

ANNUAL REVIEW 2010 & 2011



Supreme Court
of New South Wales

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FOREWORD BY CHIEF JUSTICE OF NSW

This overview contains a summary of the principal activities of the Court in 2010 and 2011 and the manner in which it seeks to fulfil its obligations as the superior court in New South Wales.

The Review is, of course, an overview and only gives the broadest indication of the breadth and complexity of the work undertaken by the judiciary, their commitment to their judicial responsibilities and the commitment of the registry and its staff in seeking to assure that the Court fulfils its role providing access to justice to the people of New South Wales. As the Review states, I was appointed to the office of Chief Justice in June 2011. One matter which immediately struck me was the dedication and energy which all judges and registry staff apply to the work which they are required to undertake.

The Court cannot function without adequate physical or technological facilities or without an adequate number of judicial officers to enable it to perform its tasks. The refurbishment of the Law Courts Building which is ongoing will ensure that the Court will have adequate physical facilities in the coming years. The technological advances in the courtrooms themselves will contribute to the increasing efficiency of the Courts in dealing with cases involving interstate or international transactions or cases, or hearings where it is unnecessary or inappropriate for solicitors or

litigants to come to Court, or where evidence can be taken without the need for physical attendance. I am also pleased that the Government has indicated that the recent increase in filing fees will be utilised to improve and expand the electronic filing system of the Court and maintain the present level of judicial staff. Both these matters are essential as the Court moves into the 21st Century.

As the Review points out, the Court has an ongoing commitment to the use of alternative dispute resolution. The use of alternative dispute resolution procedures, particularly mediation, is encouraged in all jurisdictions of the Court and commonly required to be undertaken prior to the hearing. In that regard, one of the notable successes of the Court has been the court mediation process in which, as the Review points out, over 50 percent of cases dealt with by it settle without the necessity of a contested hearing.

Can I express my appreciation to all those people involved in the operation of the Court and trust that this Review will provide an informative insight into the work which they undertake.



The Hon TF Bathurst
Chief Justice of NSW

1 2010 & 2011: AN OVERVIEW

- Retirement of the Hon. J J Spigelman, AC, from the office of Chief Justice of New South Wales
- Appointment of the Hon. T F Bathurst as the 17th Chief Justice of New South Wales
- Refurbishment of the Law Courts Building in Queens Square
- Court operations
- Education and public information
- Consultation with Court users

Retirement of the Hon. J J Spigelman, AC, from the office of Chief Justice of New South Wales

On 31 May 2011, the Hon. James Jacob Spigelman, AC retired as the 16th Chief Justice of New South Wales. The Hon. Mr Spigelman retired 6 days after completing 13 years' service in the office, having been sworn in on 25 May 1998. When announcing his resignation, his Honour cited reduced court delays, the implementation of innovative case management practices, increased use of technology, and the significant investment in the refurbishment of the Court's principal premises, the Law Courts Building, as administrative highlights of his time in office. Upon the occasion of his retirement, his Honour addressed some of the judicial initiatives he personally instigated, including reinforcing traditional ties with the United Kingdom's judiciary, and increasing interaction between the Supreme Court of New South Wales and members of the judiciary in the Asia-Pacific region, particularly, the People's Republic of China.

Appointment of the Hon. T F Bathurst as the 17th Chief Justice of New South Wales

On 1 June 2011, Thomas Frederick Bathurst, QC was sworn in as the 17th Chief Justice of New South Wales. Prior to his appointment, Chief Justice Bathurst was formerly President of the NSW Bar Association, had previously held the office of President of the Australia Bar Association, and practised extensively throughout Australia as a commercial lawyer, particularly in the areas of banking, insurance, property, trade practices and competition law. On the occasion of his Honour's swearing in, Chief Justice Bathurst acknowledged the potentially invaluable role that the increased application of technology and alternative dispute resolution in modern litigation. His Honour also spoke to the important role the media can play in ensuring the public remains engaged with the Court and the judiciary.



Photographs from the Ceremony marking the retirement of the Hon. J J Spigelman, AC © Gillian Tedder Photography P/L

Chief Justice T F Bathurst in full ceremonial robes on the occasion of his Honour's Swearing In © Gillian Tedder Photography P/L

Refurbishment of the Law Courts Building in Queens Square

Significant progress on the staged refurbishment of the Law Courts Limited Building was made in 2010 and 2011. By the end of 2011, 24 out of 32 courtrooms had been renovated, and work had already commenced on the remaining courtrooms on Levels 10 and 13.

In October 2010, renovated courtrooms on Levels 7 and 12 were officially opened. With the re-opening of Level 12, the Court gained access to a new President's Court and a large appeals court, Court 12D, which is capable of accommodating five judges at the bench, 38 legal practitioners at the bar table and 30 – 40 people in the public gallery. Court 12D is also compatible with E-Court, a service that enables practitioners at the bar table to view real-time transcripts of proceedings on their laptop computers. On Level 7, improvements were made to modernise the courtrooms and acoustics.

Less than a year later, in September 2011, the renovated courtrooms on Levels 8 and 11 were officially opened. All 10 of the refurbished courtrooms on Level 8 and 11 have in-court technology installed, with most now also equipped with high definition audio-visual technology capable of transmitting will improved recorded evidence and remote witness testimony. The civil jury courtroom on Level 10 was specifically designed to accommodate, for the first time, a jury member requiring access to the jury box and deliberation room by wheelchair.

Court operations

The years 2010 and 2011 were challenging for the Court. In general, listing delays and the age of the Court's pending caseload both increased across the various areas of its operations. A range of complex factors has contributed to these results during the two-year period. In the Court of Appeal, fewer cases settled and more proceeded to hearings in which substantive judgments were required. In the Court of Criminal Appeal, the number of conviction appeals increased by seven per cent between 2010 and 2011. As the hearing time required to determine a conviction appeal is usually at least double that

required for a sentence-only appeal, fewer cases could be listed within the available hearing time. With respect to the Court's first instance criminal cases, the number of defendants entered into the Criminal List was 30 per cent higher at the end of 2011 than at the end of 2009. Furthermore, the average estimated hearing length of trials increased throughout the two-year period, as did the number of guilty pleas taken after the Court had set a trial date (36 pleas were taken after arraignment in 2010, and 29 were taken in 2011; in 2009, the figure was 22).

In terms of the Court's first instance civil jurisdiction, the implementation of a new case management system, JusticeLink, at the end of 2009 necessitated a complete re-design of the reports used to monitor and analyse the Court's caseload. The development of new reports has been a particularly challenging undertaking as the variety of data captured in JusticeLink, and the manner in which that data is stored, is fundamentally different to the system it replaced, and significantly more complex. Considerable progress towards the development of detailed operational reports was made in 2011, which has allowed the Court to extract crucial caseload statistics from JusticeLink that have been reproduced in this Review.

However, the unavailability for the past two years of an operational report from which the Court could identify inactive cases eligible for closure of its own motion under provisions in the Uniform Civil Procedure Rules 2005 has resulted in an artificial increase in the age and size of its pending civil caseload at the end of 2011. The Court is confident that its operational statistics for 2012 will more accurately illustrate the composition of its civil caseload once it has been able to resume its practice of identifying and closing potentially inactive cases.

Detailed analysis of the Court's caseload and its achievements against time standards are found in Chapter 4 of this Review. This chapter should be read in conjunction with the comprehensive statistical data in Appendix (i).

Education and public information

Many judicial officers updated and developed their skills and knowledge during the year by attending conferences, seminars and workshops, some of which were specifically tailored to the Court's needs. The Public Information Officer continued to provide the media, and consequently the general public, with reliable information about contentious issues and court proceedings. During 2010 and 2011, the Registrars addressed over 1,400 students and members of the general public each year, providing the attendees with a unique insight into the Court's work and its place in the State's legal system. These are some of the activities featured in Chapter 5 of the Review, and in the case of judicial education, elaborated in further detail at Appendix (iii).

Consultation with Court users

The Court continued to work closely with its users to improve systems and procedures through a network of Committees and User Groups. Representatives on the Committees and User Groups include judicial officers (from this Court and other jurisdictions), senior registry staff and representatives from justice agencies and the legal profession. A list of the Court's Committees and User Groups and their members during 2010 and 2011 forms Appendix (ii) to this Review.

2 COURT PROFILE

- The Court's jurisdiction and Divisions
- Who makes the decisions?
- Supporting the Court: the Registry

THE COURT'S JURISDICTION AND DIVISIONS

The Supreme Court of New South Wales: our place in the court system

The court system in New South Wales is structured on a hierarchical basis. The Supreme Court is the superior court of record in New South Wales and, as such, has an inherent jurisdiction in addition to its specific statutory jurisdiction.

The Supreme Court has appellate and trial jurisdictions. The appellate courts are the:

- Court of Appeal, and
- Court of Criminal Appeal.

The trial work of the criminal and civil jurisdictions is divided between two Divisions:

- Common Law Division, and
- Equity Division.

This structure facilitates the convenient despatch of business in accordance with the provisions under section 38 of the *Supreme Court Act 1970*.

Section 23 of the *Supreme Court Act 1970* provides the Court with all jurisdiction necessary for the administration of justice in New South Wales. The Supreme Court has supervisory jurisdiction over other courts and tribunals in the State. The Court generally exercises its supervisory jurisdiction through its appellate courts.

The Industrial Court of New South Wales and the Land and Environment Court of New South Wales are specialist courts of statutory jurisdiction. The Judges of these courts have the status of Supreme Court Judges.

The District Court of New South Wales is an intermediate court whose jurisdiction is determined by statute. The Local Court sits at the bottom of the hierarchy of New South Wales courts, and has broad criminal and civil jurisdictions. There are also tribunals and commissions in New South Wales with statutory powers similar to the District and Local Courts.

Figures 2.1 and 2.2 overleaf illustrate the court hierarchy in New South Wales and the gateways to appeal in the criminal and civil jurisdictions.

Court of Appeal

The Court of Appeal is responsible for hearing appeals in civil matters against the decisions of the judicial officers of the Supreme Court, other courts, commissions and tribunals within the State, as prescribed in the *Supreme Court Act 1970*.

Court of Criminal Appeal

The Court of Criminal Appeal hears appeals from criminal proceedings in the Supreme Court, the Industrial Court, the Land and Environment Court, the District Court and the Drug Court. Appeals may challenge convictions and sentences imposed upon indictment or in the trial court's summary jurisdiction, or interlocutory orders made by the trial court. Appeals from committal proceedings in the Local Court may also be heard in certain circumstances.

Sittings of the Court of Criminal Appeal are organised on a roster basis whilst taking into account the other regular judicial duties and commitments of the Judges who form the Court's bench. The Judges who sit in the Court of Criminal Appeal are the Chief Justice, the President, the Judges of the Court of Appeal, the Chief Judge at Common Law and Judges of the Common Law Division. During 2010 and 2011, the Court of Criminal Appeal benches comprised at least two Common Law judges, with the presiding judge being either the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

Common Law Division

The Division hears both criminal and civil matters. The criminal matters heard involve homicide offences and offences where the prosecution seeks life imprisonment. Other matters involving serious criminality or the public interest may be brought before the Court with the Chief Justice's approval. The Judges of the Division also hear bail applications, matters concerning proceeds of crime, and post-conviction inquiries.

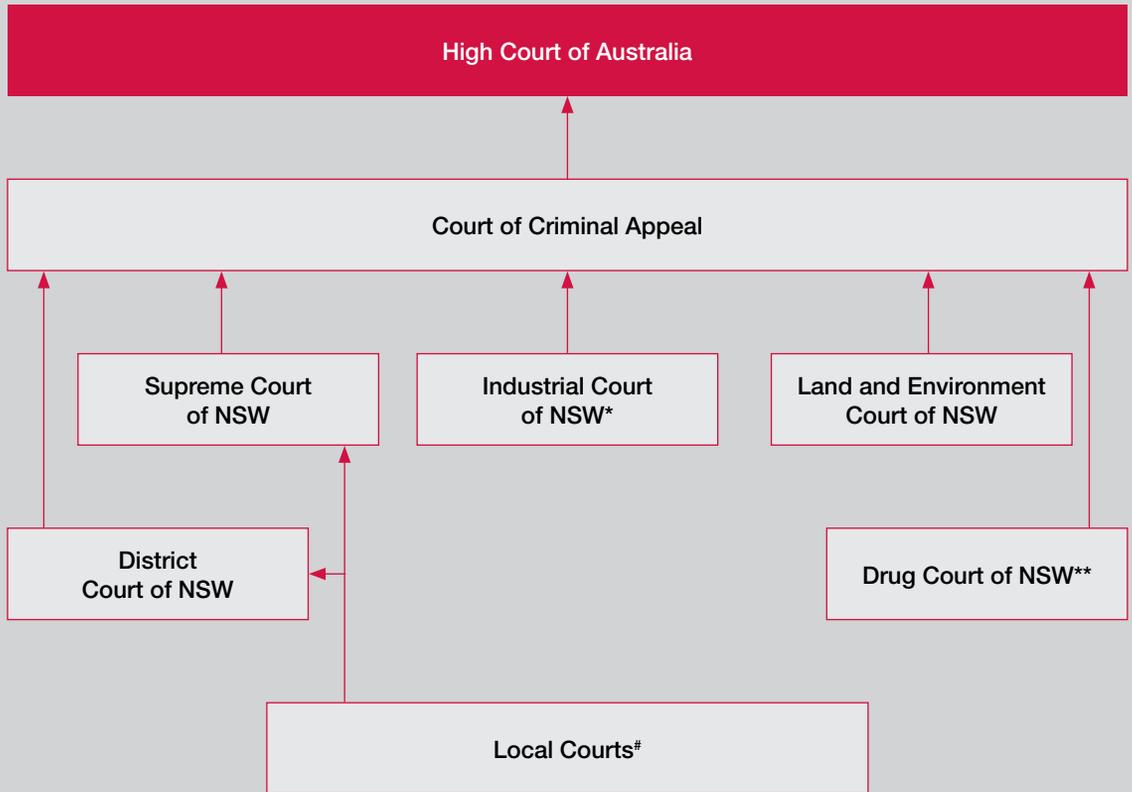
The Division deals with all serious personal injury and contractual actions, in which the Court has unlimited jurisdiction. The civil business of the Division also comprises:

- claims for damages;
- claims of professional negligence;
- claims relating to the possession of land;
- claims of defamation;
- administrative law cases seeking the review of decisions by government and administrative tribunals; and
- appeals from Local courts.

Equity Division

The Equity Division exercises the traditional equity jurisdiction dealing with claims for remedies other than damages and recovery of debts, including contractual actions, rights of property, and disputes relating to partnerships, trusts, and deceased estates. The Division hears applications brought under numerous statutes, including the *Corporations Act 2001 (Cth)*, the *Succession Act 2006*, and the *Property (Relationships) Act 1984*. The Division also handles a diverse range of applications in the areas of Admiralty law, Commercial law, Technology and Construction, Probate and the Court's Adoption and Protective jurisdictions.

Figure 2.1 **NSW Court system – criminal jurisdiction**



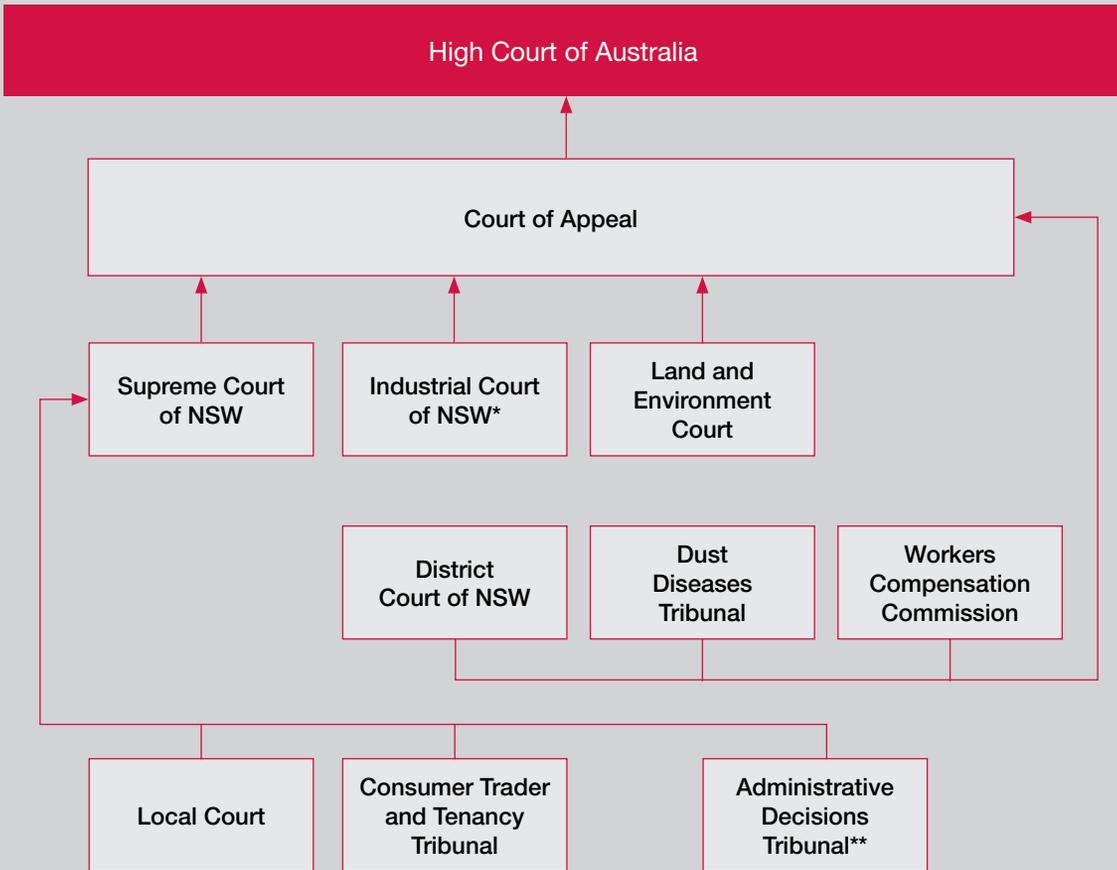
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

* The Court of Criminal Appeal may hear some appeals in matters relating to section 32A of the *Occupational Health and Safety Act 2000*

** Some appeals are made to the District Court of NSW.

Some appeals from committal proceedings may be made to the CCA.

Figure 2.2 **NSW Court system – civil jurisdiction**



Note: The above diagram is a simplified representation of the appeal and judicial review process in NSW. Actual appeal rights are determined by the relevant legislation.

* No appeal lies to the Court of Appeal from decision of the Industrial Court of NSW; however, some proceedings may be brought by way of judicial review.

** Some claims may instead be made directly to the Court of Appeal pursuant to Section 48 of the *Supreme Court Act 1970*.

WHO MAKES THE DECISIONS?

The Judicial Officers of the Supreme Court of New South Wales are its Judges and Associate Judges. The Registrars of the Court have limited decision-making powers.

The Judges

The Governor of New South Wales formally appoints the Judges of the Court following a decision by Cabinet. Judicial appointments are made on the basis of a legal practitioner's integrity, high level of legal skills and the depth of his or her practical experience.

The Governor appoints judges pursuant to section 25 of the *Supreme Court Act 1970*. Section 25 specifies that the Court will include: a Chief Justice, a President of the Court of Appeal and such other Judges of Appeal, Judges and Associate Judges, as the Governor may appoint from time to time. The Governor is also empowered to appoint qualified persons as Acting Judges of Appeal or Acting Judges when the need arises.

The Chief Justice is, by virtue of his office, a Judge of Appeal, and the senior member of the Court of Appeal. The other members of the Court of Appeal are the President and the other Judges of Appeal. The Judges of the Court are assigned to specific Divisions, and ordinarily confine their activities to the business of those Divisions. In certain circumstances, the Chief Justice may certify that a particular Judge should act as an additional Judge of Appeal in certain proceedings before the Court of Appeal.

The *Supreme Court Act 1970* also provides that the Chief Justice may appoint Judges to administer a specific list within the Common Law or Equity Divisions. Details of the Judges assigned to these lists in 2010 and 2011 can be found in the chapter entitled *Caseflow Management*.

The table overleaf details the Judges, in order of seniority, as at 31 December 2010 and 31 December 2011.

As at 31 December 2010

Chief Justice

The Honourable James Jacob Spigelman AC

President

The Honourable Justice James Bain Allsop

Judges of Appeal

The Honourable Justice Margaret Joan Beazley AO

The Honourable Justice Roger David Giles

The Honourable Justice David Hargraves Hodgson AO

The Honourable Justice Murray Herbert Tobias AM RFD

The Honourable Justice Ruth Stephanie McColl AO

The Honourable Justice John Basten

The Honourable Justice Joseph Charles Campbell

The Honourable Justice Robert Bruce Macfarlan

The Honourable Mr Justice Peter Wolstenholme Young AO

Chief Judge at Common Law

The Honourable Justice Peter David McClellan AM

Chief Judge in Equity

The Honourable Justice Patricia Anne Bergin

Judges

The Honourable Mr Justice Bruce Meredith James

The Honourable Mr Justice Robert Shallcross Hulme

The Honourable Justice Carolyn Chalmers Simpson

The Honourable Justice Peter John Hidden AM

The Honourable Justice Clifford Roy Einstein

The Honourable Justice Michael Frederick Adams

The Honourable Justice David Kirby

The Honourable Justice Anthony Gerard Joseph Whealy

The Honourable Justice Reginald Ian Barrett

The Honourable Justice George Alfred Palmer AM

The Honourable Justice Terence Lionel Buddin

The Honourable Justice Ian Vitaly Gzell

The Honourable Justice William Henric Nicholas

The Honourable Justice Robert Calder McDougall

The Honourable Justice John David Hislop

The Honourable Justice Richard Weeks White

The Honourable Justice Clifton Ralph Russell Hoeben AM RFD

The Honourable Justice Peter Anthony Johnson

The Honourable Justice Peter Michael Hall

The Honourable Justice Megan Fay Latham
The Honourable Justice Stephen Rothman AM
The Honourable Justice Paul Le Gay Brereton AM
RFD
The Honourable Justice Derek Michael Price AM
The Honourable Justice David Jacob Hammerschlag
The Honourable Justice Ian Gordon Harrison
The Honourable Justice Elizabeth Lillian Fullerton
The Honourable Justice Lucy McCallum
The Honourable Justice Nigel Geoffrey Rein
The Honourable Justice Julie Kathryn Ward
The Honourable Justice Robert Allan Hulme
The Honourable Justice Michael John Slattery
The Honourable Justice David Lloyd Davies
The Honourable Justice Monika Schmidt
The Honourable Justice Michael Andrew Pembroke
The Honourable Justice Michael Lee Ball
The Honourable Justice Peter Richard Garling RFD

As at 31 December 2011

Chief Justice

The Honourable Thomas Frederick Bathurst

President

The Honourable Justice James Bain Allsop

Judges of Appeal

The Honourable Justice Margaret Joan Beazley AO
The Honourable Justice Ruth Stephanie McColl AO
The Honourable Justice John Basten
The Honourable Justice Joseph Charles Campbell
The Honourable Justice Robert Bruce Macfarlan
The Honourable Mr Justice Peter Wolstenholme
Young AO
The Honourable Justice Anthony Gerard Joseph
Whealy
The Honourable Justice Anthony Meaghe

Chief Judge at Common Law

The Honourable Justice Peter David McClellan AM

Chief Judge in Equity

The Honourable Justice Patricia Anne Bergin

Judges

The Honourable Mr Justice Robert Shallcross Hulme
The Honourable Justice Carolyn Chalmers Simpson
The Honourable Justice Peter John Hidden AM
The Honourable Justice Clifford Roy Einstein
The Honourable Justice Michael Frederick Adams
The Honourable Justice Reginald Ian Barrett
The Honourable Justice Terence Lionel Buddin
The Honourable Justice Ian Vitaly Gzell
The Honourable Justice William Henric Nicholas
The Honourable Justice Robert Calder McDougall
The Honourable Justice John David Hislop
The Honourable Justice Richard Weeks White
The Honourable Justice Clifton Ralph Russell
Hoeben AM RFD
The Honourable Justice Peter Anthony Johnson
The Honourable Justice Peter Michael Hall
The Honourable Justice Megan Fay Latham
The Honourable Justice Stephen Rothman AM
The Honourable Justice Paul Le Gay Brereton AM
RFD
The Honourable Justice Derek Michael Price AM
The Honourable Justice David Jacob Hammerschlag
The Honourable Justice Ian Gordon Harrison
The Honourable Justice Elizabeth Lillian Fullerton
The Honourable Justice Lucy McCallum
The Honourable Justice Nigel Geoffrey Rein
The Honourable Justice Julie Kathryn Ward
The Honourable Justice Robert Allan Hulme
The Honourable Justice Michael John Slattery
The Honourable Justice David Lloyd Davies
The Honourable Justice Monika Schmidt
The Honourable Justice Michael Andrew Pembroke
The Honourable Justice Michael Lee Ball
The Honourable Justice Peter Richard Garling RFD
The Honourable Justice John Robertson Sackar
The Honourable Justice Ashley John Black
The Honourable Justice Christine Elizabeth
Adamson

Acting Judges

The following table details those persons who held commissions as acting judges during the 2010 and 2011 calendar years. Unless otherwise indicated in brackets, the judicial officer's commission was effective for the entire calendar year.

Acting Judges are asked to preside over specific hearings as the need arises. The total number of days each person acted as a Judge of the Court during 2010 and 2011 years is also detailed in brackets.

2010

Acting Judges of Appeal (in alphabetical order)

- The Honourable John Purdy Bryson QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 1 January and 30 April, and 1 July and 31 December; acted as a Judge and Judge of Appeal for 69 days).
- The Honourable Kenneth Robert Handley AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 29 January and 31 December; acted as a Judge and Judge of Appeal for 161 days).
- The Honourable Kevin Edmund Lindgren QC, former Judge of the Federal Court of Australia (commission effective between 31 May and 3 September; acted as a Judge and Judge of Appeal for 89 days).
- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (commission effective between 1 January and 15 April, and 1 July and 31 December; acted as a Judge and Judge of Appeal for 6 days).
- The Honourable Ronald Sackville AO QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 166 days).
- The Honourable Brian John Michael Tamberlin QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 77 days).

Acting Judges (in alphabetical order)

- The Honourable Graham Russell Barr QC, former Judge of the Supreme Court of New South Wales (commission effective between 1 July and 31 December; acted as a Judge for 122 days).
- The Honourable Peter Meldrum Biscoe, a Judge of the Land and Environment Court of New South Wales (commission effective between 9 March and 28 May; acted as a Judge for 41 days).
- The Honourable John Perry Hamilton QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 50 days).
- The Honourable Roderick Neil Howie QC, former Judge of the Supreme Court of New South Wales (commission effective between 6 September and 31 December; acted as a Judge for 20 days).
- The Honourable Rex Foster Smart, former judge of the Supreme Court of New South Wales (commission effective between 20 March and 31 December; acted as a Judge for 105.5 days).
- The Honourable Timothy James Studdert QC, former judge of the Supreme Court of New South Wales (commission effective between 1 January and 4 November; acted as a Judge for 67 days).
- The Honourable William Victor Windeyer AM RFD ED, former judge of the Supreme Court of New South Wales (commission effective between 15 March and 28 May, and 27 September and 5 November; acted as a Judge for 80 days).

2011

Acting Judges of Appeal (in alphabetical order)

- The Honourable John Purdy Bryson QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 24 October and 16 December; acted as a Judge and Judge of Appeal for 40 days).
- The Honourable Kenneth Robert Handley AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 173 days).
- The Honourable David Hargraves Hodgson AO, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 10 August and 31 December; was not required to act as a Judge of the Court during this period).

- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 49 days).
- The Honourable Ronald Sackville AO QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 171 days).
- The Honourable Brian John Michael Tamberlin QC, former Judge of the Federal Court of Australia (commission effective between 1 January and 30 June; acted as a Judge and Judge of Appeal for 42 days).
- The Honourable Murray Herbert Tobias AM RFD QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 2 May and 31 December 2011; acted as a Judge and Judge of Appeal for 118 days).

Acting Judges (in alphabetical order)

- The Honourable Graham Russell Barr QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 106 days).
- The Honourable Michael Brian Grove QC, former Judge of the Supreme Court of New South Wales (commission effective between 31 January and 31 December; acted as a Judge for 93 days).
- The Honourable John Perry Hamilton QC, former Judge of the Supreme Court of New South Wales (commissions effective between 1 January and 30 June, but was not required to act as a Judge during this period).
- The Honourable Roderick Neil Howie QC, former Judge of the Supreme Court of New South Wales (commission effective between 1 January and 30 June, but was not required to act a Judge during this period).
- The Honourable Rex Foster Smart QC, former judge of the Supreme Court of New South Wales (acted as a Judge for 57.5 days).
- His Honour Judge Stephen Lewis Walmsley SC, Judge of the District Court of New South Wales (commission effective between 9 September and 16 December; acted as a Judge for 65 days).
- The Honourable William Victor Windeyer AM RFD ED, former judge of the Supreme Court of New South Wales (commissions effective between 18 April and 24 June and 31 October and 25 November; acted as a Judge for 66 days).

Appointments

- Michael Andrew Pembroke SC was appointed a Judge of the Supreme Court on 12 April 2010.
- Michael Lee Ball was appointed a Judge of the Supreme Court on 13 April 2010.
- Peter Richard Garling RFD SC was appointed a Judge of the Supreme Court on 7 June 2010.
- Phillip Hallen SC was appointed an Associate Judge of the Supreme Court on 5 July 2010.
- John Robertson Sackar QC was appointed a Judge of the Supreme Court on 1 February 2011.
- Thomas Frederick Bathurst QC was appointed as the Chief Justice of New South Wales on 1 June 2011.
- John Ashley Black was appointed a Judge of the Supreme Court on 4 July 2011.
- Anthony John Meagher SC was appointed a Judge of the Supreme Court on 10 August 2011.
- Christine Elizabeth Adamson SC was appointed a Judge of the Supreme Court on 17 October 2011.

Retirements

- The Honourable Justice Robert Peter Austin retired on 5 March 2010.
- The Honourable Justice Robert Gabor Forster retired on 26 March 2010.
- The Honourable Justice Roderick Neil Howie retired on 14 May 2010.
- The Honourable Associate Justice John Kennedy McLaughlin retired on 4 July 2010.
- The Honourable Mr Justice Michael Brian Grove RFD retired on 11 October 2010.
- The Honourable Justice Murray Herbert Tobias AM RFD retired on 25 March 2011.
- The Honourable James Jacob Spigelman AC, Chief Justice of New South Wales, retired on 31 May 2011.
- The Honourable Justice George Alfred Palmer AM retired on 3 June 2011.
- The Honourable Justice David Hargraves Hodgson AO retired on 9 August 2011.
- The Honourable Justice David Kirby retired on 14 October 2011.
- The Honourable Justice Bruce Meredith James retired on 9 December 2011.
- The Honourable Justice Roger David Giles retired on 23 December 2011.

The Associate Judges

The Governor appoints Associate Judges to the Court under section 111 of the *Supreme Court Act 1970*. Associate Judges are usually assigned to perform work within either the Equity or Common Law Division, but may be asked to work outside the confines of these Divisions in the interests of flexibility.

The work of the Associate Judges generally involves hearing applications that arise before trial, certain types of trial work and work on proceedings that the Court of Appeal or a Judge may refer to them.

Applications that arise before trial include:

- applications for summary judgment;
- applications for dismissal of proceedings;
- applications for extensions of time to commence;
- proceedings under various Acts; and
- applications for the review of decisions of Registrars.

In the Common Law Division, Associate Judges conduct trials of actions for personal injury and possession of property. Associate Judges also hear other trials (without a jury) that are referred to them by the Court of Appeal or a Judge, in addition to appeals from the Local Court and various tribunals.

In the Equity Division, Associate Judges deal with proceedings under the *Family Provision Act 1982* and the *Property (Relationships) Act 1984*, and applications for the winding up of companies under the *Corporations Act 2001 (Cth)*. They also deal with inquiries as to damages, or accounts referred to them by the Court of Appeal or Equity Judges, along with applications relating to the administration of trusts, and certain probate matters.

As at 31 December 2010 and 31 December 2011, the Associate Judges were:

- The Honourable Associate Justice Richard Hugh Macready;
- The Honourable Associate Justice Joanne Ruth Harrison; and
- The Honourable Associate Justice Phillip Hallen.

The Registrars

Registrars to the Court are appointed under section 120 of the *Supreme Court Act 1970* pursuant to the provisions of the *Public Sector Management Act 2002*. The Chief Justice may also certify officers of the Supreme Court or Local Courts to act as deputy registrars of the Court from time to time.

Registrars are allocated to work within the Court of Appeal, the Court of Criminal Appeal, or to one of the Court's Divisions. However, they are permitted to work outside these boundaries if required.

Registrars are afforded limited powers of the Court under the *Supreme Court Rules 1970* and the *Uniform Civil Procedure Rules 2005*, and undertake some of the functions formerly performed by Judges and Associate Judges.

The work of the Registrars commonly includes:

- defended applications in relation to security for costs, discovery, interrogatories, provision of particulars and subpoenas;
- costs disputes if the amount in question is unlikely to exceed \$20,000;
- unopposed applications for the removal of cases to, or from, the District Court;
- conducting examinations under various Acts, including the *Corporations Act 2001 (Cth)* and the *Proceeds of Crime Act 1987 (Cth)*;
- dealing with applications for orders under many of the provisions of the *Corporations Act 2001 (Cth)*, such as the winding up of companies;
- handling applications as referred to them by an Associate Judge;
- issuing court orders and writs of execution; and
- entering default judgments.

The *Supreme Court Rules 1970* and delegations under the *Civil Procedure Act 2005* permit Registrars to directly assist the Judges in caseload management. For instance, in the Court of Appeal, the Registrar deals with most interlocutory applications, excluding applications to stay judgment pending an appeal; in the Common Law Division, a Registrar conducts status and final conferences in the General Case Management List, and also assists the Possession List and Professional Negligence List Judges.

The Registrars may also be called upon to mediate cases. During 2010, eight of the Court's Registrars were qualified mediators and available to conduct mediations throughout the year on a rostered basis.

Deputy Registrars are rostered to act as Duty Registrar and provide procedural assistance to court users in the Registry each day. They also attend to the issue of court orders, writs of execution and other miscellaneous matters.

The Registrars, as at 31 December 2010 and 31 December 2011, were as follows:

31 December 2010

Acting Chief Executive Officer and Principal Registrar

Paul McKnight

Manager, Court Services and Prothonotary

Steven Jupp

Registrar, Court of Appeal

Jerry Riznyczok

Registrar, Crime and Court of Criminal Appeal

Michael Crompton

Registrar, Common Law Case Management

Christopher Bradford

Registrar in Equity

Leonie Walton

Registrar, Corporations List

Andrew Musgrave

Senior Deputy Registrars

Paul Studdert

Nicholas Flaskas

James Howard

Deputy Registrars

Emoke Durkin

Bhaskari Siva

Suzin Yoo

Brendan Bellach

Irina Hoskinson (acting)

31 December 2011

Chief Executive Officer and Principal Registrar

Linda Murphy

Manager, Court Services and Prothonotary

Steven Jupp

Registrar, Court of Appeal

Jerry Riznyczok

Registrar, Crime and Court of Criminal Appeal

Michael Crompton

Registrar, Common Law Case Management

Christopher Bradford

Acting Registrar in Equity

Andrew Musgrave

Acting Registrar, Corporations List

James Howard

Senior Deputy Registrars

Paul Studdert

Nicholas Flaskas

James Howard

Deputy Registrars

Emoke Durkin

Bhaskari Siva

Suzin Yoo

Brendan Bellach

Rebel Kenna

Irina Hoskinson (acting)

SUPPORTING THE COURT: THE REGISTRY

The Work of the Registry

The Court operates with the support of the Registry that provides administrative and clerical support to the Court. In civil matters, the Registry is responsible for: accepting documents filed at the Court; securing the custody of court documents including exhibits and documents produced under subpoena; listing matters for hearing; issuing court process; attending to the information needs of the Court's users by providing procedural guidance; maintaining the Court's physical files and computer records, and ensuring that all the necessary facilities are available for hearings. In criminal matters, the Registry provides support in processing committals, bail applications, applications under Part 7 of the *Crimes (Appeal and Review) Act 2001* and Common Law Division criminal summary jurisdiction proceedings.

In respect of the Court of Appeal, the Registry provides specialist administrative and clerical support to the Court of Appeal's judges and offers procedural guidance to litigants and their representatives. Similarly, in criminal appeal matters, the Registry provides support to the Court of Criminal Appeal's judges and users, and also enforces orders concerning the custody of prisoners.

How the Registry is managed

The Chief Justice directs the priorities to be pursued by the Registry. In general, the priorities reflect the central aim of meeting the expectations of Court users competently, efficiently and professionally.

Day to day management of the Registry is handled by the Chief Executive Officer and Principal Registrar of the Court. The Chief Executive Officer is also responsible for securing and managing the resources the NSW Department of Justice and Attorney General provides the Court, providing executive support to the Court's judicial officers and developing strategies to improve the delivery of Registry services. The Chief Executive Officer undertakes these duties in close consultation with the Chief Justice, other judicial officers, the Department, and representatives from key professional bodies and other Court users.

3 CASEFLOW MANAGEMENT

- Overview by jurisdiction
- Regional sittings of the Court
- Alternative dispute resolution

INTRODUCTION

The Court manages the flow of its cases from inception to completion in a number of different ways, and is continually looking to improve its processes and outcomes.

Caseflow management strategies are reflected in the Uniform Civil Procedure Rules, the Rules of the Supreme Court and the Practice Notes issued by the Chief Justice. The Judges, Associate Judges and Registrars work together to ensure that cases are resolved as efficiently and justly as possible.

Commonly, cases will be allocated to Registrars to establish the core arguments in dispute and determine when cases should progress to hearing before a Judge or an Associate Judge. A Registrar makes directions to ensure that a case is properly prepared for hearing. If an issue arises that falls outside the specified duties of a Registrar, he or she may refer that case to a Judge or an Associate Judge.

OVERVIEW BY JURISDICTION

Court of Appeal

New appeal cases are reviewed for competency and, if necessary, referred back to legal representatives to either substantiate the claim of appeal as of right or seek leave to appeal. Applications for leave to appeal are examined to ascertain whether they are suitable for hearing concurrently with the argument on appeal.

Appeals are allocated a directions callover date before the Registrar when a notice of appeal is filed. At that callover, the appeal may be listed for hearing if the appellant has filed written submissions and the red appeal book. Further case management may be ordered with respect to lengthy or complex appeals.

The Registrar case-manages and lists most appeals and applications for leave to appeal, although some cases may be referred to a Judge of Appeal for special case management. Urgent cases are expedited and can be heard at short notice, if appropriate. The Registrar in the Court of Appeal also deals with most interlocutory applications, except contested applications to stay judgments pending an appeal, and applications for expedited hearing.

Mediation is offered to parties in appeals identified as capable of resolution by this process. Detailed statistics regarding the number of matters referred to mediation can be found in Appendix (i).

For more detailed information about case management practices in the Court of Appeal, please refer to Practice Note SC CA 1.

Court of Criminal Appeal

Accused persons may initially lodge a Notice of Intention to Appeal, without specifying their grounds of appeal. The Notice of Intention to Appeal allows the accused person six months (or such longer time as the Court grants) to file an actual appeal. Transcripts and exhibits are now provided to accused persons free of charge to facilitate the preparation of an actual appeal.

Case management begins when an appeal or application for leave to appeal is filed in the registry. The appeal or application is listed for callover within two weeks of filing. Callovers are held fortnightly, although special callovers can be held in urgent matters. At the callover, the presiding Registrar

will fix a hearing date and make directions for the filing and serving of submissions by the parties. The Registrar also case manages matters that are deemed to require special attention.

Generally, three Judges hear an appeal or application. The Chief Justice may also direct that more than three Judges sit on an appeal or application, particularly in matters involving an important issue of law. In some circumstances, the Chief Justice may direct that two Judges hear an appeal against sentence. A single judge hears sentence appeals from the Drug Court of New South Wales, and also deals with bail applications and other interlocutory applications in the Court.

Common Law Division

Case management in the Division begins when a summons or statement of claim is filed in the registry. Each summons or statement of claim (with the exception of default matters) is given a return date before a Judge or Registrar and placed in a List. A Judge is appointed to manage each List, while the Common Law List Judge monitors all matters listed for hearing before a Judge. Registrars handle default matters administratively.

Common Law List Judge

The List Judge allocates matters listed for hearing to specific judges. When deciding which judge will hear a matter, the List Judge considers the type of matter, its estimated hearing length, and whether the judge has other Court commitments. The List Judge also hears various applications in matters already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in matters already listed for hearing. Justice Harrison was the Common Law List Judge throughout 2010 and Justice Garling was the List Judge during 2011.

Common Law Duty Judge list

The Duty Judge is available each day to hear urgent applications, including applications for interlocutory injunctions, during and outside normal Court hours when required. Judges of the Division are rostered to act as the Duty Judge for a week at a time during law term. A Vacation Judge is rostered during the court vacation to perform this same role.

The Duty Judge also conducts an applications list each Monday. The applications in this list are matters that cannot be determined by an Associate Judge or a Registrar. These matters include appeals from the Local Court under the *Crimes (Local Courts Appeal and Review) Act 2001*, applications for restraining orders, applications for declaratory relief, and applications to dispense with a jury. Matters are initially listed at 9am before a Registrar to determine whether the application is ready to proceed. The Duty Judge may specially fix matters that cannot be heard on the Monday to later that week.

The Duty Judge determines interlocutory applications for restraining assets and issuing examination orders under the *Confiscation of Proceeds of Crime Act 1989*, *Criminal Assets Recovery Act 1990*, and *Proceeds of Crime Act 1987 (Commonwealth)*. The Duty Judge also considers, in chambers, applications seeking authorisation of warrants, such as those made under the *Surveillance Devices Act 2007*.

Associate Judges' list

The Associate Judges in the Common Law Division deal with statutory appeals from the Local Court (except under the *Crimes (Local Courts Appeal and Review) Act 2001*) and the Consumer Trader and Tenancy Tribunal. The Associate Judges also deal with applications for summary judgment and dismissal, applications for extension under the *Limitation Act 1969*, and opposed applications to transfer matters from the District Court. The Associate Judges may deal with other matters as outlined in Schedule D of the *Supreme Court Rules 1970*.

Matters allocated to the Associate Judges' List are case managed by a Registrar daily at 9am. The Registrar refers applications to an Associate Judge when ready for hearing.

Lists of the Division

In addition to the above, the work of the Division is also distributed amongst a number of specialised Lists. The Chief Justice appoints a specific Judge to be responsible for the management of a List throughout the year. These Lists are set out below in alphabetical order, together with the identity of the Judge appointed to manage each List in 2010 and 2011.

SPECIALIST CASE MANAGEMENT LIST	JUDGE APPOINTED TO THE LIST IN 2010	JUDGE APPOINTED TO THE LIST IN 2011
<i>Administrative Law List</i>	Justice Hall	Justice Hall
<i>Bails List</i>	Justice Latham	Justice Latham
<i>Criminal List</i>	Justice Howie (until May); Justice Latham (from May onwards)	Justice Latham
<i>Defamation List</i>	Justice Nicholas	Justice Nicholas
<i>General Case Management List</i>	Justice Hoeben	Justice Hoeben
<i>Possession List</i>	Justice Davies	Justice Davies
<i>Professional Negligence List</i>	Justice Hislop	Justice Hislop

Administrative Law List

The Administrative Law List reviews decisions of government, public officials and administrative tribunals such as the Consumer Trader and Tenancy Tribunal. The Administrative Law List operates in accordance with the procedures outlined in Practice Note SC CL 3.

The arraignment procedure involves counsel at an early stage of the proceedings. This allows both the prosecution and defence to consider a range of issues that may provide an opportunity for an early plea of guilty, or shorten the duration of the trial. The procedures for arraignment are detailed in Practice Note SC CL 2.

Bails List

Applications for bail or to review bail determinations can be made to the Supreme Court under the *Bail Act 1978* in respect of any person accused of any offence, even if the trial will not be heard in the Supreme Court. These applications are listed throughout the year, including during the court vacation. Common Law Division Judges are rostered on a weekly basis to determine these applications.

Defamation List

Matters filed in this List after 1 January 2006 are handled in accordance with the provisions of the *Defamation Act 2005*. Matters are first listed before a Registrar for directions. Once the Registrar is satisfied that the initiating process is in order, he or she will refer the matter to a Judge for further directions and legal argument. The parties may also ask the Judge to consider if the dispute should be tried before a jury. If the judge grants an application for trial by a jury, the matter will be set down for hearing. The jury will determine if the material in question is defamatory and if there is any lawful defence for publishing the material. If the jury finds that the plaintiff has been defamed without any lawful defence being established, the Judge will then determine any damages payable and resolve any outstanding issues under dispute.

Criminal List

Arraignment hearings are held each month during Law Term. The aim of the arraignment procedure is to minimise the loss of available judicial time that occurs when trials are vacated after they are listed for hearing, or when a guilty plea is entered immediately prior to, or on the day of, the trial's commencement.

Matters filed before 1 January 2006 are case managed in an identical way, but the issues considered by the jury differ slightly. In these matters, the jury is asked to consider whether the matter complained of carries the imputation alleged, and if it does, whether the imputation is defamatory.

Practice Note SC CL 4 governs the operation of this List.

General Case Management (GCM) List

This List comprises all civil cases commenced by Statement of Claim that are not included in the Administrative Law, Defamation, Professional Negligence or Possession Lists. It includes money claims, personal injury claims, claims for possession (excluding land), breach of contract, personal property damage, malicious prosecution, and claims under the *Compensation to Relatives Act 1897*. These cases are case-managed by a Registrar who conducts status conferences and final conferences. At the status conference, the Registrar gives directions to ensure the case is ready for hearing by the compliance date and encourages the early resolution of disputes through mediation or settlement. The procedures associated with the running of this List are set out in Practice Note SC CL 5.

Possession List

The Possession List deals with all proceedings for the recovery of possession of land. The management of the List encourages early resolution of cases through mediation, other alternative dispute resolution processes, or settlement. Case management is also used to clarify the real issues in dispute. Practice Note SC CL 6 applies to cases in this List.

Professional Negligence List

Claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers are allocated to the Professional Negligence List. Specialisation in the List allows parties to focus on the real issues under dispute in these types of claims. A Registrar monitors cases at regular conference hearings. Conference hearings provide an opportunity for parties to discuss outstanding issues in the case, and provide a forum for

mediation between the parties. Practice Note SC CL 7 applies to this List.

The Professional Negligence List Judge hears applications and makes directions according to the specific needs of each matter.

Equity Division

Proceedings in the Equity Division are case managed by Registrars and Judges of the Division to achieve the just, quick and cheap resolution of the real issues in dispute between the litigants. The work of the Division is administered through the General list and a number of Specialist Lists.

Expedition list

Cases are expedited when sufficient urgency is shown. Applications for Expedition are made to the Expedition Judge on Fridays. The Expedition Judge case manages all expedited cases and hears those cases when they are ready for trial. During 2010, the Expedition Judges were Justice Bergin, Justice White, Justice Slattery and Justice Pembroke. In 2011, Justice Pembroke was the Expedition Judge, and in his Honour's absence, Justice Slattery managed expedited cases.

Equity Duty Judge list

A Judge of the Division is available at all times for urgent applications. Duty Judges are rostered in blocks of two weeks. If a matter requires an urgent final hearing, the Duty Judge will consult with the Chief Judge in respect of the possible allocation of an urgent final hearing date.

General list

All cases other than those in the Specialist Lists, including applications for family provision under Chapter 3 of the *Succession Act 2006* or *Family Provision Act 1982*, are entered into the General list. Cases in the General list are case managed by the Registrar in Equity in accordance with Practice Notes SC Eq 1 and SC Eq 7.

The Registrar sets matters down for hearing before the Judges of the Division. During 2010, the Registrar offered parties a hearing date within four months of the final directions hearing. Throughout 2010 and 2011, the Registrar offered hearing dates within two to four months of the final directions

hearing. The Registrar will consult with the Chief Judge in Equity in relation to long and/or complex matters.

Associate Judges' list

The work of the Equity Division Associate Judges includes dealing with contested procedural applications and conducting inquiries as directed by Judges. Their work also includes the hearing of most applications under the *Succession Act 2006*, the *Property (Relationships) Act 1984*, and certain provisions of the *Corporations Act 2001 (Cth)*. An Associate Judge handles weekly referrals from the Registrar, determining those that can be dealt

with immediately, and adjourning the balance. The Registrar only refers matters where the hearing time is not expected to exceed an hour. More complex matters are listed for hearing in the Associate Judges' list at a later date. Urgent referrals, such as the extension of a caveat, may be made at any time.

Specialist Lists of the Division

The Equity Division's caseload is also managed by allocating certain matters to specific Lists according to the nature of the claims. These Lists are set out below in alphabetical order, together with the identity of the Judge appointed to manage each list in 2010 and 2011.

SPECIALIST CASE MANAGEMENT LIST	JUDGE APPOINTED TO THE LIST IN 2010	JUDGE APPOINTED TO THE LIST IN 2011
<i>Admiralty List</i>	Justice Rein	Justice Rein
<i>Adoptions List</i>	Justice Palmer	Justice Brereton
<i>Commercial List</i>	Justice Hammerschlag	Justice Hammerschlag
<i>Commercial Arbitration List</i>	Justice Hammerschlag	Justice Hammerschlag
<i>Corporations List</i>	Justice Barrett	Justice Barrett
<i>Probate List</i>	Justice Palmer	Justice White
<i>Protective List</i>	Justice Palmer	Justice White
<i>Revenue List</i>	Justice Gzell	Justice Gzell
<i>Technology and Construction List</i>	Justice Hammerschlag	Justice Hammerschlag

Admiralty List

The Admiralty List deals with maritime and shipping disputes. It is administered in the same manner as the Commercial List (see below).

Adoptions List

This List deals with applications for adoption orders and declarations of the validity of foreign adoptions under the *Adoptions Act 2000*. Most applications are unopposed. Once all supporting affidavits are filed, a Judge will deal with the application in the absence of the public, and without the attendance of the applicants or their lawyers. Unopposed applications require close attention for compliance with formal requirements, but there is little delay. A small number of contentious hearings take place in court in the absence of the public. Most of these relate to dispensing with consent to adoption.

The Registrar in Equity deals with requests for information under the *Adoptions Act 2000*.

Commercial List

The Commercial List is concerned with cases arising out of transactions in trade or commerce. The caseflow management strategy applied to the running of this List aims to have matters brought on for hearing quickly by:

- attending to the true issues at an early stage;
- ensuring witness statements are exchanged in a timely manner; and
- intense monitoring of the preparation of every case.

There is also adherence to the allotted hearing dates, and hearings are continued to conclusion, even though time estimates may be exceeded.

Commercial Arbitration List

The List provides parties with a quick and effective mechanism for resolving disputes in relation to arbitration agreements, or which arise in the context of, or from, arbitral proceedings.

Disputes entered into the List arise from the context of arbitral proceedings in which the Court has prescribed in the *Commercial Arbitration Act 2010*, or by virtue of a provision within an arbitration agreement, or otherwise.

The Judge assigned to manage the List calls over all pending applications fortnightly, and parties to matters entered into the List are expected to comply with the provisions of Practice Note SC Eq 9.

Corporations List

A Judge sits each day of the week to hear most applications and hearings under the *Corporations Act 2001 (Cth)* and related legislation. The Registrar may refer applications to the Judge on a Monday. The Registrar determines routine applications to wind-up companies, applications for leave to proceed against companies in liquidation (limited to personal injury actions) and applications to reinstate companies.

The Judge will give directions and monitor preparations for hearing in longer matters, as well as in other complex corporate cases. Cases managed in this List are generally given a hearing date as soon as they are ready.

Practice Note SC Eq 4 applies to cases entered into the Corporations List.

Probate List

The work performed by the Judges and the Probate Registry consists of both contentious and non-contentious matters. The majority of non-contentious cases are dealt with by the Registrar and Deputy Registrars. This includes the granting of common form probate where applications are in order and unopposed.

Both the Probate List Judge and the Registrars have procedures whereby some supervision is kept over executors in the filing of accounts, and ensuring beneficiaries are paid.

In court, the Registrar considers routine applications, and applications concerning accounts. Should a routine application require a decision on a matter of principle, the application is referred to the Probate List Judge.

The Probate List Judge sits once a week to deal with complex applications. If an application can be dealt with quickly, it is usually heard immediately. Others are set down for hearing, normally within a month.

Contentious matters are monitored by either a Judge or a Registrar. Contentious matters commonly include disputes as to what was a testator's last valid will. When these cases are ready to proceed, they are placed in the callover list to receive a hearing date before an Equity Judge.

The Probate List Judge meets with the Registrars on a regular basis to discuss the efficient working of the List.

Protective List

The work of this List involves ensuring that the affairs of people deemed incapable of looking after their property, or themselves, are properly managed. The List also deals with appeals from the Guardianship Tribunal of NSW, along with applications (in chambers) by the New South Wales Trustee and Guardian for advice regarding the administration of estates. The Court also considers applications regarding missing persons' estates and, in certain circumstances, may order that their estate be managed under the *NSW Trustee and Guardian Act 2009*.

Often, the issues under dispute in the Protective List are of a highly sensitive nature. The Court acknowledges this situation, and handles these proceedings with the minimum degree of formality. However, when there is a dispute which cannot be solved in this way, it is decided according to law.

The Registrar sits in court one day a week. The Deputy Registrar may submit a case to be determined by the Judge without further appearance or adjourn a case into the Judge's list. A Judge sits once a week to deal with any referred cases. Most cases are considered on the Judge's

REGIONAL SITTINGS OF THE COURT

usual sitting day as soon as the parties are ready. Longer cases, however, are specially fixed, usually within one month.

The Protective List Judge consults regularly with the Registrar to discuss the efficient working of the List.

Revenue List

The Revenue List is a list dedicated to the hearing of taxation matters. The List was created to ensure that these matters are heard as efficiently as possible. Matters in the Revenue List are heard by a specific Equity Division Judge each month, and allocated the earliest hearing date possible before this same Judge.

Technology and Construction List

Cases involving complex technological issues and disputes arising out of building or engineering contracts are allocated to this List. The List is administered by the same Judges and in the same manner as those in the Commercial List.

In 2010, first instance criminal trials were conducted in the following regional locations: Armidale, Bellingen, Coffs Harbour, Gosford, Goulburn, Lismore, Newcastle, Queanbeyan, Tamworth, Wagga Wagga and Wollongong. During the same period, civil hearings were held at regional venues by special fixture at Albury, Bellingen, East Maitland and Wagga Wagga.

In 2011, the Court conducted criminal trials at Albury, Armidale, Lismore and Newcastle. During the same period, civil hearings were held at regional venues by special fixture at Albury, Tamworth and Wagga Wagga.

All proceedings are managed from Sydney irrespective of where the proceedings were commenced or the venue for hearing.

Criminal trials and civil hearings will continue to be held in venues outside Sydney as required.

ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution is a broad term that refers to the means by which parties seek to resolve their dispute, with the assistance of a neutral person, but without a conventional contested hearing before a Judge or Associate Judge.

The alternative dispute resolution method most commonly employed in Supreme Court proceedings is mediation.

Mediation

Mediation is available for most civil proceedings pursuant to Part 4 of the *Civil Procedure Act 2005*. Mediation is not available in criminal proceedings.

The role of the mediator is to assist parties in resolving their dispute by alerting them to possible solutions, while allowing the parties to choose which option is the most agreeable. The mediator does not impose a solution on the parties. Eight qualified Registrars and Deputy Registrars were certified to conduct mediations throughout 2010 and 2011 at specified times each week. Alternatively, parties may use private mediators.

A matter may proceed to mediation at the request of the parties, or the Court may refer appropriate cases to mediation, with or without the consent of parties. If the Court orders that a matter be referred to mediation, there are several ways in which a mediator may be appointed. If the parties are in agreement as to a particular mediator, then they can ask the Court to appoint that mediator, who may also be a Registrar of the Court. If parties cannot agree upon a mediator, then they should attempt to agree on how the Court can appoint a qualified mediator. Some options are set out in Practice Note SC Gen 6.

Settlement of disputes by mediation is encouraged in the Court of Appeal, and in the Common Law and Equity Divisions. Parties may derive the following benefits from mediation:

- an early resolution to their dispute;
- lower costs; and
- greater flexibility in resolving the dispute as the solutions that may be explored through mediation are broader than those open to the Court's consideration in conventional litigation.

Even where mediation fails to resolve a matter entirely and the dispute proceeds to court, the impact of mediation can often become apparent at the subsequent contested hearing. Mediation often helps to define the real issues of the proceedings and this may result in a reduction in eventual court time and, consequently, lower legal costs.

4 COURT OPERATIONS

- Overview of operations by jurisdiction
- Timeliness
 - Time Standards
 - Listing Delays
- Use of Alternative Dispute Resolution

OVERVIEW OF OPERATIONS BY JURISDICTION*

* to be read in conjunction with Appendix (i)

Court of Appeal

The net number of new cases coming to the Court of Appeal has remained relatively stable over the last three years. There was a decrease of only two per cent in new cases for 2011, compared with new cases in 2010. This followed an increase of only one per cent in 2010, compared with 2009.

The net number of disposals returned to a higher and more typical level in 2011. In 2010 the disposal rate was 17 per cent lower than the rate in 2009; however, in 2011 the disposal rate was only two per cent lower than the 2009 rate. Overall, the proportion of cases that are disposed through settlement is declining. In 2011, 20 per cent of case disposals in 2011 were achieved through settlement, compared with 23 per cent in 2010 and 26 per cent in 2009.

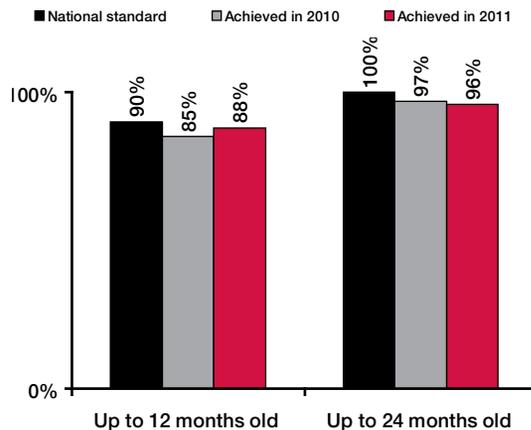
In 2011, 73 per cent of the total disposals were by way of a judgment (in an appeal or original jurisdiction matter) or a refusal of leave to appeal. This compares with 71 per cent in 2010 and 2009. These figures include cases finalised by a concurrent hearing. A concurrent hearing enables the leave application and consequent appeal, where leave is granted, to be determined in a single hearing.

While the overall filing rate remained relatively constant, the fluctuation in the disposal rate contributed to the overall Court of Appeal caseload increasing by 17 per cent during 2010 (from 329 to 384 cases) and then decreasing by 12 per cent during 2011 (to 338 cases).

The age profile of the Court of Appeal's pending caseload has improved during 2011 following a temporary decline during 2010. At the end of 2011 the proportion of pending cases less than 12 months old was 88 per cent, and the proportion of pending cases less than 24 months old was 96 per cent (see Figure 4.1). The number of cases older than 24 months increased from nine to 15. There are external factors (outside the control of the Court of Appeal) delaying finalisation in six of those 15 cases.

The listing delay for hearing of substantive appeals and for concurrent hearings has increased: it was 1.5 months at the end of 2009, three months at the end of 2010, and four months by the end of 2011. During the same period the listing delay for leave applications has been maintained at one month or less.

Figure 4.1 Court of Appeal achievements against time standards for pending caseload



Court of Criminal Appeal

The number of new cases coming to the Court of Criminal Appeal in 2011 was 382, eight per cent lower than the number in 2010. This followed a six per cent increase from 2009 to 2010. Otherwise there has been a steady trend of reduction in filings since 2004.

The disposal rate decreased by 18 per cent during 2011. This is despite no reduction in the sitting time of the Court of Criminal Appeal. However, there has been a change in the mix of cases coming to the Court: the proportion of conviction appeals increased from 21.5 per cent to 28.5 per cent, with a commensurate reduction in sentence-only appeals. The conviction appeals are more complex and typically require longer hearings than sentence-only appeals, and are usually at least double the length of a sentence-only appeal.

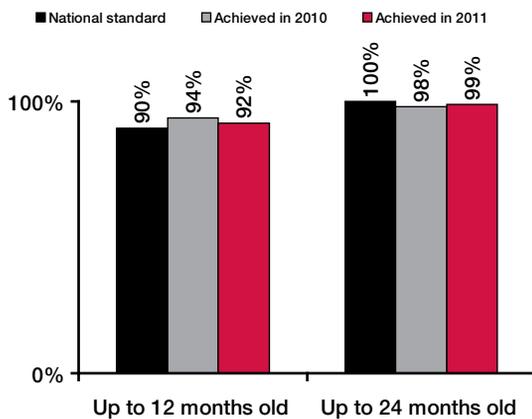
Of the criminal appeals finalised during 2011, 91 per cent required a substantive hearing, which is usual. The proportion in 2010 was 94 per cent, which was unusually high. The percentage of cases that were finalised by the appellant abandoning the proceedings or withdrawing the appeal was six per cent in 2010, compared with eight per cent in 2011.

The pending caseload increased during 2011 due to the reduced number of case disposals. During 2011, the number of cases on hand increased from 180 to 222. The caseload had been maintained at a relatively steady level for the five years preceding 2011.

The age profile of the Court of Criminal Appeal's caseload declined slightly during 2011, but remained good relative to the national time standards (see Figure 4.2). Over the past two years the number of cases older than 12 months increased from 16 to 17, while the number of cases older than 24 months decreased from eight to three.

The listing delay for criminal appeals that are ready for hearing improved during 2010, reducing from 2.5 months to two months. By the end of 2011, however, the listing delay had increased to four months.

Figure 4.2 Court of Criminal Appeal achievements against time standards for pending caseload



Common Law Division criminal cases

During 2011, 138 defendants entered the Criminal List, compared with 112 during 2010 and 106 during 2009. After entering the List, the next step usually is arraignment. The majority of defendants enter a plea of “not guilty” at arraignment, and those cases are then listed for trial.

At arraignments held during 2011, a total of 163 trial or fitness hearing listings were given to defendants and 20 pleas of “guilty” were taken. The trial listings were for trials starting in either 2011 or 2012. At the arraignments held during 2010, a total of 71 trial or fitness hearings were listed and 16 pleas of “guilty” were taken.

Some defendants change their plea after being given a trial date (sometimes as late as the start of or during the trial). During 2011, an overall total of 29 pleas of “guilty” were taken, compared with 36 during 2010.

The listing delay for criminal trials that require at least three weeks of hearing time decreased during 2010 from three months to 1.5 months, a remarkably low listing delay. However, the listing delay increased thereafter, reaching five months by the end of 2011. Nearly all the trials are conducted with a jury.

For criminal trials arraigned during the year the hearing estimates given to the Court ranged from one day to 24 weeks. For trials on hand at the end of each month, the average hearing estimate was consistently higher during 2011 than in 2010. The end of month averages ranged from 3.8 to 4.8 weeks during 2010, but ranged from 4.0 to 5.7 weeks during 2011. This represents an increased demand for judicial time during 2011, impacting on the ability to maintain or reduce the number of cases on hand. Without access to acting judges, it would be unlikely that the Court could maintain an acceptable age profile for the Criminal List except by withdrawing Judges from other areas of work.

During 2011, trials for 95 defendants were listed to start. For 21 of those defendants the trial either collapsed or was adjourned. During 2010, trials for 75 defendants were listed to start, and for nine of those defendants there was either a collapse or adjournment of the trial. During 2009, trials for 100 defendants were listed to start, and for 24 of those defendants, there was either a collapse

or adjournment of the trial. The collapse or adjournment of trials reduces the Court's capacity to deal with its backlog of cases.

For the sixth consecutive year, no trial was "not reached" (where the Court, rather than the parties, cannot start a trial). There is some over-listing of criminal trials, and with over-listing there is some risk of "not reaching" a listed trial. However, the Court is aware of the financial impact for the various publicly funded agencies involved in the criminal justice system, and of the emotional and financial impact for family of the victim and for witnesses, when trials are unable to run. It is a high priority for the Court to allocate its resources so that every criminal trial can start on its listed day.

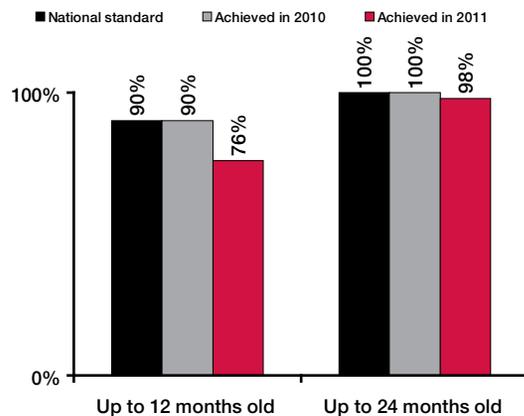
During 2011, a total of 85 defendants' cases were finalised, compared with 106 during 2010, and 112 during 2009. The Court prepared and handed down 51 sentences during 2011, 79 during 2010, and 80 during 2009.

By the end of 2011, there were 143 defendants with cases pending in the Criminal List, an increase of 59 per cent from the position at the end of 2010 (90 defendants). The combination of a large number of defendants entering the List during 2011 and a relatively low number of disposals during the same period has caused this large increase in cases on hand.

The age profile for pending cases in this List improved during 2010 to fully match the national time standards, but during 2011, the proportion of cases younger than 12 months declined significantly (see Figure 4.3). When evaluating the Court's performance against the national time standards it is important to note that almost all indictments presented to the Supreme Court are for offences of murder or manslaughter, or otherwise have the potential for a life sentence to be imposed. The range of charges routinely brought in criminal lists of supreme courts in other states and territories is broader and includes lesser maximum sentences. For the criminal trials conducted in the Court, a 12-month timeframe, for committal to sentencing, is therefore challenging. Additionally, the volume of cases is relatively low, so there is potential for a small number of cases to make a large change to the percentages that are then compared to the national standards.

At the end of 2011, and compared with the position at the end of 2009, the number of pending defendants with cases older than 12 months increased from 22 to 35, and the number of cases older than 24 months decreased from 12 to three. Many of the oldest cases in the Criminal List have been delayed by interlocutory appeals (including appeals to the High Court), the need to accommodate long trials, and the need to vacate and re-list long trials.

Figure 4.3 **Criminal List achievements against time standards for pending defendant caseload**



Common Law Division civil cases

The civil work of the Common Law Division can be separated into two broad groups: defended cases (including the specialised case-managed lists) and uncontested cases (such as those proceeding to default judgment and applications dealt with administratively by Registrars and Registry officers).

The Division's civil filing rate rose by eight per cent in 2011, after a decrease of 15 per cent in 2010. This represents a decrease of three per cent in the filing rate defended cases over the last two years (assuming that only five per cent of Possession List cases are defended), and a decrease of seven per cent for uncontested cases. Appendix (i) shows the yearly filings for each List. The filing rates for the Administrative Law List and the Common Law General List should be viewed with caution as the Court is currently investigating whether the administrative law descriptor is being incorrectly applied to cases that should be in the General List.

When the filings for both of these Lists viewed as one group, there is little change in the filing rate for the group over the last two years.

Overall, the disposal rate was 46 per cent lower in 2011 than in 2009. This was directly attributable to difficulties with the JusticeLink system, which was not enabling timely culling of inactive cases from the caseload. Many Possession List cases become inactive and the Court's usual procedure is to use provisions within the Uniform Civil Procedure Rules to dispose of inactive cases. JusticeLink system reports that were available during 2010 and 2011 were not accurately identifying inactive cases. This problem should be addressed to some extent during 2012, when improved reports are available. The Registry expects to be able to close more than 2,000 inactive cases as a result.

Because of problems in identifying and closing inactive cases, the number of pending cases in the Common Law Division has increased by 78 per cent over the two years to the end of 2011 (see Figure 4.4). The Possession List (where approximately 95 per cent of cases are uncontested) is responsible for 78 per cent of this increase. The other area of significant increase is the Common Law General List. When the identification of inactive cases improves, the extent to which there is any increase (or decrease) in the amount of real work on hand will become clearer.

This is the first time the JusticeLink system is being used to report the age of pending civil cases (see Figure 4.5). However, it is known that the reported pending caseload contains a large number of inactive cases that the Court expects to close from 2012 onwards.

For most of 2010, the listing delay for Common Law Division civil cases that require up to five days of hearing time was three months or less. By the end of the year it was 1.5 months. However, by the end of 2011 the listing delay had increased to 7 months.

During the year there were 948 matters listed for hearing (see Figure 4.6), of which 63 per cent proceeded to a hearing and 24 per cent settled after being listed for hearing. In 2010 there were 819 matters listed for hearing, of which 58 per cent proceeded to hearing and 26 per cent settled.

So that available judicial time is used optimally, the Common Law Division's civil hearings are over-listed. This carries a risk that some cases may be "not reached". In 2011, nine cases were not reached (one per cent of listed matters). In 2010, only one case (less than one per cent of listed matters) was "not reached", which was the same result as for 2009 and 2008.

Figure 4.4 Common Law Division pending civil caseloads at 31 December

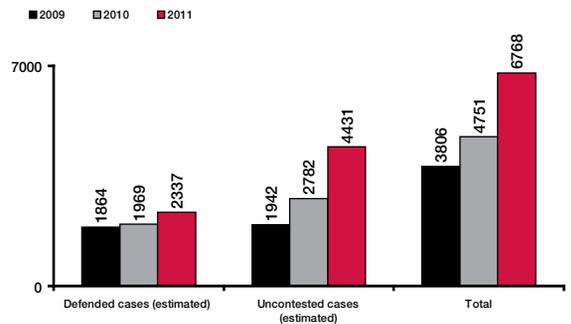


Figure 4.5 Common Law Division civil lists – achievements against time standards

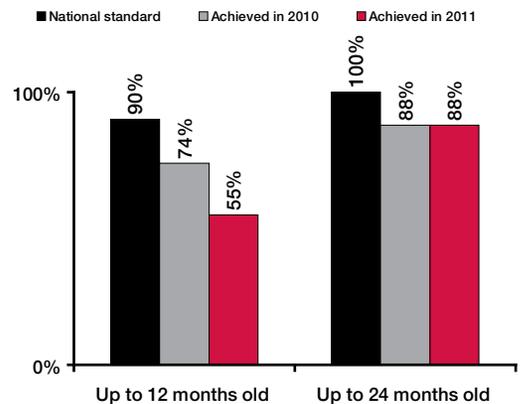
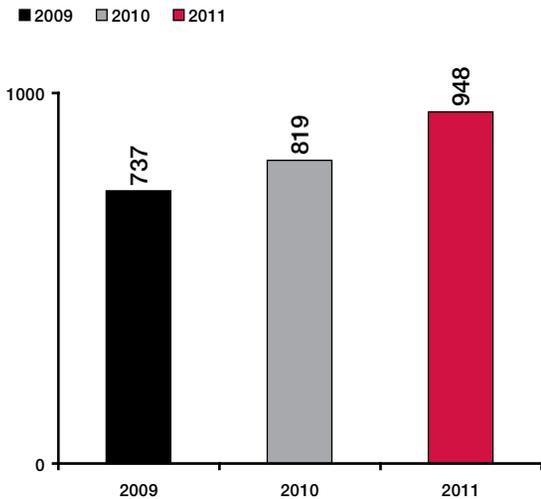


Figure 4.6 Listings for hearing – common law civil hearings



Equity Division

The workload trends within the Equity Division are analysed here separately from the uncontested probate cases. The number of uncontested probate cases is so large it would mask trends in the cases that require listing in Court.

The rate of filing in the Equity Division decreased by nine per cent in 2011, following an six per cent decrease in 2010. Appendix (i) shows the yearly filings for each List. The most significant trends are continued reductions in the Corporations List and the Commercial List, and increases in the Technology and Construction List and within Family Provision cases in the Equity General List.

Overall, the disposal rate was 26 per cent lower in 2011 than in 2009. The decrease was overwhelmingly within the Equity General List and the Corporations List. The reduced number of disposals reported for the Equity Division is likely to be affected by the same difficulties (relating to reliable identification of inactive or unlisted cases) as described for the Common Law Division.

The number of pending cases in the Division increased by 27 per cent over the two years to

the end of 2011 (see Figure 4.7). Principally, this occurred for Family Provision and other cases within the Equity General List, in the Corporations List, the Commercial List cases and the Technology and Construction List. The problems with identifying inactive cases for disposal, as described for the Common Law Division, also extend to the Equity Division, but to a lesser degree. They nevertheless prevent clear understanding of the extent to which the increased caseload represents additional real work for the Court.

This is the first time the JusticeLink system is being used to report the age of pending civil cases (see Figure 4.8). It is known that the reported pending caseload contains a number of inactive cases that the Court expects to review in coming months.

At the close of 2011 the listing delay for General List and Probate List cases that require up to two days of hearing time was 2.5 months, improved from 3.3 months at the end of 2010 and a strong improvement from the position at the end of 2007 (5-6 months).

The JusticeLink system does not yet provide reports regarding the outcomes of cases that are listed for hearing, so hearing rates and settlement rates are not known for 2011 and 2010. The Equity Division does not routinely over-list the cases for hearing, so there are no “not reached” cases.

Uncontested applications relating to probate matters are finalised by Registrars. A total of 24,449 applications were filed during 2011, and 22,324 were filed during 2010. The processing time for applications for a grant of probate, letters of administration or a re-seal (of a probate grant), where the initial applications met all procedural requirements, increased to several weeks at times during 2009 and early 2010. Increased resources were allocated to bring the delay back to normal levels. The processing time consequently improved to 3 working days by mid-2010. The processing time increased again in late 2010 (to 19 working days). This was addressed and, from March 2011 onwards, the processing time was kept between one and four working days.

TIMELINESS

Figure 4.7 Equity Division pending civil caseloads at 31 December

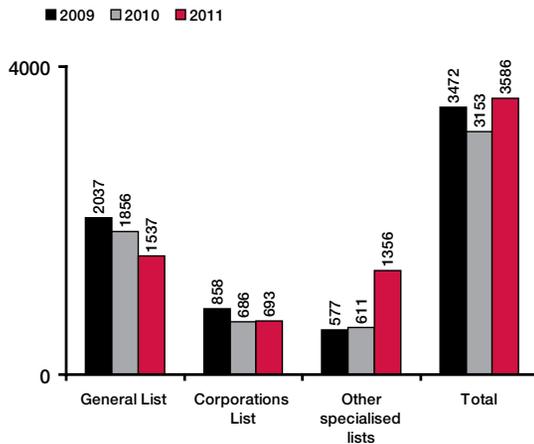
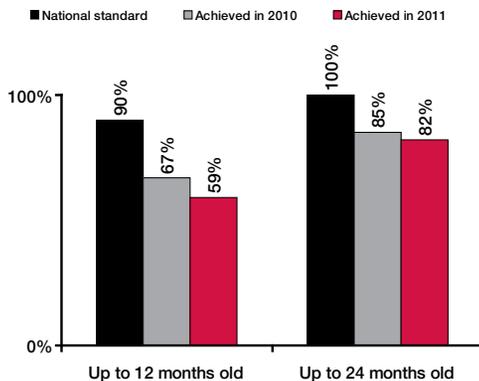


Figure 4.8 Equity Division – achievements against time standards



Time standards

The Court's performance in dealing with cases in a timely way is reported in terms of the age of the pending caseload. Measurement of the age distribution within a pending caseload helps the Court to assess over time the success of delay reduction strategies and to identify areas where further case management would be beneficial.

Appendix (i) shows the position reached at 31 December of the reporting year in comparison with the national standards.

Other courts and organisations may use different methods to measure the age of cases or report timeliness of case handling, and this can produce statistics that are not necessarily comparable. To cite criminal cases as an example, the District Court of New South Wales reports performance in terms of the time between committal and the commencement of trial, while the Australian Bureau of Statistics produces national statistics that report performance in terms of the time from committal to acquittal or sentencing.

The Court's timeliness reporting for criminal matters (including criminal appeals) aligns with the methods used by the Productivity Commission in its annual *Report on Government Services*. Timeliness reporting for the Court of Appeal is also aligned with the methods used by the Productivity Commission, but is confined to those cases lodged in the Court of Appeal (whereas the Productivity Commission's figures cover all civil cases that are appellate in nature, not just those lodged in the Court of Appeal). The Court's timeliness reporting for its civil cases is not aligned to the Productivity Commission's methods: the Court's figures report all civil cases according to the Division (Common Law or Equity), there is no exclusion of cases that are appellate in nature, and no pending case is excluded (the Productivity Commission's counting rules allow for exclusion of pending cases that have been inactive for at least 12 months).

This is the first Annual Review in which the NSW courts' case information system, JusticeLink, has been used to report the size and age profile of the Supreme Court's civil caseload. The reporting functions within JusticeLink are still being refined. In particular, JusticeLink's capacity to report inactive civil cases (so that the Court may assess them for either disposal or further management) is not yet fully reliable. We estimate that this problem has caused the pending caseload to increase by at least 2,000 cases that would otherwise have been closed by the end of 2011. During 2012 we expect accurate reporting of inactive cases to become available to enable proper review and disposal or management of those cases. When that "cleansing" of the caseload is completed, a more accurate presentation of the size and age profile of the Supreme Court civil caseload will be possible.

Listing delays

The listing delays indicate how quickly the Court is providing hearings for various types of cases once they are assessed as ready for hearing, providing the parties are willing to select from the first available group of hearing dates offered by the Court.

The table in Appendix (i) shows the listing delay that will apply at the start of the new law term following the close of the reporting year. The listing delays refer to hearing-time requirements that are considered representative or typical of the various areas of the Court. The various listing delays can change during the year, and updated information is published daily in the court list.

By the close of 2011, the listing delays across all the nominated areas of the Court's work (other than the Equity Division and the Bails List) were higher than at the same point in 2010. The five-month delay for standard criminal trials and the seven-month delay for standard civil case hearings in the Common Law Division are of particular concern and will be monitored closely during 2012.

In contrast to the measurements of age of pending cases and case finalisation times, the measurement of listing delays largely eliminates the impact of factors outside the control of the court. Such factors can include, for example, delays in serving court documents, delays caused by the need to join additional parties to proceedings, time taken up with interlocutory issues, time needed for parties to prepare their evidence, time that elapses while parties attempt mediation or take points on appeal, and the delays caused when parties request a trial date that is later than the first available.

USE OF ALTERNATIVE DISPUTE RESOLUTION

Mediation is the most popular form of alternative dispute resolution for Supreme Court proceedings. During 2011 the Registry recorded 902 referrals to mediation, of which approximately 77 per cent were referrals to court-annexed mediation conducted by the Court's Registrars. During 2010, 1,144 referrals to mediation were recorded, of which approximately 63 per cent were referrals to court-annexed mediation.

Litigants in any contested civil case (including appeals) can consider using mediation. During 2011, approximately 4,640 civil cases were filed in which mediation might be possible. During 2010, the number was approximately 4,860. Mediation is inapplicable to the other civil cases that were commenced (largely cases where no defendant contests the claim, routine probate applications, applications for adoption of children, applications to wind up companies, applications for recovery of proceeds of crime and applications that require administrative processing only).

The "mediation referral index" compares the rate of referring cases to mediation with the filing rate for case in which mediation might be possible. For 2011, the mediation referral index was 19.4 per cent; for 2010, it was 23.5 per cent. There has been strong growth in the mediation referral index over the last six years (in 2006, the mediation referral index was 10.0 per cent).

Within the court-annexed mediation program, the settlement rate continued at the same good level (50 per cent settlement at mediation during 2011, and 51 per cent during 2010). Cases are recorded as "settled at mediation" only if the parties have agreed to finalising orders by the close of the mediation procedure or have drafted heads of agreement. If parties agree to settle their dispute at

any time after the close of the mediation session, those settlements are not recorded as "settled at mediation", even though the mediation procedure may have helped the parties to eventually reach that settlement. There are no statistics on settlement rates for cases referred to private mediators.

The listing delay for court-annexed mediation sessions ranged between one and eight weeks during 2011, and for most months of the year it was five weeks or less. The listing delay can change during the year, and updated information is published daily in the court list.

Use of arbitration for Supreme Court cases is now extremely rare. No cases were listed for arbitration during 2011 or 2010. The use of arbitration declined in the Supreme Court, following re-alignment of the work that is handled within the State's courts. The types of cases that had typically been referred by the Supreme Court to arbitration no longer come to the Supreme Court.

During the past six years, the Court has referred only one case to arbitration.

5 EDUCATION AND PUBLIC INFORMATION

- Judicial officer education
- Public education programme
- The role of the Public Information Officer

JUDICIAL OFFICER EDUCATION

Many judicial officers updated and developed their skills and knowledge during the year by attending conferences, seminars and workshops. Some of the programmes are tailored specifically to the Court's needs, while others target the international legal community. An overview of some of the educational activities completed during 2010 and 2011 appears below. For a more comprehensive list of activities, please refer to Appendix (iii) "Other Judicial Activity".

Domestic judicial education activities undertaken in 2010

- In January, eight Judges attended the Supreme and Federal Court Judges' Conference in Canberra. The three-day Conference featured sessions on a diverse range of legal and social issues, including climate change and water conservation, the relationship between the judiciary and the legal profession, the use of audio-visual records of trial witnesses in appellate courts, voluntary administration, oral advocacy and judicial mediation. Justice Fullerton also co-chaired a session entitled *Working with a Jury* with the Honourable Brian Martin, former Chief Justice of the Northern Territory
 - In May, Judges participated in a field trip to the Forensic Hospital at Long Bay Correctional Centre. This visit aimed to provide judges with a clearer picture about available treatment facilities and processes for forensic patients, including the nature of assessments, care and treatment given.
 - In August, 47 Judges and three Associate Judges attended the three-day Annual Supreme Court Judges' Conference at Peppers Anchorage in Port Stephens. The keynote speaker was Lord Hoffman on *Public Service and Private Law*. Several of the Court's Judges presented sessions at the Conference: Justice RA Hulme's session, *Developments in Criminal Trials*, provided an update on significant decisions and developments in the criminal law over the preceding 12 months in the Supreme Court, the Court of Criminal Appeal and the High Court. Justice Brereton discussed the current costs assessment system and procedures and how judicial orders may impact on them in his session, *A Less Taxing Process? Issues in Costs Assessment*. There were also several guest presenters at the conference.
- The Honourable Murray Gleeson AC QC spoke about the *Appellate Jurisdictions of the Court* and Professor Peter Butt provided a review of recent issues in the law of easements in his session *Developments in Equity: Easing into Easements*. Sir Brian Leveson's session, *The Expert Debate: Setting the Limits on the Use of Expert Evidence*, discussed the appropriate limits on the use of expert evidence in criminal and civil proceedings. Professor John Amour's session, *Regulating Banker Excess – An International Perspective*, provided an overview of different regulatory strategies developed in response to the global financial crisis. Professor Max Bennett spoke on *Psychiatric Diseases, Brain Function and Diminished Responsibility*, and Professor Ian Hickie spoke on the *Development of the Brain*.
- In September, 11 Judges attended a twilight seminar "Working Effectively with Interpreters in the Court" presented by Associate Professor Sandra Hale, Leader of the Interpreting and Translation Research Group, University of Western Sydney
 - In October, four Judges from the Supreme Court attended a five-day residential National Judicial Orientation Program. This program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration.
 - In October, six Judges attended the Judicial Conference of Australia Annual Colloquium in Hobart.
 - In November, 21 Supreme Court Judges attended a cross-jurisdictional seminar presented by the Honourable Justice Ian Binnie from the Supreme Court of Canada on "Uses & Abuses of Expert Evidence".
 - In November, three Judges attended the AIJA Appellate Judges' Conference in Melbourne.
 - During the course of the year, four Judges attended a cross-jurisdictional Judgment Writing Workshop. These interactive workshops help judicial officers develop and refine the ability to

write clear, concise, well-structured judgments. Thirty two Supreme Court Judges have now attended one of these workshops over the years.

Domestic judicial education activities undertaken 2011

- In February, four judges attended the Conference on Expert Evidence organised by the National Judicial College and Australian National University.
- In May, nine Judges participated in a Field Trip to the NSW Police Telecommunication Interception Branch (TIB) and State Electronic Evidence Branch (SEEB). Judges were given the opportunity to gain an insight into the operations of the TIB and SEEB, to observe the telecommunication interception system and to ask questions.
- In June, four Judges attended a cross-jurisdictional seminar on “Criminal Case Management”. The panel, which comprised Justice McClellan AM, Justice Hoeben AM RFD, Justice Latham, Justice RA Hulme and Justice Blanch AM, shared their experiences of the practical operation of the new case management provisions contained in Part 3, Division 3 of the *Criminal Procedure Act 1986*.
- In June, three Judges participated in a Field Trip to the Forensic Hospital at Malabar which aimed to provide judges with a clearer picture about available treatment facilities and processes for forensic patients.
- In July, 13 Judges attended a twilight seminar on “Representative Actions” presented by Justice Basten and Acting Justice Sackville AO QC. This seminar focused on the operation of Part 10 of the *Civil Procedure Act 2005* and its impact on representative actions in the Supreme Court.
- In August, 37 Judges, three Associate Judges and two Acting Judges attended the three-day Annual Supreme Court Judges’ Conference in Port Stephens. The keynote speaker was Lord Burnton, who gave an interesting and informative address on *Occam’s Razor and the Law*. Several of the Court’s Judges presented sessions at the Conference: Justice RA Hulme’s session, *Developments in Criminal Trials*,

provided an update on significant decisions and developments in the criminal law over the preceding 12 months. Justice Rothman AM provided a brief overview of the Judicial Commission’s *NgaraYura Program*, and the benefits judges can obtain by participating in the program. In the session *Public Access to Courts and Information*, Justices Latham and Rein joined Judge Helen Murrell SC from the District Court to discuss the new court information legislation from criminal and civil viewpoints in order to increase understanding about the impact of the legislation on judges and potential problems. There were also several guest presenters at the conference. The Solicitor General of Australia, Mr Stephen Gageler SC, spoke engagingly about an important topic directly relevant to the judges’ work *Judicial Review Post Kirk*, and Professor Peter Butt discussed famous UK land law cases. Professor Don Langevoort’s session, *The Fiduciary Business*, examined the favoured traits in the fiduciary business and how they interact with — and easily frustrate — the law’s efforts to insist on fiduciary responsibility from those who are, in heart and soul, salespeople. Professor Ian Frazer’s session, *Preventing Cancer in the 21st Century*, explored ways to reduce the cancer burden in the developed and developing world through behaviour change, and through prevention of cancer initiating infections. Professor Angela van Daal’s session, *Current Issues in DNA Evidence*, discussed the issues surrounding current DNA typing practises, including the potential for ‘DNA evidence only’ trials. Justice Sathavy Kim from Cambodia spoke on her experiences of *Surviving the Khmer Rouge*.

- In September, 12 Judges attended a twilight seminar on “Cybercrime, Technology Trends and Electronic Evidence presented by Mr Matthew Nevin, Project Manager eCourt and Prosecution Support, High Tech Crime Operations, Australian Federal Police. This presentation provided an overview of several technology trends impacting on the collection and presentation of electronic evidence in criminal and civil matters.

- In October, 26 Judges attended a twilight seminar on “Personal Property Securities” presented by Mr Robert Newlinds SC. Mr Newlinds provided an overview of the important and pervasive reforms introduced by the *Personal Property Securities Act 2009*.

It is also relevant to note that throughout both 2010 and 2011, the Court continued to work with the Judicial Commission to ensure the *Criminal Trials Courts Bench Book* and the *Civil Trials Bench Book* were regularly updated by Judges to reflect developments in the law and sentencing.

International judicial education activities undertaken in 2010

In January, five Judges attended the Second Judicial Seminar on Commercial Litigation in Hong Kong. The second Seminar builds upon the successful inaugural event in 2008, which was jointly hosted by this Court and the High Court of the Hong Kong Special Administrative Region. The Honourable J J Spigelman, AC, was one of the Judges who attended and his Honour delivered a paper entitled *Cross Border Issues for Commercial Courts: an Overview*. Justice Hammerschlag also addressed the Seminar, delivering his paper entitled *The Erosion of the Right to be Heard*.

International judicial education activities undertaken in 2011

- In January, seven judges attended the Supreme and Federal Court Judges' Conference in Wellington, New Zealand. The three-day Conference program included sessions on topics relevant to both Australian and New Zealand courts and addressed a wide range of topics including: access to justice; vulnerable witnesses; mentally impaired accused; cultural/interpretation issues; the Treaty of Waitangi; the future direction of judicial education; extra curial judicial activities; media and the Courts; cybercrime, and the Human Genome project.
- From 21-23 March, the Supreme Court of NSW, the High Court of Hong Kong and the Supreme Court of Singapore jointly hosted the Third Judicial Seminar on Commercial Litigation in Sydney. The event was attended by 36 delegates from 12 countries in the Asia Pacific Region, including seven Judges from this Court. The seminar provided a working forum for judges from the Region to exchange ideas and experiences in relation to best practice in the management of commercial and corporate litigation. It was designed to improve mutual understanding of practices and promote consideration of cross-border elements that arise between jurisdictions.
- In May, three Memorandums of Understanding on Judicial Exchange were established between this Court and the High People's Court of Shanghai, the High People's Courts of the Guangdong Province, and the High People's Court of the Hubei Province. These Memorandums formally establish an expectation that the judicial officers of the signatory courts will share knowledge with each other, and cooperate with each other.



Supreme Court of New South Wales, High Court of Hong Kong Special Administrative Region and Supreme Court Singapore

THIRD JUDICIAL SEMINAR ON COMMERCIAL LITIGATION

21-23 March 2011, Sheraton on the Park, Sydney

Group photo: from left to right

Front Row: Justice Patricia Bergin, Justice V K Rajah, Chief Justice Geoffrey Ma, Chief Justice James Spigelman, Chief Justice S H Kapadia, Justice Liu Xuewen, Senior Judge Zhang Yongjian.

Second Row: Ms Annie Tang, Senior Judge Yu Qiuwei, Justice Anantham Kasinather, Judge Takashi Omine, Justice Derek Hartshorn, Justice Mohan Bharwaney, Justice Dato' Rohana Yusuf, Judge Ruwan Fernando, Mr Harish Juneja, Justice David Hammerschlag, Assistant Judge Zheng Ying, Mr Jordan Tan.

Third Row: Senior Judge AO Guang'en, Associate Judge Hidemasa Yasukawa, Justice Ian Gzell, Justice Anselmo Reyes, Justice Robert Macfarlan, Justice Steven Chong, Presiding Judge Soonhyung Kwon, Justice Chu Kin, Justice Reginald Barrett, Justice Clifford Einstein, Justice Helen Winkelmann, Justice Andrew Cheung, Judge Ahsan Marikar.

PUBLIC EDUCATION PROGRAMME

Each week the Court's Registrars address secondary school students and community groups regarding the Court's jurisdiction and daily operations. After the lecture, the group is taken to an appropriate courtroom to observe a Supreme Court trial. The Court offers this service at no cost to the attendees, and demand for these group talks remains high, particularly amongst secondary school Legal Studies students. More than 1,400 students and members of the public attended these lectures in both 2010 and 2011.

THE ROLE OF THE PUBLIC INFORMATION OFFICER

The Court's Public Information Officer (PIO) is the principal media spokesperson for the superior NSW courts and provides a professional court-media liaison service.

The major role of the position is to provide the media with information about court proceedings in the NSW Supreme Court, the Land and Environment Court, the Industrial Relations Commission of NSW and the District Court of NSW.

The PIO works with the media to ensure that judicial decisions are correctly interpreted and reported to the community and widely promote any initiatives taken by the courts to enhance access to justice.

The PIO is also responsible for ensuring that media outlets are alert to any suppression orders issued in proceedings, and that they are familiar with the terms and impacts of these orders.

The distribution of, and adherence to, suppression or non-publication orders is critical as the media's failure to acknowledge them in their coverage could compromise proceedings.

During 2010, the PIO handled 3,260 requests for information. Of these:

- 69 per cent (2,249 enquiries) related to Supreme Court matters;
- 25 per cent (815 enquiries) related to District Court matters, and
- 6 per cent (196 enquiries) related to other courts, including the Industrial Relations Commission and the Land and Environment Court.

Sixty five per cent of the 3,260 requests for information received in 2010 emanated from Sydney metropolitan journalists/reporters from major newspapers and radio and TV stations; 18 per cent were from NSW regional newspapers, radio and TV stations, and three per cent were from suburban Sydney newspapers. The remaining 14 per cent of the enquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.

In 2011, the PIO handled 4,818 requests for information, an increase of 48 per cent on the previous year. Of these:

71 per cent (3,421 enquiries) related to Supreme Court matters;

25 per cent (1,204 enquiries) related to District Court matters, and

4 per cent (193 enquiries) related to other courts, including the Industrial Relations Commission and the Land and Environment Court.

Sixty six per cent of the 4,818 requests for information received in 2011 emanated from Sydney metropolitan journalists/reporters from major newspapers and radio and TV stations; 15 per cent were from NSW regional newspapers, radio and TV stations, and three per cent were from suburban Sydney newspapers. The remaining 16 per cent of the enquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.

6 OTHER ASPECTS OF THE COURT'S WORK

- Uniform Civil Procedure Rules
- JusticeLink & Electronic Services
- Law Courts Library
- Admission to the Legal Profession and appointment of Public Notaries
- Admission under the Mutual Recognition Acts
- Administration of the Costs Assessment Scheme
- Pro Bono scheme
- Judicial Assistance Program

UNIFORM CIVIL PROCEDURE RULES

The Uniform Civil Procedure Rules project commenced in 2003 when the Attorney General's Department developed a cross-jurisdictional Working Party. The Working Party's chief aim was to consolidate provisions about civil procedure into a single Act and develop a common set of rules for civil processes in the Supreme, District and Local Courts.

This aim was substantially achieved through the commencement in 2005 of the *Civil Procedure Act 2005* and *Uniform Civil Procedure Rules 2005*. A Uniform Rules Committee was established under sections 8, 17 and Schedule 2 of the Act. The Committee is chaired by the Chief Justice. The President of the Court of Appeal, Justice Hoeben and Justice Rein also represented the Court on the Committee throughout 2010 and 2011.

JUSTICELINK & ELECTRONIC SERVICES

Since mid December 2009, JusticeLink has been utilised in the management of the entire Court's caseload. The Court continued to be actively involved in the NSW Department of Attorney General and Justice's JusticeLink and Legal eServices projects during 2010 and 2011, particularly through the JusticeLink Steering Committee and the Judicial Electronic Case Management Steering Committee.

The Committee is an initiative of the Department and includes representatives from the Supreme, District and Local Courts. It aims to ensure the JusticeLink system meets the needs of courts and other justice agencies in the Department. The following Supreme Court judicial officers and registry staff served on the Committee in 2010 and 2011.

- The Honourable Justice Gzell;
- The Honourable Justice Latham;
- The Honourable Justice Rein (throughout 2010 only);
- The Honourable Associate Justice Macready;
- Ms Megan Greenwood, Chief Executive Officer and Principal Registrar (until September 2010);
- Mr Paul McKnight, A/Chief Executive Officer and Principal Registrar (from September 2010 to April 2011), and
- Ms Linda Murphy, Chief Executive Officer and Principal Registrar (from April 2011).

In April 2011, the Court received its first integrated electronic services product with the launch of the Online Court List. This product allows court users to search for a particular case by name, case number, location, date, jurisdiction, title of presiding officer and type of listing (for example, directions, hearing, judgment and so on). Court users can search for cases listed up to two weeks in advance, and for previous listings that have occurred in the last seven days.

LAW COURTS LIBRARY

The Law Courts Library is a legal resource and information centre for all judicial officers, chamber staff and Registrars in the Law Courts Building.

The NSW Department of Attorney General and Justice and the Federal Court of Australia jointly fund the Law Courts Library. Two committees oversee the operations of the Library: the Operations Committee and the Advisory Committee.

The Operations Committee comprises an equal number of representatives from the NSW Department of Justice and Attorney General and the Federal Court of Australia. The Operations Committee is responsible for setting budget priorities, revenue, business planning and Library policy. The Advisory Committee consists of three Judges from the Federal Court of Australia and three Judges from the Supreme Court of NSW. The Advisory Committee consults with the Operations Committee on matters of budget, collection development and service provision.

During 2010 and 2011, the Supreme Court representatives on the Advisory Committee were:

The Honourable Justice Allsop;
The Honourable Justice Basten, and
The Honourable Justice Macfarlan.

ADMISSION TO THE LEGAL PROFESSION AND APPOINTMENT OF PUBLIC NOTARIES

The Legal Profession Admission Board is a self-funding statutory body established under the *Legal Profession Act 2004*. The Board makes and applies rules governing the admission of lawyers and appointment of public notaries in New South Wales. It also assesses the qualifications of overseas applicants and accredits academic law degrees and practical legal training courses. Successful completion of the Board's examinations leads to the award of a Diploma in Law that, for the purpose of admission as a lawyer in New South Wales, is the equivalent of a degree from an accredited law school. Once admitted as a lawyer, a person may apply to the Law Society of NSW or the NSW Bar Association for a practising certificate as either a solicitor or barrister.

The Board comprises the Chief Justice, three other Judges of the Supreme Court, a nominee of the Attorney General as well as academics and key members of the legal profession. The Board maintains a close working relationship with the Court in other respects, by providing officers to assist in the administration and conduct of admission ceremonies, maintaining the Rolls of Lawyers and Public Notaries, and liaising with the Court's Registry about applications made under the Mutual Recognition Acts. In addition, five Judges of the Court provide important policy input by maintaining positions on the Board's committees and the Law Admissions Consultative Committee (LACC).

During 2010, the members of the Legal Profession Admission Board were:

The Honourable the Chief Justice
The Honourable Justice Tobias AM RFD (Presiding Member)
The Honourable Justice Davies
The Honourable Justice Slattery (Deputy Presiding Member)
Mr J Gormly SC
Mr G McGrath
Mr C Cawley
Mr J Dobson
Professor S Colbran
Professor J McKeough (until 10 February)
Professor L McNamara (from 10 February)

Ms M Tangney (NSW Department of Justice and Attorney General)

Executive Officer and Secretary: Ms R Szabo

During 2011, the members of the Legal Profession Admission Board were:

The Honourable the Chief Justice

The Honourable Justice Slattery (Presiding Member)

The Honourable Justice Davies (Deputy Presiding Member)

The Honourable Justice Pembroke (to 1 Aug 11)

The Honourable Justice Sackar (from 1 Aug 11)

Mr J Gormly SC

Mr G McGrath SC

Mr C Cawley

Mr J Dobson

Professor S Colbran

Professor L McNamara

Ms Maureen Tangney (NSW Department of Attorney General and Justice)

Executive Officer and Secretary: Ms R Szabo

The Board's work during 2010

- The National Legal Profession Reform Project continued with proposals to centralise a number of areas that regulate the profession, including establishing a National Board to assess applicants who seek admission to the profession. The Board has been active in its review of the Draft National Law and Draft Rules and has provided commentary on aspects of the administration and operation of the national body, its impact on the current admitting authorities and procedures. It worked closely with the Law Admissions Consultative Council (LACC) and other admitting authorities to facilitate the reforms, identify any potential difficulties and make recommendations to achieve uniformity. The Board made significant contributions to the legislative framework within which the new operations would exist by way of its commentaries to the draft legislation, which were used as the basis of other admitting authorities commentaries.
- The Board continued to share information with other admitting authorities about instances where a discretion to exempt experienced practitioners is exercised. Such a practice

facilitates consistency in uniform decision-making and ensures Uniform Principle procedures are adjusted from time to time to reflect accumulated experience.

- The Board continued to make improvements to its Diploma in Law course to remain competitive and relevant with law schools. A new elective subject is now offered to provide students with skills in interpreting legislation: "Understanding Legal Language and Legislation". The Board also considered a review to its assessment process and agreed on a proposal that assignment marks contribute towards the final examination marks.
- The Board displayed significant initiative in the ongoing assessment of qualifications for overseas applicants. Standards of overseas university courses were considered and the Board introduced new procedures for assessing students who obtained marks of less than 50%. This policy was adopted by LACC, incorporated into the Uniform Principles for assessing the qualifications of overseas applicants and practitioners who seek entry to the legal profession in Australia and has now been adopted by all admitting authorities.
- The Board considered proposed revisions of the accreditation of law degrees offered by institutions; specifically, minimum duration of academic legal studies. The Board held the position that acquiring the academic qualification in law should take three years full-time studying. A new course, the Juris Doctor at the University of Sydney, was accredited by the Board. Consideration of future online law degrees was also addressed by the Board in recognition that technology is changing the delivery of education.
- In line with the Board's commitment to offer a high standard of flexible and affordable legal education, the Board together with the Law Extension Committee of the University of Sydney participated in the Sydney Morning Herald's HSC and Careers Expo where presentations were held and information provided to prospective students-at-law.

The Board's work during 2011

The impact of the National Legal Profession Reforms remains uncertain, as a few jurisdictions have withdrawn their support for the new system of national regulation. Under the *Legal Profession National Law*, it is proposed that a newly established National Legal Service Board, to be located in New South Wales, will undertake some functions currently performed by local admitting authorities and other bodies. Under the proposed reforms, which are yet to be finalised, the new Board, in consultation with local authorities, would be responsible for drafting the National Rules and establishing committees to provide expert advice in specific areas. Lawyers will continue to be admitted by the courts in each jurisdiction, however some functions might be transferred to the National Legal Services Board.

The Board has played an active role in reviewing and responding to numerous proposals put forward by the Law Admissions Consultative Committee (LACC) and has highlighted issues arising from its annual review and accreditation of law degrees and practical legal training courses. The Board obtained further details from law schools about the duration of its law degrees and substitution of academic subjects with practical legal training subjects. The advice of the NSW Board and its Committees is also often sought by other authorities in respect to matters of admission and the assessment of overseas qualifications.

The introduction of the Tertiary Education Quality and Standards Agency (TEQSA) that established a new authority to register and evaluate the performance of all higher education providers against a new Higher Education Standards Framework has required the Board's attention and allocation of resources. The Board sought independent legal advice and has engaged in a close consultation process with TEQSA in order to determine the extent of the impact of the new legislation on the Board and its Diploma in Law course. This unique course has a rich history and is recognised as an accessible and affordable means of allowing people from all walks of life, including country residents, an opportunity to study law

and enter the legal profession. The imposition of additional regulatory requirements would almost certainly result in a significant increase in the Board's operational costs.

Table 6.1: **Summary and comparison of the legal profession admission board's workload**

	2009	2010	2011
Lawyer admissions approved by the Board	1,839	1,830	1793
Certificates of Current Admission produced by the Board	324	326	315
Public Notaries appointed by the Board	66	61	50
Students-at-Law registrations	610	519	517

(Note: admissions under Mutual Recognition Acts are not included. Please refer to the section below entitled *Admission Under Mutual Recognition Acts*)

Legal Qualifications Committee

The Legal Qualifications Committee (LQC) is constituted under the Legal Profession Admission Rules 2005 to superintend the qualification of candidates for admission and to advise the Board in relation to the accreditation of academic and practical training courses in New South Wales. The LQC and its Sub-Committees provide expert advice and comment to the Board and LACC in relation to matters pertaining to the assessment of the qualifications of overseas applicants or practitioners who seek entry to the Australian legal profession and on any proposals for change circulated by LACC. The Committee performs its work largely through its sub-committees and reviews decisions of these sub-committees at the request of aggrieved applicants. In addition to appeals from sub-committee decisions and requests for extensions of the periods of validity of academic and practical training exemptions, it considers applications from students-at-law who seek approval under rule 97(9) to apply for exemptions on the basis of studies undertaken at other institutions after registration as a student-at-law with the Board.

During 2010 the members of the Legal Qualifications Committee were:

The Honourable Justice White (Chairperson)
The Honourable Justice Slattery (Deputy
Chairperson)
The Honourable Justice Harrison (to 1 July)
The Honourable Justice Pembroke (from 1 July)
Mr J Fernon SC
Ms S Leis
Ms E Picker
Mr H Macken (to 30 June)
Ms M Macken (from 1 July)
Mr C Cawley
Mr J Dobson
Mr G Ross
Mr R Harris
Mr P Underwood
Ms J Eggleton (from 1 July)
Professor A Lamb AM
Dr G Elkington
Executive Officer and Secretary: Ms R Szabo

During 2011 the members of the Legal Qualifications Committee were:

The Honourable Justice White (Chairperson)
The Honourable Justice Slattery (to 17 May 2011)
The Honourable Justice Davies (from 17 May 2011)
The Honourable Associate Justice Hallen
Mr J Fernon SC
Ms S Leis
Ms E Picker
Ms M Macken
Mr C Cawley
Mr J Dobson
Mr G Ross
Mr R Harris
Mr P Underwood
Ms J Eggleton
Professor A Lamb AM
Dr G Elkington
Executive Officer and Secretary: Ms R Szabo

Work during 2010

- A substantial volume of material was presented to the LQC for review during 2010. It considered proposals set out in a LACC discussion paper to integrate Threshold Learning Outcomes (TLOs) to be adopted by universities as outcome measures for law undergraduates with current academic requirements for admission (Priestley 11). The Committee advised the Board that whilst it accepts that the Priestley subjects may be subject to review, the adoption of the TLOs by universities is not a reason for amending the descriptions or reducing the substance of the subjects and it recommended that the Board not adopt the LACC proposals.
- The LQC provided the Board with advice and recommendations about the duration of academic studies and integration by some institutions of academic and practical legal training. It recommended to the Board that academic requirements for English applicants (England, Wales and Northern Ireland) be amended in the subjects of Administrative Law and Property Law. Such proposal initiated amendments to the Uniform Principles in order to maintain consistency in approaches to the giving of exemptions for overseas applicants by other admitting authorities. A later proposal by the Committee resulted in the adoption of a similar approach for applicants who have studied Administrative Law as a separate subject over a full course of study in a comparable jurisdiction.
- The LQC also considered and provided comment and recommendations to the Board on a number of other proposed amendments to the Uniform Principles including experienced practitioner provisions. It also recommended that the Board recommend to LACC that the contents of the Uniform Principles and the Guidelines that were not available to the public, be incorporated into one document in a harmonious way and the resultant document be published.

Work during 2011

- Discussions continued between the Committee, the Board and LACC about LACC's proposal to link the academic requirements for admission (the Priestley 11 subjects) with the proposed Threshold Learning Outcomes. The Board adopted the LQC's recommendations and advised LACC that it was not in favour of its proposal, a view shared by the Council of Chief Justices, and at LACC's meeting on 24 June 2011, the proposal was abandoned.
- The duration of academic studies continued to be an issue in 2011, with the Committee maintaining its view that an approved academic law course should include at least three years full time study, regardless of whether the course is an LLB or JD.
- The Committee considered a paper from LACC which proposed that graduates of the Common Professional Exam (CPE) or Graduate Diploma in Law (GDL) in the United Kingdom be referred to universities to seek admission to a law degree *ad eundem statum* instead of applying to admitting authorities for assessment. The Committee reminded LACC that it is the practice of the Committee and its sub-committees to consider applications from all applicants, whether or not they have undertaken the CPE or GDL.
- A proposal was put forward by LACC that applicants from the UK and Ireland who have completed a legal Practice Course (LPC) or the Bar Vocational Training Course (BVTc) but who have not been admitted should be allowed to apply for practical training exemptions. The Committee raised its concerns with the Board, and recommended that the proposal not be adopted.

Table 6.2: Applications considered by the Legal Qualifications Committee

	2009	2010	2011
Applications for Academic Exemptions	443	428	397
Applications for Practical Training Exemptions	103	99	122

Examinations Committee

The Examinations Committee is constituted under the Legal Profession Admission Rules 2005 to oversee the content and conduct of the Board's examinations and the candidatures of Students-at-Law. It has three sub-committees. The Performance Review Sub-Committee determines applications from students seeking to avoid or overcome exclusion from the Board's examinations. The Curriculum Sub-Committee, in consultation with the Board's examiners and revising examiners, plans the curriculum for the Board's examinations, and the Quality Sub-Committee oversees the quality of examinations and marking of examination papers.

During 2010, the members of the Examinations Committee were:

The Honourable Justice Simpson (Chairperson)
 The Honourable Justice Hall (Deputy Chairperson)
 Mr M Christie SC
 Mr J Dobson
 Mr F Astill
 Ms S Carter
 Mr R Anderson
 Executive Officer and Secretary: Ms R Szabo

During 2011, the members of the Examinations Committee were:

The Honourable Justice Simpson (Chairperson)
 The Honourable Justice Hall
 Mr M Christie SC
 Mr J Dobson
 Mr F Astill
 Ms S Carter
 Mr R Anderson
 Executive Officer and Secretary: Ms R Szabo

Work during 2010

- The Examinations Committee continued to closely monitor each subject’s examination performance statistics and continued to plan the curriculum and syllabi for the Board’s examinations. The Committee determined that improvements were required regarding the responsibilities of Examiners and Revising Examiners and made recommendations to the Board. The responsibilities have been structured to ensure the smooth running of the examination process. In particular, amendments to the Board’s policies saw the introduction of new procedures for marking examination papers, with a requirement to complete a Marking Advice Sheet. This has facilitated early detection of any irregular patterns that may arise during the marking process and allowed for investigation before the release of results.
- Consistent with the Board’s commitment to offering flexibility in accessing legal education, the Committee recommended a change to the Diploma in Law Course policy, giving graduates who wish to return to the course to undertake further study, the opportunity to do so.
- Following its consideration of an allegation of academic misconduct against a student-at-law, the Committee decided that an oral hearing should be held. The hearing committee’s report was referred to the Board and the student excluded from further examinations for a period of two years.

Work during 2011

- In addition to performing course related tasks, including appointing Examiners, hearing applications and reviewing Sub-Committee decisions, the Examinations Committee continued to monitor and consider proposals to maintain and enhance the quality of the Board’s Diploma in Law course. The new marking policy whereby assignment marks contribute to a student’s final mark was implemented for the first time in the September 2011 examinations. An automated spreadsheet was created to assist Examiners and to better manage the new assessment regime which is being closely

monitored to assess its impact on the Board’s course. Initial findings indicated a drop in the failure rates in some subjects with a traditionally higher failure rate and marked differences between some exam and assignment results for certain subjects. However, closer investigations revealed that factors unrelated to the new making regime were accepted as the more probable reasons for the statistical activity. The Committee has recommended continued monitoring of the impact of assignment marks on overall subject results for future semesters.

- The LPAB and Law Extension Committee of the University of Sydney (LEC) were represented at the “Reinvent Your Career” Expo in September. This expo targets mature age people seeking re-entry into the workforce or a change of career. There was substantial interest in the Board’s course, and it was felt that it was a more effective opportunity to increase awareness of the Board’s course than the school leavers’ expo in which the Board traditionally participates.

Table 6.3: **Three-year comparison of the Examinations Committee’s workload**

	2009	2010	2011
Examination subject enrolments by Students-at-Law	4,804	4,993	4,818
Approved applications to sit examinations in non-scheduled venues	45	17	5
Approved applications for special examination conditions	41	26	29
Student-at-law course applications	248	180	181
Applications from students-at-law liable for exclusion from the Board’s examinations	315	252	299

ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

The management of applications from legal practitioners for admission under the Mutual Recognition Acts forms another aspect of the Registry's work. The Registry liaises with the Legal Profession Admission Board in performing this task. In 2011, 90 New Zealand practitioners were enrolled under the Trans Tasman Mutual Recognition Act 1997. For comparison purposes, there were 43 Trans-Tasman admissions in 2010, and 40 in 2009. The number of practitioners enrolled under the Mutual Recognition Act 1992 remains negligible after each State and Territory except South Australia enacted legislation that allows interstate practitioners to practise seamlessly throughout Australia. There have been five enrolments recorded under the Mutual Recognition Act 1992 in New South Wales since January 2007.

ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

The Costs Assessment Scheme commenced on 1 July 1994. It is the process by which clients and practitioners determine the amount of costs to be paid in two principal areas: between practitioners and their clients and party/party costs. Party/party costs are costs to be paid when an order is made from a Court (or Tribunal) for unspecified costs. The Costs Assessment section of the Registry undertakes the day-to-day administration of the Costs Assessment Scheme.

The Costs Assessment Scheme is the exclusive method of assessment of legal costs for most jurisdictions. Applications under the Scheme are determined by external assessors appointed by the Chief Justice. All assessors are members of the legal profession. The Chief Justice also appoints costs assessors to the Costs Assessment Rules Committee. Mr Gordon Salier AM, solicitor, was the Chair of the Costs Assessment Rules Committee during 2010 and 2011. There were four meetings of the Costs Assessment Rules Committee in 2010, and six meetings in 2011.

A Costs Assessment Users' Group meets on a quarterly basis to discuss issues in costs assessment from a user's perspective. The Costs Assessment Users' Group is chaired by Justice Brereton and consists of the Manager, Costs Assessment, costs assessors, costs consultants and a representative of the Office of the Legal Services Commissioner.

During 2010, 1,862 applications were lodged. Of these, 1,005 (54 per cent) related to costs between parties; 209 (11 per cent) were brought by clients against practitioners, and 461 (25 per cent) were brought by practitioners.

In 2011, 1,659 applications were lodged. Of these, 912 (55 per cent) related to costs between parties; 190 (11 per cent) were brought by clients against practitioners, and 557 (34 per cent) were brought by practitioners.

PRO BONO SCHEME

The review process, which is relatively informal in nature, is carried out by two senior assessors of appropriate experience and expertise and is conducted along similar lines to that used in the original assessment process. The review panel can vary the original assessment and is required to provide a short statement of its reasons. In 2010 and 2011, the respective totals for the number of applications for review of costs assessment determinations were 187 and 218.

There is still provision to appeal the review panel's decision to the Court, as of right on questions of law and otherwise by leave. However, following a legislative change on 1 September 2008, these appeals are heard in the District Court, not the Supreme Court, unless in the case of a party/party application a party seeks leave to appeal to the court or tribunal that made the costs order.

In September 2011, the Chief Justice of New South Wales announced that the Court would undertake the first ever Review into the operation of the Costs Assessment Scheme. The overarching aim of the Review was to evaluate the extent to which the Scheme's existing structure and operations support the just, quick and cheap resolution of costs disputes.

In response to the Chief Justice's public invitation for submissions to the Review, the Court received more than 30 responses from a wide range of interested parties including peak professional bodies, current and retired costs assessors, costs consultants, commercial and government lawyers, and self-represented litigants.

These submissions have been referred to a panel of representatives from the Supreme Court, NSW Bar Association, Law Society of NSW, and the Office of the Legal Services Commissioner. Once this consultation group has had an opportunity to thoroughly review and analyse the written submissions, the Court will publish a report of its recommendations.

The Court initially established the Pro Bono Scheme with support from the NSW Bar Association and Law Society of NSW in 2001. The Scheme operates in accordance with Part 7 Division 9 of the Uniform Civil Procedure Rules 2005 and enables unrepresented litigants to be referred to a barrister and/or solicitor once the Court determines they are deserving of assistance. During 2010, the Court made 35 referrals under the Scheme: one referral was made in a Court of Appeal matter, and 17 referrals were made by Judges in each of the Common Law and Equity Divisions. In 2011, the Court made 66 referrals: 13 referrals were made in Court of Appeal matters, 39 were made by Judges in the Common Law Division, and 14 referrals were made in cases in the Equity Division. The Scheme's success depends upon the continued goodwill of barristers and solicitors, and the Court gratefully acknowledges those who support the Scheme by volunteering their services.

JUDICIAL ASSISTANCE PROGRAM

A Judicial Assistance Program was launched to help New South Wales judicial officers meet the demands of their work whilst maintaining good health and well-being. The scheme provides for 24-hour access to a professional, confidential counselling service and free annual health assessments. The Court administers this Program on behalf of all the jurisdictions.

7 APPENDICES

- i. Court statistics – comprehensive table of statistics
- ii. The Court’s Committees and User Groups
- iii. Other judicial activity: Conferences, Speaking, Engagements, Publications, Appointments to Legal and Cultural Organisations, Delegations and International Assistance and commissions in Overseas Courts

APPENDIX (I): COURT STATISTICS – COMPREHENSIVE TABLE OF STATISTICS

(to be read in conjunction with Chapter 4)

- **Filings, disposals and pending cases**
- **Timeliness**
 - Court of Appeal, Court of Criminal Appeal, Criminal List – age of pending cases at 31 December
 - Other lists – waiting times
 - Listing delays
- **Alternative dispute resolution**

Filings, disposals and pending cases

NOTES:

The figures for pending cases for each list can include cases that have been re-opened after judgment, and cases referred from other case management lists. For this reason, pending caseload figures do not always reconcile with associated filing and disposal figures.

The statistics for 2010 and 2011 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system. The JusticeLink statistical and operational reporting functions are still under development and so the figures reported are provisional.

The statistics for the Court of Appeal, Court of Criminal Appeal, Criminal List, Bails List, Adoptions List, Protective List and contested Probate List matters continue to be manually collated and are subject to audit and revision.

“n/a” – figures not available or not separately reported

“-“ – item not applicable

“0” – zero count

	2007	2008	2009	2010	2011
COURT OF APPEAL ¹					
Filings					
<i>Appeals and applications for relief</i>	377	361	339	353	320
<i>Applications for leave to appeal ²</i>	206	185	172	166	182
<i>Net new cases ³</i>	564	530	496	501	490
Disposals					
<i>Appeals and applications for relief</i>	338	380	368	313	365
<i>Applications for leave to appeal</i>	218	196	192	156	177
<i>Net disposals ⁴</i>	537	560	545	451	533
Pending cases at 31 December					
<i>Appeals and applications for relief</i>	292	273	241	285	237
<i>Applications for leave to appeal</i>	116	106	88	99	101
<i>Total</i>	408	379	329	384	338

¹ These statistics exclude holding notices of appeal, holding summonses for leave to appeal and notices of intention to appeal because those forms do not commence substantive appeals or applications.

² This item also includes applications where parties have elected to have a concurrent hearing of both the application for leave to appeal and the appeal (if leave is granted).

³ For reporting the net new cases, if a Court of Appeal case is commenced by a summons for leave to appeal and then a notice of appeal is filed pursuant to a grant of leave, this is counted as one continuous appeal case (not two separate cases).

⁴ For reporting the net disposals, where an appeal has been preceded by a grant of leave, this is counted as one continuous case and a disposal is counted only when the substantive appeal is finalised.

	2007	2008	2009	2010	2011
COURT OF CRIMINAL APPEAL ¹					
Filings	441	422	389	414	382
Disposals	444	414	391	417	340
Pending cases at 31 December	177	185	183	180	222

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. In 2010, four parole decision appeals were filed.

	2007	2008	2009	2010	2011
COMMON LAW DIVISION – Criminal ^{1, 2}					
Criminal List					
Filings ³	133	101	106	112	138
Disposals ⁴	115	122	112	106	85
Pending cases at 31 December	111	90	84	90	143

Bails List ⁵					
Filings (applications)	2,866	2,822	2,826	2,678	3,317
Disposals (applications) ⁶	1,123	2,490	2,016	2,115	2,343
Pending applicants at 31 December	270	243	304	279	372

Summary jurisdiction cases ⁷					
Filings	11	237	0	-	-
Disposals	0	0	248	-	-
Pending cases at 31 December	11	248	0	-	-

¹ In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for re-determination of a life sentence.

² Since 2005, the Court has used counting rules that align with national counting rules. Therefore these figures are not directly comparable with figures reported before 2005.

³ The figures include committals for trial/sentence, ex officio indictments, re-trials ordered by the Court of Criminal Appeal or High Court, matters referred from the Mental Health Review Tribunal, transfers from the District Court, and re-activated matters (eg where a bench warrant is executed).

⁴ Disposals are counted at sentence, acquittal or other final disposal. Previously disposals were counted at verdict, plea of guilty, or other final disposal. ("Other final disposal" includes referral to the Mental Health Tribunal, no bill, death of the accused, order for a bench warrant to issue, transfer to another court, and other final orders).

⁵ The figures for pending Bails List cases do not reconcile with the figures for filings and disposals. This is because the figures for filings and disposals are counts of applications, while the figures for pending cases are counts of applicants. The Court can deal concurrently with multiple applications for an applicant.

⁶ The counts for disposals under-represent the number of bail applications that have been heard and determined. While correct orders were recorded on the JusticeLink system, for a significant number of cases the method of entering the court result did not record a disposal for the bail application.

⁷ Normally, the few summary jurisdiction cases that come to the Court are included with civil cases within the Summons List of the Common Law Division, where they are managed. During 2007 and 2008, a total of 248 related prosecutions under the *Food Act 2003* (against one company and its two directors) were lodged. These have been separately reported to prevent skewing of the statistics in the Summons List. Note that the 248 cases reported here were reported to the Productivity Commission as 9 cases only, in accordance with the national counting rules.

2007 2008 2009¹ 2010² 2011

COMMON LAW DIVISION – Civil

Administrative Law List

Filings	145	150	125	186	183
Disposals	195	191	110	218	156
Pending cases at 31 December	78	52	74	180	222

Defamation List

Filings	61	73	73	72	59
Disposals	65	74	89	65	63
Pending cases at 31 December	93	99	88	99	100

Common Law General List (formerly the General Case Management List) ³

Filings	963	1,096	1,072	939	1,012
<i>Contested claims</i>	271	317	402	472	462
– <i>personal injury</i>	169	213	272	275	230
– <i>other claims</i>	102	104	130	197	232
<i>Uncontested claims</i>	128	208	173	65	100
Proceeds of Crime cases	179	119	127	114	125
Other summons cases	385	452	370	288	325
Disposals	1,048	1,033	1,073	778	863
<i>Contested claims</i>	442	383	414	337	422
– <i>personal injury</i>	228	194	232	219	188
– <i>other</i>	214	189	182	118	234
<i>Uncontested claims</i>	92	85	120	135	105
Proceeds of Crime cases	149	153	127	95	74
Other summons cases	365	412	412	211	262
Pending cases at 31 December	1,104	1,127	1,168	1,342	1,648
<i>Contested claims</i>	674	680	770	843	923
– <i>personal injury</i>	381	391	443	483	550
– <i>other</i>	293	289	327	360	373
<i>Uncontested claims</i>	62	107	105	192	243
Proceeds of Crime cases	165	153	156	157	216
Other summons cases	203	187	137	150	266

Possession List ⁴

Filings	5,454	5,472	4,610	3,658	3,994
<i>Contested</i>	256	282	286	n/a	n/a
<i>Uncontested</i>	5,198	5,190	4,324	n/a	n/a
Disposals	5,918	5,296	5,431	2,827	2,239
<i>Contested</i>	196	224	286	n/a	n/a
<i>Uncontested</i>	5,722	5,072	5,145	n/a	n/a
Pending cases at 31 December	2,458	2,741	2,007	2,679	4,319
<i>Contested</i>	189	243	220	n/a	n/a
<i>Uncontested</i>	2,269	2,498	1,787	n/a	n/a

Professional Negligence List

Filings	152	211	172	202	150
Disposals	139	182	185	167	189
Pending cases at 31 December	373	418	419	406	394

Miscellaneous applications ⁵

Filings	281	314	261	339	525
Disposals	162	130	491	319	490
Pending cases at 31 December	280	369	50	45	85

COMMON LAW DIVISION TOTALS – Civil

Filings	7,056	7,316	6,313	5,396	5,923
Disposals	7,544	6,955	7,395	4,374	4,000
Pending cases at 31 December	4,386	4,806	3,806	4,751	6,768

¹ Between 17 and 21 December 2009 the Court changed to a new case information and management system – JusticeLink. The data for 2009 were taken at 17 December 2009, not 31 December 2009.

² The figures reported for 2010 and 2011 have been extracted from the JusticeLink system but are considered to be provisional because the caseload reporting function of JusticeLink is still being refined. Some reporting issues still need to be resolved (for example, accurate separation of Administrative Law List cases from Common Law General List cases).

³ For 2007, 2008 and 2009, the figures exclude 248 summons cases that comprised a group of related prosecutions under the *Food Act 2003* – those cases are reported under the heading ‘Summary jurisdiction cases’ within the criminal workload of this Division.

⁴ The statistics for 2010 and 2011 are from the JusticeLink reports, which do not yet enable separate counting of the Possession List cases that become contested. Based on historical data, approximately 5 per cent of Possession List cases become contested.

⁵ These include applications under the Mutual Recognition Act, Trans-Tasman Mutual Recognition Act, applications for production orders, requests for service within NSW of documents related to civil proceedings being conducted outside NSW, and applications to enforce judgments given outside Australia. This list was audited during 2009 and approximately 350 cases were finalised as a result of the audit.

2007 2008 2009¹ 2010² 2011

EQUITY DIVISION

Admiralty List

Filings	2	4	22	11	4
Disposals	3	4	4	16	10
Pending cases at 31 December	3	3	21	17	11

Adoptions List ³

Applications	161	203	220	212	189
Orders made	167	204	204	199	194
Pending cases at 31 December	20	19	35	48	43

Commercial List

Filings	249	264	212	172	178
Disposals	251	246	240	173	188
Pending cases at 31 December	263	298	283	308	328

Commercial Arbitration List

Filings	-	-	-	5	7
Disposals	-	-	-	3	5
Pending cases at 31 December	-	-	-	3	8

Corporations List

Filings	3,008	3,150	2,764	2,149	1,837
Disposals ⁴	2,401	2,223	2,201	2,198	1,767
Pending cases at 31 December	631	858	686	672	838

Equity General List ⁵

Filings	2,187	2,228	1,993	2,250	2,101
– family provision cases	624	641	512	858	803
– other	1,563	1,587	1,481	1,392	1,298
Disposals ⁶	3,205	3,615	3,098	2,031	1,944
– family provision cases	594	781	605	719	738
– other	2,611	2,834	2,493	1,312	1,206
Pending cases at 31 December	2,431	2,037	1,856	2,111	2,410
– family provision cases	660	551	459	646	760
– other ⁶	1,771	1,486	1,397	1,465	1,650

Probate (Contentious Matters) List

Filings	141	150	125	172	138
Disposals	140	152	123	160	145
Pending cases at 31 December	91	89	92	104	97

Protective List ⁷

Applications	112	91	75	80	72
Disposals	107	104	73	58	95
Pending applications at 31 December	28	15	17	39	16

Revenue List ⁸

Filings	-	-	-	21	17
Disposals	-	-	-	3	8
Pending applications at 31 December	-	-	-	22	32

Technology and Construction List

Filings	104	114	115	100	147
Disposals	91	109	109	91	119
Pending cases at 31 December	138	150	163	178	221

EQUITY DIVISION TOTALS

Filings	5,964	6,205	5,526	5,172	4,690
Disposals ⁹	6,365	6,655	6,052	4,932	4,475
Pending cases at 31 December	3,605	3,472	3,153	3,502	4,004

2007 2008 2009 2010 2011

PROBATE – UNCONTESTED MATTERS¹⁰

Applications for grant of probate etc ¹¹	21,711	22,421	21,580	22,324	22,449
Other matters lodged ¹²	962	1,007	1,404	859	776
Total applications received	22,673	23,428	22,985	23,183	24,225

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- ¹ Between 17 and 21 December 2009 the Court changed to a new case information and management system – JusticeLink. The data for 2009 were taken at 17 December – the exceptions are the Adoptions List, Protective List and Probate (Contentious Matters) List, for which the data were taken at 31 December.
 - ² The figures reported for filings for 2010 and 2011 (except for the Adoptions List, Probate (Contentious Matters) List and Protective List) have been extracted from the JusticeLink system but are considered to be provisional because the caseload reporting function of JusticeLink is still being refined.
 - ³ In this List, all applications types are counted, including information applications. As a result of audits, the 2008 figures were revised in 2009.
 - ⁴ For 2009 and earlier, these are Registrars’ disposals only, with disposals by Judges and Associate Judges being included in the total for the Equity General List. For 2010 and onwards, all disposals in this List are recorded. Typically, Registrars finalise about 90 per cent of Corporations List cases.
 - ⁵ The Equity General List figures for 2009 and earlier include Revenue List cases.
 - ⁶ The disposals in this List for 2009 and earlier also include cases disposed from the Corporations List by a Judge or Associate Judge.
 - ⁷ Applications are counted instead of “cases” because cases in this List can be of a perpetual nature. During the period when a person’s affairs or property are managed under the *Protected Estates Act*, it is possible that more than one application will be made in relation to that person. ‘Disposals’ refers to the number of disposed applications. Following an audit in 2009, the figures for 2008 were revised.
 - ⁸ For 2009 and earlier, the Revenue List cases have been included within the Equity General List.
 - ⁹ For 2009 and earlier, the counts of disposals for the Equity Division should be considered with caution because, for the two largest lists, a significant number of cases may have more than one disposal recorded per case. This is because many cases are re-opened (but not counted as a fresh filings). Consequently, such matters (which have been recorded only once as a filing) may have more than one disposal recorded against them.
 - ¹⁰ This includes all applications filed in the Probate List. Registrars deal with uncontested applications. Only a small proportion of Probate List cases are contested and they are handled in the Probate (Contentious Matters) List.
 - ¹¹ These are the applications for grant of various forms of probate or letters of administration, or for reseal of probate grants.
 - ¹² These are the probate-related matters handled by the registry other than applications for a grant of probate – for example, probate accounts matters, caveats, deposited wills, and elections to administer estates.

Timeliness – age of pending cases at 31 December ^{1, 2, 3}

Number pending (and % of total) **National standard ⁴** **2007** **2008** **2009** **2010** **2011**

COURT OF APPEAL

Total number of cases pending		408	379	329	384	338
Cases within 12 months of age	90%	364 (89%)	328 (87%)	295 (90%)	328 (85%)	296 (88%)
Cases within 24 months of age	100%	399 (98%)	373 (98%)	320 (97%)	373 (97%)	323 (96%)

COURT OF CRIMINAL APPEAL

Total number of cases pending		177	185	183	180	222
Cases within 12 months of age	90%	172 (97%)	174 (94%)	167 (91%)	170 (94%)	205 (92%)
Cases within 24 months of age	100%	175 (99%)	184 (99%)	175 (96%)	176 (98%)	219 (99%)

COMMON LAW DIVISION – Criminal ^{5, 6}

Total number of defendants pending		93	111	90	84	143
Cases within 12 months of age	90%	92 (83%)	73 (81%)	68 (81%)	81 (90%)	108 (76%)
Cases within 24 months of age	100%	108 (97%)	85 (94%)	78 (93%)	90 (100%)	140 (98%)

COMMON LAW DIVISION – Civil

Total number of cases pending		4,386	4,806	3,806	4,751	6,768
Cases within 12 months of age	90%	-	-	-	3,513 (74%)	3,689 (55%)
Cases within 24 months of age	100%	-	-	-	4,193 (88%)	5,938 (88%)

EQUITY DIVISION (excluding uncontested probate matters)

Total number of cases pending		3,605	3,472	3,153	3,502	4,004
Cases within 12 months of age	90%	-	-	-	2,340 (67%)	2,356 (59%)
Cases within 24 months of age	100%	-	-	-	2,960 (85%)	3,302 (82%)

- ¹ Equity Division cases and the civil cases of the Common Law Division have been included in this table for the since 2010 only and the information is based on data from the JusticeLink system. The data extraction processes are still being refined and the reported information is provisional. For the Court of Appeal, the Court of Criminal Appeal and Criminal list cases the information comes from manually collated data.
- ² For cases in the Court of Appeal and the Court of Criminal Appeal, the age of cases includes time taken to deal with any associated application for leave to appeal.
- ³ These figures include the effect of factors outside the control of the Court, such as the time taken to complete relevant cases in other courts, interlocutory appeals, time taken to prepare essential reports, and time occupied by trials that result in a hung jury.
- ⁴ The national standards are taken from the “backlog” performance indicator within the Court Administration chapter of the *Report on Government Services* (published by the Productivity Commission). Note that the national standards apply to district/county courts as well as supreme courts. The national standards therefore apply to a large range of indictments and criminality. Most indictments presented in the Criminal List in this Court are for the offence of murder. Other matters may be brought before this Court only with the approval of the Chief Justice and generally involve the most serious criminality. Other supreme courts in Australia usually deal with a broader range of criminal cases.
- ⁵ The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for re-determination of a life sentence.
- ⁶ The figures are comparable from year to year: the counting unit is defendants. Cases are considered to be pending until the time of sentence/acquittal or other final disposal. Where a trial collapses and a new trial is ordered, the counting of the age of the case is calculated from the date of committal (not from the date of the order for the new trial).

Timeliness – listing delays at the end of the year ^{1, 2}

	2007	2008	2009	2010	2011
COURT OF APPEAL ³	4 months	3.5 months	1.5 months	3 months	4 months
COURT OF CRIMINAL APPEAL	2 months	3 months	2.5 months	2 months	4 months
COMMON LAW DIVISION					
Criminal List ⁴	4-5 months	2.5 months	3 months	1.5 months	5 months
Civil lists ⁵	3-4 months	2.5 months	3 months	1.5 months	7 months
Bails List	3-4 weeks	6 weeks	3 weeks	4 weeks	2.5 weeks
EQUITY DIVISION ⁶	5-6 months	5 months	2.5 months	3.3 months	2.5 months

¹ This is the time between the establishment of readiness for hearing and the first group of available hearing dates that the Court offers for criminal and civil trial cases, criminal and civil appeals and Bails List cases. These delays do not apply if the Court orders an expedited hearing.

² The listing delays show the position at the start of the new law term (for example, for 2011 it is the position at the start of the 2012 law term). This removes the end-of-year impact of the law vacation.

³ This refers to substantive appeals (including those heard concurrently with a leave application). The listing delay is significantly shorter for a hearing of a leave application alone.

⁴ This refers to cases requiring at least 3 weeks of hearing time.

⁵ This refers to cases requiring up to 5 days of hearing time.

⁶ This refers only to General List and Probate (Contentious Matters) List cases requiring 2 or more days of hearing time before a Judge.

Alternative dispute resolution

	2007	2008	2009	2010	2011
Court-annexed mediations listed ^{1, 2}					
Total	282	568	666	719	698
– Common Law Division	24	37	68	55	57
– Equity Division – not probate cases	246	518	553	651	623
– Equity Division – probate cases	11	12	36	12	18
– Court of Appeal	1	1	9	1	0
Percentage of cases settling at mediation ³	49%	59%	49%	51%	50%
Listing delay ⁴	7 weeks	6 weeks	5 weeks	7-8 weeks	5 weeks
Referrals to mediation generally					
Total referrals recorded ⁵	748	868	1,111	1,144	902
Mediation referral index ⁶	15.6%	17.1%	23.9%	23.5%	19.4%
Arbitrations listed					
Common Law Division	0	0	0	0	0

¹ “Court-annexed mediation” refers to mediations conducted by the Registrars of the Court who are also qualified as mediators. It excludes mediations conducted by private mediators.

² This section refers to court-annexed mediation listings for the year – note that *referrals* to court-annexed mediation that are made late in one year may result in *listings* early in the following year.

³ This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement *by the close of the mediation procedure*. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). The Registry does not collect settlement data for mediations conducted by private mediators.

⁴ This is the delay until the first available group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2011 it is the position at the start of the 2012 law term). Earlier mediation sessions are arranged, if ordered by the Court.

⁵ This covers all occasions when the Court refers a case to mediation, regardless of whether the mediation is to be conducted through the court-annexed mediation program or by a private mediator.

⁶ The “mediation referral index” compares the number of cases referred to mediation during the year with the number of cases lodged (in that year) that are of a type for which mediation is possible. For the purpose of calculating the mediation referral index, mediation is considered possible for all civil cases types (including appeal cases) except for proceeds of crime cases, cases that have a high likelihood of proceeding to default judgment or have no defendant element, all cases in the Adoptions list or Protective List, and 90 per cent of cases in the Corporations List. While a case may be of a type for which mediation is possible, there may be particular aspects of that case that make it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

APPENDIX (II): THE COURT'S COMMITTEES AND USER GROUPS

Chief Justice's Policy and Planning Committee

The Committee meets each month to determine strategic policy to be adopted by the Court, particularly in relation to legislative, procedural or administrative changes that are likely to affect the Court and its users. The Policy and Planning Committee is one of only two Court Committees with decision-making responsibilities, the other being the Rule Committee. Caseload management remained an important focus throughout the year. The Committee also continued to review policy and procedural initiatives submitted by the Court's other Committees detailed in this Appendix.

Members during 2010 and 2011

The Honourable the Chief Justice (Chairperson)
The Honourable the President
The Honourable Justice Beazley AO
The Honourable Justice Giles
The Honourable Justice McClellan AM
The Honourable Justice Bergin
Ms M Greenwood (Secretary – until September 2010)
Mr P McKnight (Secretary – from September 2010 – April 2011)
Ms L Murphy (Secretary – from May 2011)

Supreme Court Executive Committee

The Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational and strategic issues. The Committee met weekly throughout 2011.

Members during 2011

The Honourable the Chief Justice (Chairperson)
The Honourable the President
The Honourable Justice Beazley AO
The Honourable Justice Giles
The Honourable Justice McClellan AM
Ms L Murphy (Secretary)

Supreme Court Rule Committee

The Rule Committee meets as required to consider proposed changes to the Supreme Court Rules 1970 with a view to increasing the efficiency of the Court's operations, and reducing cost and delay in accordance with the requirements of access to justice. The Committee is a statutory body that has

the power to alter, add to, or rescind any of the Rules contained in, or created under, the *Supreme Court Act 1970*. The Committee's membership is defined in section 123 of the Act, and includes representatives from each Division of the Court and key organisations within the legal profession. Many of the rules that govern civil proceedings are now incorporated in the Uniform Civil Procedure Rules, as such fewer meetings of the Supreme Court Rule Committee have been required. There were no meetings of the Supreme Court Rule Committee in 2010 or 2011.

Members during 2010 and 2011

The Honourable the Chief Justice (Chairperson)
The Honourable the President
The Honourable Justice Hodgson AO
(until August 2011)
The Honourable Mr Justice James
(until December 2011)
The Honourable Justice Hoeben AM RFD
The Honourable Justice Hall
The Honourable Justice Rein
Mr Geoff Lindsay SC (NSW Bar Association)
Mr S Westgarth (Law Society of NSW)
Mr S Jupp (Secretary)
Senior Deputy Registrar Flaskas (Advising Officer)

Education Committee

The Supreme Court, in partnership with the Judicial Commission of New South Wales, provides continuing judicial education for Supreme Court Judges and Associate Judges. The Committee aims to maintain a regular series of "Twilight Seminars" during the year dealing with important statutory changes and practical issues in case management. Judges from the Land and Environment Court also regularly attend such seminars.

The Committee also develops the program for an annual Supreme Court Conference attended by all available judicial officers from the Court. The program is designed to cover issues of broad importance to the administration of justice and the development of the law. It is current practice to have a distinguished overseas judicial officer and often a distinguished Australian judge or retired judge from another jurisdiction address the

conference. The conference also includes a session on topics of interest not directly related to the daily work of the Court, provided by experts in the chosen field.

In addition, the Committee plans visits to correctional centres and other facilities in order to further understanding of the practical operation of other arms of government involved in the administration of justice. More generally, with the assistance of the Judicial Commission, the Committee seeks to maintain a high standard of professional development and training for judges on the Court.

The Committee is comprised of a number of judges selected by the Chief Justice together with the Education Director and the Manager, Conferences and Communication, from the Judicial Commission. The Chair of the Committee is also the Chair of the Judicial Commission's Standing Advisory Committee on Judicial Education.

Members during 2010 and 2011:

The Honourable Justice Beazley AO (Chair from November 2011)
The Honourable Justice Basten (Chair to November 2011)
The Honourable Justice JC Campbell
The Honourable Justice Hoeben AM RFD
The Honourable Justice Nicholas
The Honourable Justice Hislop
The Honourable Justice Johnson
The Honourable Justice Harrison
The Honourable Justice Fullerton
The Honourable Justice Schmidt
The Honourable Justice Garling RFD
Ms M Greenwood, CEO (to September 2010)
Mr P McKnight, Acting CEO (from September 2010 to April 2011)
Ms L Murphy, CEO (from April 2011)
Ms Ruth Windeler (Convenor), Education Director, Judicial Commission of NSW
Ms Ruth Sheard, Manager, Conferences and Communication, Judicial Commission of NSW

Building Committee

The Committee meets approximately every two months to discuss matters affecting the buildings within the Darlinghurst and King Street court complexes, and the Law Courts Building in Phillip Street. The Committee submits recommendations to the Chief Justice through the Policy and Planning Committee concerning maintenance and restoration work, including the desired outcome from the work. The Committee also identifies facilities that are required to support courtroom operations and the needs of Court users. The refurbishment of the Law Courts Building and the ongoing refurbishment of the King Street Court Complex remained the Committee's primary concerns during the 2010 and 2011 years.

Members during 2010 and 2011

The Honourable Justice McDougall (Chairperson)
The Honourable Justice Giles
The Honourable Justice Hoeben AM RFD
The Honourable Justice McClellan AM
The Honourable Justice Brereton AM RFD
The Honourable Justice Price AM
The Honourable Justice McCallum
The Honourable Associate Justice Hallen
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Mr N Sanderson-Gough
Mr K Marshall (Asset Management Branch, Department of Attorney General & Justice)
Mr M Levy (Asset Management Branch, Department of Attorney General & Justice)
Mr J Grant (Supreme Court, Secretary)

Information Technology Committee

The Information Technology Committee meets every two months to assess the information technology needs of judicial officers and their staff, and to review the implementation of IT services.

Members during 2010 and 2011

The Honourable Justice Gzell (Chairperson)
The Honourable Justice McColl AO
The Honourable Justice Einstein
The Honourable Justice Latham
The Honourable Justice Slattery

The Honourable Associate Justice Macready
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Mr N Sanderson-Gough
Mr J Mahon (Information Services Branch)
Ms K Duke (Information Services Branch)
Ms L Fairbairn (Law Courts Library)
Mr G Walker (Reporting Services Branch)
Ms E Walsham (Reporting Services Branch)

Alternative Dispute Resolution Steering Committee

The Alternative Dispute Resolution (ADR) Steering Committee meets to discuss the Court's ADR processes and consider ways in which they might be improved. The Committee works to encourage the use of ADR (particularly mediation) in solving disputes, and to ensure the Court has adequate infrastructure to provide this service. The Committee makes recommendations to the Chief Justice in pursuit of these objectives, consulting with other courts and external organisations where appropriate. The Committee met on four occasions in both 2010 and 2011.

Members during 2010 and 2011

The Honourable Justice Bergin (Chairperson)
The Honourable Justice Hoeben AM RFD
The Honourable Justice Hislop
The Honourable Justice Hall
The Honourable Justice Latham
The Honourable Justice Ward
The Honourable Associate Justice Harrison
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Ms L Walton, Registrar in Equity (to November 2011)
Mr A Musgrave, Assistant Registrar in Equity (from November 2011)
Ms A Bowne SC
Ms M Walker
Mr A McMurrin (from February 2011)
Ms J Highet (Secretary)

Jury Task Force

The Task Force was formed by the Chief Justice in 1992 to examine and report on matters relating to the welfare and wellbeing of jurors. The Task Force meets every month to discuss issues affecting juries and jury service referred to it by the Chief Justice, a head of jurisdiction, or the Attorney General. It monitors areas of policy concerning jurors with disabilities, the Sheriff's power to disclose the identity of a juror in the event of jury tampering, and exemptions from jury service.

Members during 2010 and 2011

The Honourable Justice Buddin (Chairperson)
The Honourable Justice RA Hulme
Her Honour Judge Hock (District Court)
His Honour Judge Charteris (District Court)
Mr M Talbot (Assistant Director General, Courts and Tribunal Services, Department of Attorney General & Justice)
Mr R Kruit (Regional Manager, Office of the Sheriff)
Ms S Huer (Chief Superintendent, Office of the Sheriff)
Ms P Musgrave (Director, Legislation and Policy Division, Department of Attorney General & Justice)
Ms K Leah (Senior Policy Officer, Legislation and Policy Division, Department of Attorney General & Justice)
Mr K Marshall (Director, Asset Management Branch, Department of Attorney General & Justice)
Ms S Palagummi (Secretary)

Library Committee

The Supreme Court Library Committee meets as required to provide advice on the management of the Judges' Chambers Collections and Supreme Court Floor Collections.

Members during 2010 and 2011

The Honourable the President (Chairperson)
The Honourable Justice McClellan AM
The Honourable Justice Bergin
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Ms L Fairbairn (Library Services)
Ms S Ramsay (Library Services)

Court of Appeal Users' Group

The Group was established in 1999 and consists of representatives from the legal profession nominated by the Bar Association and the Law Society. The Group meets with the President twice a year and provides users with an opportunity to share ideas and raise concerns about the Court of Appeal's operations. The Group did not meet in 2010 or 2011.

The Court instead held an information session in 2011 and invited any interested members of the New South Wales Bar and the New South Wales Law Society to attend. The session discussed current issues in the Court of Appeal and provided feedback about timeframes for the preparation of submissions and appeal books. The Court intends to hold a further information session in late 2012.

Court of Criminal Appeal/Crime User Group

The joint Court of Criminal Appeal/Crime User Group was established in 2004 to promote effective communication between the Court and key users. The Group focuses on ensuring that Court of Criminal Appeal procedures work effectively within the required time frames.

Members in 2010 and 2011

The Honourable Justice McClellan AM (Chairperson)
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Mr S Jupp
Mr M Crompton
Mr M Ierace SC (Public Defenders Office)
Ms P Musgrave
Mr P Ingram SC
Mr G Galanis
Ms E McKenzie (Office of Commonwealth Director of Public Prosecutions)
Ms M Schneider
Mr S Doumit
Mr I Rodgers
Mr S Odgers SC (NSW Bar Association)
Mr D Giddy (Law Society of NSW)
Ms P Olsoen (District Court of NSW)
Ms R Giurastante (Crown Solicitors)
Ms E Hall
Ms J Witmer (Legal Aid Commission of NSW)

Common Law Civil Users' Committee

The Committee provides a forum for discussing and addressing matters of concern or interest in the administration of the Common Law Division's civil trial workload. The Committee met three times during the year to discuss matters including: caseload management; listing practice and delays; specialist lists; jury issues, and regional hearings.

Members during 2010 and 2011

The Honourable Justice McClellan AM (Chairperson)
The Honourable Justice Hoeben AM RFD
The Honourable Justice Hall
Ms M Greenwood (to September 2010)
Mr P McKnight (to April 2011)
Ms L Murphy (from April 2011)
Mr C Bradford

Legal profession representatives:

Peter Deakin QC (Sir James Martin Chambers)
Lorna McFee (NSW Bar Association)
Eugene Romaniuk replaced Hewitt (Jack Shand Chambers)
Elias Yamine (Law Society of NSW)
R Kamar (Law Society representative)

Professional Negligence List User Group

The Group meets as required to discuss issues relevant to the administration and operation of the List. The Group convenes as required.

Members during 2010 and 2011

The Honourable Justice Hislop (Chairperson)
Mr I Butcher
Mr D Munro
Mr T Stern
Ms A Walsh
Ms J Tully

Equity Liaison Group

This Group was established in 2001 to promote discourse between the legal profession and representatives of the Equity Division upon matters of interest and importance to the operation of the Division. The Group is informal and the meetings facilitate candid discussions about the operations of the Division. Typically these discussions encourage cooperation between the judges and legal profession in developing suggested improvements to the

Division's operations. The Group met twice in 2011.

Members during 2010 and 2011

The Honourable Justice Bergin (Chairperson)
The Honourable Justice Forster (to March 2010)
The Honourable Justice Slattery (from March 2010)
Ms L Walton, Registrar in Equity (to November 2011)
Mr A Musgrave, Registrar in Equity (from November 2011)

Legal profession representatives:

Mr CRC Newlinds SC
Mr RRI Harper SC
Ms JA Needham SC
Mr GA Sirtes SC
Ms V Whittaker
Mr M Ashhurst
Mr MK Condon
Ms AM Kennedy
Mr JK Martin
Mr BJ Miller
Ms PG Suttor
Mr SD Westgarth

Corporations List Users' Group

The Group promotes open and regular discussion between judicial officers and legal practitioners regarding the Corporations List, and assists in ensuring that the List is conducted in a fair and efficient manner. The Group met three times during 2010 and three times in 2011 to consider and discuss various issues concerning the Court's work in corporations matters including Court procedures, listing arrangements, and application of the Corporations Rules.

Members during 2010 and 2011

The Honourable Justice Barrett (Chairperson)
The Honourable Justice Palmer AM (to June 2011)
The Honourable Justice White
The Honourable Justice Ward
The Honourable Associate Justice Macready
Ms L Walton (to November 2011)
Mr A Musgrave (from November 2011)
Mr J Howard (from November 2011)

Legal profession representatives:

Mr C R C Newlinds SC
Mr M B Oakes SC
Mr S Golledge

Mr G Cussen
Mr M Hayter
Mr J Johnson
Ms L Johnson
Mr D McCrostie
Ms M O'Brien
Mr J Thomson
Mr M Hughes

Other members:

Ms G Hayden (Australian Securities and Investments Commission)
Ms D North (Insolvency Practitioners Association of Australia)
Mr M Murray (Insolvency Practitioners' Association of Australia)

Commercial List Users' Group

The Group provides a forum for discussion amongst the Commercial List Judges and legal practitioners who practise in the Commercial List and the Technology and Construction List (the Lists). The Group meets to discuss various issues concerning the administration of the Lists, including matters of procedure and practice in relation to the Lists and the potential for revision of the practice to ensure that the Lists operate as efficiently as possible.

Members during 2010 and 2011

The Honourable Justice Einstein
The Honourable Justice McDougall
The Honourable Justice Hammerschlag (List Judge)

Legal profession representatives:

Barristers

Mr M A Ashhurst
Mr T F Bathurst QC
Ms E A Collins
Mr F C Corsaro SC
Mr L V Gyles
Mr N C Hutley SC
Mr J C Kelly SC
Mr G C Lindsay SC
Mr G T Miller QC
Mr C R C Newlinds SC
Ms E M Olsson SC
Mr S D Robb QC
Mr M G Rudge SC
Mr R M Smith SC

Solicitors

Mr R J Drinnan
MR L B Hastings
Mr R K Heinrich
Ms L E Johnson
Mr R G Johnston
Mr P J Keel
Mr B P Kermond
Mr S H Klotz
Mr S A McDonald
Mr J K Marshall
Ms M A Pavey
Mr L M Powers
Mr M W Watson
Mr S D Westgarth

Possession List Users' Group

The Possession List Users Group was established in 2006. The Possession List is numerically the largest list in the Common Law Division of the Court and involves claims for possession of land following mortgage default. The Group comprises representatives from a range of law firms who regularly appear for plaintiffs in the List and organisations (Legal Aid NSW, the Consumer Credit Legal Centre and Redfern Legal Centre) who provide legal assistance to those experiencing problems with debt. The Group does not have appointed members. Rather, representatives from those firms and organisations attend and provide a range of views on relevant issues. The Group's primary objectives are to encourage frank discussion concerning issues affecting the running of the List, to identify how problems might be overcome and to improve court processes to assist parties in this class of proceedings. The Group met on six occasions during 2010 and 2011.

Members during 2010 and 2011

The Honourable Justice Davies (Chairperson)
The Honourable Justice McCallum
Mr S Jupp
Mr C Bradford
Mr M Cesta-Incani

Apart from those listed above, persons who attended meetings regularly during 2010 and 2011 included the following:

Ms K Andrews (Norton Rose)
Mr B Burke (Hicksons)
Mr R Cameron (Hicksons)
Mr M Collins (Gadens)
Ms K Cooper (Bransgroves)
Ms R Daher (Bransgroves)
Ms R Doran (Legal Aid NSW)
Ms L Eldridge (Bransgroves)
Mr G Fletcher (Bransgroves)
Mr C Hudson (Gadens)
Ms A Kelly (Consumer Credit Legal Centre)
Ms K Lane (Consumer Credit Legal Centre)
Ms S Lever (Henry Davis York)
Mr D McMillan (Legal Aid NSW)
Mr J Moratelli (Legal Aid NSW)
Ms F Parker (Henry Davis York)
Ms N Petrou (Redfern Legal Centre)
Ms J Pike (Dibbs Abbott Stillman)
Mr T Sherrard (Gadens)
Mr S Stierli (Hicksons)
Ms H Van Ravels (Gadens)
Ms C Wallace (Dibbs Barker)
Ms K White (NAB Legal) (from May)
Ms S Winfield (Consumer Credit Legal Centre)
Ms N Minassian (Gadens)
Ms A Doudman (Henry Davis York)
Mr M Suliman (Norton Rose)
Ms C Watson (Bransgroves)
Ms H Baxter (NAB Legal)
Mr M Connor (Dibbs Barker)
Mr R Iaconis (Dibbs Barker)
Mr M Pike (Kemp Strang)
Mr A Pong (Kemp Strang)

Probate Users' Group

The Group meets regularly to discuss matters concerning the operation of the Court's Probate work. The Group considers improvements to practices and processes and makes recommendations to the Rule Committee when appropriate. The Group also discusses specific issues pertinent to probate matters and deceased estates generally.

Members during 2010 and 2011

The Honourable Justice White (Probate List Judge)
The Honourable Justice Palmer AM (until June 2011)
Ms M Greenwood (until September 2010)
Mr P McKnight (from September 2010 until April 2011)
Ms L Murphy (from April 2011)
Mr S Jupp (Prothonotary, Supreme Court)
Professor R Croucher (Macquarie University, representing NSW law schools)
Ms P Vines (University of NSW)
Mr R Neal (Law Society of NSW)
Ms P Suttor (Law Society of NSW)
Ms R Pollard (NSW Trustee & Guardian)
Mr P Whitehead (representing trustee companies)
Mr M Willmott (NSW Bar Association)
Mr P Studdert (Secretary)

Media Consultation Group

The Media Consultation Group was established in 2002 to promote open discussion between key representatives from the courts, legal profession and media. The aim of the Group is to identify issues affecting the reporting of court proceedings by the media. The Group met once in 2010, and once in 2011, to discuss the proposed Court Information Bill and its impact on media access to court documents, and filming in courtrooms.

Members during 2010 and 2011

The Honourable Justice McColl AO (Chairperson)
The Honourable Justice McClellan AM
The Honourable Justice Kirby
The Honourable Justice Nicholas
Ms S Zadel (Public Information Officer, NSW superior courts)

Ms K Douglass (Public Information Officer, NSW superior courts)

Ms L McGregor (Public Information Officer, NSW superior courts)

Mr N Cowdery QC (NSW Director of Public Prosecutions)

Mr L Lamprati SC (Acting NSW Director of Public Prosecutions)

Mr M Ierace SC (Senior Public Defender)

Ms M Scheikowski (Australian Associated Press)

Ms J Wells (Australian Broadcasting Corporation)

Ms J Wells (Australian Financial Review)

Ms A Dale (Daily Telegraph)

Mr R Coleman (Fairfax Legal)

Ms E Southwood (Network Ten)

Ms G Jacobsen (Sydney Morning Herald)

Mr G Taylor (Radio 2GB)

Ms A Cooper (ODPP Media Liaison and Communications Officer)

Judges' JusticeLink Committee

The Committee meets fortnightly to monitor and discuss aspects of the JusticeLink project specifically from the Supreme Court's perspective. The Committee consists of nominated judicial representatives from the Court and key staff members from the Court's Registry and the JusticeLink project team.

Members during 2010 and 2011

The Honourable Justice Gzell (Chairperson)
The Honourable Justice Howie (to May 2010)
The Honourable Justice Latham
The Honourable Justice Rein
The Honourable Associate Justice Macready
Ms M Greenwood (to September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Mr S Jupp
Ms N Ubrihien

Civil Registry Users' Group

The Civil Registry Users' Group is a mechanism allowing open discussion between the Court and key users regarding the delivery of civil registry services. It was established to assist the Court in identifying and meeting the needs and expectations of its users.

Members during 2010 and 2011

Mr M Lacey
Mr R Rosman (Law and Order)
Ms L Allen (Minter Ellison)
Ms D Howitt (Blake Dawson Waldron)
Ms C Wilson (Litsupport)
Ms L Aggett (Legal Liaison)
Ms P Tsiattalos (Mallesons)
M Smith (Mallesons)
Mr L Russo (Allens Arthur Robinson)
J Dansinger (Allens Arthur Robinson)

Civil Registry Consultation Group

This Group was established in August 2011 with the aim of encouraging open and honest feedback regarding the civil registry's ability to meet the ongoing and future needs of the legal profession. The Group met quarterly throughout 2011.

Members during 2011

Ms L Murphy
Mr R Drinnan (Allens Arthur Robinson)
Mr A McMurrin (Heidtmans)
Mr T Stern (Sternlaw)
Ms A Sullivan (KPMG)
Mr G Ulman (Minter Ellison)
Ms J Virgo (Clayton Utz)
Mr B Bellach and Ms R Kenna (Secretaries)

Access to Court Documents Working Group

The Working Group was established to review current arrangements for access to court documents and make recommendations for change, as appropriate.

Members during 2010 and 2011

The Honourable Justice Ruth McColl AO
(Chairperson)
The Honourable Justice Johnson
The Honourable Justice Harrison
The Honourable Justice Rein
Ms M Greenwood (until September 2010)
Mr P McKnight (from September 2010 to April 2011)
Ms L Murphy (from April 2011)
Ms K Douglass
Ms S Zadel

APPENDIX (III): OTHER JUDICIAL ACTIVITY

As well as hearing and determining cases, Judges and Associate Judges actively contribute to the ongoing professional development of the legal community both domestically and abroad. Their contributions extend to activities such as presenting papers and speeches at conferences and seminars, submitting articles for publication, giving occasional lectures at educational institutions, meeting judicial officers from courts around the world, and hosting delegations. Many Judges and Associate Judges are also appointed to serve on boards, commissions, and committees for wide range of legal, cultural and benevolent organisations.

The Judges' and Associate Judges' activities during the 2010 and 2011 years are summarised below in chronological order.

THE HONOURABLE T F BATHURST, CHIEF JUSTICE OF NEW SOUTH WALES

Conferences:

19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
23 Aug 2011	Supreme Court Corporate Annual Law Conference (Sydney)
10 Sep 2011	Exchanging Ideas Conference (Parramatta)
6 Oct 2011	2011 Australasian Court Administrators Conference (Sydney)

Speaking Engagements:

1 Jun 2011	Address at the Swearing in Ceremony of The Honourable T F Bathurst, Banco Court (Sydney)
4 Jul 2011	Address at the Swearing in Ceremony of The Honourable Justice A Black, Banco Court (Sydney)
9 Aug 2011	Speech on the Retirement of The Honourable Justice D Hodgson AO, Banco Court (Sydney)
10 Aug 2011	Address at the Swearing in Ceremony of The Honourable Justice A J Meagher, Banco Court (Sydney)
10 Aug 2011	Address at the unveiling of portrait of Sir Kenneth Jacobs (Sydney)
13 Aug 2011	Opening address – Advanced Alternative Dispute Resolution Workshop (Sydney)
18 Aug 2011	Welcoming address at the Inaugural R P Meagher Memorial Lecture, Banco Court (Sydney)
20 Aug 2011	Opening address – Supreme Court Judges' Conference (Port Stephens)
23 Aug 2011	Welcoming address – Annual Corporate Law Conference, Banco Court (Sydney)
9 Sep 2011	Address to the Australia-Israel Chamber of Commerce, " <i>Coping With James Hardie and Centro: A Directors' Guide</i> " (Sydney)
10 Sep 2011	Welcoming address – Exchanging Ideas Conference (Parramatta)
21 Sep 2011	Address to the Continuing Professional Development Seminar, " <i>Arbitration and International Arbitration</i> " (Sydney)
27 Sep 2011	Adjudicator – University of New South Wales Law Society Blake Dawson Mooting Grand Finals (Sydney)
6 Oct 2011	Opening Address – 2011 Australasian Court Administrators Conference (Sydney)
17 Oct 2011	Address at the Swearing in Ceremony of The Honourable Justice C Adamson (Sydney)

17 Oct 2011	Adjudicator – Sydney University Law Society Freehills Contracts Mooting Competition (Sydney)
19 Oct 2011	Address to the Sydney Law School Foundation Reception (Sydney)
27 Oct 2011	Address to the University of New South Wales Law School Book Celebration (Sydney)
16 Nov 2011	Keynote address – the City of Sydney Law Society Annual Dinner (Sydney)
29 Nov 2011	Book launch, <i>The Interpretation of Contracts in Australia</i> by Sir Kim Lewison and David Hughes (Sydney)
1 Dec 2011	Address to the University of New South Wales Law 40 th Anniversary Conference, “ <i>Dispute Resolution in the Next 40 Years: Repertoire or Revolution</i> ” (Sydney)

Publications:

Foreword, *Principles of Civil Procedure (2nd edn)*, by Dorne Boniface, Miiko Kumar and Michael Legg, Thomson Reuters, Pyrmont, 2011

Delegations and International Assistance:

19 Sep 2011	Visit by Judge Minoru Sonoda, Tokyo District Court, Japan
21 Sep 2011	Chinese delegation led by Mr Yunsheng Zhang, Senior Judge of Haikou Intermediate People’s Court, Hainan Province, China
28 Oct 2011	Chinese delegation led by Mr Tang Dongping, Deputy Director General, Hunan Provincial Supervision Department, China
14 Dec 2011	Chinese delegation led by Mr Liang Zhenlin, Deputy Director General, Department of Justice, Guangxi, China
19 Dec 2011	Chinese delegation led by Mr Li Xiaolin, Director of Judges College, Liaoning High People’s Court, China

THE HONOURABLE J J SPIGELMAN AC, CHIEF JUSTICE OF NEW SOUTH WALES

Conferences:

12 –14 Jan 2010	2 nd Judicial Seminar on Commercial Litigation (Hong Kong)
9 Feb 2010	American Bar Association Section of International Law Conference – Cross-Border Collaboration, Convergence and Conflict (Sydney)
19 – 20 Feb 2010	Sydney Law School Conference, International Investment Treaty Law and Arbitration (Sydney)
1 Apr 2010	World Bar Conference (Sydney)
2 – 5 May 2010	Inter-Pacific Bar Association Conference (Singapore)
20 – 22 Aug 2010	Supreme Court Annual Judges’ Conference (Port Stephens)
24 Aug 2010	Supreme Court Annual Corporate Law Conference (Sydney)
6 Nov 2010	Rule of Law in Australia Conference (Sydney)
24 – 25 Feb 2011	Singapore Academy of Law Conference (Singapore)
25 – 28 Apr 2011	Chinese National Judicial College Conference (Beijing)
5 – 7 May 2011	International Commercial Law, Litigation and Arbitration Conference (Sydney)
27 – 28 May 2011	Chartered Institute of Arbitrators – Asia Pacific Conference 2011 (Sydney)

Speaking Engagements:

13 Jan 2010	<i>Cross Border Issues For Commercial Courts: An Overview</i> , Second Judicial Seminar on Commercial Litigation (Hong Kong)
1 Feb 2010	Towards a National Judiciary and Profession, Opening of Law Term Dinner (Sydney)
9 Feb 2010	Opening remarks – American Bar Association Section of International Law Conference – Cross-Border Collaboration, Convergence and Conflict (Sydney)
19 – 20 Feb 2010	Closing remarks – Sydney Law School Conference, International Investment Treaty Law and Arbitration (Sydney)
25 Feb 2010	<i>Institutional Shareholders and Corporate Governance</i> , Superannuation Conference, Law Council of Australia (Sydney)
25 Mar 2010	<i>The Centrality of Jurisdictional Error</i> , AGS Administrative Law Symposium (Sydney)
15 Apr 2010	<i>Violence Against Women: The Dimensions of Fear and Culture</i> , Governance and Social Justice Forum, Faculty of Law, University of New South Wales (Sydney)
16 Apr 2010	Book launch – <i>Nygh's Conflict of Laws in Australia</i> , LexisNexis, 2010 (Sydney)
4 May 2010	<i>The Global Financial Crisis and Australian Courts</i> , Inter-Pacific Bar Association Conference (Singapore)
6 May 2010	<i>Freezing Orders in International Commercial Litigation</i> , Singapore Academy of Law Distinguished Speaker Series (Singapore)
9 Jun 2010	Address – Opening of Operation AB-Katyn Exhibition, University of Western Sydney (Parramatta)
9 Jun 2010	Book launch – Austin and Black's Annotations to the Corporations Act, Chatswood, LexisNexis, 2010 (Sydney)
22 Jun 2010	Law and International Commerce: Between the Parochial and the Cosmopolitan, New South Wales Bar Association (Sydney)
1 Sep 2010	<i>The Intolerable Wrestle: Developments in Statutory Interpretation</i> , Australasian Planning and Environment Courts and Tribunals (Sydney)
24 Sep 2010	Guest speaker – University of Sydney Union, State of the Union Annual Dinner (Sydney)
27 Sep 2010	Book launch – Opening Law Term: Opening Law Term Speeches Chief Justice James Spigelman AC 1999-2010, Sydney, Law Society of New South Wales, 2010 (Sydney)
16 Oct 2010	Opening remarks and Chair – The Law and Development Institute Conference (Sydney)
20 Oct 2010	Filming of documentary on Governor Lachlan Macquarie for the History Channel and BBC Scotland (Sydney)
22 Oct 2010	<i>The Garran Oration: Public Law and the Executive</i> , Institute of Public Administration Australia (Adelaide)
28 Oct 2010	<i>MOU Between New York and New South Wales</i> , New York State Bar Association, International Section Meeting (Sydney)
6 Nov 2010	Closing remarks – Rule of Law in Australia Conference, Bar Association and Rule of Law Institute of Australia (Sydney)
31 Jan 2011	<i>Global Engagement by Australian Lawyers</i> , Opening of Law Term Dinner (Sydney)
1 Mar 2011	Chair – Ethics, Etiquette and Conduct, NSW Bar Association seminar (Sydney)

23 Mar 2011	<i>Contractual Interpretation: A Comparative Perspective</i> , Third Judicial Seminar on Commercial Litigation (Sydney)
25 Mar 2011	Address on the Retirement of the Honourable Murray Tobias AM, Banco Court (Sydney)
31 Mar 2011	Address on the 90 th RAAF Birthday Commemoration, Cenotaph Martin Place (Sydney)
28 Apr 2011	<i>Judicial Mediation in Australia</i> , National Judicial College (Beijing)
26 May 2011	<i>Truth and the Law</i> , The Sir Maurice Byers Lecture, New South Wales Bar Association (Sydney)
28 May 2011	Keynote address – Chartered Institute of Arbitrators – Asia Pacific Conference 2011 (Sydney)
31 May 2011	Address on retirement from the Supreme Court as Chief Justice of New South Wales

Publications:

Towards a National Judiciary and Profession (2010) 33 <i>Australian Bar Review</i> 1; (2010) March <i>Law Society Journal</i> 49 (2010)	
Foreword to B Kercher and B Salter (eds), <i>The Kercher Reports: Decisions of the New South Wales Superior Courts, 1788 to 1827</i> , Sydney, The Francis Forbes Society for Australian Legal History (2010)	
Preface to L Nottage and R Garnett (eds), <i>International Arbitration in Australia</i> , Annandale, The Francis Forbes Society (2010)	
Book review – address given at launch of <i>A Social History of Company Law: Great Britain and the Australian Colonies 1854-1929</i> by R McQueen (2010) 84 <i>Australian Law Journal</i> 129 (2010)	
The Hague Choice of Court Convention and International Commercial Litigation (2010) 9 <i>The Judicial Review</i> 389; (2010) 131 <i>Australian Construction Law Newsletter</i> 6	
Book review – address given at launch of <i>Nygh's Conflict of Laws in Australia</i> , by M Davies, A S Bell and P L G Brereton, 8 th Ed (2010) 33 <i>Australian Business Review</i> 170 (2010)	
Public Law and the Executive (2010) 34 <i>Australian Bar Review</i> 10 (2010)	
Institutional Shareholders and Corporate Governance (2010) 28 <i>Company and Securities Law Journal</i> 235 (2010)	
The Centrality of Jurisdictional Error (2010) 21 <i>Public Law Review</i> 77; (2010) 10 <i>The Judicial Review</i> 11	
The Forgotten Freedom: Freedom from Fear (2010) 59 <i>International and Comparative Law Quarterly</i> 1	
Violence Against Women: The Dimension of Fear and Culture (2010) 83 <i>Australian Law Journal</i> 372; (2010) 29 <i>Griffith Review</i> 164	
Foreword to R P Austin and A J Black, <i>Austin and Black's Annotations to the Corporations Act</i> , Chatswood, LexisNexis, 2010 (2010)	
Book review – address given at launch: <i>Austin and Black's Annotations to the Corporations Act</i> by B Austin and A Black (2010) 33 <i>Australian Bar Review</i> 174	
The Global Financial Crisis and Australian Courts (2010) 84 <i>Australian Law Journal</i> 615	
Freezing Orders in International Commercial Litigation (2010) 22 <i>Singapore Academy of Law Journal</i> 490	
The MOU Between New York and New South Wales (2010) 23 <i>International Law Practicum</i> 79	
The Imperial Constraint on Lachlan Macquarie (2010) 470 <i>Quadrant</i> 54	

The Intolerable Wrestle: Developments in Statutory Interpretation (2010) 84 *Australian Law Journal* 822

Public Law and the Executive (2010) 34 *Australian Bar Review* 10 (2010)

MOU Between New York and New South Wales (2010-2011) Summer *Bar News* 79

Spigelman J J, Opening Law Term: Opening Law Term Speeches, Chief Justice James Spigelman AC, 1999-2010, Sydney, Law Society of New South Wales (2010)

Global Engagement By Australian Lawyers (2011) March *Law Society Journal* 45; (2011) April *Quadrant* 59; (2011) Autumn *Bar News* 84

Contractual Interpretation: a Comparative Perspective (2011) 85 *Australian Law Journal* 412

Truth and the Law (2011) 85 *Australian Law Journal* 746

J Gleeson and R Higgins, *Constituting Law: Legal Argument and Social Values*, "Between the Parochial to the Cosmopolitan", Annandale, Federation Press, 2011

Appointments to Legal, Cultural or Benevolent Organisations:

Library Council Chair, National Library of Australia, appointed 29 June 2010.

Delegations and International Assistance:

15 – 17 Jan 2010	Led a delegation of judges of the Supreme Court of New South Wales on a judicial visit to the High People's Court of Guangdong Province, Guangzhou, China.
3 Feb 2010	Judicial delegation led by Mr Justice Liu Hengjun, Vice President of the High People's Court of Guangdong Province, China.
26 May 2010	Chinese delegation led by Mr He Xiaorong, Judge, Deputy Director of General Office of Supreme People's Court, China
27 May 2010	Sri Lankan delegation led by the Honourable Mr Asoka de Silva, Chief Justice of Sri Lanka.
22 Jun 2010	Indian legal delegation led by Mr Gopal Subramaniam, Solicitor General of India.
13 Sep 2010	Visit by The Hon Albie Sachs, former Justice of the South African Constitutional Court.
13 Oct 2010	Judicial delegation from Fujian Province, China, led by Mr Feng Xufeng, Judge of Zhejiang High People's Court.
15 Dec 2010	Judicial delegation from Shenyang Province, China, led by Mr Liu Wei, Vice Chief Justice, Shenyang Intermediate People's Court.
27 Jan 2011	Visit by the Hon Mr Justice Frank Stock JA, Vice President, Court of Appeal, Hong Kong
2 Mar 2011	Chinese delegation led by Mr Li Ruiyi, Deputy Chief Judge of Third Criminal Division of the Supreme People's Court of China
29 Apr 2011	Visit by Chief Justice Spigelman to the Supreme People's Court, Beijing, China
26 May 2011	Chinese delegation led by Mr Justice Peng Fanming, Vice President of the Hubei High People's Court, China

THE HONOURABLE JUSTICE JAMES ALLSOP, PRESIDENT OF THE COURT OF APPEAL

Conferences:

9 – 10 Feb 2010	ABA ILEX Conference (Sydney)
4 – 5 Jun 2010	ASLP Conference, Monash University (Melbourne)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
7 May 2011	International Commercial Conference, Federal Court
29 – 31 Jul 2011	Australian Society of Legal Philosophy – Annual Conference TC Beirne School of Law, University of Queensland
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
10 – 11 Sep 2011	Judicial Commission Conference – Exchanging Ideas
10 – 14 Oct 2011	Fulbright Third China Arbitration Conference
17 Nov 2011	International Commercial Law, Litigation & Arbitration Conference

Speaking Engagements:

13 Jan 2010	Commercial Judges' Conference – “Is there a place for regional dispute resolution structures? – Maritime law as a case study” (Hong Kong)
6 Apr 2010	District Court Conference, “Recurring Issues in the NSW Court of Appeal” (Sydney)
17 May 2010	Keynote Address – Dust Diseases Tribunal Conference (Katoomba, NSW)
1 Jul 2010	AMTAC Annual Address, Federal Court (Sydney)
14 Aug 2010	Occasional Address, Graduation – University of Tasmania (Launceston, Tasmania)
23 Sep 2010	Occasional Address, Graduation, Macquarie University, NSW
8 – 10 Oct 2010	International Commercial Arbitration Conference (Penang, Malaysia)
15 Oct 2010	Financial Review International Dispute Resolution Conference, “ <i>Key Issues for International Commercial Arbitration in Australia</i> ” (Sydney)
28 Oct 2010	The 2010 Sir Frank Kitto Lecture – “Good Faith and Australian Contract Law – A Practical Issue and a Question of Theory and Principle” – University of New England (Armidale, NSW)
18 Dec 2010	Torts in Commercial Law Conference – “ <i>Causation in Commercial Torts</i> ” (Sydney)
27 May 2011	CIArb's Asia Pacific Conference 2011 – Investment & Innovation: International Dispute Resolution in the Asia Pacific – International Arbitration and the Courts: the Australian Approach
31 May 2011	Speech on the retirement of Spigelman CJ
16 Jun 2011	RAIF Speech
20 Jul 2011	Australian Insurance Law Association – Causation, Perils of the Seas and Inherent Vice in Marine Insurance
6 Oct 2011	Aviation Law Association
13 Oct 2011	Fulbright Third China Arbitration Conference
2 – 7 Dec 2011	The Maritime Law Associations of the United States, Canada, Australia and New Zealand – Hawaii -The Influence of the United States on Admiralty Law in Australia

Publications:

“Maritime Law: The nature and importance of its international character” 85 ALJ 681 (2010)

“Professionalism and Commercialism: Conflict or harmony in modern legal practice?” 85 ALJ 765 (2010)

Appointments to Legal, Cultural or Benevolent Organisations:

Board of the Australian Maritime College (2010 and 2011)

Lecturing at Sydney University for Comparative Admiralty and Maritime Law (2011)

Delegations and International Assistance:

6 – 11 Jun 2011 Delegation to China

THE HONOURABLE JUSTICE M J BEAZLEY AO**Conferences:**

19 Feb 2010 2010 Constitutional Law Conference, Gilbert + Tobin Centre of Public Law (Sydney)

20 Feb 2010 Appellate Advocacy Workshop, Australian Advocacy Institute (Sydney)

18 Mar 2010 Commercial Litigation Seminar (Sydney)

26 Mar 2010 AGS Administrative Law Symposium (Sydney)

10 – 16 May 2010 2010 International Association of Women Judges Conference: Judicial Challenges in a Changing World (Seoul, Korea)

22 – 23 Jul 2010 2010 National Administrative Law Forum: Delivering Administrative Justice (Sydney)

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

18 Sep 2010 Law Society of NSW Young Lawyers Annual One Day Seminar: Advocacy (Sydney)

23 Sep 2010 Thomson Reuters Seminar, Advocacy: the Art and Practice of Persuasion (Sydney)

4 – 5 Nov 2010 The Australasian Institute of Judicial Administration, Appellate Judges Conference (Melbourne)

24 Nov 2010 Seminar: The Complete New Rule 42, Centre for Continuing Legal Education (Sydney)

20 – 26 Jan 2011 Supreme and Federal Courts Judges' Conference (Wellington, New Zealand)

4 Mar 2011 Speech: Introduction to the Oration by the Honourable Justice Unity Dow Oration, *The Important of Economic Rights in the Law: A Perspective from Botswana*, Banco Court, New South Wales Supreme Court (Sydney)

12 Mar 2011 Speech: Civil Litigation, There is no such thing as a cranky judge
NSW Young Lawyers 2011 CLE Annual One-Day Seminar: Civil Litigation (Sydney)

28 Mar 2011 Speech: *The Judge and the Advocate*, Sydney University Law Society's Mooting Skills Seminar: A Perspective from the Bench, Freehills (Sydney)

27 Apr 2011 Practice and Advocacy in the Court of Appeal, Bar Association (Sydney)

24 May 2011 Paper: *Loss of a chance*, Cloisters Chambers, Temple (London, U.K.)

14 Oct 2011 Paper: Practical Directions for Preparation and Common Errors to avoid, LexisNexis Advocacy Conference (Sydney)

16 Nov 2011 Paper: Interpretation of the Civil Liability Act 2005, s 5D in personal injury cases, LexisNexis Personal Injury Law Conference (Sydney)

Speaking Engagements:

18 Jan 2010	Paper: Do duties of care exist in an outsourced world?, Anglo Australasian Lawyers Society and the UK Professional Negligence Society (London, UK)
17 Mar 2010	Paper: Duties of care after Leighton Contractors v Fox [2009] HCA 35, Edmund Barton Chambers Lecture Series (Sydney)
26 Mar 2010	Paper: Natural justice: New South Wales cases in a Commonwealth context, AGS Administrative Law Symposium (Sydney)
12 May 2010	Moderator, Challenges of an Aging World Population and Women's Human Rights, Opening remarks and summary of session, 2010 International Association of Women Judges Conference: Judicial Challenges in a Changing World (Seoul, Korea)
27 May 2010	Speech: Advocacy for new barristers, NSW Bar Association (Sydney)
2 July 2010	Speech to graduates, Legal Profession Admission Board (Sydney)
18 Sep 2010	Keynote speech: Introduction to Advocacy, Law Society of NSW Young Lawyers Annual One Day Seminar: Advocacy (Sydney)
23 Sep 2010	Paper: Advocacy, Thomson Reuters Seminar: Advocacy: the Art and Practice of Persuasion (Sydney)
15 Oct 2010	Speech welcoming the Attorney-General, Toongabbie Legal Centre, Third Fund-Raising Dinner (Blacktown, Sydney)
24 Nov 2010	Speech: Ethics for lawyers, Seminar: The Complete New Rule 42, Centre for Continuing Legal Education (Sydney)
17 Aug 2011	Speech: <i>Ethics and women in the law</i> , Maddocks (Sydney)
1 Sep 2011	Speech: Launch of NSW Bar Association Oral History Project & Women Barristers Forum Project 'Women Practising at the NSW Bar: the Years to 1975', Women Barristers Forum (Sydney)
23 Sep 2011	Speech: Introduction for the Hon Elizabeth Evatt AO, NSW Women Lawyers Achievement Awards (Sydney)
5 Dec 2011	Speech: Bar Readers Finale 2011 (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Chair, NSW Chapter, Australian Institute Administrative Law (2010 and 2011)
Chair, Advisory Committee, "Equality Before the Law Bench Book", Judicial Commission of New South Wales (2010 and 2011)
Chair, Women's Advisory Network, National Breast and Ovarian Cancer Centre (2010)
Member of the Board of Governors, Queenwood School for Girls (2010 and 2011)
Member of the Advisory Board, Centre for Children and Young People, Southern Cross University (2010 and 2011)
Member of the Board of Directors, Sydney Talent, University of Sydney (2010)
Member of the Advisory Board, Centenary Institute Foundation (2010)
Patron, Toongabbie Legal Centre (2010 and 2011)
President, Arts Law Centre of Australia (2011)

THE HONOURABLE JUSTICE R D GILES

Conferences:

4 – 5 Nov 2010 Appellate Judges' Conference (Melbourne)

Speaking Engagements:

10 May 2010 Book Launch, "Contract Formation" (OUP, 2010), Michael Furmiston and G J Tohurst

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Editorial Board of the Insurance Law Journal (2010)

THE HONOURABLE JUSTICE DAVID HODGSON AO

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

Publications:

"In defence of voluntariness" in Toepel (ed) Free Will in Criminal Law and Procedure (Franz Steiner Verlag 2010)

THE HONOURABLE JUSTICE RS MCCOLL AO

Conferences:

25 – 26 Jan 2010 Supreme and Federal Courts Judges' Conference (Canberra)

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

8 – 10 Oct 2010 Judicial Conference of Australia Annual Colloquium (Hobart)

20 – 26 Jan 2011 Supreme and Federal Courts Judges' Conference (Wellington, New Zealand)

Speaking Engagements:

27 Feb 2010 New South Wales Bar Association – Opening Address to the Second Annual Personal Injury Conference (Sydney)

15 Sep 2010 The 2010 Whitmore Lecture "Freedom of Information – A New Paradigm" (Sydney)

4 May 2011 Macquarie Law Society "International Women's Day – Why" (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

President of the Judicial Conference of Australia (2010)

Chair of the New South Wales Rhodes Scholarship Selection Committee (2010)

THE HONOURABLE JUSTICE JOHN BASTEN

Conferences:

23 – 27 Jan 2010	Supreme and Federal Courts Judges' Conference (Canberra)
9 Feb 2010	Cross-Border Collaboration Conference (Sydney)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
6 – 8 Oct 2010	Canadian National Judicial Institute – Canadian Federal Court and Federal Court of Appeal Annual Education Seminar (Mont-Tremblant, Quebec, Canada)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
14 -16 Oct 2011	Judicial Conference of Australia, 2011 Colloquium (Alice Springs)

Speaking Engagements:

20 Feb 2010	Teaching Panel – Australian Advocacy Institute – Appellate Skills Workshop (Sydney)
9 Mar 2010	Comment on paper “Constitutional Issues and the Strength of Aboriginal Property Rights” by Sean Brennan – Australian Association of Constitutional Law Seminar Series (Sydney)
7 May 2010	Keynote Address Jurisdiction and Powers of Tribunals: A question of Statutory Construction – Council of Australasian Tribunals (NSW) Annual Conference (Sydney)
11 May 2010	Paper “International Influences on Domestic Law: Neither Jingoistic Exceptionalism Nor Blind Servility” – NSW Bar Association The Community of Law: Law's Dependence on Social Values Lecture Series – Law and Uses of International Thought (Sydney)
6 Oct 2010	Paper “Standards of Review – An Australian Perspective” – Canadian National Judicial Institute – Canadian Federal Court and Federal Court of Appeal Annual Education Seminar (Mont-Tremblant, Quebec, Canada)
27 Apr 2011	Paper – District Court of NSW Annual Conference “ <i>Court of Appeal Review: Administrative Law</i> ”
6 May 2011	Paper – Land and Environment Court Annual Conference “Judicial Review: Grounds, Standards & Intensity of Review or ‘Who is Miss Behavin?’”
19 Jul 2011	Paper – Judicial Commission Twilight Seminar – Procedural Reform: The new Part 10 – “Representative Actions in the Supreme Court”
1 Dec 2011	Paper – UNSW – Dispute Resolution in the next 40 years – Repertoire or Revolution – Representative Actions

Publications:

Sixteenth Sir Ninian Stephen Lecture 2008 “Human Rights and the Rule of Law”, <i>The Newcastle Law Review</i> , 2008-2009 Vol 11 (2010)
“A Curious History of the Mabo Litigation” <i>Dialogue About Land and Justice: Papers from the National Native Title Conference</i> (2010 – Aboriginal Studies Press)
“Statutory Interpretation and Indigenous Property Rights” – Sean Brennan (with commentary on the article by The Hon Justice John Basten, <i>Public Law Review</i> (December 2010) Vol 21 No 4 (2010)
“The Supervisory Jurisdiction of the Supreme Courts” – (2011) 85 ALJ 273

Appointments to Legal, Cultural or Benevolent Organisations:

Chair, Judicial Commission of NSW Standing Advisory Committee on Judicial Education (2010 and 2011)

Chair, Judicial Commission of NSW Supreme Court Education Committee (2010 and 2011)

Member, Supreme Court Caselaw Governance Committee (2011)

Member, UNSW Law Advisory Council (2010 and 2011)

Member, Law Courts Library Advisory Committee (2010 and 2011)

Member, Advisory Committee, G & T Centre of Public Law (2011)

Member, Civil Procedure Act 2005 Statutory Review Committee (2011)

THE HONOURABLE JUSTICE JC CAMPBELL**Conferences:**

7 May 2010 Society of Trust and Estate Practitioners Conference (Liverpool, UK)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

25 Nov 2010 Should the "Rule in Hastings-Bass" be followed in Australia? Trustees' Duty to Enquire and Trustees' Mistakes (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Member of the Supreme Court Education Committee

Delegations and International Assistance:

Herbert Smith Visitor, Cambridge University Law School Easter Term (2010)

THE HONOURABLE JUSTICE ROBERT MACFARLAN**Conferences:**

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

Appointments to Legal, Cultural or Benevolent Organisations:

Member of the Board of the State Records Authority of New South Wales (2011)

THE HONOURABLE MR JUSTICE YOUNG AO**Speaking Engagements:**

10 Sep 2010 Keynote address; Australian Charity Law Association Annual Conference (Sydney)

11 Sep 2010 Workshop Sessions; Australian Charity Law Association Annual Conference (Sydney)

THE HONOURABLE JUSTICE WHEALY

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
7 Sep 2010	Australian High Tech Crime Conference 2010 (Sydney)
8 – 10 Oct 2010	Judicial Conference of Australia Annual Colloquium (Hobart)

Speaking engagements:

9 Jun 2010	British Institute of Comparative Law: The Australian Experience – Terrorism and the Law (London, UK)
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THE HONOURABLE JUSTICE ANTHONY MEAGHER

Conferences:

19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
26 Oct 2011	Personal Property Securities Seminar, Supreme Court of NSW
6 –11 Nov 2011	National Judicial Orientation Program, Melbourne

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Supreme Court Rules Committee (2011)
Member, Kincoppal-Rose Bay School Board (2011)
Member, University of Notre Dame Law Advisory Board (2011)
Member, Woollahra Festival Committee (2011)

THE HONOURABLE JUSTICE R I BARRETT

Conferences:

8 – 15 Jan 2010	Second Judicial Seminar on Commercial Litigation (Hong Kong)
30 Jul – 1 Aug 2010	Law Council of Australia Corporations Workshop (Canberra)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
24 Aug 2010	Supreme Court Annual Corporate Law Conference (Sydney)
12 – 13 Mar 2011	Ninth Joint UNCITRAL/INSOL World Bank Multinational Judicial Colloquium on Insolvency (Singapore)
13 – 15 Mar 2011	INSOL International Annual Regional Conference (Singapore)
21 – 23 Mar 2011	Third Judicial Seminar on Commercial Litigation (Sydney)
26 Oct 2011	Supreme Court, Sydney – Seminar – “The Personal Property Securities Act”
18 Nov 2011	2011 Hartnell Colloquium, Australian National University (Canberra)

Speaking Engagements:

4 Jun 2010	Law School, University of Sydney, Takeovers Panel Conference – Closing remarks (Sydney)
13 Mar 2011	INSOL International, Insurance Insolvency Ancillary Meeting, Singapore – “Judicial Reflections on Insurance Insolvency”
15 Mar 2011	INSOL International Annual Regional Conference, Singapore – “Judicial Views on Litigation Funding”
22 Mar 2011	Third Judicial Seminar on Commercial Litigation, Sydney – “Saving Companies in Trouble: Restructuring and Workouts in Insolvency”
8 Nov 2011	UNSW Law School, Grace Hotel Sydney – Director’s Duties seminar
18 Nov 2011	2011 Hartnell Colloquium, Australian National University – “Towards Harmonised Company Legislation” – ‘Are We There Yet?’”

Publications:

General Editor, “Robson’s Annotated Corporations Legislation” (2010 and 2011)
“Making the acquaintance of Pilcher, Uther and Baldock”, (2010) 48 (8) Law Society Journal 30

THE HONOURABLE JUSTICE HOEBEN AM RFD**Conferences:**

8 – 10 Oct 2010	National Judicial College – Annual Seminar (Hobart)
11 – 13 Feb 2011	Expert Evidence in Criminal Trials – Australian National University, (Canberra, ACT)

Speaking Engagements:

27 Feb 2010	Second Annual Personal Injury Conference “Concurrent Evidence And The Bar” (Sydney)
3 Mar 2010	ALLA Torts Seminar “Are Torts Becoming Less Taut” (Sydney)
25 Mar 2010	Hicksons Case Management Seminar “Complex Cases – How The Courts Will Shorten Trials” (Sydney)
17 May 2010	Bar Practice Course “Expert Evidence” (Sydney)
1 Oct 2010	20th Anniversary Dinner – Dust Diseases Tribunal “Early Days of Tribunal” (Sydney)
18 Oct 2010	Bar Practice Course “Expert Evidence” (Sydney)
22 Oct 2010	Industrial Relations Commission Annual Conference “Expert Evidence” (Sydney)
27 Oct 2010	National Judicial Orientation Programme “Expert Evidence” (Fremantle, WA)
6 Apr 2011	Addressing CARS (Claims Assessment and Resolution Service) Assessors at their Annual Conference and Workshop – “ <i>Current Assessment Issues and Appeals</i> ”
16 May 2011	Addressing May 2011 Bar Practice Course – “ <i>Expert Witnesses – The New Rules</i> ”
16 Jun 2011	Part of panel discussion “ <i>Criminal Case Management</i> ” for Supreme Court and District Judges
17 Oct 2011	Addressing October 2011 Bar Practice Course – “ <i>Expert Witnesses – The New Rules</i> ”
29 Oct 2011	Addressing NSW Young Lawyers Annual Evidence Act Seminar – “ <i>Expert Evidence – Concurrent Evidence</i> ”

Appointments to Legal, Cultural or Benevolent Organisations:

Chairperson, Royal Humane Society of NSW (2010 and 2011)

Committee, Royal United Services Institute of NSW (2010)

Honorary Colonel, University of New South Wales Regiment (2010)

THE HONOURABLE JUSTICE MCCLELLAN AM, CHIEF JUDGE AT COMMON LAW

Conferences:

27 Mar 2010 Young Lawyers Annual Property Seminar (Sydney)

15 – 16 Apr 2010 Civil Justice Reform Conference (Hong Kong)

23 Apr 2010 National Judicial College of Australia (Gold Coast)

21 May 2010 3rd Annual Justice Environment Conference (Sydney)

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

22 – 26 Aug 2010 Legal Decision Making under Scientific Uncertainties Symposium (Japan)

25 – 28 Oct 2010 Australian and Pacific Judicial Reform Forum (China)

6 – 12 Nov 2010 19th Pacific Regional Judicial Conference and the Pacific Judges Science and Technology Seminar (Guam)

12 -13 Feb 2011 Expert Evidence – Judicial Conference of Australia (Canberra, ACT)

18 Feb 2011 Constitutional Law Conference – Gilbert & Tobin Centre of Public Law – University of NSW – Faculty of Law – Art Gallery of NSW (Sydney)

5 Mar 2011 Open Conference – 2011 NSW Young Lawyer Criminal Law Conference – Issues in Prosecuting Trials in the 21st Century – Sofitel Wentworth Hotel (Sydney)

13-15 May 2011 Commonwealth Secretariat South Asian Judges Regional Forum on “Economic & Financial Crime” (Colombo, Sri Lanka)

15 Jul 2011 9th Annual Jury Research & Practice Conference – The Mint Macquarie Street (Sydney)

22 – 24 July 2011 International Seminar on Global Environment & Disaster Management: Law & Society (New Delhi, India)

24 Nov 2011 University of NSW – Fraud and Corruption in Government – Keynote address – “White Collar Crime: Perpetrators and Penalties” (Sydney)

1 Dec 2011 Dispute Resolution in the Next 40 Years – Repertoire or Revolution – The Role of the Judge – Umpire, Manager, Mediator Or Service Provider? – University of NSW Faculty of Law 40th Anniversary Conference (Sydney)

3 Dec 2011 Australian Academy of Forensic Sciences: Expert Evidence in Reports & Courts (Sydney)

Speaking Engagements:

17 Mar 2010 University of NSW Master Class Seminar (Sydney)

27 Mar 2010 Young Lawyers Property Law Seminar: Changes in Civil Process – Towards a phased trial (Sydney)

15 – 16 Apr 2010 Civil Justice Reform Conference, Civil Justice in Australia – Changes in the Trial Process (Hong Kong)

7 May 2010 University of NSW Graduation Speech to the Faculty of Built Environment (Sydney)

16 Aug 2010 Pre-trial disclosure in criminal cases: Developments in NSW (Sydney)

25 – 28 Aug 2010	Legal Decision Making under Scientific Uncertainties Symposium, Australian Experience of Concurrent Expert Evidence (Japan)
19 Nov 2010	University of Western Sydney Law Alumni Dinner – Occasional address (Sydney)
5 Mar 2011	<i>“Issues in Prosecuting Trials in the 21st Century”</i> – 2011 NSW Young Lawyer Criminal Law Conference (Sydney)
26 Mar 2011	NSW Bar Association – continuing education (Sydney)
16 Jun 2011	Criminal Case Management Seminar – District Court of NSW (Sydney)
22 Jul 2011	“Contamination of the Environment – Past Problems and contemporary responses”, (New Delhi, India)
24 Nov 2011	Keynote address: “White Collar Crime: Perpetrators and Penalties” (Sydney)
1 Dec 2011	“Dispute Resolution in the Next 40 Years – Repertoire or Revolution – The Role of the Judge – Umpire, Manager, Mediator Or Service Provider?” University of NSW Faculty of Law 40 th Anniversary Conference (Sydney)

Publications:

Judicial Officers Bulletin – Civil Procedure Act 2005 (Sep 2010)

International Judicial Institute for Environmental Courts & Tribunals (IJECT) Journal of Court Innovation – Current thinking on the Rule of Law, Courts and the Environment – 31 May 2010 – USA

The Judicial Review volume 10 Number 3 September “Looking Inside the Jury Room”

Journal of Court Innovation: The Role of the Environmental Judiciary. Volume 3, Number 1 Winter 2010 “New Method with Experts – Concurrent Evidence”

Effectus Journal Brussels– Concurrent Evidence – July 2011

Appointments to Legal, Cultural or Benevolent Organisations:

Australian Pacific Judicial Reform Forum (2010 and 2011)

Delegations and International Assistance:

25 – 26 May 2010 Chinese judges

27 May 2010 Sri Lankan judges

25 Jun 2010 Chinese judges

8 Jul 2010 Chinese judges from Guangxi Zhuang province

21 Jul 2010 Japanese Consul

4 Nov 2010 Supreme Court of the Seychelles judges

24 Nov 2010 Japanese judges

9 Dec 2010 Chinese judges from Quinghai province

18 Mar 2011 Japanese judges from the Kagoshima District Court Japan (Sydney)

29 Jun 2011 Hunan Peoples High Court, Chinese delegation in Sydney

28 Oct 2011 Chinese delegation in Sydney

THE HONOURABLE MR JUSTICE JAMES

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

THE HONOURABLE JUSTICE SIMPSON

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

7 Apr 2010 District Court Annual Conference, "Court of Criminal Appeal Review" (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Chair of the Legal Profession Admission Board Examinations Committee (2010)

THE HONOURABLE JUSTICE PETER HIDDEN AM

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

6 Apr 2010 Crown Prosecutors Annual Conference; "Presentation with Will Hutchins about the Bathurst Gaol riots – re conditions then and now." (Sydney)

17 Sep 2011 CLE-CPD Conference "Common Ethical Problems for Criminal Lawyers" (Sydney)

THE HONOURABLE JUSTICE CLIFFORD EINSTEIN

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

9 Mar 2010 Building and Construction Seminar – chairman and opening address (Sydney)

16 -17 Aug 2010 NSW Young Lawyers Civil Litigation Essay Competition and Presentation of Prizes – Judge and Keynote address, "Civil Litigation Committee Essay Competition Awards Ceremony" (Sydney)

THE HONOURABLE JUSTICE KIRBY

Speaking engagements:

19 Nov 2010 Speech – Induction ceremony, Fort Street High School, (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Supreme Court Media Consultation Group (2010)

THE HONOURABLE JUSTICE R I BARRETT

Conferences:

8 – 15 Jan 2010	Second Judicial Seminar on Commercial Litigation (Hong Kong)
30 Jul – 1 Aug 2010	Law Council of Australia Corporations Workshop (Canberra)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
24 Aug 2010	Supreme Court Annual Corporate Law Conference (Sydney)

Speaking Engagements:

4 Jun 2010	Law School, University of Sydney, Takeovers Panel Conference – Closing remarks (Sydney)
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Publications:

General Editor, "Robson's Annotated Corporations Legislation" (2010)

THE HONOURABLE JUSTICE PALMER AM

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
25 Sep 2010	Salvation Army: Salvos Legal Conference – Speech "Problems Encountered with Disadvantaged Lay Litigants" (Sydney)

Speaking Engagements:

26 Mar 2010	Opening commentary at UNSW "Contested Estates" Seminar (Sydney)
18 May 2010	Judging Macquarie University Final Moot (Sydney)
18 Oct 2010	Presentation of 9th Annual Supreme Court Concert (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

President, Arts Law Centre of Australia (2010)

Chairman, Pacific Opera Company (2010)

Director, Ars Musica Australis (2010)

THE HONOURABLE JUSTICE TERRY BUDDIN

Conferences:

22 – 23 Apr 2010	National Judicial College of Australia (Gold Coast), Attended meeting of Steering Committee of NJOP, Presenter, Session on Sentencing
24 – 29 Oct 2010	National Judicial College of Australia (Perth), Attended meeting of Steering Committee of NJOP, Presenter, Session on Sentencing

Appointments to Legal, Cultural or Benevolent Organisations:

Member, National Judicial Orientation Program, Steering Committee (2010)

Chairperson, Jury Taskforce (2010)

THE HONOURABLE JUSTICE IAN VITALY GZELL

Conferences:

23 – 27 Jan 2010	Supreme and Federal Courts Judges' Conference (Canberra)
24 Feb 2010	Society of Trust and Estate Practitioners (STEP) Presentation by Robert Greenhill SC "Trusts and Crime" (Sydney)
24 Mar 2010	STEP Presentation by Justice Richard Edmonds "What is Income for the Purposes for the Section 97 of the Income Tax Assessment Act 1936 (Cth)? Second guessing the High Court in Bamford" (Sydney)
21 Apr 2010	STEP Presentation by Imelda Dodds "NSW Trustee & Guardian – What has changed and issues in common" (Sydney)
18 May 2010	STEP Presentation by Matthew Daley and Michael Hawkins "Trustees' Investment Powers, Learning post the GFC" (Sydney)
23 – 27 May 2010	The International Academy of Estate and Trust Law Conference (Barcelona, Spain)
15 July 2010	STEP Presentation by the David Wright "Third Parties and Constructive Trusts (Sydney)
11 Aug 2010	STEP Presentation by John Emerson AM "Private Ancillary Funds ... new name, new rules and new opportunities for Australian philanthropy and charities" (Sydney)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
22 Sept 2010	STEP Presentation by Robert Angyal SC "Fiduciary relationships in commercial arrangements following the High Court's White City decision" (Sydney)
25 Nov 2010	STEP Presentation by Justice Joseph Campbell "Should the "rule in Hastings-Bass" be followed in Australia? – The Trustees' Duty to Enquire and Trustees' Mistakes" Sydney)
2 – 4 Dec 2010	STEP Committees and Branch Chairs Assembly (London, United Kingdom)
16 Mar 2011	STEP presentation by the Honourable Patrick Keane, Chief Justice of the Federal Court of Australia " <i>A matter of words: conception creep and fiduciary obligations</i> " (Sydney)
21 – 23 Mar 2011	Third Judicial Seminar on Commercial Litigation (Sydney)
6 Apr 2011	STEP presentation by Advocate Paul Tracey (advocate of the Royal Court of Jersey) " <i>The operation of the bar against recovery for reflective loss in breach of trust claims</i> " (Sydney)
22 – 26 May 2011	The International Academy of Estate and Trust Law conference (Mexico City, Mexico)
29 Jun 2011	STEP presentation by David Russell QC " <i>Changes in the Rules for Taxing Trusts</i> " (Sydney)
20 Jul 2011	STEP presentation by Associate Justice Hallen and Dr John Groot " <i>Developments in the Law of Family Provision and Succession</i> " (Sydney)
17 Aug 2011	STEP presentation by Associate Justice Richard Macready with Lindsay Ellison SC, Neil Wickenden and Ken Cappie-Wood " <i>A Value Add in Trust and Estate Administration</i> " (Sydney)
2 Sep 2011	STEP Queensland Conference (Cairns)
28 Sep 2011	STEP presentation by Lindsay Houghton " <i>Bribery & Corruption in Trusts and Estates</i> " (Sydney)
26 Oct 2011	STEP presentation by Michael Heraghty "A smorgasboard of Trust Issues – Common Problems Encountered in Practice" (Sydney)
1 – 3 Dec 2011	STEP Committees and Branch Chairs Assembly (London, England)

Speaking Engagements:

12 Feb 2010	Paper – Society of Trust and Estate Practitioners (STEP) “Recent Decisions in relation to Trusts and Administrations” (Adelaide)
4 Mar 2010	Opening remarks – UNSW Estate Planning and Asset Protection Seminar (Sydney)
9 Mar 2010	Paper – e-Discovery: “Outlining the Judicial Perspective on e-Discovery” (Sydney)
13 Mar 2010	Paper – NSW Young Lawyers “Technology and e-Trials” (Sydney)
20 Apr 2010	Paper – International Fiscal Association (IFA) “Recent Decisions in relation to Trusts and Administrations” (Sydney)
22 Apr 2010	Paper – IFA “Recent Decisions in relation to Trusts and Administrations” (Melbourne)
12 May 2010	Paper – Private Client Wealth Forum Asia “The Benefits of the Trust” (Singapore)
24 May 2010	Paper – International Academy of Estate and Trust Law (IAETL) “Recent Developments – Australia” (Barcelona, Spain)
25 May 2010	Paper – IAETL “Litigation – Australia” (Barcelona, Spain)
23 Jun 2010	Paper – STEP “The Origin and Development of the Trust in Asia” (Sydney)
23 Mar 2011	Paper – Third Judicial Seminar on Commercial Litigation “ <i>Transfer Pricing in International Taxation – the Australian Position</i> ” (Sydney)
8 Jul 2011	Paper – Office of State Revenue Discussion Group “What is it like to be an Australian Supreme Court Judge in the 21st Century” (Parramatta)
2 Sep 2011	STEP Queensland Conference “Cradle to Grave: Paternity to Burial or Cremation” (Cairns)

Appointments to Legal, Cultural or Benevolent Organisations:

President – Elect, The International Academy of Estate and Trust Law (IAETL) (2010)
Vice-President Western Pacific, IAETL (2010)
Member of Executive Council IAETL (2010 and 2011)
Member of the Council of the Society of Trust and Estate Practitioners (STEP) (2010 and 2011)
Judiciary Member, STEP (2010 and 2011)
Chairman STEP Australia – Sydney Branch (2010 and 2011)
Honorary Life Member, Taxation Institute of Australia (2010 and 2011)
Member, Department Attorney General & Justice JusticeLink Steering Committee (2010 and 2011)
Patron and Life Member, Regional Arts New South Wales (2010 and 2011)
Honorary Member, Taxation Committee of Business Law Section of Law Council of Australia (2010 and 2011)
Councillor of Australasian Institute of Judicial Administration (2010 and 2011)

Delegations and International Assistance:

8 Mar 2010	e-Discovery by Judge Simon Brown QC, Specialist Mercantile Judge, Birmingham Civil Justice Centre
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THE HONOURABLE JUSTICE W H NICHOLAS

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

25 Mar 2010 University of NSW CLE Seminar: Defamation Law Update (Sydney)

23 Sep 2010 Thomson Reuters Seminar – Advocacy: The Art of Practice and Persuasion “Expert Evidence” (Sydney)

2 Mar 2011 University of NSW CLE Seminar: Defamation Law Update (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Board Member, Kimberley Foundation Australia (2010 and 2011)

Honorary Councillor, Royal Agricultural Society of NSW (2010 and 2011)

Trustee, McGarvie Smith Institute (2010 and 2011)

Member, Court of Arbitration for Sport, Oceania Registry (2010 and 2011)

Member, Supreme Court Heritage Committee (2010)

Member, Supreme Court Education Committee (2010 and 2011)

Member, State Records Authority of New South Wales (2010)

THE HONOURABLE JUSTICE MCDUGALL

Conferences:

20 – 21 May 2010 3rd Annual Justice Environment Conference (Sydney)

Speaking Engagements:

13 Mar 2010 NSW Young Lawyers Civil Litigation CLE keynote address

THE HONOURABLE JUSTICE R W WHITE

Conferences:

21 and 24 May 2010 Law of Trusts Seminar (Auckland and Wellington, New Zealand)

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

9 Dec 2010 The Principles of Proprietary Remedies: Constructive Trusts (Melbourne Law School)

Speaking Engagements:

30 Oct 2010 Young Lawyers CLE – Overview of the Evidence Act (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Chair of Legal Qualifications Committee of Legal Practitioners' Admission Board (2010)

THE HONOURABLE JUSTICE JOHNSON

Conferences:

16 Jun 2011	Cross-Jurisdictional Seminar – “Criminal Case Management”, Judicial Commission of New South Wales (Sydney)
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19 – 21 Aug 2011	Supreme Court Annual Judges’ Conference (Port Stephens)
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Speaking Engagements:

9 Sep 2011	Presentation (with the Hon Justice Megan Latham) of Paper entitled “Criminal Trial Case Management: Why Bother?” AIJA Criminal Justice in Australia and New Zealand – Issues and Challenges for Judicial Administration Conference (Sydney)
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Publications:

“The Court Suppression and Non-publication Orders Act 2010 Commences”, Judicial Officers’ Bulletin (July 2011)

Joint author with the Hon RN Howie QC of Criminal Practice and Procedure (NSW)

Appointments to Legal, Cultural or Benevolent Organisations:

Appointed Part-time Commissioner, New South Wales Law Reform Commission for the Sentencing reference (7 Dec 2011)

THE HONOURABLE JUSTICE HALL

Conferences:

7 – 9 Jun 2010	Academy of European Law – “Evaluating Counter-Terrorism Legislation and Jurisprudence” (Trier, Germany)
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Appointments to Legal, Cultural or Benevolent Organisations:

Member, Examinations Committee of the Legal Profession Admission Board

Member, Supreme Court’s Mediation Committee

Member, Supreme Court’s Common Law Users Group

THE HONOURABLE JUSTICE LATHAM

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
7 – 9 Sep 2010	Australian High Tech Crime Conference 2010 (Sydney)

Speaking Engagements:

2 Sep 2010	Australasian Conference of Planning and Environment Courts and Tribunals “Case Management in Criminal Proceedings” (Sydney)
5 Nov 2010	Opening Remarks – Centre for Continuing Legal Education – Faculty of Law – University of NSW – Seminar – “Criminal Law – Practice and Procedure” (Sydney)
25 Mar 2011	Keynote Address – Legal Studies Association
1 Jun 2011	Keynote Address – Annual Criminal Law Conference
9 Sep 2011	‘Criminal Trial Case Management’ – AIJA Criminal Justice in Australia and NZ
16 Sep 2011	‘The Most Effective Advocates’ – Advocacy Seminar, Young Lawyers NSW

Appointments to Legal, Cultural or Benevolent Organisations:

Chairperson, NSW Bail Law Reform Group (2011)

THE HONOURABLE JUSTICE STEPHEN ROTHMAN AM

Conferences:

22 – 28 Jan 2010	Supreme and Federal Courts Judges' Conference (Canberra)
6 – 7 Feb 2010	National Judicial College of Australia – Sentencing 2010 Conference (Canberra)
18 Feb 2010	The University of New South Wales – Inaugural George Winterton Lecture 2010: ‘Executive Power’ [French CJ] (Sydney)
16 Apr 2010	The Anglo-Australasian Lawyers Society – Seminar: ‘Hadley v Baxendale in the House of Lords: The Golden Victory 2007 and the Achilles 2008’ [Professor Francis Reynolds QC] (Sydney)
21 Jun 2010	The University of New South Wales Law Journal – Launch of: ‘Thematic Issue 33(1) The Future of Human Rights in Australia’ [Mr Stephen Gageler SC] (Sydney)
22 Jun 2010	Carroll & O’Dea Lawyers – Lunchtime Speaker Series: ‘The Drift of Power to Canberra’ [Professor Greg Craven] (Sydney)
10 Aug 2010	NSW Judicial Commission – Twilight Seminar: ‘Classification and Placement of Prisoners’ [Mr Terry Halloran] (Sydney)
18 Aug 2010	The Fifth John Lehane Memorial Lecture: ‘The Influence of European Law on the Common Law in English Courts’ [Lord Hoffman] (Sydney)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
26 Aug 2010	Australian Association of Constitutional Law – Seminar: ‘Federal Constitutional Influences on State Judicial Review’ [Dr Matthew Groves] (Sydney)
20 Oct 2010	Australian Association of Constitutional Law – Seminar: ‘A Rethinking of the Separation of Powers’ [Associate Professor James Stellios] (Sydney)
27 Oct 2010	2010 Julian Small Foundation 14th Annual Address: ‘Women – We’ll never get anywhere with quotas’ [Ms Janet Albrechtsen] (Sydney)

9 Nov 2010	UWA Publishing – Launch of: ‘From Moree to Mabo: The Mary Gaudron Story’ by Pamela Burton [The Hon. Sir Anthony Mason, AC KBE] (Sydney)
18 Nov 2010	NSW Judicial Commission – Twilight Seminar: ‘Uses & Abuses of Expert Evidence’ [The Hon. Justice Ian Binney] (Sydney)
21 – 27 Jan 2011	Supreme and Federal Courts Judges’ Conference (Wellington, New Zealand)
11 Feb 2011	Launch of the Social Justice and Native Title Reports [Mick Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner] (Sydney)
16 Feb 2011	Ngara Yura – Twilight Seminar: “ <i>The Power of Sorry</i> ” [Chris Wheeler, NSW Deputy Ombudsman] (Sydney)
16 Feb 2011	NSW Society of Jewish Jurists & Lawyers: “ <i>Pursuing the Human Rights for the Victims of Terror</i> ” [Nitsana Darshan-Leitner] (Sydney)
17 Feb 2011	The University of New South Wales – Inaugural George Winterton Lecture 2011: “ <i>Pathway to a Republic</i> ” [The Hon Sir Gerard Brennan AC KBE, former Justice and Chief Justice of the High Court] (Sydney)
26 – 27 Feb 2011	Ngara Yura Visit to Balundua Centre (Tabalum)
3 Mar 2011	The Anglo-Australasian Lawyers Society – Seminar: “ <i>The Constitutionalisation of Water Rights</i> ” [The Honourable Justice Rachel Pepper, NSW Land and Environment Court Judge] (Sydney)
4 Mar 2011	Lecture: “The Importance of Economic Rights in the Law: A Perspective from Botswana” [Justice Dow] (Sydney)
17 Mar 2011	Office of the Registrar – Seminar: “The Aboriginal Land Rights Act 1983 (NSW) – Looking Ahead” (Sydney)
4 May 2011	Launch: “ <i>Commercial Arbitration in Australia</i> ” [Professor Doug Jones AM] (Sydney)
9 Jun 2011	The Anglo-Australasian Lawyers Society – Seminar: “ <i>The Constitutional Implications of Taxation by Discretion</i> ” [The Honourable Justice Tony Pagone, VIC Supreme Court Judge] (Sydney)
17 Aug 2011	Sydney University Law School Careers Mentoring Program Launch (Sydney)
19 – 21 Aug 2011	Supreme Court Annual Judges’ Conference (Port Stephens)
1 Sep 2011	Launch of the New South Wales Bar Association Oral History Project & Women Barristers Forum Project ‘Women Practising at the NSW Bar: “ <i>The Years to 1975</i> ” [The Hon. Justice Margaret Beazley AO, Chester Porter QC] (Sydney)
9 Sep 2011	The Anglo-Australasian Lawyers Society – Seminar: “ <i>1361 – And all That Keeping the Peace</i> ” [The Rt Hon the Lord Judge, Lord Chief Justice of England and Wales] (Sydney)
10 – 11 Sep 2011	Ngara Yura – Exchanging Ideas Conference (Sydney)
14 – 16 Oct 2011	Judicial Conference of Australia – Colloquium: “ <i>Innovation in Court Procedures</i> ” (Alice Springs, Northern Territory)
25 Oct 2011	2011 Julian Small 15th Foundation Annual Address: “ <i>Is the current industrial relations system meeting our needs?</i> ” (Sydney)
26 Oct 2011	Presentation: “ <i>The Personal Properties Securities Act</i> ” [Mr Robert Newlinds SC] (Sydney)
31 Oct 2011	The Anglo-Australasian Lawyers Society – Seminar: “ <i>The fractured constitutional basis of environmental regulation</i> ” [Dr Melissa Perry QC, Sixth Floor Selborne Wentworth and Mr Jonathon Redwood, Banco Chambers] (Sydney)

Speaking Engagements:

7 May 2010	2010 Annual Conference of the Council of Australasian Tribunals: 'Appeal Proofing Your Decisions' (Sydney)
30 Jul 2010	Journal of Contract Law Contractual Indemnities Conference 2010: 'Indemnities against breach of contract' (Sydney)
2 Sep 2010	Opening of the Allira Aboriginal Knowledge IT Centre (Dubbo)
21 Oct 2010	NSW Young Lawyers McCallum Medal Presentation Competition – Judge (Sydney)
9 Nov 2010	The Association of Independent Schools of NSW – Incident Investigation, Public Relations and the Courts: ' <i>Critical and Serious Incidents from a Court of Law Perspective</i> ' (Sydney)
6 Dec 2010	Tonkin Corporation's Construction Law Conference – Key Note Address: 'Indemnities Against Breach of Contract' (Sydney)
25 Mar 2011	Commercial Law Association – Seminar: " <i>Developments in the common law of employment</i> " (Sydney)
14 Sep 2011	Australian Association of Constitutional Law – Seminar: "Insult and Emotion, Calumny and Inveective: The Constitutional Protection of Incivility in Political Communication" – Chair (Sydney)
16 – 18 Nov 2011	The International Association of Jewish Lawyers and Jurists – Conference: "Holocaust Denial as Racial Vilification; Freedom of Speech and the Internet: The Australian Experience" (Berlin)
5 Dec 2011	Australian Labour Law Association – Conference: " <i>Reflections from Queens Square</i> " (Sydney)
9 Dec 2011	Workers Compensation Commission Arbitrators' Annual Conference (Keynote Address): " <i>Tribunals: a growing and glowing future</i> " (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools (2010 and 2011)
Non-Trustee Governor – Jewish Communal Appeal (2010)
Honorary Life Member; Executive Member – NSW Jewish Board of Deputies (2010 and 2011)
Co-Chair – Australian Council of Jewish Schools (2010 and 2011)
Chair – Organising Committee of the Joint Supreme Court/Federal Court Judges' Conference (2010 and 2011)
Chair – Workplace Research Centre Advisory Board (Faculty of Economics and Business, The University of Sydney) (2010 and 2011)
Member – Ngara Yura Committee (2010 and 2011)
Member – NAB Yachad Scholarship Fund NSW Advisory Board (2010 and 2011)
Chair of the Board – "Fighting Chance" – Charity providing employment and employment training to disabled (2011)

THE HONOURABLE JUSTICE PAUL BRERETON AM RFD

Speaking Engagements:

23 Feb 2010	UNSW CLE Seminar, Opening address: Commercial Leases Update (Sydney)
24 Mar 2010	College of Law CPE: The 2010 Judges Series – “ <i>Subpoenas, Discovery & Interrogatories</i> ” (Sydney)
8 May 2010	Costs Assessors’ Seminar – Recent Updates in Costs Assessment (Sydney)
30 May 2010	Australian Defence Force Digital Forensics Course, “ <i>Digital Forensics – a Judicial Perspective</i> ” (Sydney)
22 Aug 2010	Supreme Court Annual Conference, Costs Assessment Update, “ <i>A Less Taxing Process: Issue in Costs Assessment In NSW</i> ” (Port Stephens)
31 Aug 2010	Knox Grammar Chapel, Keynote Speaker, “ <i>Judges, Justice & Atonement</i> ” (Sydney)
16 Oct 2010	Family Court & Federal Magistrate’s Court Concurrent conference – “ <i>Discretionary Trusts in Family Law – The Implications of Spry</i> ” (Canberra)
19 Oct 2010	National Family Law Conf – Co-Presenter – “Family Entities – Traps & Pitfalls for Trustees & Directors of Family Companies, Trusts and Superannuation Funds” (Canberra)
6 Nov 2010	“Director of Military Prosecutions, The Afghanistan Charges & the Rule of Law”, Rule of Law in Australia Conference (Sydney)
1 Mar 2011	NSW Bar Association/Law Society Seminar – “ <i>Ethics, Etiquette, Conduct</i> ” (Supreme Court Sydney)
31 Mar 2011	The New South Wales State Legal Conference, “ <i>Costs Update</i> ” (Sydney)
16 May 2011	Address to the Sydney University Law School Symposium: The Future Of Private International Law, “ <i>Proof of Foreign Law – Problems and Initiatives</i> ” (Sydney University Law School)
30 Jun 2011	Law Society of NSW & Carers NSW CLE Breakfast, “ <i>Acting for the Incapable</i> ” (Law Society of NSW, Sydney)

Publications:

Nygh’s Conflict of Laws in Australia, 8 th Edition, co-editor (2010)
Australian Bar Review: “A Trustee’s lot is not a happy one: Discretionary trusts & self-managed superannuation funds” (2010)
“The Director of Military Prosecutions, the Afghanistan charges and the rule of law”, <i>The Australian Law Journal</i> , 2011, Vol. 85, February
“Proof of Foreign Law: Problems and Initiatives”, <i>The Australian Law Journal</i> , 2011, Vol. 85, September
“Acting for the Incapable”, <i>Law Society Journal</i> , 2011, Vol. 49 No. 11, December

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Law Extension Committee, University of Sydney (2010)
Chair, Costs Assessment Users Group, Supreme Court (2010 and 2011)
Chair, Corporations List Users Group (2011)
Trustee, Leicester Meares Bequest, Kidsafe (2010 and 2011)

THE HONOURABLE JUSTICE DEREK PRICE AM

Speaking Engagements:

28 Mar 2011	District Court of NSW Annual Conference – presented ‘Court of Criminal Appeal Review’ session.
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Delegations and International Assistance:

22 Mar 2011	Judicial delegation from Jiangsu Province, China
31 Mar 2011	Judicial delegation from the Japan Ministry of Justice

THE HONOURABLE JUSTICE DAVID HAMMERSCHLAG

Conferences:

12 – 14 Jan 2010	Second Judicial Seminar on Commercial Litigation (Hong Kong)
20 – 22 Aug 2010	Supreme Court Annual Judges’ Conference (Port Stephens)
22 – 27 Jan 2011	Supreme and Federal Courts Judges’ Conference (Wellington, New Zealand)
21 – 23 Mar 2011	Third Asian Judicial Seminar on Commercial Litigation (Sydney)
30 Mar 2011	NSW State Legal Conference (Sydney)
11 – 12 Aug 2011	International Conference on Electronic Litigation (Singapore)
19 – 21 Aug 2011	Supreme Court Annual Judges’ Conference (Port Stephens)
23 Aug 2011	Supreme Court of New South Wales Annual Corporate Law Conference, Banco Court, Queens Square (Sydney)

Speaking Engagements:

15 Jan 2010	“ <i>The Erosion of the Right to be Heard</i> ”, Second Judicial Seminar on Commercial Litigation (Hong Kong)
30 Jun 2010	“An Informal Discussion on the Art of Persuasion”, CPD Seminar-Bar Association (Sydney)
26 Aug 2010	Address to an Audience of the Committee and Members of the Australian Lawyers Phil-Hellenic Association (ALPHA) (Sydney)
23 Mar 2011	“To Accept Or To Decline Jurisdiction? That Is The Question”, Third Judicial Seminar on Commercial Litigation (Sydney)
30 Mar 2011	“The Enigma That Is Section 5D(3) of the Civil Liability Act 2002 (NSW)”, NSW State Legal Conference (Sydney)
14 Sep 2011	“Court’s Arbitration List and Aspects of the Court’s Work” NSW Bar Association’ Alternative Dispute Resolution Committee (Sydney)
27 Sep 2011	Launching the 3rd Edition of <i>Construction Law in Australia</i> , Clayton Utz, (Sydney)
6 Dec 2011	“Arbitration” NSW Chapter of the Institute of Arbitrators & Mediators Australia, Colin Biggers & Paisley (Sydney)

THE HONOURABLE JUSTICE IAN HARRISON

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
8 Sep 2011	Australian Institute of Judicial Administration Criminal Justice in Australia and New Zealand – Issues and Challenges for Judicial Administration Conference, Four Points by Sheraton Hotel (Sydney)
22 Oct 2011	Salvos Legal Conference, The Salvation Army (Sydney)
18 – 20 Nov 2011	Law Society of Tasmania Litigation Committee Convention (Hobart, Tasmania)

Speaking Engagements:

19 August 2010	Guest Speaker at The New South Wales Bar Association Fundraising Dinner for the Martin Place Homeless (Sydney)
28 Aug 2010	The New South Wales Bar Association Alternative Dispute Resolution conference (Sydney)
7 Mar 2011	Presentation to the New South Wales Bar Association Readers Practice Course
15 Apr 2011	Presentation to female law students arranged by the New South Wales Bar Association Equal Opportunity Committee
17 May 2011	Occasional Speaker, University of Technology, Sydney, Faculty of Law Graduation Ceremony
20 May 2011	Adjudicator, New South Wales Young Lawyers Golden Gavel Competition
24 May 2011	Presentation as part of the New South Wales Bar Association New Barristers' Committee Cross Examination Seminar
14 Jul 2011	Adjudicator, New South Wales Young Lawyers Great Debate, "When it comes to the law and lawyers, bigger is better"
25 Aug 2011	Occasional speaker, Consumer Trader and Tenancy Tribunal Annual Conference members' dinner, Cello's Restaurant
8 Sep 2011	Occasional speaker, Australian Institute of Judicial Administration Criminal Justice in Australia and New Zealand – Issues and Challenges for Judicial Administration Annual Conference dinner, Four Points by Sheraton Hotel
22 Oct 2011	Guest Speaker, Salvos Legal Conference, The Salvation Army, Sydney
26 Oct 2011	Adjudicator, Grand Final, University of Newcastle Law School Junior Moot and Client Interview Competitions, Newcastle Court House
18 Nov 2011	Occasional speaker, Law Society of Tasmania Litigation Committee Convention dinner (Hobart, Tasmania)
19 Nov 2011	Panel discussion of the current state of the law in respect of expert evidence, Law Society of Tasmania Litigation Committee Convention (Hobart, Tasmania)

Appointments to Legal, Cultural or Benevolent Organisations:

Supreme Court representative on Legal Qualifications Committee (to 30 June 2010)

Member, Supreme Court Education Committee (2010 and 2011)

Participant in UTS High Achievers Mentoring Programme (2010 and 2011)

Appointed Adjunct Professor of Law, University of Technology, Sydney (1 Oct 2010 to 30 Sep 2013)

Appointed Patron of New South Wales Young Lawyers (2010 and 2011)

THE HONOURABLE JUSTICE FULLERTON**Conferences:**

25 – 26 Jan 2010 Supreme and Federal Courts Judges’ Conference (Canberra)

20 – 22 Aug 2010 Supreme Court Annual Judges’ Conference (Port Stephens)

19 Nov 2010 8th Annual Australasian Jury Conference (Melbourne)

Speaking Engagements:

26 Jan 2010 Address – Supreme and Federal Courts Judges’ Conference “Working with a Jury” (Canberra)

14 Oct 2010 Seminar presentation – Aboriginal Legal Service CLE program “Supreme Court Bails” (Sydney)

10 & 24 Nov 2010 Seminar presentation – New South Wales Bar Association CPD “Conduct of Counsel in Criminal Hearings” (Sydney)

THE HONOURABLE JUSTICE N G REIN**Conferences:**

20 – 22 Aug 2010 Supreme Court Annual Judges’ Conference (Port Stephens)

4 – 8 Oct 2010 International Bar Association Conference – panel member “Open justice in the 21st century: information and access to courts in the internet age” (Vancouver, Canada)

19 – 21 Aug 2011 Supreme Court Annual Judges’ Conference (Port Stephens)

Speaking Engagements:

30 Nov 2010 Guest Speaker – Australian Construction Law Discussion Group Annual Dinner “Construction of Contracts: Admissible Evidence Beyond the Written Document” (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Supreme Court Rules Committee (2011)

Member, Supreme Court Uniform Civil Procedure Rules Committee (2010 and 2011)

Member, Court Information Act Advisory Group (2010 and 2011)

Member, Supreme Court JusticeLink Committee (2010 and 2011)

Member, JusticeLink Steering Committee (2010)

THE HONOURABLE JUSTICE JULIE WARD

Conferences:

14 – 16 Aug 2010	ASFL Association Conference (New Zealand)
21 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
6 Nov 2010	Rule of Law Conference (Sydney)
8 Nov 2010	Class Action/Representative Suit Seminar, Supreme Court SA (Adelaide)
22 – 25 Jan 2011	Supreme and Federal Courts Judges' Conference (Wellington, New Zealand)
30 – 31 Jul 2011	BLS 2011 Corporations Workshop (Kingscliff)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
23 Aug 2011	Supreme Court/Law Society Annual Corporate Law Conference, Banco Court (Sydney)
11 Nov 2011	APLEC Conference, UTS Faculty of Law (ADR) (Sydney)
5 Dec 2011	Melbourne Law School Colloquium – The Principles of Proprietary Remedies Constructive Trusts (Melbourne, Victoria)

Speaking Engagements:

24 Feb 2010	Panel Member – Association for Women in Insurance (Sydney)
1 Mar 2010	Pymble Ladies College – Year 12 Inspirational Women address (Sydney)
24 Jun 2010	ALPHA Association – Plato – Rule of Law (Sydney)
2 Aug 2010	UNSW Women's Mentoring Programme – Speech (Sydney)
16 Aug 2010	Australian Financial Services Lawyers Association – Conference speech – Relief against forfeiture (New Zealand)
28 Aug 2010	Bar Association – Mediation Workshop – Mediation/ADR in Supreme Court (Sydney)
20 Oct 2010	Women Lawyers – Panel discussion (Sydney)
28 Oct 2010	Bar Association Readers Course – Future of NSW Bar (Sydney)
2 Mar 2011	Pymble Ladies College – Speech Day keynote address (Sydney)
17 Mar 2011	Edmund Barton Chambers Seminar – Transition to the Bench (Sydney)
15 Apr 2011	Panel New Judges' Conference – Time Management Skills (Sydney)
1 Jun 2011	Bar Association – Judicial Q&A Panel (Sydney)
29 Jul 2011	8 th Floor Wentworth CPD talk – Advocacy (Sydney)
29 Jul 2011	Law Society of NSW Seminar keynote address <i>Advancement of Women in the Legal Profession</i> (Sydney)
29 Sep 2011	Panellist, ALSA Women's Mooting Competition (Sydney)
28 Oct 2011	Newcastle University 2011 Sir Ninian Stephen Lecture, keynote address <i>The Modern Day Fusion Fallacy – to fuse or not to fuse</i> (Newcastle, NSW)
1 Dec 2011	Law Society of NSW Thought Leadership Programme keynote address <i>Advancement of Women in the Legal Profession</i> (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Member Supreme Court Representative ADR Blueprint Committee – AG ADR Directorate (2010)

ADR Standing Committee – Supreme Court (2010)

ADR Steering Committee – Supreme Court (2011)

THE HONOURABLE JUSTICE ROBERT ALLAN HULME**Conferences:**

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

19 Nov 2010 Eighth Annual Australasian Jury Conference (Melbourne)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

21 Aug 2010 Supreme Court Annual Judges' Conference – Criminal Law Update (Port Stephens)

5 Mar 2011 The Law Society of New South Wales – Young Lawyers Annual Criminal Law Seminar
– *An Update to Criminal Law 2010-11*

1 Jun 2011 Local Court Annual Conference – *Criminal Law Update*

16 Jun 2011 Judicial Commission Criminal Case Management Seminar

20 Aug 2011 Supreme Court Annual Conference – *Criminal Law Update*

17 Sep 2011 “Reasonable Cause” Criminal CLE/CPD Conference – *Current Issues in Criminal Law*

Publications:

Co-author Criminal Law News, LexisNexis Butterworths (2010 and 2011)

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Jury Task Force (2010 and 2011)

Member, Judicial Commission of NSW Criminal Trials Bench Book Committee (2010 and 2011)

Member, Planning Committee for Jury Management Program, National Judicial College of Australia (2010 and 2011)

THE HONOURABLE JUSTICE M J SLATTERY

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
7 – 8 Oct 2010	Royal Australian Navy – Senior Leadership Group Retreat – HMAS Cresswell (Jervis Bay)
12 – 13 Aug 2011	National Indigenous Legal Conference (Sydney)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
14 Oct 2011	Judge Advocate General's Conference – HMAS Cresswell (Jervis Bay)
9 Nov 2011	RAAF Legal Conference (Melbourne, Vic.)

Speaking Engagements:

5 Feb 2010	<i>"Reflections on a Career in the Law"</i> , Speech to Retired District Court Judges' Luncheon, Art Gallery of NSW (Sydney)
31 Mar 2010	<i>"The Origins of the Torrens System"</i> – Opening Remarks, Hot Topics in Property Law 2010, Continuing Legal Education, University of New South Wales Law School, Grace Hotel (Sydney).
4 Apr 2010	<i>"Is the Pen Mightier than the Word?"</i> – Comparisons of Written and Oral Advocacy from a Judicial Perspective – presentation to the Fifth World Bar Conference, Sheraton on the Park (Sydney).
11 Oct 2010	<i>"Managing Large Inquiries"</i> , Joint presentation with Captain Jack Rush QC to the New South Wales Navy Reserve Legal Panel (Sydney).
25 Nov 2010	<i>"Rhetoric – the Art of Persuasion"</i> – address to Sydney Grammar School Year 12 students (Sydney).
8 Dec 2010	<i>"Persuading Judges and Commanders"</i> , presentation to Navy Legal Conference HMAS Cresswell as Deputy Judge Advocate General – Navy (Jervis Bay).
17 Mar 2011	Talk on Advocacy – Sydney University (Sydney)
21 Jun 2011	Asprey Collection Gift Presentation (Sydney)
1 Sep 2011	Oral History Launch – NSW Bar Association (Sydney)
12 Oct 2011	LPAB Conference Speech (Sydney)
29 Oct 2011	LPAB Lecture (Sydney)

Appointments to Legal, Cultural or Benevolent Organisations:

Member, Supreme Court Information Technology Committee (2010)
Member, Law Admissions Consultative Committee, representing the Supreme Court of New South Wales (2010)
Presiding Member, Legal Practitioners' Admission Board of New South Wales (LPAB) (2010 and 2011)
Member, Legal Qualifications Committee of the LPAB (2010)
Member, Law Admissions Consultative Committee (2011)
Deputy Judge Advocate General – Navy, an Australian Defence Force appointment made under the Defence Force Discipline Act 1982 (2010 and 2011)
Director, Australian Academy of Law (2011)
Trustee, The Indigenous Barristers Trust (2011)

THE HONOURABLE JUSTICE DAVID DAVIES

Conferences:

6 – 7 Feb 2010	National Judicial College of Australia and the ANU College of Law, Sentencing Conference (Canberra)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
11 – 13 Feb 2011	Sentencing Conference, ANU, Canberra, ACT
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)

Appointments to Legal, Cultural or Benevolent Organisations:

Deputy Chair, Legal Profession Admission Board (2011)

Deputy Chair, Legal Qualifications Committee (2011)

THE HONOURABLE JUSTICE MONIKA SCHMIDT

Conferences:

24 – 28 Jan 2010	Supreme and Federal Courts Judges' Conference (Canberra)
6 – 7 Feb 2010	National Judicial College of Australia and the ANU College of Law, Sentencing Conference (Canberra)
20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
8 – 10 Oct 2010	Judicial Conference of Australia (JCA) Annual Colloquium (Hobart)
12 – 13 Feb 2011	Expert Evidence Conference (Canberra)
16 Feb 2011	Ngara Yura Program Seminar: The Power of Sorry (Sydney)
16 Mar 2011	STEP Event – A matter of words – conceptual creep and fiduciary obligations – The Honourable Patrick Keane CJ, Federal Court, (Sydney)
17 Mar 2011	Aboriginal Land Rights Act at The Mint (Sydney)
24 May 2011	Field Trip to NSW Police Telecommunication Interception Branch and State Electronic Evidence Branch
26 May 2011	2011 Sir Maurice Byers Lecture – “Truth and the Law” delivered by the Hon James Spigelman AC (Sydney)
8 Jun 2011	Forensic Hospital visit – Long Bay (Sydney)
19 Jul 2011	Supreme Court of NSW Seminar: Representative Actions, (Sydney)
28 Jul 2011	50th Anniversary of The Wagon Mound (No 1): The neglected complexity of scope of liability Rules, Federal Court of Australia (Sydney)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
26 Oct 2011	Supreme Court of NSW Seminar: Personal Property Securities, 26 October 2011 (Sydney)

Speaking Engagements:

7 Feb 2010	Sentencing 2010 Conference – The Principles that apply to the Sentencing of Corporate Offenders – The \$17 million speeding offence? (Canberra)
1 Oct 2010	ANZLEA Conference – The Teaching Profession: Over regulated? Under regulated? Regulatory failure? (Sydney)
5 Dec 2011	Reflections from Queens Square – NSW Chapter of the Australian Labour Law Association (Sydney) (Co-speaker Justice Rothman)
8 – 9 Dec 2011	Judgment Writing Workshop for Commissioners of the Land and Environment Court (Sydney)

Publications:

The Judicial Review: “Sentencing corporate offenders: conundrums and areas of potential law reform”, Volume 10, No 2 of *The Judicial Review*

Appointments to Legal, Cultural or Benevolent Organisations:

Trustee Director and Chairman of the Julian Small Foundation (2010 and 2011)

Member of the Advisory Board for the Master of Labour Law and Relations (MLLR), Sydney Law School (2010 and 2011)

Member, National Judicial College of Australia Planning Committee (2011)

Member, Supreme Court Education Committee (2010 and 2011)

THE HONOURABLE JUSTICE MICHAEL BALL**Conferences:**

20 – 22 Aug 2010 Supreme Court Annual Judges’ Conference (Port Stephens)

19 – 21 Aug 2011 Supreme Court Annual Judges’ Conference (Port Stephens)

Speaking Engagements:

6 May 2011 Oration – Federal Court of Australia, “International Law, Litigation and Arbitration Conference” (Sydney)

7 – 24 Nov 2011 Oration – Australian Insurance Law Association: Geoff Masel Lecture “*Double Insurance & Contribution*” (Brisbane, Darwin, Perth, Adelaide, Melbourne, Hobart, Canberra & Sydney)

Publications:

“Principles of Insurance Law”, LexisNexis, co-authored with David St Kelly

THE HONOURABLE JUSTICE PETER GARLING RFD

Conferences:

20 – 22 Aug 2010	Supreme Court Annual Judges' Conference (Port Stephens)
7 – 8 Sep 2010	Judicial Commission of New South Wales, Cross-jurisdictional – Judgment Writing Workshop (Sydney).
8 – 10 Oct 2010	Judicial Conference of Australia – Colloquium 2010 (Hobart)
24 – 29 Oct 2010	National Judicial Orientation Program (Fremantle)
22 – 27 Jan 2011	Supreme and Federal Courts Judges' Conference (Wellington, New Zealand)
1 Mar 2011	Supreme Court Seminar: Ethics Etiquette and Conduct (Sydney)
19 Jul 2011	Supreme Court Seminar: Representative Action (Sydney)
18 Aug 2011	Inaugural R P Meagher Lecture: Justice JD Heydon AC (Sydney)
19 – 21 Aug 2011	Supreme Court Annual Judges' Conference (Port Stephens)
27 Sep 2011	Supreme Court Seminar: Cyber crime, Technology & Electronic Evidence (Sydney)
14 – 16 Oct 2011	Judicial Conference of Australia Annual Colloquium (Alice Springs, NT)
26 Oct 2011	Supreme Court Seminar: Personal Property Securities Law (Sydney)

Speaking Engagements:

10 Aug 2010	Speech on the Occasion of the Launch of The Agency for Clinical Innovation (Westmead Hospital, Sydney).
1 Sep 2010	Presentation to the NSW Bar Association Continuing Professional Development on "Duties of Counsel: Recent Developments" (Sydney)
17 Aug 2011	Australian Insurance Law Association – Concurrent Expert Evidence
24 Nov 2011	GILD Law Annual Conference: Ethics – A Judicial Perspective

Publications:

"Concurrent Expert Evidence: Reflections & Developments" Law Society Journal (2011) vol 49 – November 2011

Appointments to Legal, Cultural or Benevolent Organisations:

NSW Rugby Union Judicial Appeals Tribunal (Chairman)

Delegations and International Assistance:

9 Nov 2010 Visit by Justices of the Supreme Court of the Seychelles: Justice Cedric Dodin (leader) and Justice Durai Karunakaran,

THE HONOURABLE JUSTICE ASHLEY BLACK

Conferences:

30 – 31 Jul 2011 Law Council of Australia – Corporate Law Workshop (Gold Coast)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

30 Jul 2011 “Materiality, general availability and knowing involvement in continuous disclosure”, paper presented at the Law Council of Australia Corporate Law Workshop.

Taught courses in Fiduciary Duties and Conflicts of Interest, Semester 2, 2011, University of New South Wales.

Publications:

Joint Author, Austin & Black's Annotations to the Corporations Act, LexisNexis

Contributor, Australian Corporation Law: Principles and Practice, LexisNexis

“Insider trading and market misconduct” (2011) 29 *Company & Securities Law Journal* 313

Appointments to Legal, Cultural or Benevolent Organisations:

Adjunct Professor, Faculty of Law, University of Sydney

Visiting Fellow, Faculty of Law, University of New South Wales

Fellow, Australian Academy of Law

THE HONOURABLE ASSOCIATE JUSTICE RICHARD MACREADY

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Appointments to Legal, Cultural or Benevolent Organisations:

Chairman, CaseLaw Governance Committee (2010 and 2011)

Member, Department of Justice and Attorney General's JusticeLink Steering Committee (2010 and 2011)

Member, Supreme Court Judges' JusticeLink Committee (2010 and 2011)

Member, Supreme Court IT Committee (2010 and 2011)

THE HONOURABLE ASSOCIATE JUSTICE JOANNE HARRISON

Conferences:

20 – 22 Aug 2010 Supreme Court Annual Judges' Conference (Port Stephens)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

Speaking Engagements:

20 Dec 2010 The role and functions of the Judicial Commission of NSW and the National Judicial College of Australia– Punjab Judicial Academy (Lahore, Pakistan)

20 Dec 2010 Short address to current students of the Punjab Judicial Academy (Lahore, Pakistan)

Publications:

"A brief overview of Law and Government in Pakistan" 85(6) ALJ 362 (2011)

Appointments to Legal, Cultural or Benevolent Organisations:

Member of Alternate Dispute Resolution Committee (2010 and 2011)

Reserve Member of Judicial Committee, Rugby NSW (Suburban) (2010 and 2011)

Delegations and International Assistance:

26-27 June 2010 Judicial Commission of NSW Judicial Delegation (*Ngara Yura Program) visit to the Community of Taree and Forster

12 – 22 Dec 2010 NSW Delegation Goodwill Visit to Pakistan

THE HONOURABLE ASSOCIATE JUSTICE HALLEN

Conferences:

1 Mar 2011 Ethics, Etiquette & Conduct Seminar (Sydney)

16 Mar 2011 STEP Seminar (Sydney)

19 Jul 2011 Twilight Seminar – Representative Actions in the Supreme Court (Sydney)

20 Jul 2011 STEP Seminar (Sydney)

19 – 21 Aug 2011 Supreme Court Annual Judges' Conference (Port Stephens)

26 Oct 2011 Personal Property Securities Seminar (Sydney)

7 Nov 2011 Accredited Wills & Estates Specialists Dinner (Sydney)

Speaking Engagements:

9 Mar 2011 University of New South Wales Wills & Estates Seminar

11 May 2011 NSW Bar Association Bar Practice Course – Application before a Judge of the Equity Division

17 May 2011 Law Society of New South Wales Probate Seminar

28 May 2011 NSW Bar Association Bar Practice Course – Final Mock Trial

1 Sep 2011 Jewish Wills Lecture

20 Sep 2011 Family Provision Seminar

29 Oct 2011 NSW Bar Association Bar Practice Course – Final Mock Trial

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