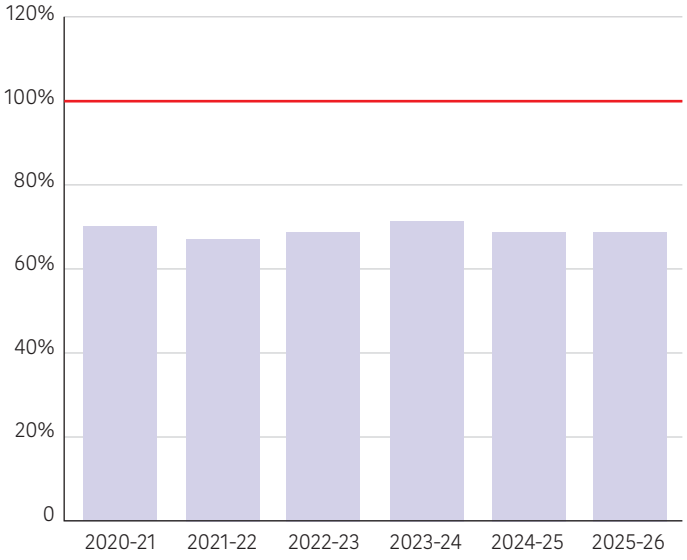
ON-TIME CASE PROCESSING

Civil Non-Appeal Cases Finalised	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	National Benchmark
<=12 months	47%	50%	51%	51%	40%	43%	90%
<=24 months	70%	67%	69%	71%	69%	69%	100%
>24 months	30%	33%	31%	29%	31%	30%	0%

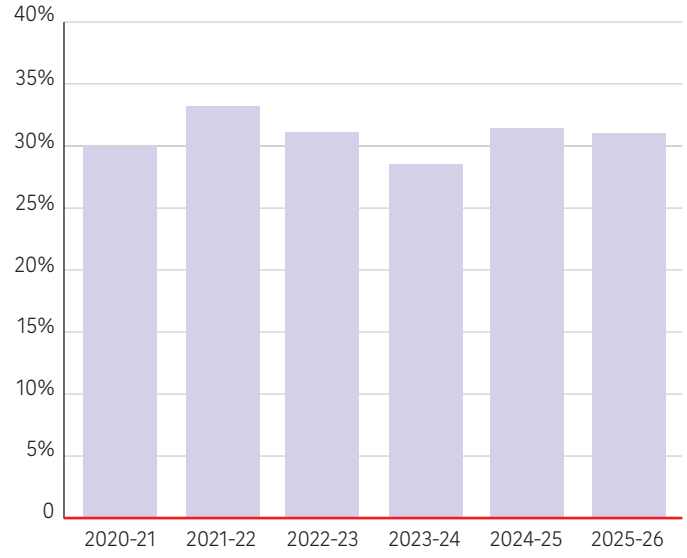
CIVIL NON-APPEAL CASES FINALISED <=12 MONTHS



CIVIL NON-APPEAL CASES FINALISED <=24 MONTHS



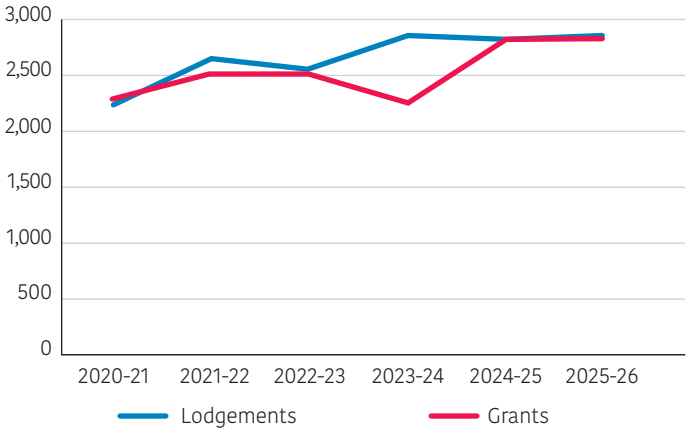
CIVIL NON-APPEAL CASES FINALISED >24 MONTHS



PROBATE JURISDICTION

	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Probate Lodgements	2,257	2,663	2,561	2,842	2,795	2,825
Probate Grants	2,290	2,528	2,502	2,216	2,775	2,783

PROBATE



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 2024-25 year increased on previous years but dropped slightly in 2025-26. 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 to mediations. External mediators were used to assist with the workload throughout the reporting period. The availability of suitable mediation spaces on-site is 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	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Mediations Conducted	189	190	206	137	178	168
Percentage of Matters settled at, or within 30 days of Mediation	81%	58%	90%	56%	48%	51%

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:

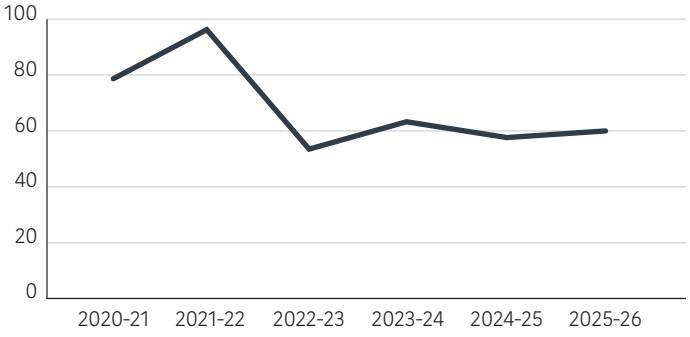
- eligible for admission (which must be certified by the Tasmanian Board of Legal Education), and
- suitable for admission

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	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Total	**79**	**96**	**54**	**63**	**59**	**60**

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

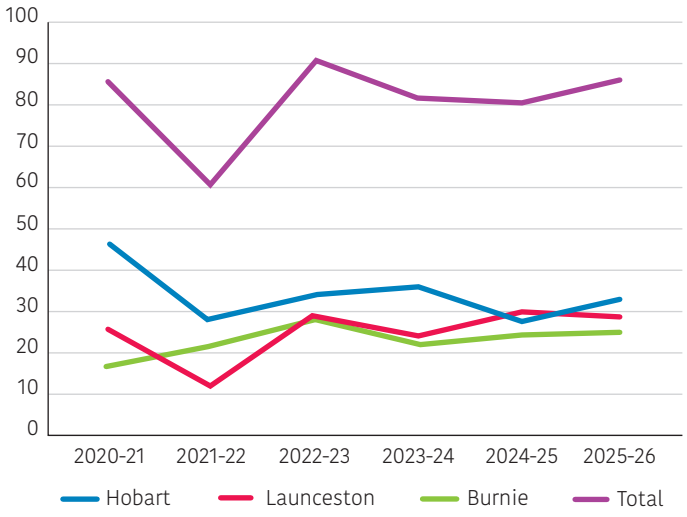
Jurors summonsed	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Hobart	4,982	4,812	4,931	5,113	4,443	4,495
Launceston	5,594	3,063	6,050	5,600	5,615	5,552
Burnie	2,605	3,781	5,464	5,545	5,862	5,709
Total	**13,181**	**11,656**	**16,445**	**16,258**	**15,920**	**15,756**

Jurors attended	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Hobart	1,105	1,163	1,099	1,200	1,392	1,423
Launceston	1,160	589	1,128	959	1,008	1,064
Burnie	472	703	1,038	967	1,160	1,337
Total	**2,737**	**2,455**	**3,265**	**3,126**	**3,560**	**3,824**

Jurors empanelled	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Hobart	502	314	397	437	328	408
Launceston	289	149	310	293	362	350
Burnie	181	252	353	271	281	267
Total	**972**	**715**	**1,060**	**1,001**	**971**	**1,025**

Number of trials	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Hobart	45	28	34	36	27	33
Launceston	25	12	29	24	30	29
Burnie	16	21	28	22	23	24
Total	**86**	**61**	**91**	**82**	**80**	**86**

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	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Writs of execution filed, comprised of:						
Writs of possession[12]	4	8	7	9	19	23
Writs of Fieri Facias[13]	5	4	3	1	10	13
Writs of Venditioni Exponas[14]	0	0	0	0	0	0
Total Writs of execution	**9**	**12**	**10**	**10**	**29**	**36**
Applications for possession of premises, pursuant to s 146 of the *Land Titles Act 1980*[15]	17	53	54	93	87	96

12 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.

13 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.

14 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.

15 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	FY24/25	FY25/26
Recurrent appropriation	7,123,095	7,712,311
Registry fees	385,182	477,986
Provision of transcript	34,584	16,993
Probate fees & charges	4,134,908	4,585,199
Mediation fees	160,121	202,456
Sheriff's fees	25,124	25,156
Court reporting	3,232	1,130
Video conferencing	0	0
Other receipts	1,646,237	1,905,425
TOTAL RECEIPTS	13,512,482	14,926,657

EMPLOYEE-RELATED EXPENDITURE	FY24/25	FY25/26
Salaries & wages	5,794,225	6,409,069
Fringe Benefits Tax	179,464	212,494
Payroll tax	0	0
Superannuation	795,314	907,248
Workers compensation insurance	237,815	261,230
Training	29,103	37,898
Other employee related expenses	251,477	186,781
TOTAL EMPLOYEE-RELATED EXPENDITURE	7,287,397	8,014,719

ADMINISTRATIVE & OTHER EXPENDITURE	FY24/25	FY25/26
Fuel, light & power	158,822	139,354
Advertising & recruitment	65,682	16,607
Rental	3,294	3,447
Communications	70,837	68,301
Travel	526,273	462,675
Consultancies	70,495	143,038
Printing & stationery	83,070	84,276
Rates	255,849	236,804
Repairs & maintenance	436,758	327,230
Minor equipment	22,463	11,095
Library materials	666,947	720,260
Computers & IT	627,880	697,026
Expenses of witnesses	152,791	141,830
Expenses of Jurors	560,313	574,843
Other administrative expenses	1,632,934	1,159,427
TOTAL OTHER EXPENDITURE	5,334,407	4,786,213

RESERVED BY LAW	FY24/25	FY25/26
Salaries & other entitlements of Judges	4,977,966	4,450,674
Salaries & other entitlements of the Associate Judge	478,760	497,596
TOTAL RESERVED BY LAW EXPENDITURE	5,456,726	4,948,270

OVERHEAD CONTRIBUTION TO THE DEPARTMENT OF JUSTICE	**3,476,905**	**3,755,689**

HUMAN RESOURCES

STAFFING	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Judiciary and Support:						
Judges and Associate Judge	7.9	8.1	8.9	8.7	9.6	8.4
Judges' Library	0.5	0.6	0.5	0.6	0.4	0.4
Judicial Support	15.7	14.8	13.7	17.7	19.2	19.4
Registry:						
Civil	4.5	5.5	5.8	3.9	4.3	5.4
Criminal	4.5	4.7	5.9	3.7	5.0	6.3
Probate	2.4	2.3	2.3	2.3	2.3	2.5
Office of the Sheriff	10.2	8.5	7.7	10.5	11.8	13.8
Corporate Services:						
Information Communication Technology	1.4	1.4	1.0	1.1	0.9	0.9
Transcription Services	7.9	6.3	7.1	10.2	9.0	8.1
Mediators	0.4	0.0	0.4	0.0	0.0	0.0
First Line Support Staff	5.4	5.8	7.2	3.9	4.5	4.7
Total	**60.8**	**58.0**	**60.5**	**62.6**	**67.0**	**70.0**

All data reflects actual hours worked.

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



supremecourt.tas.gov.au