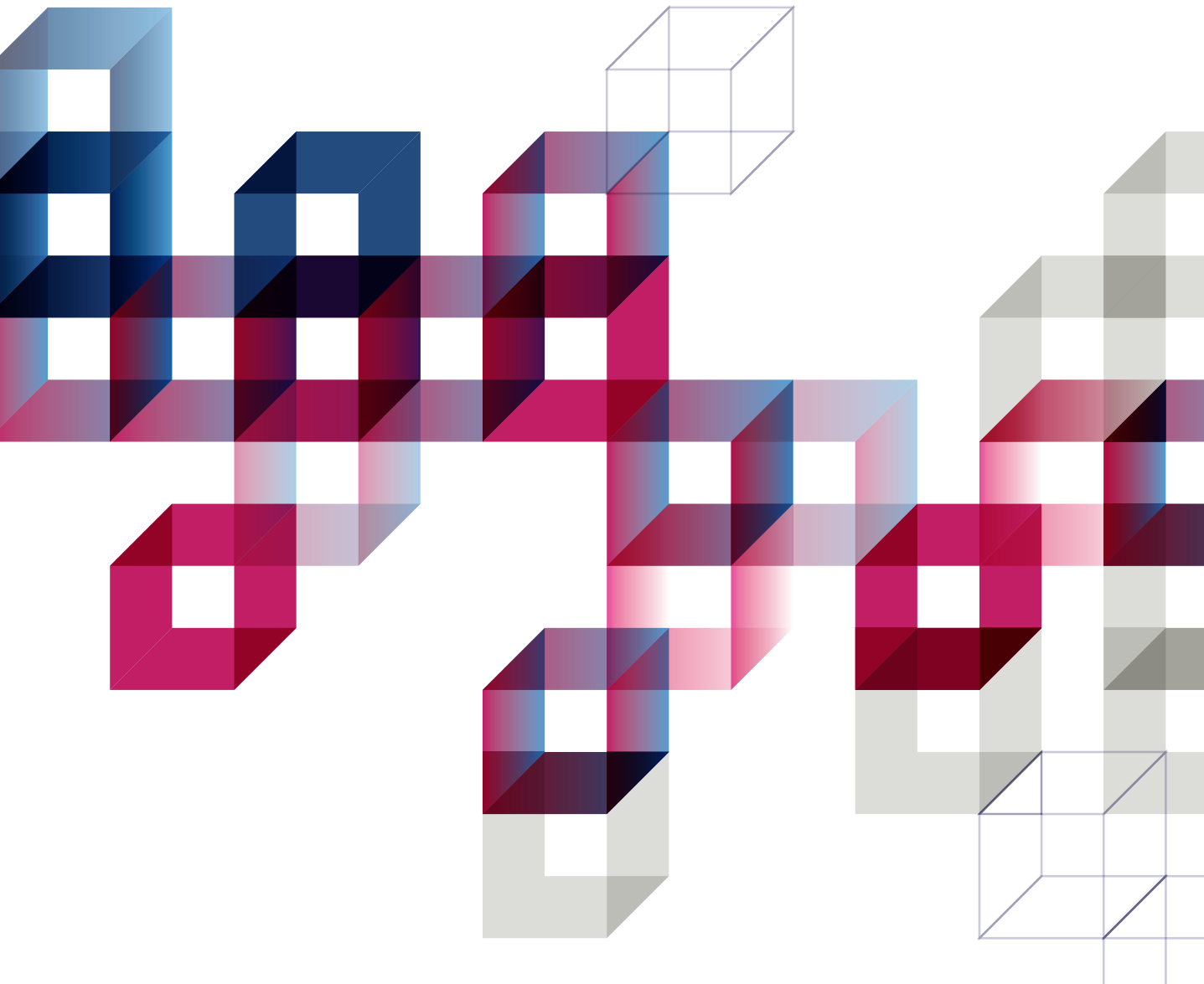




Supreme Court
of New South Wales

2014

ANNUAL REVIEW



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FOREWORD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

I am very pleased to present 2014's Annual Review of the Supreme Court. As always the Review provides a helpful summary of the Court's make up, activities and operations. I hope readers will find its contents provides an instructive insight into what the Court does and how it goes about doing it.

Of course any summary will inherently be incomplete, all the more so when it is trying to capture the delivery of an elusive but fundamental and real value, justice. It would be nothing less than inaccurate and deficient to assess the Court's functions on its measurable outputs as contained in this Review. Such information however is invaluable in revealing the scope of the core functions the Court carries out as the superior court in New South Wales.

To that end, I note the encouraging decline in listing delays for criminal trials in the Common Law Division (from 6.5 months to 2.8 months) and in the Equity Division (from 3.8 months to 2.8 months). The court-annexed mediation settlement rate also continued at a high rate of 54%. The efficient management of matters before the Court was also enhanced in 2014 by the development of a revised Practice Note concerning the conduct of class actions and the piloting of the use of informal settlement conferences in family provision cases. It is hoped both of these will provide flexible procedural environments to facilitate the resolution of disputes as quickly as possible.

Not only does the Review document the Court's progress in its primary function of resolving disputes, it also sets out some of the broad schemes and programs which the Court participates in to improve the efficiency and effectiveness of the judicial system. The ongoing success of the Pro Bono scheme is just one example of this. Another has been the Court's pursuit of further efficiencies by expanding its online services to file a broader range of forms. It is hoped that this expansion, together with the 24 hour availability of the online Registry and future expansions, will allow the Court to maximise the efficiencies that technology provides and the community expects.

The Court's commitment to engaging with the community and its expectations also saw the

commencement, in 2014, of the first series of community engagement seminars. These were designed to facilitate better community understanding of the judiciary's work. Three seminars were held in 2014, with one being held for members of the NSW Parliament, another for media representatives and the third seminar for representatives of a wide range of community groups. 2014 also saw the successful introduction by the Court of judgment summaries. The summaries seek to provide an overview of the reasoning behind a decision in a simple and concise fashion. The Court has been pleased to receive positive feedback in relation to both the seminars and the summaries and hopes to further strengthen its connection and interaction with the community in the future.

Of course the activities of the Court and the entire community were placed under a dark cloud at the end of 2014, with the unfolding of the horrific events on 15 and 16 December at the Lindt Cafe. I would like to extend my thanks to the members of the public, legal profession, judicial officers and staff of the Court, for their co-operative assistance during that time and in the evacuation of the Court that ensued.

Given the challenges that 2014 presented, I am proud of and must express my thanks and gratitude to, the judicial officers and staff who have proven the Court's unshakable commitment to dispensing justice. I trust this year's Review will assist all those interested in learning more about this and all the other functions of the Court.



The Hon T Bathurst AC
Chief Justice of New South Wales





1 2014: AN OVERVIEW

- Community Engagement
- Expansion of Online Services
- Class Actions
- Outcome of the Chief Justice's Review of the Costs Assessment Scheme
- Recording and broadcasting of proceedings
- Court operations



Community Engagement

At the opening of Law Term in February 2014, the Chief Justice announced that the Court proposed to implement two measures to facilitate better community understanding of the judiciary's work.

The first measure was the introduction of judgement summaries. These summaries have been very well received. They allow the community and the media to easily access and digest judgements, which further strengthens the transparency of the Court.

The second measure was the hosting of a series of seminars, in conjunction with the NSW Bar Association and with the support of the Law Society of NSW, to improve public awareness of the administration of criminal justice in New South Wales, particularly in relation to the criminal sentencing process. The Chief Justice held such seminars for Members of the New South Wales Parliament and for media representatives in March 2014. A final seminar was held on 20 May 2014 for representatives of a wide range of community groups, including advocacy groups, outreach and welfare services, research centres, peak education bodies and government agencies that interact with the criminal justice system and have direct contact with members of the community who become

involved in the system. The final community engagement seminar was filmed by an independent production company. The video of that seminar is available on the Court's website.

The Court received very positive feedback regarding the seminars, particularly from the community groups, who have found the video of the seminar extremely valuable as an educational tool.

Expansion of Online Services

The online filing services available to clients of the Court were significantly expanded from early 2014. The Court's online filing services are provided via the NSW Online Registry.

The NSW Online Registry interacts directly with the Court's case management system. This allows clients to perform filing activities and view updated case information in real time. From early 2014, clients were able to file over 50 high-volume civil claims forms online. Sympathetic to the dynamic nature of commercial litigation, the NSW Online Registry filing facility is not restricted to standard Registry operating hours, it is available 24 hours a day, 7 days a week. This has proved to be of immeasurable success, particularly to interstate or international litigants or legal practitioners.



These online services will be further enhanced in 2015, with the introduction of the ability to conduct online directions hearings in civil matters. The Court envisages that the enhanced online services will help increase the Court's ability to efficiently manage cases while also offering parties and the legal profession the flexibility they need to communicate effectively with the Court.

Class Actions

On 1 May 2014 the Court announced that important details and documents in relation to class action proceedings would be published on the Court's website.

On 12 August 2014 the Court issued revised Practice Note SC Gen 17 concerning the conduct of class actions. The revised Practice Note is designed to facilitate the management of class actions, and in particular to assist in the prompt and efficient resolution of these actions. In order to provide maximum flexibility to the judges managing the particular actions, provisions of other Practice Notes do not apply, save to the extent that the judge managing the particular action makes orders to the contrary. The Chief Justice designated certain judges on a panel of judges to hear class actions. The Practice Note also contemplates that the actions are managed by way of case conferences, a more informal procedure than directions hearings, which are designed to promote discussions between the parties and the judge to whom the action is assigned with a view to exploring the best method of bringing the case to a hearing.

Outcome of the Chief Justice's Review of the Costs Assessment Scheme

In September 2011, the Chief Justice instigated a comprehensive review of the Costs Assessment Scheme provided for under the *Legal Profession Act 2004*. That review was undertaken by the Honourable Justice Brereton AM RFD, with the support of a committee of representatives stakeholders. His Honour's report, which detailed the committee's recommendations for proposed reforms to the Costs Assessment Scheme and the reasons for the proposed reforms, was published on the Court's website on 12 March 2013.

On 21 May 2014, the Chief Justice announced that he had decided to accept the Recommendations made by his Honour and the Committee, subject to comments in relation to particular Recommendations.

In the announcement, the Chief Justice noted that all of the Recommendations must be considered in light of the recent introduction in New South Wales of the *Legal Profession Uniform Law Bill*, and integrated as necessary. The Chief Justice noted that Part 4.3 of the *Legal Profession Uniform Law* contains the uniform provisions in respect of costs assessment, which are confined to assessments between law practices and clients (and any third parties), and are supplemented in Part 7 of the *NSW Uniform Law Application Bill*. The Chief Justice also noted that in accepting the Recommendations, subject to the comments set out in the announcement, considerable law reform and new regulations and rules would be required to give effect to and implement the reforms set out in the Recommendations. These were brought to the attention of the New South Wales Attorney General.

Recording and broadcasting of proceedings

The *Courts Legislation Amendment (Broadcasting Judgments) Act 2014* commenced on 27 October 2014. The Act amended the *Supreme Court Act 1970* to create a presumption in favour of permitting the recording and broadcasting of certain judgments in open court.

The Act provides that media organisations may apply to record and broadcast the delivery of the verdict, and any remarks made by the Court when sentencing an accused person, that are delivered or made in open court in a criminal trial, and in relation to any civil proceedings, remarks made by the Court in open court when announcing the judgment determining the proceedings. An application to record and broadcast judgment remarks can be refused by the Court on the basis of a number of exclusionary grounds, including that in the opinion of the Chief Justice, the broadcast would be detrimental to the orderly administration of the Court.

Since introduction of this legislation, the Court has issued a policy which sets out the arrangements and procedures for the recording and broadcasting of judgment remarks by news media organisations. The Court's judgment remarks were broadcast on five occasions, up to 31 December 2014.

Court operations

Overall, the Court performed solidly in 2014.

The Court of Appeal received 461 new cases, and disposed of 501 cases. The pending caseload decreased from 330 to 290 cases. At the end of the year, the age profile was better than or almost met the national targets.

The Court of Criminal Appeal received 373 new cases, and disposed of 376 cases. The pending caseload decreased from 229 to 226 cases. At the end of the year, the age profile did not meet or almost met the national targets.

The Criminal List received 72 new defendants, and disposed of cases for 92 defendants. Trials for 86 defendants were listed to start during 2014 (some trials involve multiple defendants). No trial was "not reached". Trials for 8 defendants were affected by the need to discharge the jury or to adjourn the trial. The pending caseload decreased from 105 to 85 defendants. At the end of the year, the age profile did not meet the national targets (noting that those targets are more typically applied to a broader case-mix than is seen in this Court's Criminal List).

In the Common Law Division, 3,679 new civil cases were commenced, and 4,879 cases were finalised. The disposal rate was closer to normal operational levels as auditing (to identify inactive cases and progress them to finalisation) was completed early in the year in most lists of this Division. The pending caseload decreased from 3,965 to 2,771. The age profile of the Division's civil caseload remained similar to last year, and may now represent a reliable baseline to which future results can be compared. The age profile does not meet the national targets, and that situation is typical of all Australian supreme courts with regard to their civil non-appeal caseloads. The Division listed 829

cases for hearing of either the substantive issues or complex interlocutory issues, and no hearing was "not reached".

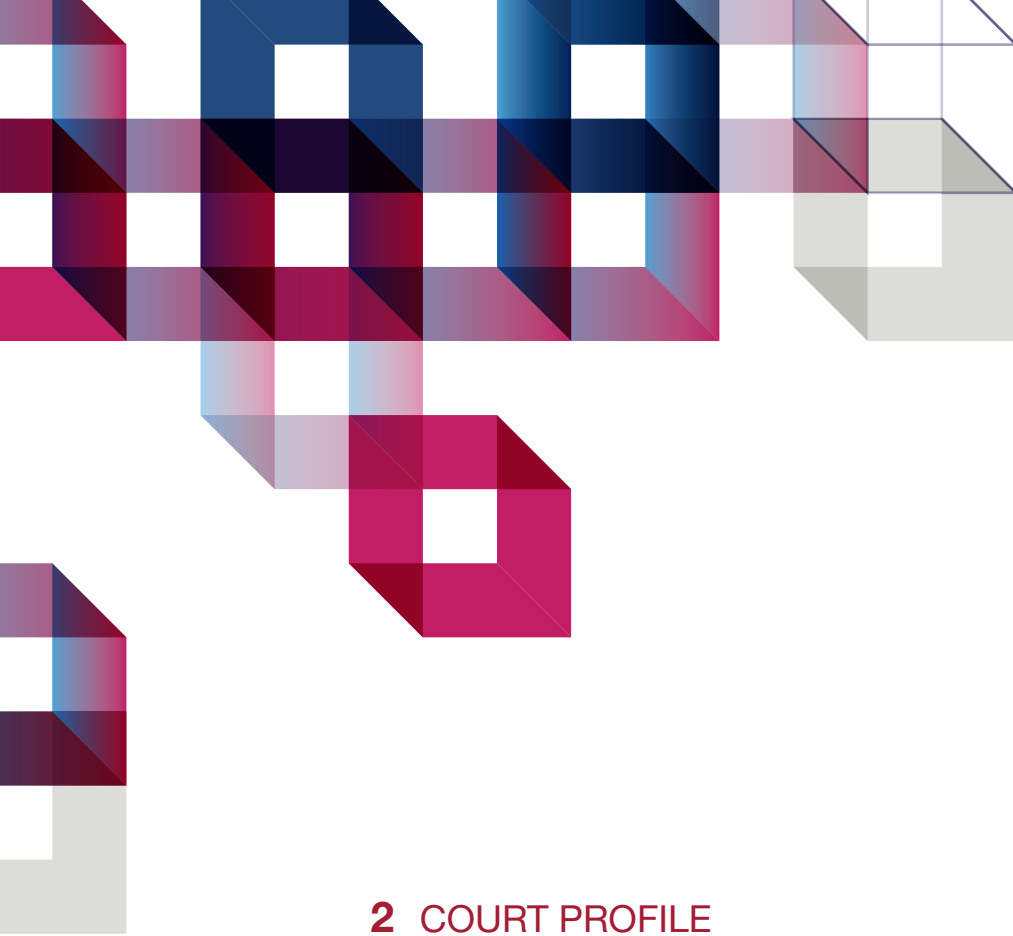
In the Equity Division, 4,439 new cases were commenced, and 5,288 cases were finalised. The pending caseload decreased from 3,539 to 2,713. The age profile of the caseload improved significantly over the year as a result of the commencement of audits (to identify inactive cases and progress them to finalisation). The disposal level and age profile reported for 2014 should not be understood as normal operations.

The Court also dealt with 3,637 bail review applications in its Bails List, and received 24,526 uncontested applications for probate (which were assessed within 5 weeks of lodgement).

For cases requiring hearing, the listing delays either improved or were maintained at acceptable levels in all areas of the Court, except for Common Law Division civil cases.

The Court continues to actively manage and monitor its caseload. The rigorous audit of civil cases, commenced in 2012, is expected to be finalised during 2015. The result of this will be to remove from the caseload count those cases that are completed but not finalised in the JusticeLink system, and to identify inactive cases for either dismissal or restoration to case management, as appropriate.

A more detailed analysis of the Court's operations is given in Chapter 4.



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
- Court of Criminal Appeal.

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

- Common Law Division
- 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 this 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, and its 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.

The NSW Civil and Administrative Tribunal (NCAT) was established on 1 January 2014 by the *Civil and Administrative Tribunal Act 2013*. NCAT is the single point of access for specialist tribunal services in NSW, consolidating the work of 22 former tribunals. NCAT was established in response to the recommendations of the Legislative Council's

Standing Committee on Law and Justice Inquiry into opportunities to consolidate tribunals in NSW. There are four divisions of NCAT: the Administrative and Equal Opportunity Division; the Consumer and Commercial Division; the Guardianship Division; and the Occupational Division.

Figures 2.1 and 2.2 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, 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 2014, each Court of Criminal Appeal bench comprised at least two Common Law judges, with the presiding judge being the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

Common Law Division

The Common Law Division hears both criminal and civil matters. The criminal matters involve homicide offences and offences where the prosecution seeks life imprisonment. Other matters involving serious criminality or matters of public interest may be brought before the Court with the Chief Justice's

approval. The Judges of the Common Law 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 tribunal
- appeals from Local Courts.

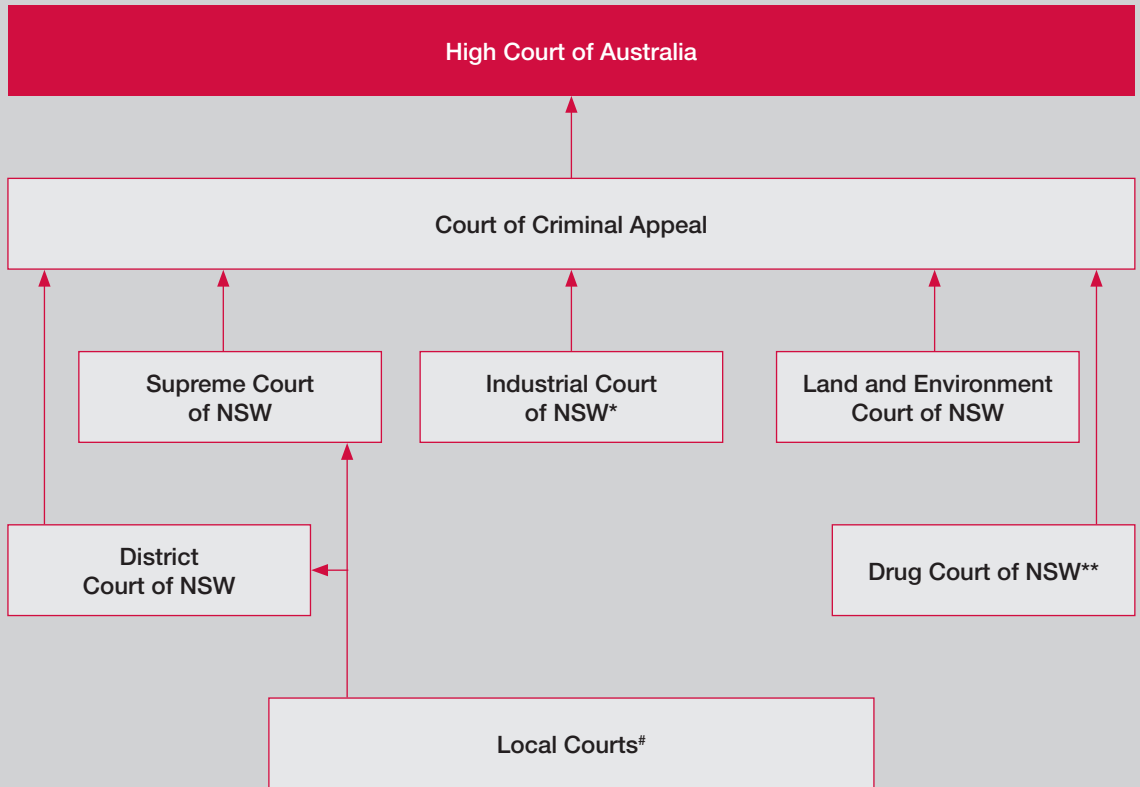
Equity Division

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



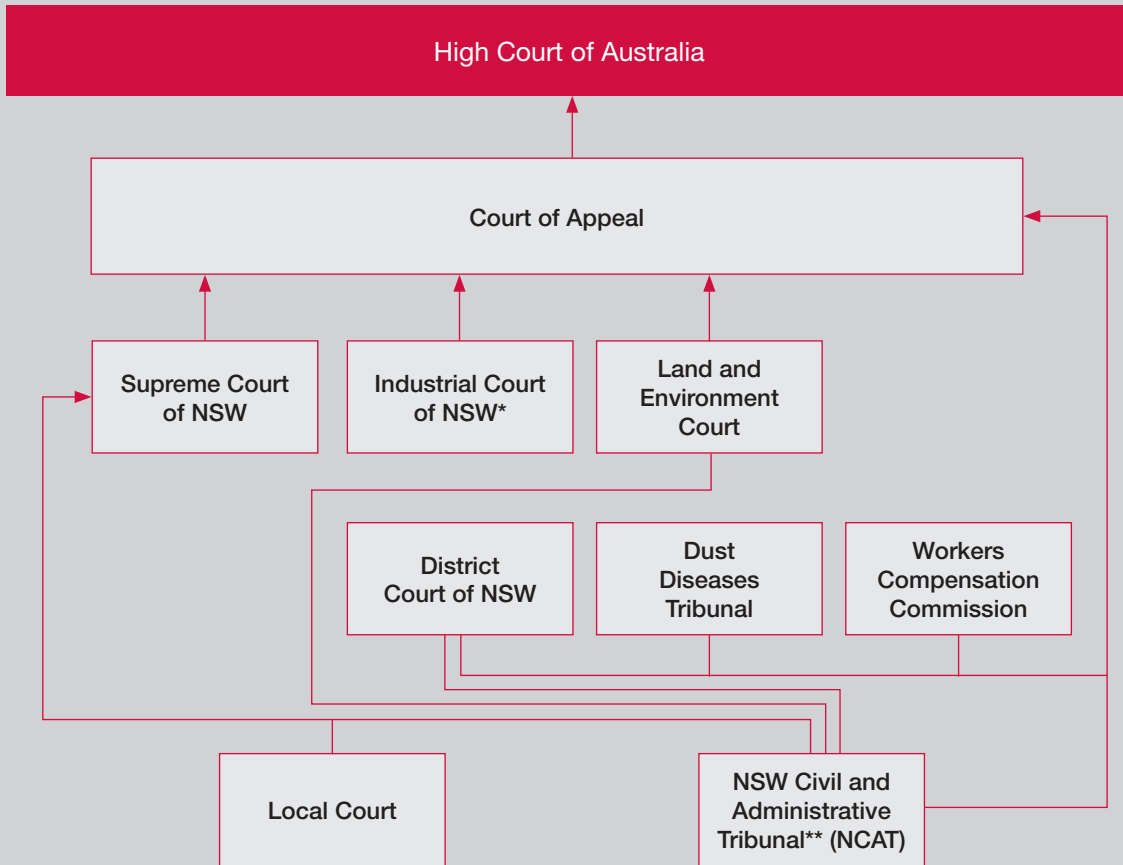
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

* 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 Court of Criminal Appeal.

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 decisions of the Industrial Court of NSW; however, some proceedings may be brought by way of judicial review.

** Appeals from certain decisions of NCAT may be made to the Court of Appeal, Supreme Court, Land and Environment Court or District Court. See Civil and Administrative Tribunal Act 2013, Part 6, Division 3. Also, certain decisions may be judicially reviewed by the Supreme Court or Court of Appeal, see Civil and Administrative Tribunal Act 2013, Section 34, see Supreme Court Act Section 48 as to which decisions are assigned to the Court of Appeal.



WHO MAKES THE DECISIONS?

The judicial officers of the Supreme Court of New South Wales are its Judges and Associate Judge. 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 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 2014 can be found in Chapter 3.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2014.

Chief Justice

The Honourable Thomas Frederick Bathurst AC

President

The Honourable Justice Margaret Joan Beazley AO

Judges of Appeal

The Honourable Justice Ruth Stephanie McColl AO

The Honourable Justice John Basten

The Honourable Justice Robert Bruce Macfarlan

The Honourable Justice Anthony John Meagher

The Honourable Justice Reginald Ian Barrett

The Honourable Justice Clifton Ralph Russell

Hoeben AM RFD

The Honourable Justice Julie Kathryn Ward

The Honourable Justice Peter David McClellan AM

The Honourable Justice Arthur Robert Emmett

The Honourable Justice Fabian Gleeson

The Honourable Justice Mark James Leeming

Chief Judge at Common Law

The Honourable Justice Clifton Ralph Russell

Hoeben AM RFD

Chief Judge in Equity

The Honourable Justice Patricia Anne Bergin

Judges

The Honourable Justice Carolyn Chalmers Simpson

The Honourable Justice Peter John Hidden AM

The Honourable Justice Michael Frederick Adams

The Honourable Justice Robert Calder McDougall

The Honourable Justice Richard Weeks White

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 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
 The Honourable Justice Geoffrey John Bellew
 The Honourable Justice James William John Stevenson
 The Honourable Justice Robert Thomas Beech-Jones
 The Honourable Justice Stephen Gerard Campbell
 The Honourable Justice Richard James Button
 The Honourable Justice Geoffrey Charles Lindsay
 The Honourable Justice Philip Hallen
 The Honourable Justice Francois Kunc
 The Honourable Justice Stephen David Robb
 The Honourable Justice Rowan James Hunter Darke
 The Honourable Justice Robertson James Wright
 The Honourable Justice Helen McLeod Wilson

The Acting Judges

Set out below are details of those persons who held commissions as Acting Judges during the 2014 calendar year. Unless otherwise indicated, 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 2014 is also indicated.

Acting Judges of Appeal (in alphabetical order)

- The Honourable Ronald Sackville AO QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 146 days).
- The Honourable Murray Herbert Tobias AM RFD QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 110 days).
- The Honourable Peter Wolstenholme Young 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 88 days).

Acting Judges (in alphabetical order)

- His Honour Judge Anthony Martin Blackmore SC, Judge of the District Court of New South Wales (commission effective between 1 August and 31 December 2014, acted as a judge for 85 days).
- The Honourable Robert Shallcross Hulme QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 214 days).
- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (acted as a Judge for 78 days).
- The Honourable William Henric Nicholas QC, former Judge of the Supreme Court of New South Wales (commission effective between 3 February and 28 March, 15 May and 31 July, and 27 October and 24 December 2014, acted as a Judge for 118 days).

Appointments

The following Judges were appointed in 2014 (in chronological order):

- Peter John David Hamill SC was appointed a Judge of the Supreme Court on 29 April 2014.
- The Honourable Justice Derek Michael Price AM was appointed Chief Judge of the District Court of New South Wales on 14 August 2014.
- Her Honour Judge Helen McLeod Wilson SC of the District Court of New South Wales was appointed a Judge of the Supreme Court on 3 November 2014.

Retirements

The following Judge retired in 2014:

- The Honourable Justice John David Hislop retired on 26 March 2014.



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 Common Law or Equity Divisions. However, they may be asked to work outside the confines of these Divisions in the interests of flexibility.

The work of an Associate Judge 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 the Associate Judge.

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
- applications for the review of decisions of Registrars.

In the Common Law Division, the Associate Judge conducts trials of actions for personal injury and possession of property. The Associate Judge also hears 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, the Associate Judge deals 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). The Associate Judge also deals with inquiries as to damages, or accounts referred 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 2014, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

The Registrars

Registrars of the Court are appointed under Section 120 of the *Supreme Court Act* 1970 pursuant to the provisions of the *Public Sector Employment and 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 particular Divisions, 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 directions hearings in the General Case Management List, and also

SUPPORTING THE COURT: THE REGISTRY

assists the Possession List and Professional Negligence List Judges.

The Registrars may also be called upon to mediate cases. During 2014, 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 to provide procedural assistance each day to court users in the Registry, or by email or telephone. They also attend to the issue of court orders, writs of execution and other miscellaneous matters.

Set out below are the Registrars of the Court, as at 31 December 2014.

Chief Executive Officer and Principal Registrar

Linda Murphy

Manager, Court Services and Prothonotary

Steven Jupp

Registrar, Court of Appeal

Jerry Riznyczok

Registrar, Court of Criminal Appeal

Michael Crompton

Registrar, Common Law Case Management

Christopher Bradford

Registrar in Equity

Andrew Musgrave

Acting Registrar, Corporations List

Rebel Kenna

Jennifer Hedge

Senior Deputy Registrars

Rebel Kenna

Paul Studdert

Nicholas Flaskas

Deputy Registrars

Brendan Bellach

Emoke Durkin

Bhaskari Siva

Suzin Yoo

The work of the Registry

The Court operates with the support of the Registry, which 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 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 Judges and users, and also issues orders concerning the custody of prisoners.

Management of the Registry

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 New South Wales Department of Attorney General and Justice provides to 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, representatives from key professional bodies and the Court's users.



3 CASEFLOW MANAGEMENT

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



OVERVIEW BY JURISDICTION

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 Supreme Court Rules 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.

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 once 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 manages and lists most appeal cases 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 (in accordance with a delegation by the Chief Justice under section 13 of the *Civil Procedure Act 2005*).

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).

Detailed information about case management practices in the Court of Appeal is set out in 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 appeal. Transcripts and exhibits are now provided to accused persons free of charge to facilitate the preparation of an appeal.

Case management begins when an appeal or application for leave to appeal is filed in the Registry. The appeal or leave 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 manages cases that are deemed to require special attention.

Generally, three Judges hear an appeal or leave application. The Chief Justice may also direct that more than three Judges sit on an appeal or leave 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. Single Judges hear sentence appeals from the Drug Court of New South Wales, and also deal with bail applications and other interlocutory applications in the Court.

Common Law Division

Case management in the Common Law 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 cases listed for hearing before a Judge. Registrars handle default matters administratively.

Common Law List Judge

The Common Law List Judge allocates cases listed for hearing to specific Judges. When deciding which Judge will hear a matter, the List Judge considers the type of cases, its estimated hearing length, and whether the Judge has other Court commitments. The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. The Common Law List Judge during 2014 was Justice Adamson.

Common Law Duty Judge

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 role.

The Duty Judge also conducts an applications list each Monday. The applications in this list cannot be determined by an Associate Judge or a Registrar and 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 9 am before a Registrar to determine whether the application is ready to proceed. The Duty Judge may specially fix applications that cannot be heard on the Monday to a later time or date.

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

Associate Judge

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

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

Lists of the Common Law 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 Judge appointed to manage each List in 2014.

| Specialised case management List | Judge managing List in 2014 |
|---|------------------------------------|
| Administrative Law List | Justice Hall |
| Criminal List | Justice Johnson |
| Defamation List | Justice McCallum |
| Possession List | Justice Davies |
| Professional Negligence List | Justice Harrison |

Administrative Law List

The Administrative Law List comprises cases that seek a review of the decisions of government, public officials and administrative tribunals.

The Administrative Law List operates in accordance with the procedures outlined in Practice Note SC CL 3.

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.

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.

The arraignment procedure contemplates the involvement of 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 to shorten the duration of the trial.

The procedures for arraignment are detailed in Practice Note SC CL 2.

Defamation List

Matters filed in this List after 1 January 2006 are managed 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.

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 List

This List comprises all Common Law Division civil claims 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 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 seeking recovery through the 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. Specialised case management encourages 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. The Professional Negligence List Judge hears applications and makes directions according to the specific needs of each matter.

Practice Note SC CL 7 applies to this List.

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 specialised Lists.

Expedition Judge

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 2014, the Expedition Judges were Justice Rein, Justice Sackar and Justice Stevenson.

Equity Duty Judge

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 with regard to possible allocation of an urgent final hearing date.

General List

All cases other than those in the specialised 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.

Family provision applications are managed in accordance with Practice Note SC Eq 7 by the Family Provision List Judge, who also sets the cases down for hearing. Other cases in the General List are managed by the Registrar in Equity in accordance with Practice Note SC Eq 1. The Registrar sets cases down for hearing before the

Judges of the Division. During 2014, the Registrar offered parties a hearing date within three to four months of the final directions hearing. The Registrar consults with the Chief Judge in Equity in relation to long and/or complex matters.

Specialised Lists of the Equity 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 Judge appointed to manage each List in 2014.

| Specialised case management List | Judge managing the List in 2014 |
|----------------------------------|---|
| Admiralty List | Justice Rein |
| Adoptions List | Justice Brereton |
| Commercial List | Justice Hammerschlag |
| Commercial Arbitration List | Justice Hammerschlag |
| Corporations List | Justice Brereton Justice Black |
| Expedition List | Justice Rein Justice Sackar Justice Stevenson |
| Family Provision List | Justice Hallen |
| Probate List | Justice Lindsay |
| Protective List | Justice Lindsay |
| Revenue List | Justice White |
| Technology and Construction List | 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 case 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
- 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 jurisdiction 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 Registrar 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 cases. The Registrar and Deputy Registrars deal with the majority of non-contentious cases. This includes the granting of common form probate where applications are in order and are 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 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.



REGIONAL SITTINGS OF THE COURT

Protective List

The work of this List is to ensure 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 New South Wales, 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 that cannot be solved in this way, it is decided more formally.

The Protective List Registrar sits in court one day a week. The Registrar may refer 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 usual sitting day as soon as the parties are ready. Longer cases, however, are specially fixed, usually within one month.

Revenue List

The Revenue List is 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.

Practice Note SC Eq 10 applies to cases entered into the Revenue List.

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 managed by the same Judge and in the same manner as those in the Commercial List.

In 2014, the Court conducted hearings and trials at Armidale, Bathurst, Broken Hill, Coffs Harbour, Dubbo, Goulburn, Grafton, Lismore, Newcastle and Wollongong.

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 2014 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 proceedings 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, they can ask the Court to appoint that mediator or they may agree to mediation by a Registrar of the Court. If parties cannot agree upon a mediator, 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
- 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 and facts in dispute and this may result in a reduction in court time and, consequently, lower legal costs.





4 COURT OPERATIONS

- Overview of operations by jurisdiction
- Timeliness
 - Time Standards
 - Waiting Times
- 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 was 461 this year. This is 8 per cent lower than the number in 2013. In 2014, 55 per cent of cases were commenced by notice of appeal, 36 per cent were commenced by summons seeking leave to appeal, and 9 per cent were commenced by summons for the Court of Appeal to exercise its original jurisdiction.

The net number of disposals was 501 this year, which was 2 per cent lower than last year, but still within the high levels seen from 2011 onwards. Overall, during 2014:

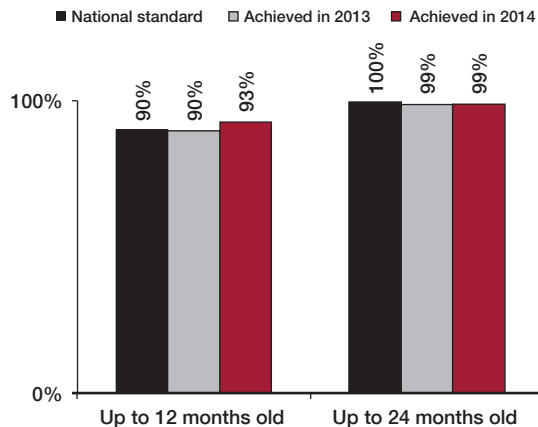
- 16 per cent of final disposals were either by settlement or by non-progression of the appeal following a grant of leave to appeal;
- 65 per cent of final disposals were by judgment following hearing of an appeal or an original jurisdiction summons, or following a concurrent hearing (a concurrent hearing enables the application for leave to appeal and, where leave is granted, the consequent appeal to be determined in a single hearing);
- 13 per cent of final disposals were by either refusal, striking out or other final disposal of an application for leave to appeal
- the remaining disposals were by striking out or other final disposal of an appeal or original jurisdiction summons.

The overall Court of Appeal caseload at the end of 2014 was 290 cases, a 12 per cent reduction from the end of 2013, and 24 per cent reduction from the end of 2010, despite a relatively steady flow of new cases over the last 5 years. At the end of 2014, 21 per cent of the pending caseload were cases for which leave to appeal had not yet been granted.

The age profile of the Court of Appeal's pending caseload improved during 2014 and exceeded or nearly met the national targets. At the end of the year the proportion of pending cases less than 12 months old improved to 93 per cent and the proportion of pending cases less than 24 months old improved was maintained at 99 per cent (see Figure 4.1). At the end of the year there were 20 cases older than 12 months and, of these, 2 cases were older than 24 months (both of which had judgment reserved on the substantive appeal).

The listing delay for non-urgent hearing of substantive appeals and for concurrent hearings was between 4 and 4.5 months for most of the year, with a minimum of 3.5 months in May and a maximum of 5.5 months in September. The listing delay settled at 3.8 months for the start of the 2015 law term. Hearings for leave applications alone are listed more quickly, and the listing delay for these was 1.25 months or less for nearly the whole year, reaching a maximum of 1.5 months in March.

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 was 373 this year, 3 per cent lower than the number in 2013. The new cases lodged included 221 appeals against severity of sentence (of which 51 were appeals by the Crown), 94 appeals against conviction, 37 appeals against interlocutory judgments and 3 cases returned from the High Court for re-hearing.

Conviction appeals have made up 25 to 27 per cent of filings during the last four years, in contrast to the situation during 2008 to 2010 when they made up only 21 to 22 per cent of filings. Conviction appeals are more complex and typically require longer hearings than appeals against severity of sentence. Hearings for conviction appeals are usually at least double the length of those for severity-only appeals, and often extend to a whole day or longer. This case-mix change has placed an increased demand on the hearing time of the Court of Criminal Appeal.

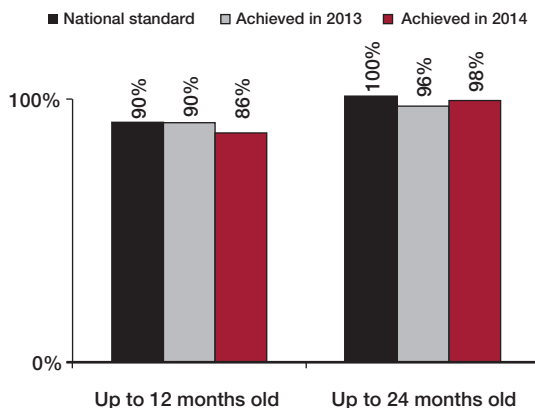
The number of disposals was 376 this year, 1 per cent lower than the number last year. Of the 376 disposals this year, 354 were by judgment following a substantive hearing (compared with 352 during 2013), and 20 were by the appellant abandoning or withdrawing the appeal (compared with 23 during 2013).

The number of disposals closely matched the number of filings, so the pending caseload decreased only slightly during 2014, from 229 to 226 cases.

The age profile of the Court of Criminal Appeal's caseload regressed during 2014 and by the end of the year was no longer meeting either of the national targets (see Figure 4.2). The number of cases older than 12 months increased from 23 to 32, while the number of cases older than 24 months decreased from 9 to 8. Factors that have delayed progress in the oldest cases include the need to vacate and re-set hearing dates (in some cases more than once), self-representation of appellants and the complexity of some appeals.

The listing delay for non-urgent hearing of criminal appeals fluctuated between 2.5 and 4.5 months during the year, and settled at 3 months for the start of the 2015 law term.

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



Common Law Division criminal cases

During 2014, only 72 defendants entered the Criminal List, compared with 110 during 2013 and 130 during 2012. Of the 72 cases, 62 involved homicide charges. 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. Nearly all trials are conducted with a jury.

At arraignments held during 2014, 81 trial listings were given to defendants (14 of these were listings for judge-alone trials), with the trials starting in either 2014 or 2015. Additionally, 2 defendants were listed for fitness hearings 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 2014, a total of 29 pleas of “guilty” were taken, compared with 44 during 2013.

For criminal trials that require at least three weeks of hearing time the listing delay during 2014 was between 6.5 and 9 months for the first half of the year, but was reduced progressively to 4.5 months over the second half of the year. It was 2.8 months at the start of the 2015 law term. Fluctuations in the listing delay can occur when several long trials are listed simultaneously, when long trials must be vacated and re-listed, or when defendants plead guilty after their trial has been set or started.

For criminal trials arraigned during the year the hearing estimates given to the Court ranged from one day to 26 weeks. For trials (unfinished or not started) on hand at the end of each month, the average hearing estimate was between 4.7 and 6.4 weeks.

Trials for 86 defendants were listed to start during 2014. For 8 of those defendants the trial either collapsed or was adjourned, which is an improvement from the outcomes in 2013, when 13 defendants had collapsed or adjourned trials. Re-starting or re-listing trials following their collapse or adjournment reduces the Court's capacity to deal with its backlog of cases.

For the ninth consecutive year, no trial was “not reached” (a situation where the Court, rather than the parties, cannot start a listed trial). Over-listing of criminal trials occurs in a very limited form. With over-listing there is some risk of “not reaching” a listed trial. Additionally, trials that over-run their estimated hearing time can jeopardise the Court’s ability to start a listed trial. 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 2014, a total of 92 defendants’ cases were finalised, compared with 121 during 2013 and 157 during 2012. The Court prepared and handed down 68 sentences during 2014, compared with 94 during 2013 and 120 during 2012.

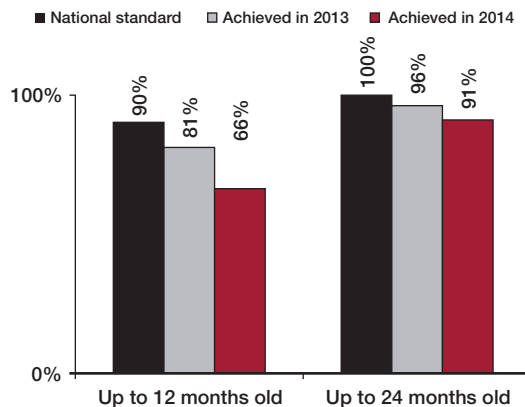
By the end of 2014, there were 85 defendants with cases pending in the Criminal List, a decrease of 19 per cent from the position at the end of 2013 (105 defendants). The degree of fluctuation in the number of filings and the number of disposals from year to year contributes to large changes, on a percentage basis, in the pending caseload from year to year.

With the relatively low number of cases in this resource-intensive list, the age profile can also shift with some volatility. The age profile for pending cases in the Criminal List has regressed considerably during 2014 (see Figure 4.3), and the reduced inflow of new cases during 2014 has contributed to this in part. At the end of the year there were 29 cases older than 12 months, increased from 20 at the end of 2013, and the number of cases older than 24 months increased from 4 to 8. Many of the oldest cases in the Criminal List have been delayed by factors such as a series of interlocutory appeals, the need to accommodate long trials (of up to 25 weeks), and the need to re-list or re-start trials (in two instances the trials had 4-month hearing estimates).

When evaluating the Court’s performance against the national time standards it is important to note that almost all indictments presented to this Court are for offences of murder or manslaughter, or otherwise have the potential for a life sentence to be imposed. In contrast, the criminal lists of most other Australian supreme courts deal routinely with a range of charges that is broader and includes lesser maximum sentences. The national time standard of 12 months from committal to sentencing is therefore a challenging target for this Court. Additionally, the relatively small size of the List allows just a few cases to make large changes to the percentages within that caseload, which are then compared to the national standards. Access to acting judges is invaluable in maintaining an acceptable age profile for the Criminal List, as the only alternative would be to take permanently appointed judges away from other areas of work.

When making comparisons to earlier years, it should be noted that the Court applied new counting rules from 1 January 2005.

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: contested or 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).



Overall, there were 3,679 civil filings in the Division during 2014, a decrease of 20 per cent from the filings during 2013. Two-thirds of the reduction were within the Possession List, where there has been a trend of reduced filings since 2011. Approximately 95 per cent of Possession List cases proceed as uncontested cases so, despite the large reduction in cases, there is no significant reduction in the workload for judges. The other notable areas of reduced filings were the Common Law General List (within contested cases as well as uncontested cases), the Professional Negligence List (which are contested cases) and the miscellaneous applications (uncontested cases). There was an increase in filings in the Administrative Law List. Filing rates for the Administrative Law List and the Common Law General List, between the implementation of JusticeLink in December 2009 and the introduction of a new set of claim-type descriptors for Supreme Court civil cases in December 2012, should be viewed with caution as there is some question as to whether the administrative law descriptor was being used in error during that period.

During 2014 the disposal rate was lower than in 2013, as the auditing program (started in 2012) was completed in most areas of the Division early in the year. Of the 4,879 case disposals in the Common Law Division this year, 1,530 were closures of inactive cases – 1,363 of these were in the Possession List, which is typical, and only 167 were in the other lists. Of the 4,879 disposals, 1,753 were classified as contested cases and, among these contested case disposals, 522 were reported as having had at least one hearing listing. Many of the uncontested cases are finalised by an application for default judgment – during 2014 the Registry processed 1,008 applications for default judgment, with 99 per cent being either granted or requisitioned within 5 working days.

The number of pending cases in the Common Law Division decreased by 30 per cent during 2014, following a 28 per cent decrease during 2013 (see Figure 4.4). These sizeable decreases have occurred principally through the closure of inactive cases. The auditing of inactive cases was

substantially completed during 2014, and routine maintenance only is now required. The correct count of contested cases for case-management within the Division, as at the end of 2014, was 1,868. This level of case-management workload is similar to the position at the end of 2009 (before the extraordinary accumulation of inactive cases) when the Division had 1,864 pending cases for case-management.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.5). The reported age-groups are those set by the Productivity Commission's Report on Government Services. The audit activity over the last three years does not reflect normal operations of the Court; instead it has clarified the pending caseload and brought the age profile to a new baseline at the end of 2014, from which we can now monitor court operations more informatively.

During 2014, the listing delay for non-urgent hearing of Common Law Division civil cases that required five days of hearing time ranged between 4 and 9 months. For the start of the 2015 law term, the listing delay had settled at 6.8 months for five-day hearings, 6.3 months for two-day hearings, and 2 months for one-day hearings. Civil hearings comprise just one area of work covered by the Judges of Common Law Division (see the section "Listing Delays" later in this chapter) and the task of balancing the limited judicial resources between all areas is challenging.

During the year, 829 matters were listed for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 4.6). Of those listed matters, 65 per cent proceeded to a hearing and 26 per cent settled after being listed for hearing. This information is collated independently of the JusticeLink system.

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 2014, no hearing was "not reached". Since 2007 the Division has maintained a "not reached" rate of 1 per cent or less.

Figure 4.4 Common Law Division pending civil caseloads at 31 December

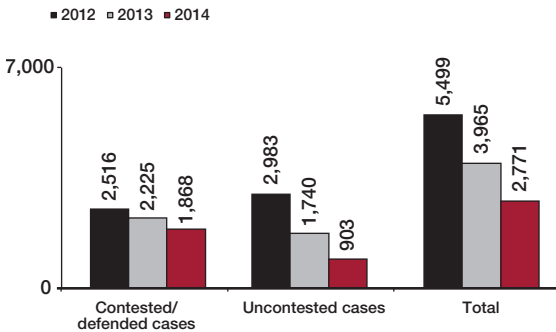


Figure 4.5 Common Law Division civil lists – achievements against time standards

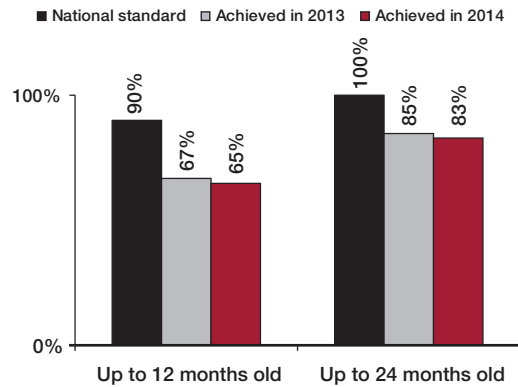
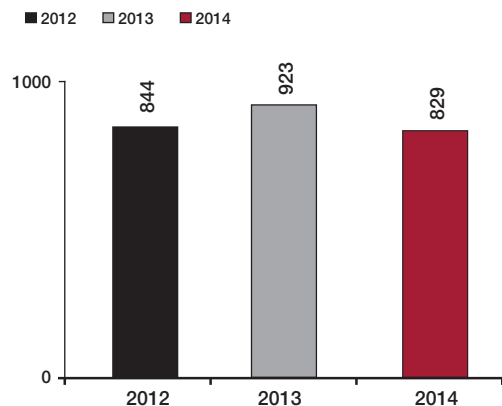


Figure 4.6 Listings for hearing – common law civil hearings



Equity Division

The following analysis of the workload trends within the Equity Division generally does not include uncontested probate cases. If the large number of uncontested probate cases were included, they would mask the important trends for all other cases in the Equity Division. Uncontested probate cases are discussed separately at the end of this section.

The rate of filing in the Equity Division increased by 6 per cent (237 cases) in 2014. Filings rose in the Corporations List by 18 per cent (248 cases), the Probate (contentious cases) List by 11 per cent (21 cases), the Commercial List by 11 per cent (20 cases) and the Protective List by 16 per cent (15 cases). Other lists showed relatively small reductions or no change, noting that the filing figures for the Revenue List are questionable for the years 2010 to 2012 as a number of cases were wrongly allocated to that list at the time of lodgment. In December 2012 the Court introduced a new set of claim-type descriptors for Supreme Court civil cases which should minimise wrong allocations in future. The large number of cases filed in 2013 in the Revenue List included many tax debt matters that were subsequently undefended and so transferred (in 2013 and 2014) to the Common Law Division in order to deal with any default judgment applications.

Overall, the disposal rate for the Division was 17 per cent higher in 2014 than in 2013, as accumulated inactive cases were audited and, if appropriate, closed. In contrast to the Common Law Division, the majority of inactive cases in the Equity Division are being retrospectively closed (rather than dismissed under the provisions of the Uniform Civil Procedure Rule 12.8), being cases where final orders had been made but the case had not been closed in JusticeLink. The audit of inactive Equity Division cases will continue in 2015 and is likely to produce large numbers of disposals in that year too.

The number of pending cases in the Equity Division decreased by 23 per cent during 2014 (see Figure 4.7). This is largely attributable to the auditing that occurred within the Equity General List and, to a lesser extent, the Corporations List. Auditing is

ongoing in the Equity General List, Commercial List and Technology and Construction List and, by the end of 201, an accurate count of the active pending caseload of those lists should be established. Inactive cases in other lists of the Division are already known and monitored.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.8). The two age-groups reported here are set by the Productivity Commission’s Report on Government Services. While the figures reported for the Equity Division show clear improvement, they still contain a large number of inactive cases that the Court plans to review in 2015. Until the audit is completed, the reported results do not reflect the real age profile of the Division’s pending caseload.

During 2014 the listing delay for hearing non-urgent General List and Probate List cases that required up to two days of hearing time ranged between 1.5 and 5.3 months. By the start of the 2015 law term the listing delay had settled at 2.8 months.

The JusticeLink system does not provide reports regarding the outcomes of matters listed for hearing, so hearing rates and settlement rates are not known for 2014. In 2014 the Equity Division successfully introduced over-listing of hearings to a limited extent, and no cases have been “not reached”.

Uncontested applications for probate are handled by the Court’s registrars. During 2014, a total of 24,526 applications were filed. Throughout 2014, the processing time for applications for a grant of probate, letters of administration or a re-seal (of a probate grant), providing the initial applications met all procedural requirements, was between 1 and 5 weeks.

Figure 4.7 Equity Division pending civil caseloads at 31 December

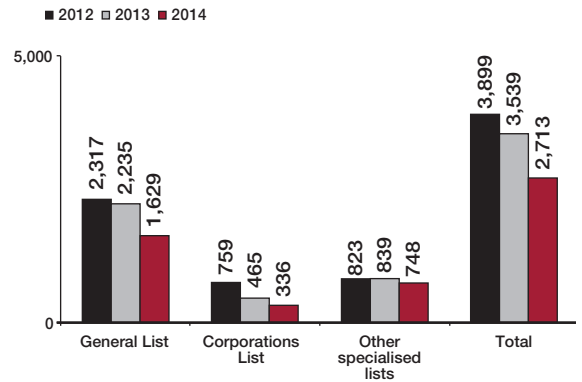


Figure 4.8 Equity Division – achievements against time standards



TIMELINESS

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 more quickly whether delay reduction strategies are successful and to identify areas where further case management would be beneficial.

Courts and other organisations may use different methods to measure the age of cases or the timeliness of case handling, and this can produce statistics that are not necessarily comparable. To cite criminal cases as an example, some courts report performance by measuring the time between committal and the commencement of trial, while the Australian Bureau of Statistics produces national statistics that measure the time from committal to either acquittal or sentencing.

Appendix (ii) shows the position this Court reached at 31 December of the reporting year with regard to the age of its pending caseload. For criminal matters (including criminal appeals) the method of measurement aligns fully with the method used by the Productivity Commission's Report on Government Services. For the Court of Appeal, the reporting here 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). For civil cases in the Common Law and Equity Divisions, the Court's reporting differs from the Productivity Commission's methods: the Court reports separately for each Division; for cases that are appellate in nature but heard in the Common Law or Equity Division, the Court reports those cases within the appropriate Division and not in combination with Court of Appeal cases; the Court's reports include all pending cases, whereas the Productivity Commission's counting rules allow for exclusion of pending cases that have been inactive for at least 12 months.

Appendix (ii) allows comparison of the Court's position with the national standards set by the Productivity Commission. Those standards are applicable to Australia's supreme courts and district/county courts, regardless of the case-mix of those courts. With regard to criminal non-appeal cases, the range of charges routinely brought in criminal lists of supreme courts varies across the country. This Court hears only criminal cases involving charges of murder or manslaughter or where there is otherwise the potential for a life sentence to be imposed; for such cases a 12-month timeframe from committal to sentencing is challenging. With regard to civil non-appeal cases, it is worth noting that every supreme court in the country has difficulty meeting the standards (see Table 7A.21 of the latest Report on Government Services published by the Productivity Commission).

This is the fifth year of reporting the size and age profile of the civil caseloads of the Common Law and Equity Divisions using data extracted from the NSW courts' case information system, JusticeLink. The extraction of data from was continually refined from 2009 through to 2012, at which point the Court obtained reports that were better able to identify inactive civil cases. The refined reports enabled the Court to start auditing the many inactive cases that had accumulated from 2009. Through this auditing process, the Court has individually reviewed and closed more than 6,700 inactive cases in the Possession List alone over the past three years, as well as inactive cases in other lists of the Common Law and Equity Divisions. This volume indicates the size of the problem that was created by delayed access to important operational information. Auditing of the Common Law Division was substantially complete at the end of 2014; however, within the Equity Division, the audit will continue into 2015, and completion by the end of that year is anticipated. Once all inactive cases have been reviewed, information on the size and age profile of the Court's civil caseload, and changes to these, will be more reliable.



Listing delays

The reported listing delays indicate the timeliness with which the Court can allocate non-urgent hearings for various types of cases that have been 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 of listing delays in appendix (ii) shows the listing delays that applying 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, as explained in the footnotes to the table. The various listing delays can change during the year and updated information is published daily in the court list.

For appellate cases, the listing delays following the close of 2014 do not show strong changes from the position a year earlier. However, in the Common Law Division the listing delay for criminal trials improved from 6.5 months to 2.8 months, while for civil hearings it lengthened from 5 months to 6.8 months. In the Equity Division the listing delay improved from 3.8 months to 2.8 months. The listing delays for hearing civil cases of the Common Law Division continue to be significantly longer than ideal.

The Common Law Division over-lists its civil cases for hearing, and in 2014 no hearing was “not reached” (a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing). The judges of the Common Law Division hear not only the criminal and civil trials of the Division, but also preside over the Bails List and are the principal judicial resource for the Court of Criminal Appeal. The task of appropriately balancing and re-balancing the allocation of Common Law Division judges to these four areas of work is challenging. Without access to acting judges, the listing delays across the Common Law Division would have been more difficult to balance, and would most likely have resulted in longer delays in one or more areas.

The measurement of listing delays, in contrast to measurement of the age of pending cases or case finalisation times, focuses on the Court’s management of its own resources to deliver timely hearings. It is separate from other factors that lengthen case finalisation time, such as delays in serving court documents, delays caused by the need to join additional parties to proceedings, time taken up with interlocutory issues or appeals, time needed for parties to prepare their evidence, time that elapses while parties attempt mediation, 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. Litigants in any contested civil case (including appeals) can consider using mediation. Mediation is generally inapplicable for cases where no defendant contests the claim and in applications for an uncontested grant of probate, for adoption of children, to wind up companies, for recovery of proceeds of crime and where only administrative processing is required. For other civil cases mediation is considered generally applicable, although individual cases may have circumstances that make mediation inadvisable or inappropriate.

During 2014, approximately 4,425 civil cases were filed for which mediation was considered generally applicable. During 2013, the number was approximately 4,600.

Throughout 2014 the Court piloted the use of informal settlement conferences in family provision cases. The conferences were conducted by Justice Hallen in 159 cases. They were timed to occur at an early stage of case management with a view to achieving settlement as soon as possible so as to minimise litigation costs. The informal settlement conference pilot has drawn cases away from the established court-annexed mediation program, with consequent significant impact on statistics.

During 2014 the registry recorded 839 referrals to mediation, of which approximately 58 per cent were referrals to court-annexed mediation conducted by the Court's registrars. This is a significant reduction from the level of mediation usage in 2013 when there were 1,088 referrals overall (of which approximately 62 per cent were referrals to court-annexed mediation). The reduction is principally due to the removal of cases to the pilot of informal settlement conferences for family provision cases. If the pilot had not occurred, it is likely that up to 157 more cases would have been referred to the court-annexed mediation program, increasing the number of court-annexed mediation referrals from 486 to 643, and the number of referrals overall from 839 to 996.

For the 486 cases that were listed for court-annexed mediation, the settlement rate (with finalising orders being made or heads of agreement being reached) was 54 per cent, continuing at a good rate. Of the 159 family provision cases in the informal settlement

conference pilot, 35 per cent settled and closed on the day of the informal settlement conference and a further 13% settled and closed within 3 weeks following their conference.

The "mediation referral index" relates the number of cases referred for mediation to the number of cases commenced that are of types where mediation is considered to be generally applicable. For 2014 the mediation referral index was 19.0 per cent, which is a reduction from 23.7 per cent in 2013. This reduction in the index is also largely attributable to the removal of cases to the informal settlement conference pilot: without the pilot it is possible that up to 996 referrals to medication would have been recorded (rather than 839), thus producing a mediation referral index of up to 22.5 per cent.

Within the court-annexed mediation program, the settlement rate was 54 per cent in 2014, continuing at a high rate. The Court has a stringent convention for recording cases as "settled at mediation": the parties must 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. The Court would like to eventually obtain reports from the JusticeLink system that show settlement rates after mediation. There are no statistics on settlement rates for cases referred to private mediators.

The listing delay for non-urgent court-annexed mediation sessions ranged between 1 and 10 weeks during 2014, but was 3 weeks or less for most of the year. The listing delay for mediations had settled at 6 weeks for the start of the 2015 law term. 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 possible but now extremely rare. The most recent referral to arbitration occurred in 2006 (one referral only). The use of arbitration has declined following re-distribution of work among the State's courts. The types of cases that typically had been referred by the Supreme Court to arbitration no longer come to the Supreme Court.



5 EDUCATION AND PUBLIC INFORMATION

- Judicial officer education (information supplied by the Judicial Commission of New South Wales)
- Public education programme
- The role of the Media Manager



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 programs 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 2014 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

Domestic judicial education activities undertaken 2014

In March 2014, twenty Supreme Court judges and one associate judge attended a cross-jurisdictional Twilight Seminar on 'Stress and Vicarious Trauma for Judges' presented by Associate Professor Stephen J. Woods from the School of Law and Justice, Southern Cross University. The seminar examined the demographics, incidence and primary nature of mental health problems in the legal profession with particular reference to the judiciary and explored the toxic nature of vicarious trauma on judges and their families.

In early April 2014, twenty-one judges, one acting judge and the Principal Registrar attended a Twilight Seminar on 'The New Bail Legislation' presented by The Honourable Justice Peter Johnson and The Honourable Justice Richard Button. The session included an overview of the legislation, points of distinction between the Bail Act 2013 and the Bail Act 1978 and consideration of issues affecting the Supreme Court under the new legislation, with some working scenarios presented to illustrate the expected operation of the new Act.

In June 2014, two judges participated in the National Judicial Orientation Program held in Broadbeach, Queensland. This five-day orientation 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 was conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales, the Australian Institute of Judicial Administration and the Judicial College of Victoria.

The Court's Annual Conference, held in Wollongong in late July-early August 2014, included sessions on the impact of Special Commissions of Inquiry on criminal trials, developments in criminal law, end-of-life issues, judicial notice versus expert evidence, the influence of common law techniques on the United Nations enquiry on North Korea, and the fundamental concepts of the internet. Thirty-seven Supreme Court judges attended plus one associate judge, one acting judge and the Principal Registrar. Three heads of Jurisdiction (Justice Walton, Justice Preston and Judge Henson), The Right Honourable Lord David Neuberger of Abbotsbury, President, Supreme Court of the United Kingdom and The Honourable Malcolm McLelland QC also attended.

In September 2014, eleven judges attended a Twilight Seminar on 'Sentencing Alternatives' presented by Mr Luke Grant and Ms Rosemary Caruana from Corrective Services New South Wales. This session examined the efficacy of imprisonment as the largest and most costly sanction managed by Corrective Services New South Wales; reviewed strategies for reducing Aboriginal incarceration rates; compared re-offending outcomes of custodial and non-custodial interventions; discussed sentencing alternatives including eligibility criteria, availability, the risk and consequences model that applies to supervision and barriers to participation; described the current model of community supervision and sought the views of participants as to strategies for increasing uptake of community based sanctions as an alternative to imprisonment.

In October 2014, fifteen judges from the Supreme Court attended a Twilight Seminar 'Administrative Law Update' presented by The Honourable Justices John Basten and Mark Leeming. This session provided an update on significant decisions and developments in administrative law over the last 12 months in the High Court and overseas.

The Ngara Yura Committee presented various seminars and community visits throughout the year. Six Supreme Court judges attended a seminar on 'The Impact of Bugmy and Munda on Sentencing Aboriginal and Other Offenders' presented by the Honourable Justice Rothman AM, while another three judges from the Supreme Court attended a community visit to Walgett in September.

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.

Approximately 1,260 students and members of the public attended these lectures in 2014. The majority of these visits were from high schools. However, there were also tours given for TAFE and university students and community groups.

THE ROLE OF THE MEDIA MANAGER

The Court's Media Manager – previously known as the Public Information Officer – is the principal media spokesperson for the superior New South Wales courts and provides a professional court-media liaison service.

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

The Media Manager works with the media to ensure that judicial decisions are correctly interpreted and reported to the community and widely promotes any initiatives taken by the courts to enhance access to justice. The Media Manager is also responsible for ensuring that media outlets are

alert to any non-publication and suppression orders issued in proceedings, and that they are familiar with the terms and impacts of these orders. This is important because the media's failure to acknowledge or adhere to such orders in their coverage could compromise proceedings.

During 2014, the Media Manager completed 5,742 requests for information – 191 more than the previous year and the highest since records have been kept. Of these:

- 55 per cent related to Supreme Court matters
- 38 per cent related to District Court matters
- 7 per cent related to other jurisdictions.

Enquiries relating to Supreme Court matters were the most numerous (3,154 compared with 2,176 for the District Court and 412 for other courts) however, as a percentage of the Media Manager's workload, they continued to drop in almost direct proportion to the increased District Court inquiries.

Sydney metropolitan journalists from major newspapers and radio and TV stations remained the major users of Media Manager services, accounting for 64 per cent of requests in 2014. Twenty-one per cent of users were from New South Wales regional newspapers, radio and TV stations, and only one per cent was from suburban Sydney newspapers. The remaining inquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.

In addition to reactive work, the Media Manager undertook proactive media tasks including drafting media releases and statements, organising and overseeing in-court filming, assisting with the Supreme Court's social media (Twitter) activity and attending the Conference of Court Public Information Officers.



6 OTHER ASPECTS OF THE COURT'S WORK

- Uniform Civil Procedure Rules
- Law Courts Library
- Admission to the legal profession and appointment of Public Notaries (information supplied by the Legal Profession Admission Board)
- Admission under the mutual recognition Acts
- Administration of the Costs Assessment Scheme
- Pro Bono Scheme
- Judicial Assistance Program



UNIFORM CIVIL PROCEDURE RULES

The Civil Procedure Act 2005 and Uniform Civil Procedure Rules 2005 commenced operation in 2005. The Uniform Rules Committee was established under sections 8 and Schedule 2 of the Act. The Chief Justice (who acts as chair) and the President of the Court of Appeal are ex-officio members of the Committee. The other Supreme Court representatives on the Committee during 2014 were Justice Adamson and Justice Lindsay. As well as considering amendments to the Rules the Uniform Rules Committee approves forms for use in civil proceedings under section 17 of the Act.



LAW COURTS LIBRARY 2014

The Law Courts Library is one of the premier law libraries in Australia; its collection predates the formation of the Supreme Court in 1824. The Library is a legal resource and information centre for all judicial officers, court staff and registrars in the Law Courts Building.

Legal authorities and accurate information are provided to support the timely and effective decision making of the courts. In 2014, librarians answered more than 4,800 requests from the Supreme Court, and around 7,400 legal resources were borrowed. Law Courts Library reader services librarians continued to provide support for court use of online resources and e- publications on iPads and other mobile devices.

In 2014, 2,686 Supreme Court decisions were published on the NSW Caselaw website, which is managed and supported by the Library.

The New South Wales Department of Justice and the Federal Court of Australia jointly fund the Law Courts Library. The operations of the Library are overseen by the Library Advisory Committee, consisting of three Judges from the Federal Court of Australia and three Judges from the Supreme Court of New South Wales.

The Committee provides advice on matters of collection development and service provision.

During 2014, the Supreme Court representatives on the Advisory Committee were:

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

ADMISSION TO THE LEGAL PROFESSION AND APPOINTMENT OF PUBLIC NOTARIES

The Legal Profession Admission Board (the Board) is responsible for:

- determining the eligibility and suitability of people seeking to be admitted as a lawyer in New South Wales
- accrediting academic law courses and practical legal training courses in New South Wales
- registering, enrolling and examining students in the Board's own Diploma in Law course
- appointing public notaries in New South Wales, and
- maintaining the Roll of Lawyers and the Roll of Public Notaries in New South Wales.

Established by the *Legal Profession Act 2004*, the Board is a self-funding statutory corporation. Membership of the Board comprises:

- the Chief Justice of New South Wales
- three Judges of the Supreme Court nominated by the Chief Justice
- a nominee of the Attorney General
- nominees of the Committee of New South Wales Law Deans, the Bar Council, and the Law Society Council.

During 2014, the members of the Board were:

- The Honourable Chief Justice
- The Honourable Justice Slattery (Presiding Member to 30 May 2014)
- The Honourable Justice Emmett (Presiding Member from 31 May 2014)
- The Honourable Justice Davies (Deputy Presiding Member)
- The Honourable Justice Lindsay
- Professor Michael Adams
- Ms Margaret Allars SC
- Mr Charles Cawley
- Mr John Dobson
- Professor Lesley Hitchens
- Mr Garry McGrath SC
- Mr Marcel Savary.

The Board's work during 2014

The Board met on nine occasions during 2014 to exercise its statutory functions. A detailed report on its activities and achievements can be found in the Board's Annual Report. Key statistics are set out in Table 1 below.

The Board relies significantly on the work of two committees. The Legal Qualifications Committee superintends the qualification of candidates for admission and advises the Board in relation to the accreditation of academic and practical training courses. The Examinations Committee oversees the content and conduct of the Board's examinations and the candidatures of students in the Board's Diploma in Law course.

During 2014, members of the Legal Qualifications Committee were:

- The Honourable Justice Adamson (Chair)
- The Honourable Justice Robb (Deputy Chair)
- The Honourable Justice Beech-Jones
- Ms Jenny Eggleton
- Dr Gordon Elkington
- Mr John Fernon SC
- Ms Susan Leis
- Ms Carolyn Penfold
- Ms Elizabeth Picker
- Professor Peter Radan
- Mr Greg Ross
- Mr Thomas Spohr
- Ms Pam Suttor
- Mr Mark Warton
- Mr Peter Underwood.

Members of the Examinations Committee during the same period were:

- The Honourable Justice Simpson (Chair)
- The Honourable Justice Hall
- Mr Ross Anderson
- Mr Frank Astill
- Ms Susan Carter
- Mr Michael Christie SC
- Mr John Dobson.



The Board's committees appoint the members of a number of sub-committees to determine various applications and oversee specific functions, including the:

- Accreditation Sub-Committee
- Academic Exemptions Sub-Committee
- Practical Training Exemptions Sub-Committee.

The Presiding Member, The Honourable Justice Emmett, expresses his gratitude to members of the Board, its committees and sub-committees for their expert advice and dedication to their tasks throughout 2014.

Table 1: **Legal Profession Admission Board: key statistics over five years**

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|-------|-------|-------|-------|-------|
| Admission of lawyers (applications for compliance certificates determined) | 1,830 | 1,793 | 2,047 | 2,131 | 2,221 |
| Public notaries appointed | 61 | 50 | 61 | 47 | 64 |
| Applications for academic exemption determined | 428 | 397 | 460 | 392 | 386 |
| Applications for practical legal training exemption determined | 99 | 122 | 107 | 94 | 93 |
| Students-at-law registered | 555 | 517 | 621 | 541 | 495 |
| Examinations sat by students-at-law | 4,993 | 4,818 | 5,022 | 4,945 | 4,644 |
| Students-at-law applications determined (regarding course progression and exclusion) | 437 | 480 | 355 | 466 | 453 |

ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

The Registry liaises with the Legal Profession Admission Board in performing the task of managing applications from legal practitioners for admission under the mutual recognition Acts: from New Zealand legal practitioners under the *Trans Tasman Mutual Recognition Act 1997*, and from Australian legal practitioners from other States and Territories under the *Mutual Recognition Act 1992*.

In 2014, 70 New Zealand practitioners were enrolled under the *Trans-Tasman Mutual Recognition Act*. In comparison, there were 101 trans-Tasman admissions in 2012 and 90 in 2011.

The number of Australian legal 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 only five enrolments recorded under the *Mutual Recognition Act* in New South Wales since January 2007, and none since 2012.

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 2014. There were no meetings of the Costs Assessment Rules Committee in 2014.



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

In 2014, 1,501 applications were lodged. Of these, 724 (48 per cent) related to costs between parties; 287 (19 per cent) were brought by clients against practitioners; and 490 (33 per cent) were brought by practitioners.

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 those 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 2014, 209 applications for review of costs assessment determinations were lodged.

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 announced that the Court would undertake the first ever review of 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 39 submissions 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 were referred for review and analysis to a Review

Committee, chaired by the Honourable Justice Brereton. The Review Committee was constituted by the following members:

- His Honour Judge Peter Johnstone, District Court of New South Wales
- Mr Steven Mark, Legal Services Commissioner
- Mr Mark Brabazon SC, New South Wales Bar Association
- Mr Stuart Westgarth, Law Society of New South Wales
- Mr Gordon Salier, Cost Assessors Rules Committee
- Ms Deborah Vine-Hall, Costs Consultant User Group
- Ms Linda Murphy, CEO, Supreme Court of New South Wales
- Mr James Howard, later Ms Jennifer Hedge, Manager, Costs Assessment.

On 21 May 2014, the Chief Justice announced that he had decided to accept the Recommendations made by the Committee of Representative Stakeholders, which was chaired by the Honourable Justice Paul Brereton AM RFD in January 2014, subject to certain comments in relation to particular recommendations.

In the announcement, the Chief Justice noted that all of the Recommendations must be considered in light of the introduction in New South Wales of the *Legal Profession Uniform Law Bill*, and integrated as necessary. The Chief Justice noted that Part 4.3 of the *Legal Profession Uniform Law* contained the uniform provisions in respect of costs assessment, which are confined to assessments between law practices and clients (and any third parties), and are supplemented in Part 7 of the *New South Wales Uniform Law Application Bill*. The Chief Justice noted that in accepting the Recommendations, subject to the comments set out in the announcement, considerable law reform and new regulations and rules would be required to give effect to and implement the reforms set out in the Recommendations. These were brought to the attention of the New South Wales Attorney General.

PRO BONO SCHEME

The Court established the Pro Bono Scheme with support from the New South Wales Bar Association and Law Society of New South Wales in 2001.

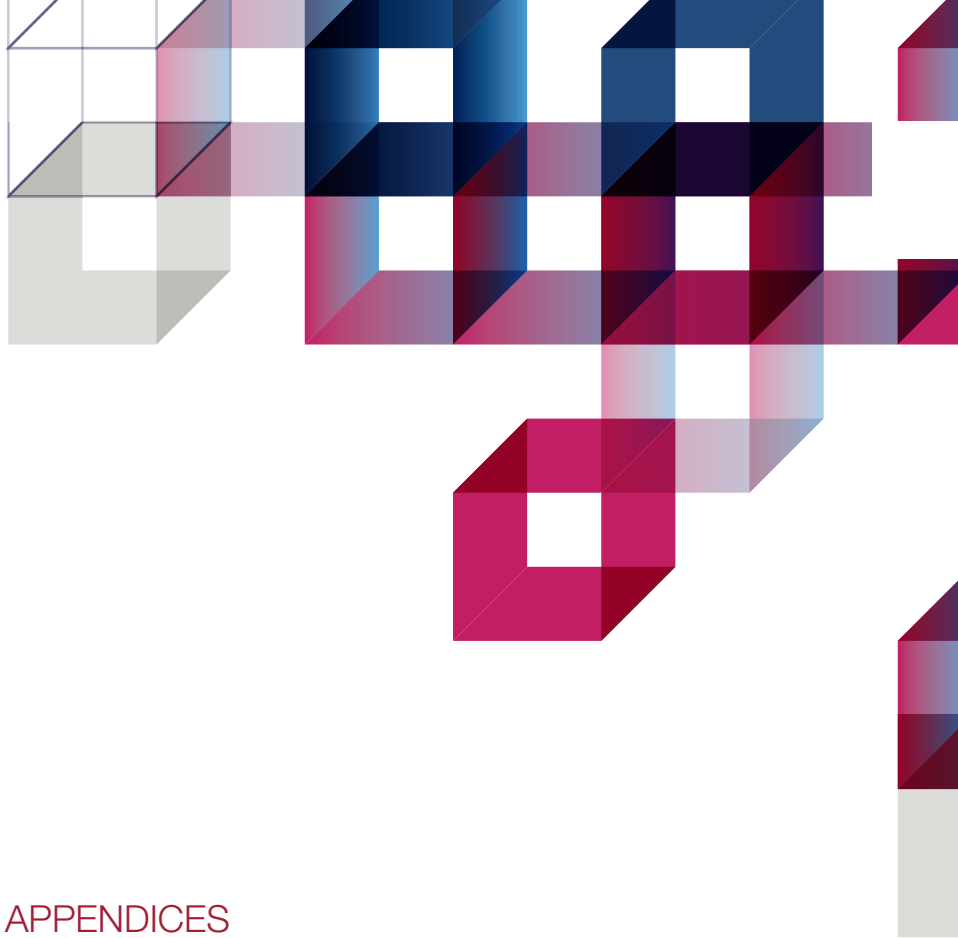
The Scheme operates in accordance with Part 7 Division 9 of the Uniform Civil Procedure Rules 2005 and enables unrepresented litigants to be referred to a barrister and/or solicitor once the Court determines they are deserving of assistance.

During 2014, the Court made 43 referrals under the Scheme: 10 referrals were made in Court of Appeal cases, and 33 referrals were made by Judges across the Common Law and Equity Divisions. The Scheme's success depends upon the continued goodwill of barristers and solicitors who have indicated a willingness to participate in the Scheme. The Court gratefully acknowledges and extends its sincere thanks to 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
 - Age of pending cases at 31 December
 - Listing delays
- Alternative dispute resolution

Filings, disposals and pending cases

NOTES:

The figures for pending cases, from 2012 onwards, exclude cases that have been reopened after judgment.

Pending caseload figures within the Common Law and Equity Divisions (or within case management lists within those Divisions) will not always reconcile with associated filing and disposal figures. This is because cases that are filed (commenced) in one case management list or Division may be subsequently transferred to another list or Division for further case management and disposal.

The statistics for 2010 through to 2014 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 statistics for the Court of Appeal, Court of Criminal Appeal, Criminal List, Bails List, Adoptions List, Protective List and contested Probate List matters are not supplied through the JusticeLink system; they 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

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|------|------|------|------|------|
| COURT OF APPEAL ^{1,2} | | | | | |
| Filings (net new cases) ³ | 501 | 490 | 493 | 502 | 461 |
| <i>Filings of appeals/applications for relief</i> | 353 | 320 | 333 | 334 | 310 |
| <i>Filings of applications for leave to appeal</i> ⁴ | 166 | 182 | 169 | 183 | 166 |
| Disposals (final disposals) ⁵ | 451 | 533 | 493 | 510 | 501 |
| <i>Disposals of appeals/applications for relief</i> | 313 | 365 | 319 | 337 | 330 |
| <i>Disposals of applications for leave to appeal</i> | 156 | 177 | 184 | 188 | 186 |
| Pending cases at 31 December | 384 | 338 | 338 | 330 | 290 |
| <i>Appeals/applications for relief</i> | 285 | 237 | 252 | 249 | 230 |
| <i>Applications for leave to appeal</i> | 99 | 101 | 86 | 81 | 60 |

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 These statistics cover Court of Appeal cases only. They are not comparable to "civil appeal" case statistics reported within the Productivity Commission's *Report on Government Services*, which include all civil cases of an appellate nature, including appeals and reviews dealt with in the Common Law Division or Equity Division.

³ When a notice of appeal is filed after a successful application for leave to appeal, the appeal and the leave application are counted as one case (not two). For this reason, the figures for filings of notices of appeal (and applications for relief) and filings of applications for leave, combined, exceed the number of *net* new cases.

⁴ This item includes not only leave applications, but also 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).

⁵ Where an appeal has been preceded by a grant of leave, this is counted as one continuous case, with a final disposal being counted only when the substantive appeal is finalised. For this reason, the figures for disposals of notices of appeal (and applications for relief) and disposals of applications for leave, combined, exceed the number of final disposals.

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|------|------|------|------|------|
| COURT OF CRIMINAL APPEAL ¹ | | | | | |
| Filings | 414 | 382 | 339 | 385 | 373 |
| Disposals | 417 | 340 | 336 | 381 | 376 |
| Pending cases at 31 December | 180 | 222 | 225 | 229 | 226 |

¹ These statistics exclude appeals from decisions of the New South Wales State Parole Authority. For the years 2010 to 2014, there were 1, 4, 0, 4 and 7 applications lodged for review of Parole Board decisions, respectively.

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|------|------|------|--------------|-------|
| COMMON LAW DIVISION – Criminal ^{1, 2} | | | | | |
| Criminal List | | | | | |
| Filings ³ | 112 | 138 | 130 | 110 | 72 |
| Disposals ⁴ | 106 | 85 | 157 | 121 | 92 |
| Pending cases at 31 December | 90 | 143 | 116 | 105 | 85 |
| Bails List ⁵ | | | | | |
| Filings (applicants) | n/a | n/a | n/a | 3,698 (est.) | 3,780 |
| Disposals (applicants) | n/a | n/a | n/a | 3,742 (est.) | 3,637 |
| Pending applicants at 31 December | 279 | 372 | 339 | 439 | 561 |

¹ In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*), applications for redetermination of a life sentence, and summary jurisdiction cases (which are included within the statistics for “other summons cases” within the Common Law General List, where they are managed).

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

³ The figures include committals for trial/sentence, *ex officio* indictments, retrials ordered by the Court of Criminal Appeal or High Court, matters referred from the Mental Health Review Tribunal, transfers from the District Court, and reactivated 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 Bails List cases now count the number of applicants, not the number of applications. At a Bails List hearing, the Court may deal concurrently with multiple applications for any one applicant. Because the change in counting was implemented in mid-2013 and was not retrospective, an estimate has been made for the filings and disposals for 2013.

2010 ¹ 2011 ¹ 2012 ¹ 2013 2014

COMMON LAW DIVISION – Civil

Administrative Law List

| | | | | | |
|------------------------------|-----|-----|-----|-----|-----|
| Filings | 186 | 183 | 206 | 122 | 144 |
| Disposals | 218 | 156 | 119 | 148 | 136 |
| Pending cases at 31 December | 180 | 222 | 110 | 86 | 109 |

Defamation List

| | | | | | |
|------------------------------|----|-----|----|----|----|
| Filings | 72 | 59 | 46 | 67 | 58 |
| Disposals | 65 | 63 | 55 | 76 | 65 |
| Pending cases at 31 December | 99 | 100 | 90 | 84 | 81 |

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

| | | | | | |
|------------------------------|-------|-------|-------|-------|-------|
| Filings | 939 | 1,012 | 982 | 1,177 | 1,056 |
| Contested claims | 472 | 462 | 496 | 503 | 454 |
| – <i>personal injury</i> | 275 | 230 | 251 | 213 | 266 |
| – <i>other claims</i> | 197 | 232 | 245 | 290 | 188 |
| Uncontested claims | 65 | 100 | 52 | 161 | 133 |
| Proceeds of Crime cases | 114 | 125 | 93 | 104 | 94 |
| Other summons cases | 288 | 325 | 341 | 409 | 375 |
| Disposals | 778 | 863 | 1,041 | 1,556 | 1,408 |
| Contested claims | 337 | 422 | 533 | 616 | 572 |
| – <i>personal injury</i> | 219 | 188 | 248 | 365 | 283 |
| – <i>other claims</i> | 118 | 234 | 285 | 251 | 289 |
| Uncontested claims | 135 | 105 | 32 | 317 | 185 |
| Proceeds of Crime cases | 95 | 74 | 97 | 100 | 116 |
| Other summons cases | 211 | 262 | 379 | 523 | 535 |
| Pending cases at 31 December | 1,342 | 1,648 | 1,891 | 1,656 | 1,286 |
| Contested claims | 843 | 923 | 1,104 | 999 | 886 |
| – <i>personal injury</i> | 483 | 550 | 554 | 418 | 531 |
| – <i>other claims</i> | 360 | 373 | 550 | 581 | 355 |
| Uncontested claims | 192 | 243 | 162 | 139 | 70 |
| Proceeds of Crime cases | 157 | 216 | 145 | 148 | 134 |
| Other summons cases | 150 | 266 | 480 | 370 | 196 |



| | 2010 ¹ | 2011 ¹ | 2012 ¹ | 2013 | 2014 |
|--|-------------------|-------------------|-------------------|--------------|--------------|
| Possession List | | | | | |
| Filings ² | 3,658 | 3,994 | 3,259 | 2,447 | 1,844 |
| Disposals | 2,827 | 2,239 | 4,439 | 3,647 | 2,641 |
| <i>Contested</i> | <i>n/a</i> | <i>n/a</i> | 207 | 155 | 136 |
| <i>Uncontested</i> | <i>n/a</i> | <i>n/a</i> | 4,232 | 3,492 | 2,505 |
| Pending cases at 31 December | 2,679 | 4,319 | 2,922 | 1,711 | 914 |
| <i>Contested</i> | <i>n/a</i> | <i>n/a</i> | 178 | 136 | 92 |
| <i>Uncontested</i> | <i>n/a</i> | <i>n/a</i> | 2,744 | 1,575 | 822 |
| Professional Negligence List | | | | | |
| Filings | 202 | 150 | 161 | 194 | 162 |
| Disposals | 167 | 189 | 138 | 204 | 193 |
| Pending cases at 31 December | 406 | 394 | 409 | 402 | 370 |
| Miscellaneous applications ³ | | | | | |
| Filings | 339 | 525 | 458 | 566 | 415 |
| Disposals | 319 | 490 | 465 | 608 | 436 |
| Pending cases at 31 December | 45 | 85 | 77 | 26 | 11 |
| COMMON LAW DIVISION TOTALS – Civil | | | | | |
| Filings | 5,396 | 5,923 | 5,112 | 4,573 | 3,679 |
| Disposals | 4,374 | 4,000 | 6,257 | 6,239 | 4,879 |
| Pending cases at 31 December | 4,751 | 6,768 | 5,499 | 3,965 | 2,771 |

¹ The figures reported for 2010, 2011 and 2012 are affected by errors in classification of some case types – particularly, the distribution of cases between the Administrative Law List and the Common Law General List is considered to be inaccurate. Those errors were addressed at the end of 2012 when the Court implemented a new set of case-type descriptors.

² All Possession List cases are assumed to be uncontested at the time of filing. If a subsequent defence or cross-claim is filed, the case is listed for case management and counted as a contested case.

³ These include applications under the *Mutual Recognition Act*, *Trans-Tasman Mutual Recognition Act*, applications for production orders, requests for service within New South Wales of documents related to civil proceedings being conducted outside New South Wales, and applications to enforce judgments given outside Australia.

2010 2011 2012 2013 2014

EQUITY DIVISION ¹

Admiralty List

| | | | | | |
|------------------------------|----|----|----|---|---|
| Filings | 11 | 4 | 2 | 0 | 1 |
| Disposals | 16 | 10 | 10 | 2 | 1 |
| Pending cases at 31 December | 17 | 11 | 3 | 1 | 1 |

Adoptions List ²

| | | | | | |
|------------------------------|-----|-----|-----|-----|-----|
| Applications | 212 | 189 | 234 | 206 | 208 |
| Orders made | 199 | 194 | 203 | 218 | 214 |
| Pending cases at 31 December | 48 | 43 | 74 | 62 | 56 |

Commercial List

| | | | | | |
|------------------------------|-----|-----|-----|-----|-----|
| Filings | 172 | 178 | 148 | 175 | 195 |
| Disposals | 173 | 188 | 178 | 190 | 232 |
| Pending cases at 31 December | 308 | 328 | 283 | 278 | 277 |

Commercial Arbitration List

| | | | | | |
|------------------------------|---|---|---|---|---|
| Filings | 5 | 7 | 6 | 3 | 3 |
| Disposals | 3 | 5 | 9 | 8 | 4 |
| Pending cases at 31 December | 3 | 8 | 7 | 2 | 1 |

Corporations List

| | | | | | |
|------------------------------|-------|-------|-------|-------|-------|
| Filings | 2,149 | 1,837 | 1,648 | 1,353 | 1,601 |
| Disposals ³ | 2,198 | 1,767 | 1,602 | 1,617 | 1,714 |
| Pending cases at 31 December | 672 | 838 | 759 | 465 | 336 |

Equity General List

| | | | | | |
|---------------------------------|-------|-------|-------|-------|-------|
| Filings | 2,250 | 2,101 | 2,037 | 1,994 | 1,998 |
| <i>Family provision cases</i> | 858 | 803 | 792 | 790 | 774 |
| <i>Other cases</i> | 1,392 | 1,298 | 1,245 | 1,204 | 1,224 |
| Disposals | 2,031 | 1,944 | 2,089 | 2,098 | 2,595 |
| <i>Family provision cases</i> | 719 | 738 | 811 | 919 | 855 |
| <i>Other cases</i> | 1,312 | 1,206 | 1,278 | 1,179 | 1,740 |
| Pending cases at 31 December | 2,111 | 2,410 | 2,317 | 2,235 | 1,629 |
| <i>Family provision cases</i> | 646 | 760 | 649 | 513 | 419 |
| <i>Other cases</i> ⁴ | 1,465 | 1,650 | 1,668 | 1,722 | 1,210 |



| | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|---------------|---------------|---------------|---------------|---------------|
| Probate (Contentious Matters) List | | | | | |
| Filings | 172 | 142 | 137 | 191 | 212 |
| Disposals | 160 | 145 | 116 | 172 | 200 |
| Pending cases at 31 December | 104 | 101 | 122 | 141 | 153 |
| Protective List ⁵ | | | | | |
| Applications | 80 | 72 | 106 | 95 | 110 |
| Disposals | 58 | 96 | 85 | 99 | 109 |
| Pending applications at 31 December | 39 | 15 | 36 | 32 | 33 |
| Revenue List | | | | | |
| Filings | 21 | 17 | 45 | 56 | 13 |
| Disposals | 3 | 8 | 15 | 35 | 39 |
| Pending applications at 31 December | 22 | 32 | 54 | 40 | 15 |
| Technology and Construction List | | | | | |
| Filings | 100 | 147 | 137 | 129 | 98 |
| Disposals | 91 | 119 | 115 | 95 | 180 |
| Pending cases at 31 December | 178 | 221 | 244 | 283 | 212 |
| EQUITY DIVISION TOTALS | | | | | |
| Filings | 5,172 | 4,694 | 4,500 | 4,202 | 4,439 |
| Disposals | 4,932 | 4,476 | 4,422 | 4,534 | 5,288 |
| Pending cases at 31 December | 3,502 | 4,007 | 3,899 | 3,539 | 2,713 |
| PROBATE – Applications lodged for grant of probate etc ⁶ | 22,324 | 22,449 | 23,790 | 23,607 | 24,526 |

¹ The figures reported for 2010 through to 2013 have been extracted from the JusticeLink system, except for the figures for the Adoptions List, Probate (Contentious Matters) List and Protective List (the data for those lists are obtained from manually collated data).

² In this List, all applications types are counted, including information applications.

³ Typically, registrars finalise about 90 per cent of Corporations List cases.

⁴ As foreshadowed, during 2014 a large number of inactive cases in this List were audited and, where appropriate, closed. Accordingly, the disposals figures are aberrantly high.

⁵ 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.

⁶ This includes all probate applications that are lodged as uncontested applications for a grant of probate or letters of administration, or for reseal of a probate grant. Registrars deal with uncontested applications. Only a small proportion of these applications become contested. Contested applications are then transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include probate-related matters handled by the Registry, such as 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 | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|--------------------------------|----------------|----------------|----------------|----------------|----------------|
| COURT OF APPEAL | | | | | | |
| Total number of cases pending | | 384 | 338 | 338 | 330 | 290 |
| Cases within 12 months of age | 90% | 328 (85%) | 296 (88%) | 307 (91%) | 297 (90%) | 270 (93%) |
| Cases within 24 months of age | 100% | 373 (97%) | 323 (96%) | 332 (98%) | 328 (99%) | 288 (99%) |
| COURT OF CRIMINAL APPEAL | | | | | | |
| Total number of cases pending | | 180 | 222 | 225 | 229 | 226 |
| Cases within 12 months of age | 90% | 170 (94%) | 205 (92%) | 187 (83%) | 206 (90%) | 194 (86%) |
| Cases within 24 months of age | 100% | 176 (98%) | 219 (99%) | 211 (94%) | 220 (96%) | 222 (98%) |
| COMMON LAW DIVISION – Criminal ^{5, 6} | | | | | | |
| Total number of defendants pending | | 90 | 143 | 116 | 105 | 85 |
| Cases within 12 months of age | 90% | 81 (90%) | 108 (76%) | 95 (82%) | 85 (81%) | 56 (66%) |
| Cases within 24 months of age | 100% | 90 (100%) | 140 (98%) | 114 (98%) | 101 (96%) | 77 (91%) |
| COMMON LAW DIVISION – Civil | | | | | | |
| Total number of cases pending | | 4,751 | 6,768 | 5,499 | 3,965 | 2,771 |
| Cases within 12 months of age | 90% | 3,513 (74%) | 3,689 (55%) | 3,178 (58%) | 2,674 (67%) | 1,799 (65%) |
| Cases within 24 months of age | 100% | 4,193 (88%) | 5,938 (88%) | 4,474 (81%) | 3,365 (85%) | 2,299 (83%) |
| EQUITY DIVISION (excluding uncontested probate matters) | | | | | | |
| Total number of cases pending | | 3,502 | 4,007 | 3,899 | 3,539 | 2,713 |
| Cases within 12 months of age | 90% | 2,340 (67%) | 2,356 (59%) | 2,208 (57%) | 2,059 (58%) | 1,865 (69%) |
| Cases within 24 months of age | 100% | 2,960 (85%) | 3,302 (82%) | 3,027 (78%) | 2,751 (78%) | 2,369 (87%) |

- ¹ For Equity Division cases and the civil cases of the Common Law Division, the information is based on data from the JusticeLink system, which was not fully reliable until the end of 2012 because many finalised cases remained open in the JusticeLink system and were improperly contributing to the data for the age of pending cases. During 2013 and 2014, with improved JusticeLink reports, the Registry was able to reliably identify inactive cases in these Divisions – those cases were audited and, where appropriate, closed. The changes in percentages for the civil cases in these Divisions during 2013 and 2014 are affected by those audits.
- 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 or 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 Courts 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; consequently the national standards apply to a large range of indictments, criminality and civil case types. The case-mix of any court can influence that court’s capacity to achieve the standards. This Court’s Criminal List deals with a narrow range of offences: most indictments presented are for homicide offences; other matters may be brought, but only with the approval of the Chief Justice and generally involve the most serious criminality. In contrast, most other supreme courts in Australia regularly deal with a broader range of criminal cases. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards (see table 7A.21 of the latest *Report on Government Services*).
- ⁵ The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for redetermination 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 a new trial).

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

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|-------------------------------------|------------|------------|------------|------------|------------|
| COURT OF APPEAL ³ | 3 months | 4 months | 4 months | 4 months | 3.8 months |
| COURT OF CRIMINAL APPEAL | 2 months | 4 months | 2.5 months | 3 months | 3 months |
| COMMON LAW DIVISION | | | | | |
| Criminal List ⁴ | 1.5 months | 5 months | 5 months | 6.5 months | 2.8 months |
| Civil lists ⁵ | 1.5 months | 7 months | 9.5 months | 5 months | 6.8 months |
| Bails List | 4 weeks | 2.5 weeks | 4 weeks | 4 weeks | 3 weeks |
| EQUITY DIVISION ⁶ | 3.3 months | 2.5 months | 2.5 months | 3.8 months | 2.8 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 2014 it is the position at the start of the 2015 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 three weeks of hearing time.

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

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

Alternative dispute resolution

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|---|-----------|---------|---------|---------|--------------------|
| Court-annexed mediations listed ^{1,2} | | | | | |
| Total | 719 | 698 | 711 | 671 | 486 ³ |
| <i>Common Law Division</i> | 55 | 57 | 34 | 44 | 28 |
| <i>Equity Division – not probate cases</i> | 651 | 623 | 660 | 605 | 432 |
| <i>Equity Division – probate cases</i> | 12 | 18 | 16 | 21 | 25 |
| <i>Court of Appeal</i> | 1 | 0 | 1 | 1 | 1 |
| Percentage settling at mediation ⁴ | 51% | 50% | 54% | 55% | 54% |
| Waiting time after the end of the year ⁵ | 7-8 weeks | 5 weeks | 6 weeks | 3 weeks | 6 weeks |
| Referrals to mediation generally | | | | | |
| Total referrals recorded ⁶ | 1,144 | 902 | 1,092 | 1,088 | 839 ⁸ |
| Mediation referral index ⁷ | 23.5% | 19.4% | 23.9% | 23.7% | 19.0% ⁸ |
| 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 Throughout 2014, the Court piloted informal settlement conferences for family provision cases where the estate was valued under \$500,000. This pilot has reduced the number of cases being referred to the court-annexed mediation program. In this pilot, for 159 cases Justice Hallen conducted conferences at an early stage of case management with a view to achieving settlement as soon as possible so as to reduce the costs of the litigation. Of the 159 cases, 35% were settled and closed on the day of the informal settlement conference, and a further 13% settled and closed within three weeks following their conference. So far, only two of the cases that did not settle at their conference have been referred to the court-annexed mediation program. If the Court had not conducted the pilot of informal settlement conferences, it is likely that up to 157 more cases would have been referred to the court-annexed mediation program, and that the number of court-annexed mediation listings for 2014 would have been closer to the number reported for 2013.

⁴ 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). In 2014, a further 24% of cases were still negotiating settlement at the close of their court-annexed mediation session. The Registry does not collect settlement data for mediations conducted by private mediators.

⁵ This is the waiting time to 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 2014 it is the position at the start of the 2015 Law Term). The waiting time will be less if an urgent mediation session is ordered by the Court.

⁶ 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.

⁷ The “mediation referral index” is the number of cases referred to mediation during the year, divided by the number of cases lodged (in that year) that are of a type for which mediation is considered to be applicable. For the purpose of calculating the mediation referral index, mediation is considered to be applicable 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 considered to be applicable, there may be a particular aspect of that case that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

⁸ Reduced usage of court-annexed mediation, as a result of the pilot of informal settlement conferences (see footnote 3), impacts these figures. Without the pilot, it is possible that an overall total of up to 996 referrals would have been recorded for 2014, producing a mediation referral index of up to 22.5%.

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

Chief Justice's Executive Committee

The Chief Justice's Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational strategic issues. The Committee met weekly throughout 2014, except during periods when the Chief Justice was not available or unless the Chief Justice decided not to hold a meeting.

Members during 2014

The Honourable the Chief Justice Bathurst (Chair)
The Honourable Justice Beazley AO
The Honourable Justice Hoeben AM RFD
The Honourable Justice Bergin
Ms Linda Murphy, CEO and Principal Registrar
(Secretary)

Adoptions List Users Group

Members during 2014

The Honourable Justice Brereton AM RFD (Chair)
The Honourable Justice Kunc
Ms Lydia Sianipar, Supreme Court of New South Wales
Mr Robert Svoronos, Supreme Court New South Wales
Ms Sonali Abeynaike, Catholic Care
Ms Brooke Bowman, Department Family Community Services
Ms Nicola Callander, Legal Aid
Ms Nicole Hailstone, Crown Solicitor's Office
Ms Amanda Hall, Legal Aid
Mr Alistair Harvey-Sutton, Solicitor
Ms Esther Lawson, Barrister
Ms Lynne Moggach, Barnardos
Ms Jackie Palmer, Anglicare
Ms Grace Romeo, Department Family Community Services
Mr Derek Smith, Department Family Community Services
Ms Lisa Vihtonen, Barnardos
Ms Donna Ward, Barrister

Alternative Dispute Resolution Steering Committee

The Alternative Dispute Resolution (ADR) Steering Committee which was established in 1993 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 resolving disputes, and to ensure the Court has adequate resources 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.

Members during 2014

The Honourable Justice Ward (Chair)
The Honourable Justice Hall
The Honourable Justice Sackar
The Honourable Justice Hallen
Ms Linda Murphy, CEO and Principal Registrar
Mr Andrew Musgrave, Assistant Registrar, Equity
Mr Nicholas Flaskas, Senior Deputy Registrar
(Advisings)
Ms Jeannie Highet, Manager, Caseload Analysis
(Secretary)
Ms A Bowne
Ms M Walker
Mr Stephen Titus (Carneys Lawyers)

Appeal Courts Judgment Writing Committee (NJCA)

Members during 2014

The Honourable Justice Fraser, Court of Appeal Queensland (Chair)
The Honourable the Chief Justice Allsop, Federal Court of Australia
The Honourable the Chief Justice Blow, Supreme Court Tasmania
The Honourable Justice Ainslie Wallace, Family Court of Australia
The Honourable Justice Blue, Supreme Court South Australia
The Honourable Justice Doyle, Supreme Court South Australia (retired)
The Honourable Justice Frances, Court of Appeal, New Zealand

The Honourable Justice Jacobson, Federal Court of Australia
The Honourable Justice Macfarlan
The Honourable Justice Neave, Court of Appeal Victoria
The Honourable Justice Pullin, Court of Appeal Western Australia
The Honourable Justice Southwood, Supreme Court Northern Territory

Australasian Joint Judges' Committee – (Organising Committee Joint Supreme Court/ Federal Court Conference)

Members during 2014

The Honourable Justice Rothman (Chair)
The Honourable the Chief Justice Blow, Supreme Court Tasmania
The Honourable Justice Cavanough, Supreme Court of Victoria
The Honourable Justice Penfold, Supreme Court of Australian Capital Territory
The Honourable Justice Heath, High Court of New Zealand
The Honourable Justice Jessup, Federal Court of Australia
The Honourable Justice Southwood, Supreme Court of Northern Territory
The Honourable Justice Lyons, Supreme Court of Queensland
The Honourable Justice Heenan, Supreme Court of Western Australia
The Honourable Justice Vanstone, Supreme Court of South Australia

State Records Authority of New South Wales

The State Records Authority of New South Wales is the New South Wales Government's archives and records management authority. Its purposes are to preserve the State's archives and promote their use, and to set standards and provide guidance and services to improve records management in the New South Wales Public Sector. Pursuant to its governing legislation, its Board is required to include a New South Wales judge nominated by the Chief Justice of New South Wales. The Hon Justice Macfarlan is the present nominee.

Members during 2014

Ms Anne Henderson (Chair)
The Honourable Justice Macfarlan
Dr Stephen Choularton
The Hon Dr Peter Phelps MLC
Mr Anthony Lean
Mr Scott Nash

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 also identifies facilities that are required to support courtroom operations and the needs of Court users. The possible permanent adaption and use of the Hospital Road Court Complex and the ongoing refurbishment of the King Street and St James Road Court Complex remained the Committee's primary focus during 2014.

Members during 2014

The Honourable Justice McDougall (Chair)
The Honourable Justice Hoeben AM RFD
The Honourable Justice Brereton AM RFD
The Honourable Judge Price AM
The Honourable Justice McCallum
The Honourable Justice Stevenson
The Honourable Justice Hallen
Ms Linda Murphy, CEO and Principal Registrar
Mr Nick Sanderson-Gough, Manager, Court Operations and Communications
Mr John Grant, Courtroom Support Coordinator (Secretary)

Caselaw Governance Committee

NSW Caselaw was developed in 1999 to publish decisions for New South Wales courts and tribunals administered by the Attorney General's Department (as it was then known). The Caselaw system underwent significant change in January 2011 with the introduction of a new platform. The Caselaw Governance Committee meets from time to time to discuss any enhancements which may be required to the system and to determine guidelines for the production of the decisions of the New South Wales courts and tribunals.

Members during 2014

The Honourable Justice Basten (Chair)
The Honourable Justice R A Hulme
The Honourable Justice Adamson
The Honourable Justice Black
The Honourable Justice Craig, Land and Environment Court
The Honourable Justice O'Connor, Administrative Decisions Tribunal
The Honourable Judge Berman
Her Honour Deputy Chief Magistrate Culver,
The Honourable Justice Robertson Wright, New South Wales Civil and Administrative Tribunal
Ms Linda Murphy, CEO and Principal Registrar
Ms Leonie Walton, Registrar, Land and Environment Court
Ms Sian Leatham, Principal Registrar, New South Wales Civil and Administrative Tribunal
Ms Rosemary Davidson, Executive Officer, Children's Court
Ms Vanessa Blackmore, Library Services (Secretariat Support)
Ms Donna Reece, Caselaw Support Officer, Library Services (Secretariat Support)

Civil Bench Book

Members during 2014

The Honourable Justice Garling
The Honourable Justice Kunc

Civil Registry Consultation Group

The Consultation Group met three times in 2014. The committee was disbanded after October 2014, as there was little new business to discuss, given that the committee was formed to discuss any issues arising out of the refurbishment of the Registry.

Members during 2014

Linda Murphy, CEO and Principal Registrar
Gary Ulman, Minter Ellison
Caroline Hutchinson, Coleman Greig
Jenny Campbell, Allens Arthur Robinson
Steven Jupp, Prothonotary

College of Law

Members during 2014

The Honourable Justice Hallen

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. The Group meets to discuss various issues concerning the administration of the List, 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 2014

The Honourable Justice Hammerschlag J (List Judge) (Chair)
The Honourable Justice Ward
The Honourable Justice McDougall

Bar Association of New South Wales

Mr Mark Ashhurst SC, University Chambers
Mr Frank Corsaro SC, State Chambers
Mr Francis Hicks, Blackstone Chambers
Mr Nick Kidd SC, 7 Selborne Chambers
Mr Duncan Miller SC, 7 Wentworth Chambers
Mr Robert Newlinds SC, Banco Chambers
Mr Michael Rudge SC, Nigel Bowen Chambers
Dr Kristina Stern SC, 6 Selborne Chambers
Mr David Sulan, Banco Chambers

Law Society of New South Wales

Ms Jennifer Ball, Clayton Utz
Mr Andrew Carter, Ashurst
Mr Cameron Hanson, Herbert Smith Freehills
Mr Richard Harris, Allens Linklaters
Mr Scott Harris, DLA Piper
Mr Simon Johnson, Norton Rose Fulbright Australia
Mr Brad Kermond, Colin Biggers & Paisley
Mr Alistair Little, TressCox
Mr Lindsay Powers, Minter Ellison
Mr Mark Watson, Watson Mangioni

Common Law Civil Users Group

The Group 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 to discuss matters including: caseload management, listing practice and delays, specialist lists, jury issues and regional hearings.

Members during 2014

The Honourable Justice Hoeben
The Honourable Justice Hall
The Honourable Justice Garling
Ms Linda Murphy, CEO and Principal registrar
Mr Christopher Bradford, Registrar – Common Law
Mr Peter Deakin QC, Sir James Martin Chambers
Mr Eugene Romaniuk SC, Jack Shand Chambers
Ms Lorna McFee, New South Wales Bar Association
Mr Elias Yamine, Law Society New South Wales
Ms Ramina Kamar, Law Society New South Wales

CLE for Registrars

A number of the registrars and deputy registrars attended a series of eight seminars delivered to the Law Society of New South Wales and the New South Wales Bar Association on matters involving the Probate and Succession List and the Family Provision List.

Deputy Registrar Brown, by agreement, sat in Court recently whilst the Family Provision List was conducted.

Members during 2014

The Honourable Justice White
The Honourable Justice Schmidt
The Honourable Justice Hallen

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 2014 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 2014

The Honourable Justice Brereton
The Honourable Justice Black
Mr Andrew Musgrave, Registrar
Ms Rebel Kenna, Registrar

Bar Association of New South Wales

Mr Damian Allen, Eighth Floor Windeyer Chambers
Mr Miles K Condon SC, Sixteenth Floor Wardell Chambers
Mr Doran Cook, Blackstone Chambers
Mr Steven Golledge, Third Floor St James Hall Chambers
Mr Jim Johnson, Frederick Jordan Chambers
Mr Roger D Marshall, Ground Floor Wentworth Chambers
Mr Robert Newlinds SC, Banco Chambers
Mr Malcolm Oakes SC, Tenth Floor Chambers
Mr David Pritchard SC, Third Floor St James Hall Chambers
Mr David Stack, Blackstone Chambers
Mr Jim Thomson, Thirteenth Wentworth Selborne Chambers

Law Society of New South Wales

Mr Charles Bavin, Hunt & Hunt
Mr Andrew Carter, Ashurst
Mr Glen Cussen, Kemp Strang
Ms Georgina Hayden, ASIC
Mr Michael Hayter, Gillis Delaney
Mr Ben Hely, Herbert Smith Freehills
Mr Luke Hastings, Herbert Smith Freehills
Mr Michael Hughes, Minter Ellison
Aamena Hussein, Craddock Murray Neumann
Ms Linda Johnson, Mallesons
Mr Khaled Metlej, Craddock Murray Neumann
Mr David McCrostie, Turks Legal
Mr Alexander Morris, Mallesons
Mr Michael Murray, Insolvency Practitioners of Australia
Ms Denise North, Insolvency Practitioners of Australia
Ms Maria O'Brien, Baker McKenzie



Costs Assessment Users Group

Members during 2014

The Honourable Justice Brereton (Chair)
The Honourable Judge Johnstone, Children's Court
His Honour Judge Gibson, District Court of New South Wales
Ms Jennifer Hedge, Manager – Costs Assessment
Mr Gordon Salier
Mr Michael Robinson
Ms Geraldine Daley
Ms Deborah Vine-Hall
Ms Peta Solomon
Ms Michelle Castle
Ms Kerrie Rosato
Ms Lynda Muston
Ms Alyson Ashe
Ms Valerie Higginbotham
Mr Ross Nicholas

Court of Criminal Appeal/Crime Users Group

The joint Court of Criminal Appeal/Crime Users Group meets as required to promote effective communication between the Court and key users. The Group focuses on ensuring that Court of Criminal Appeal procedures work effectively and efficiently within the required timeframes.

Members during 2014

The Honourable Justice Hoeben (Chair)
The Honourable Justice Johnson
The Honourable Justice R A Hulme
Ms Linda Murphy, CEO and Principal Registrar
Mr Steven Jupp, Manager Court Services & Prothonotary
Mr Michael Crompton, Registrar, Court of Criminal Appeal
Mr Mark Ierace SC, Public Defenders Office
Ms Penny Musgrave, Director, Criminal Law Review Division
Ms Eunice Walsham, Manager Business Support, RSB
Mr Phillip Ingram SC, Office of the Director of Public Prosecutions
Mr George Galanis, Commonwealth Director of Public Prosecutions
Ms Ellen McKenzie, Commonwealth Director of Public Prosecutions

Ms Janet Witmer, Legal Aid Commission New South Wales
Ms Madeleine Schneider, Legal Aid Commission New South Wales
Ms Clair Wasley, Aboriginal Legal Services New South Wales/Australian Capital Territory
Mr S Odgers SC, New South Wales Bar Association
Ms Elizabeth Hall, District Court of New South Wales
Mr David Giddy, Law Society New South Wales
Ms Pam Olsoen, Senior Registrar, Local Courts

Criminal Trial Bench Book

The Criminal Trials Bench Book Committee is chaired by the Honourable Rod Howie QC. Mr Hugh Donnelly, Director, Research and Sentencing, Judicial Commission of New South Wales is the Convenor). The judicial members of the Committee are listed below. Its function is to continually revise and update the Criminal Trials Bench Book with suggested jury directions and information on procedural aspects concerning the myriad issues that arise in the course of criminal trials in the District Court and the Supreme Court. The committee does not convene formal meetings but engages in regular discussion by electronic means.

Members during 2014

The Honourable Rod Howie QC (Chair)
The Honourable Justice Johnson
The Honourable Justice R A Hulme
His Honour Judge Lakatos SC, District Court of New South Wales
His Honour Judge Arnott, District Court of New South Wales
Hugh Donnelly, Judicial Commission (Convenor)

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 judges 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 of the Court.

The Committee is comprised of a number of Supreme Court 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 2014

The Honourable Justice Basten (Chair)
The Honourable Justice Leeming
The Honourable Justice Hoeben
The Honourable Justice Johnson
The Honourable Justice Harrison
The Honourable Justice Schmidt
The Honourable Justice Garling
The Honourable Justice Black
The Honourable Justice White
Ms Linda Murphy, CEO and Principal Registrar
Ms Ruth Windeler, Education Director, Judicial Commission of New South Wales (Convenor)
Ms Ruth Sheard, Manager, Conferences & Communication, Judicial Commission of New South Wales

Equity Liaison Group

This Group was established in 2001 to promote discourse between the legal profession and representatives of the Equity Division in regard to 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.

Members during 2014

The Honourable Justice Bergin (Chair)
The Honourable Justice Slattery
Mr Andrew Musgrave, Registrar – Equity Division
Mr C R C Newlinds SC
Mr R R I Harper SC
Ms Jane A Needham SC
Mr G A Sirtes SC
Ms V Whittaker
Mr M Ashhurst SC
Mr M K Condon SC
Ms A M Kennedy
Mr J K Martin
Mr B J Miller
Ms P G Suttor
Mr Stuart D Westgarth
Mr Charles Alexander

Examinations Committee

The Examinations Committee oversees the examinations of the Legal Profession Admission Board and the candidature of the Board's Diploma of Law students.

Members during 2014

The Honourable Justice Simpson (Chair)
The Honourable Justice Hall
Mr Michael Christie SC, Sixth Floor Selborne
Wentworth Chambers
Mr John Dobson
Mr Frank Astill
Mr Ross Anderson
Ms Susan Carter
Ms Robin Szabo (Secretary)



Harmonisation Committee

The Harmonisation of Rules Committee is a committee of the Council of Chief Justices. It has representatives of the Federal Court of Australia, the Family Court of Australia, each of the Supreme Courts of Australia and the High Court of New Zealand. The goals of the Committee are the harmonisation of rules of court and, as appropriate, practice in specific subject areas, either as identified by references from the Council of Chief Justices or, with the endorsement of the Council, by consensus amongst participating jurisdictions, through the members of the Committee. The Committee monitors the operation of harmonised rules of court and practice adopted by participating jurisdictions, as well as relevant proposals for modification of the substantive law, to generate amendments to those rules and practices on a harmonised basis. The convenor of the Committee is appointed by the Council of Chief Justices. Other members are nominated by the head of each participating jurisdiction for one or more specific subject area projects, for the monitoring of adopted harmonised rules of court or for both. The Committee is supported by a Registrar of the Federal Court, with research and advice from the Australasian Institute of Judicial Administration.

Justice Emmett was the convenor of the Committee until November 2014. Justice Emmett's last report to the Council, in October 2014, indicated that the Committee had advanced or agreed to explore projects involving service of process outside Australia, amendment of the harmonised Corporation Rules to deal with electronic filing and consistency in rule-based requirements in corporate and personal insolvencies, development of model rules for commercial arbitration and privilege in connection with subpoenas. The Committee was also proposing to discuss harmonisation of forms of orders and harmonisation of discovery rules.

Members during 2014

The Honourable Justice Emmett (Chair and Convenor)
The Honourable Justice Rein
The Honourable Justice Hammerschlag
The Honourable Justice Cavanough, Supreme Court of Victoria
The Honourable Justice Croft, Supreme Court of Victoria
The Honourable Justice Douglas, Supreme Court of Queensland
The Honourable Justice Le Miere, Supreme Court of Western Australia
The Honourable Justice Blue, Supreme Court of South Australia
The Honourable Justice White, Supreme Court of South Australia
The Honourable Justice Evans, Supreme Court of Tasmania
The Honourable Justice Refshauge, Supreme Court of Australian Capital Territory
Master Luppino, Supreme Court of Northern Territory
The Honourable Justice Strickland, Family Court of Australia
The Honourable Justice Fogarty, High Court of New Zealand
The Honourable Justice Kenny, Federal Court of Australia
The Honourable Justice Lander, Federal Court of Australia
Professor Greg Reinhardt, Australasian Institute of Judicial Administration
Mr John Mathieson, Federal Court of Australia (Support)
Ms Melanie Faithfull, Federal Court of Australia (Minutes)

Information Technology

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

In 2014 the Committee coordinated a number of large IT projects including the upgrade to the new Win 7 operating system and an IT infrastructure upgrade to the Hospital Road Court Complex (completed in January 2015). In addition, after an earlier pilot program, the Committee secured the delivery of software that enables judges to annotate court transcript.

The IT Committee met six times in 2014.

Members during 2014

The Honourable Justice McColl (Chair)
The Honourable Justice McDougall
The Honourable Justice Garling
The Honourable Justice Sackar
The Honourable Justice Beech-Jones
Ms Linda Murphy, CEO and Principal Registrar
Mr Nick Sanderson-Gough, Manager, Court Operations and Communications
Mr John Mahon, Information Technology Services
Ms Kathy Duke, Information Technology Services
Ms Suja John, Information Technology Services
Ms Vanessa Blackmore, Law Courts Library
Ms Eunice Walsham, Reporting Services Branch

Judicial Conference of Australia

Members during 2014

The Honourable Justice McMurdo, Supreme Court of Queensland (Chair)
The Honourable Justice Beech-Jones
The Honourable Justice Steven Rares, Federal Court of Australia
The Honourable Judge Withers, Supreme Court of South Australia (Treasurer)
His Honour Magistrate Richard Bayly, Magistrates Court of Western Australia
The Honourable Justice Beach, Supreme Court of Victoria
The Honourable the Chief Justice Blow OAM, Supreme Court of Tasmania

Her Honour Chief Magistrate Elizabeth Bolton, Magistrates Court of South Australia
His Honour Judge Chivell, District Court of South Australia
His Honour Judge Fenbury, District Court of Western Australia
Her Honour Magistrate Karyn Fryar AM, Magistrates Court of the Australian Capital Territory
His Honour Magistrate Gregory Groggin, Local Court of New South Wales
His Honour Magistrate Donald Jones, Magistrates Court of Tasmania
The Honourable Justice Kelly, Supreme Court of the Northern Territory
His Honour Chief Magistrate Peter Lauritsen, Magistrates Court of Victoria
His Honour Chief Magistrate John Lowndes, Magistrates Court of the Northern Territory
The Honourable Judge McInerney, County Court of Victoria
The Honourable Justice McLure, Supreme Court of Western Australia
The Honourable Justice Murphy, Family Court of Australia
His Honour Judge Neilson, District Court of New South Wales
Her Honour Magistrate Leanne O'Shea, Magistrates Court of Queensland
The Honourable the Chief Judge Pascoe AO CVO, Federal Circuit Court of Australia
The Honourable Justice Penfold PSM, Supreme Court of the Australian Capital Territory
His Honour Judge Shanahan, District Court of Queensland
The Honourable Justice Sheahan AO, Land and Environment Court of New South Wales
The Honourable Justice Walton, Industrial Relations Commission of New South Wales



Judicial Commission of New South Wales

The Judicial Commission of New South Wales provides a continuing education and information program for the judicial officers of New South Wales, and examines complaints about judicial officers' ability or behaviour. Ten Commission members guide the Commission's strategic direction and examine all complaints. In financial year 2013-2014, 10 Commission meetings were held and 61 complaints examined, a successful bail education campaign was run, and a major sentencing study was published.

Members during 2014

The Honourable the Chief Justice Bathurst
(President and Chair)
The Honourable Justice Beazley
The Honourable Justice Walton, Industrial Relations
Commission of New South Wales
The Honourable Justice Preston, Land and
Environment Court of New South Wales
His Honour the Chief Judge Blanch AM, District
Court of New South Wales
His Honour Judge Henson, New South Wales Local
Court
Dr Judith Cashmore AO
Mr David Giddy
Mr Nihal Gupta
Professor Brian McCaughan AM

Judgment Writing Program Committee (National Judicial College of Australia)

The Planning Committee for Judgment Writing has been developed for the Australian judiciary. The program is designed to enhance participants' judgment writing skills through analysis, discussions and rewriting of judgments in small groups, assisted by professional writers and senior judges.

Members during 2014

The Honourable Tom Wodak, County Court of
Victoria (retired) (Chair)
The Honourable Justice Schmidt
Her Honour Magistrate Penny Eldridge, Magistrates
Court of South Australia

The Honourable Justice Hollingworth, Supreme
Court of Victoria
The Honourable Justice Mullins, Supreme Court of
Queensland
The Honourable Justice Murphy, Family Court of
Australia
The Honourable Justice Wilson, Supreme Court of
Queensland
The Honourable Linda Dessau, Family Court of
Australia (retired)
Mr John McGinness, NJCA
Ms Jenny Green, NJCA

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 2014

The Honourable Justice Fullerton (Chair)
The Honourable Justice R A Hulme
His Honour Judge Hock, District Court of New
South Wales
His Honour Judge Charteris, District Court of New
South Wales
Mr Michael Talbot, Assistant Director General,
Courts & 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 Penny 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

JusticeLink

The Committee consists of nominated judicial representatives from the Court and key staff members from the Court's Registry who have expertise in working with the Court's case management system, JusticeLink.

Members during 2014

The Honourable Justice Bergin (Chair)
The Honourable Justice Johnson
The Honourable Justice Hammerschlag
The Honourable Justice R A Hulme
Ms Linda Murphy, CEO and Principal Registrar
Ms Victoria Bradshaw, Associate to the Honourable the Chief Justice Bathurst
Ms Morna Lynch, Associate to the Honourable Justice Hoeben
Ms Ciana Goodwin, Associate to the Honourable Justice Johnson
Ms Carol Lloyd, Associate to the Honourable Justice R A Hulme
Ms Kim Pitt, Associate to the Honourable Justice Bergin
Ms Colleen Sutton, Associate to the Honourable Justice Hammerschlag
Mr Milio Cesta-Incani, Manager, Listing Services
Ms Naomi Ubrihien, Manager, Client Services (Secretary)

Law Admissions Consultative Committee

The Law Admissions Consultative Committee consists of representatives of the law admitting authority in each Australia jurisdiction, the Committee of Australian Law Deans, the Australasian Professional Legal Education Council and the Law Council of Australia. It is generally responsible to the Council of Chief Justices, which appoints the chairman of LACC. LACC's main role is to forge consensus between the bodies represented by its members on matters relating to the academic and practical legal training requirements for admission to the Australian legal profession. The functions of LACC are to develop, consider and make recommendations about policies, procedures and other matters directly or indirectly related to admission to the legal profession.

Justice Emmett is the representative of the Legal Profession Admission Board on LACC and attended meetings of LACC following his appointment in May 2014 as the presiding member of the LPAB. In that time, LACC has been instrumental in the preparation of Uniform Admission Rules following the establishment of the Legal Services Council. At its October meeting, LACC resolved to embark on a limited review of the academic requirements for admission to practice.

Members during 2014

Professor Sandford D Clark (Chair)
The Honourable Justice Slattery

Law Courts Library Advisory Committee

The Committee was established in 2003 pursuant to a Memorandum of Understanding between the Federal Court and the New South Wales Attorney General's Department relating to the Law Courts Library situated in the Law Courts Building at Queen's Square Sydney.

The Committee gives advice in relation to the management of the library and its collections and is constituted by three representatives from each of the Supreme Court and Federal Court. The members in 2014 were:

Members during 2014

The Honourable Justice Jagot, Federal Court of Australia
The Honourable Justice Flick, Federal Court of Australia
The Honourable Justice Perram, Federal Court of Australia
The Honourable Justice Basten
The Honourable Justice Macfarlan
The Honourable Justice Emmett

Law Extension Committee (Sydney University)

Members during 2014

Her Honour Magistrate Daphne A Kok (Senate nominee) (Chair)
The Honourable Justice Brereton (Chief Justice's nominee)
Professor Joellen Riley, Dean, Law School
Mr Ross Anderson, (Law School nominee)
Professor Greg Tolhurst (Law School nominee)
Professor Cameron Stewart (Law School nominee)
Professor Ann Brewer (Senate nominee)
Professor Roslyn Arnold (Senate nominee)
Professor Tyrone Carlin (Senate nominee)
Mr Tony O'Brien (Bar Association of NSW nominee)
Ms Janet Oakley (Bar Association of NSW nominee)
Mr John Dobson (Law Society of NSW nominee)
Ms Heidi Fairhall (Law Society of NSW nominee)
Ms Belinda Hutchinson AM, Chancellor
Dr Michael Spence, Vice Chancellor
Mr Alan Cameron AO, Deputy Chancellor

Law Reform Commission

Members during 2014

The Honourable James Wood AO QC (retired) (Chair)
The Honourable Justice Johnson
Her Honour Deputy Chief Magistrate Jane Motley
Mr Tim Game SC
The Honourable Harold Sperling QC (retired)
Professor David Weisbrot AM
The Honourable Anthony Whealy QC (retired)
Mr Paul McKnight, Executive Director

Legal Profession Admission Board

Since 31 May 2014, Justice Emmett has been the nominee of the Chief Justice as presiding member on the Legal Profession Admission Board. The Board has responsibility for three broad functions, being the oversight of the approval and admission of lawyers in New South Wales, the accreditation of law schools in New South Wales and the examination of students-at-law for the Diploma of Law course taught in conjunction with the Law Extension Committee of the University of Sydney. The Board meets approximately seven times a year shortly before days on which admission ceremonies are conducted. Justices Davies and Lindsay are also members of the Board. The other members of the Board are nominees of the New South Wales Bar Association, the Law Society of New South Wales, New South Wales Law Deans and the Attorney General.

Members during 2014

The Honourable the Chief Justice Bathurst
The Honourable Justice Slattery (retired 30 May 2014)
The Honourable Justice Emmett (from 31 May 2014)
The Honourable Justice Davies
The Honourable Justice Lindsay

Bar Association of New South Wales

Mr Garry McGrath SC
Ms Margaret Allars SC

Law Society of New South Wales

Mr Charles Cawley
Mr John Dobson

Organisations

Professor Lesley Hitchens (Dean of Law, University of Technology, Sydney)
Professor Michael Adams (Dean of Law, University of Western Sydney)
Mr Marcel Savary
Ms Robin Szabo (Secretary)

Legal Qualifications (LPAB)

This Committee is superintended by the Legal Profession Admission Board, the work of which is reported at Section 6 of the *Annual Review*.

Members during 2014

The Honourable Justice Adamson (Chair)
The Honourable Justice Beech-Jones
The Honourable Justice Robb
Mr John Fernon SC
Ms Susan Leis
Ms Elizabeth Picker
Ms Mary Macken
Mr Charles Cawley
Mr Stuart Westgarth
Ms Jenny Eggleton
Ms Carolyn Penfold
Professor Peter Radan
Dr Gordon Elkington
Mr Peter Underwood
Mr Gregory Ross
Ms Robin Szabo (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 meets to discuss the *Court Information Act*, media access to court documents and electronic exhibits, and the growing influence and impact of social media on the courts.

Members during 2014

The Honourable Justice McColl (Chair)
The Honourable Justice Hoeben
The Honourable Justice McCallum
The Honourable Justice Ball
The Honourable Justice Bellew
His Honour the Chief Judge Blanch, District Court of New South Wales
Mr Lloyd Babb SC, New South Wales Director of Public Prosecutions
Mr Mark Ierace SC, Senior Public Defender
Ms Isabelle Hayes, Australian Associated Press

Ms Jamelle Wells, Australian Broadcasting Corporation
Ms Amy Dale, Daily Telegraph
Mr Richard Coleman, Fairfax Legal
Ms Ellie Southwood, Network Ten
Mr Paul Bibby, Sydney Morning Herald
Mr Gil Taylor, Radio 2GB
Ms Hannah Low, Australian Financial Review
Ms Anna Cooper, Office of the Director of Public Prosecutions Media Liaison and Communications Officer
Ms Sonya Zadel, Public Information Officer, Supreme Court of New South Wales
Ms Jo Oakes, Public Information Officer, Supreme Court of New South Wales

National Admissions Committee

Members during 2014

The Honourable Justice Kyrou, Supreme Court of Victoria

National Judicial Orientation Programme

The National Judicial Orientation Program committee assists newly appointed judges with their transition to judicial office. The program offers insights into the role and responsibilities of a member of the judiciary, provides the opportunity for new appointees to benefit from the knowledge and experience of senior judges who attend the program as speakers, and allows for an exchange of ideas and experiences among participants.

Members during 2014

The Honourable Justice Schmidt (Chair)
The Honourable Justice Benjamin, Family Court of Australia
The Honourable Justice Kyrou, Supreme Court of Victoria
The Honourable Justice Mullins, Supreme Court of Queensland
His Honour Judge Norrish, District Court of New South Wales
The Honourable Justice Steven Rares, Federal Court of Australia



Her Honour Judge Wager, District Court of Western Australia

Mr John McGinness, Director, National Judicial College of Australia

Ms Jenny Green, Academic Director, National Judicial College of Australia

Professor Greg Reinhardt, Australasian Institute of Judicial Administration

Mr Ernest Schmatt PSM, Judicial Commission of New South Wales

Ms Ruth Windeler, Judicial Commission of New South Wales

Ngara Yura (Judicial Commission Aboriginal Liaison Committee)

Members during 2014

The Honourable Justice Rothman (Chair)

The Honourable the Chief Justice Allsop AO, Federal Court of Australia

The Honourable Justice Rachel Pepper, Land and Environment Court of New South Wales

His Honour Judge Andrew Haesler, District Court of New South Wales

Her Honour Deputy Chief Magistrate Jane Mottley, Local Court of New South Wales

His Honour Magistrate Doug Dick, Local Court of New South Wales

Her Honour Magistrate Sue Duncombe, New South Wales Children's Court

Mr Terry Chenery, CEO, Hunter Aboriginal Children's Services

Professor Megan Davis, Director, Indigenous Law Centre, Faculty of Law, University of New South Wales

Mr Ernie Schmatt PSM, Chief Executive, Judicial Commission of New South Wales

Ms Ruth Windeler, Education Director, Judicial Commission of New South Wales (Convenor)

Ms Ruth Sheard, Manager, Conferences and Communication, Judicial Commission of New South Wales

Ms Joanne Selfe, Ngara Yura Program Project Officer

Planning Committee for Dialogues on being a Judge (NJCA)

The Planning Committee for Dialogues on being a Judge develops programs for mid-career judges and magistrates to provide an opportunity for them to examine their approach to their work through the exploration of a number of contemporary themes.

Members during 2014

The Honourable Justice Dowsett, Federal Court of Australia

The Honourable Justice Schmidt

His Honour Judge Barrett, District Court of South Australia

Mr John McGinness, Director, National Judicial College of Australia

Ms Anne O'Connell, Deputy Director, National Judicial College of Australia

The Honourable Ms Linda Dessau (retired)

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 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 New South Wales, 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 any problems might be overcome and to improve court processes to assist parties in this class of proceedings.

Members during 2014

The Honourable Justice Davies (Chair)
Mr Christopher Bradford, Registrar, Common Law Division
Mr Steven Jupp, Manager Court Services & Prothonotary
Ms Rebel Kenna, A/Registrar, Corporations List
Mr Milio Cesta-Incani, Manager, Listing Services

Bar Association of New South Wales

Mr Brendan Burke (Edmund Barton Chambers)

Law Society of New South Wales

Mr Tim Sherrard, Gadens
Ms Helen van Ravels, Gadens
Mr Michael Collins, Gadens
Mr Campbell Hudson, Gadens
Mr Sam Schroeder, Gadens
Ms Nora Minassian, Gadens
Ms Samantha Tang, Gadens
Ms Chamila Fernando, Gadens
Mr Rod Cameron, Hicksons
Mr Scott Stierli, Hicksons
Mr Sean Cameron, Hicksons
Ms Danielle Kuti, Dibbs Abbott Stillman
Ms Emma Hodgman, Dibbs Abbott Stillman
Ms Alexandra Streltsova, Dibbs Abbott Stillman
Ms Susan Lever, Herbert Smith Freehills
Mr Mark Hilton, Henry Davis York
Ms Fiona Parker, Henry Davis York
Ms Azita Doudman, Henry Davis York
Ms Michelle Glennon, Henry Davis York

Ms Alison McManus, Norton Rose Fulbright
Ms Caitlin Watson, Atkinson Vinden
Mr Michael Connor, DibbsBarker
Mr Matthew Pike, Kemp Strang
Ms Kristina Fraser, Kemp Strang
Ms Addy Pong, Kemp Strang
Ms Samantha Parsons, Kemp Strang

Organisations

Ms Susan Winfield, Consumer Credit Legal Centre
Ms Alice Lin, Consumer Credit Legal Centre
Mr John Moratelli, Legal Aid New South Wales
Mr Dave McMillan, Legal Aid New South Wales
Ms Kate White, NAB – Legal
Ms Hayley Barker, NAB – Legal
Ms Heidi Crawford, NAB – Legal

Probate Users Group

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

Members during 2014

The Honourable Justice Lindsay
The Honourable Justice Hallen
Ms Linda Murphy, CEO and Principal Registrar
Mr Steven Jupp, Manager, Court Services & Prothonotary
Mr Paul Studdert, Senior Deputy Registrar (Secretary)
Mr Jonathan Simpkins SC
Mr John Armfield
Professor R Croucher, Macquarie University (representing New South Wales Law Schools)
Ms P Vines, University of New South Wales
Mr R Neal, Law Society of New South Wales
Ms P Suttor, Law Society of New South Wales
Ms R Pollard, New South Wales Trustee and Guardian
Mr P Whitehead (representing trustee companies)
Mr M Willmott, New South Wales Bar Association



Professional Negligence List Users Group

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

Members during 2014

The Honourable Justice Harrison (Chair and Convenor)

Bar Association of New South Wales

Mr David Higgs SC
Mr Richard Weinstein SC
Mr Duncan Graham SC
Mr Michael Fordham SC
Ms Julia Lonergan SC
Ms Jacqui Sandford
Ms Kathryn Sant
Mr Jason Downing
Ms Anne Horvath
Mr Patrick Rooney

Law Society of New South Wales

Ms Louise Cantrell, Henry Davis York
Ms Kerrie Chambers, Ebsworths
Ms Rebecca Kearney, Avant
Ms Karen Kumar, Hicksons
Mr Bill Madden, Slater & Gordon
Ms Julie Mahony, Stacks Goudkamp
Ms Francesca Minniti, Curwoods
Mr Don Munro, Tress Cocks
Ms Anna Walsh, Maurice Blackburn

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. In these circumstances, fewer meetings of the Rule Committee have been required.

Members during 2014

The Honourable the Chief Justice Bathurst (Chair)
The Honourable Justice Beazley
The Honourable Justice Meagher
The Honourable Justice Hoeben
The Honourable Justice Adamson
The Honourable Justice Lindsay
The Honourable Justice Darke
Ms Sylvia Vernandez, Law Society of New South Wales
Mr Steven Jupp (Secretary)
Mr Nicholas Flaskas (Advising Officer)
Ms Carol Webster (NSW Bar Association representative)
Mr David Hing (Law Society of New South Wales deputy/alternate)



Standing Advisory Committee of the Judicial Commission on Judicial Education

The Standing Advisory Committee on Judicial Education advises the Judicial Commission of New South Wales about continuing judicial education. Its activities include identifying specific needs and recommending particular educational activities; recommending papers for publication in *The Judicial Review*, and coordinating the activities of the respective court's Education Committees, where appropriate.

Membership consists of the chairpersons (or their representatives) of the Education Committees of each of the five courts. The Committee is chaired by the representative from the Supreme Court, currently Justice John Basten.

Members during 2014

The Honourable Justice Basten (Chair)

His Honour Judge Lakatos SC, District Court of New South Wales

The Honourable Justice Walton, Industrial Relations Commission of New South Wales

The Honourable Justice Biscoe, Land and Environment Court of New South Wales

Her Honour Deputy Chief Magistrate Culver, Local Court of New South Wales

Ms Ruth Windeler, Judicial Commission of New South Wales

Uniform Rules Committee

The *Civil Procedure Act 2005 (NSW)* and the *Uniform Civil Procedure Rules 2005 (NSW)* commenced in 2005, consolidating provisions in relation to civil procedure under a single Act. It provides a common set of rules for civil proceedings in the Supreme, District and Local Courts of New South Wales, and, to a limited extent, in the Land and Environment Court of New South Wales and the Industrial Relations Commission of New South Wales. The Uniform Rules Committee was established under Section 8 and Schedule 2 of the Act. The Chief Justice chairs the Committee, with representatives from the Supreme Court and other courts, as well as from the New South Wales Bar Association and the Law Society of New South Wales. The Committee met six times during 2014. As well as considering amendments to the Rules (under section 9 of the Act), the Committee approves forms for use in civil proceedings (under section 17 of the Act).

Members during 2014

The Honourable the Chief Justice (Chair)

The Honourable Justice Beazley

The Honourable Justice Adamson

The Honourable Justice Lindsay

The Honourable Justice Walton, President, IRC

The Honourable Justice Preston, Chief Judge, LEC

Her Honour Judge Truss, District Court of New South Wales

His Honour Judge Peter Johnstone, President, New South Wales Children's Court

Her Honour Magistrate Jennifer Atkinson, Local Court

His Honour Magistrate Michael O'Brien, Local Court

Ms Carol Webster (New South Wales Bar Association)

Ms Julia Virgo (Law Society of New South Wales)

Mr Steven Jupp, Prothonotary (Secretary)



APPENDIX (III): OTHER JUDICIAL ACTIVITY

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

Conferences:

| | |
|-------------------|--|
| 15-16 Jun 2014 | National Judicial Orientation Program, National Judicial College of Australia (Broadbeach) |
| 26 Jul 2014 | Corporations Workshop, Law Council of Australia Conference (Surfers Paradise) |
| 29 Jul 2014 | Supreme Court Corporate Law Conference, Banco Court (Sydney) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
| 5 Oct 2014 | 27th LAWASIA Conference (Bangkok, Thailand) |

Speaking engagements:

| | |
|----------------|--|
| 3 Feb 2014 | Opening of Law Term Address, <i>"Community Confidence in the Justice System: The Role of Public Opinion"</i> (Sydney) |
| 13 Feb 2014 | Book Launch Address, <i>Winterton's Australian Federal Constitutional Law</i> by P Gerangelos (ed) (Sydney) |
| 14 Feb 2014 | Address, Ceremony for the Admission of Lawyers, Banco Court (Sydney) |
| 21 Feb 2014 | Opening Address, LAWASIA Conference, Law Society of New South Wales (Sydney) |
| 3 Mar 2014 | Keynote Address, <i>"The Trials and Tribulations of Being a Lawyer"</i> , Newcastle Law School, University of Newcastle (Newcastle) |
| 29 Mar 2014 | Address, <i>"Duties of Bar and Bench: Some Reflections on Case Management and Judicial Bias"</i> , New South Wales Bar Association Continuing Professional Development Conference (Sydney) |
| 4 Apr 2014 | Book launch address, <i>Justice in Arms: Military Lawyers in the Australian Army's First Hundred Years</i> , B Oswald and J Waddell (eds) (Sydney) |
| 7 Apr 2014 | Book launch address, <i>Key Issues in Judicial Review</i> , N Williams (ed) (Sydney) |
| 28 Apr 2014 | Address, Castle Hill School Leadership Programme Dinner (Sydney) |
| 29 Apr 2014 | Address, Swearing-In Ceremony of the Honourable Justice P Hamill as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney) |
| 10 May 2014 | Address to Welcome Home Luncheon for Troops Returning from Deployment, Fairfield RSL (Sydney)* |
| 22 May 2014 | Address at DVD launch, <i>The Bail Act 2013: Selected Scenarios</i> , Judicial Commission of New South Wales (Sydney) |
| 26 May 2014 | Adjudicator, Grand Final of the Sydney University Law Society Allens Linklaters Torts Moot, Sydney University (Sydney) |
| 15-16 Jun 2014 | Chair and speaker, <i>"Judicial Conduct In and Out of Court"</i> , NJOP Conference (Broadbeach) |
| 18 Jun 2014 | Address, <i>"A Different Judicial Perspective on Discovery"</i> , 8th Information Governance and E-Discovery Summit (Sydney) |
| 14 Jul 2014 | Remarks, Commemoration of the First Airmail Flight, Powerhouse Museum (Sydney)* |
| 16 Jul 2014 | Remarks, Ramadan Iftar Dinner, Law Society of New South Wales (Sydney) |

| | |
|-------------|--|
| 26 Jul 2014 | Address, 2014 Corporations Workshop Dinner, Law Council of Australia Business Law Section (Surfers Paradise) |
| 29 Jul 2014 | Opening remarks, <i>"Shareholder Protection"</i> , Supreme Court Annual Corporate Law Conference, Supreme Court of New South Wales (Sydney) |
| 14 Aug 2014 | Address, Swearing-In Ceremony of the Honourable Justice D Price AM, as the Chief Judge of the District Court of New South Wales, Banco Court (Sydney) |
| 21 Aug 2014 | Panel discussion, <i>"Privilege, Confidentiality and Privacy in the ADR Forum"</i> , Law Society of New South Wales (Sydney) |
| 3 Sep 2014 | Address, <i>"History of Insolvency Law"</i> , Introduction to Australian Legal History Tutorials, The Francis Forbes Society for Australian Legal History (Sydney) |
| 23 Sep 2014 | Remarks, Farewell Reception to the Governor, Her Excellency Professor The Honourable Dame Marie Bashir AD CVO, Supreme Court of New South Wales (Sydney) |
| 23 Sep 2014 | Opening address, Australasian Court Administrators' Conference, Australasian Institute of Judicial Administration (Sydney) |
| 5 Oct 2014 | Address, Environmental/Judicial Session, 27th LAWASIA Conference (Bangkok, Thailand) |
| 28 Oct 2014 | Address, Silks Bows Ceremony, Banco Court (Sydney) |
| 28 Oct 2014 | Remarks, Herbert Smith Freehills Dinner (Sydney) |
| 30 Oct 2014 | Opening address, Community Awareness of the Judiciary Program, Judicial Commission of New South Wales (Sydney) |
| 3 Nov 2014 | Address, Swearing-In Ceremony of the Honourable Justice H Wilson as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney) |
| 3 Nov 2014 | Address, Ceremony to Mark the Appointment of the Honourable Justice M Slattery as Judge Advocate General (Sydney) |
| 8 Nov 2014 | Address, <i>"Accessing Justice and Dispensing it Justly: Some Assorted Thoughts"</i> , Salvos Legal Lecture Series – Hail to the Chiefs! (Sydney) |
| 13 Nov 2014 | Address, <i>"Judicial Support for Arbitration, a Reprise"</i> , International Arbitration Conference (Sydney) |
| 14 Nov 2014 | Address, <i>"Duties to the Court, Duties of the Court"</i> , Law Society Planning Conference 2014 (Bowral) |
| 19 Nov 2014 | Welcome address, Justice Research Group 'Snapshots' Event (Sydney) |
| 29 Nov 2014 | Speaker, <i>"Progress"</i> , Sydney Model United Nations Conference Speaker Sessions, Sydney University (Sydney) |

*as Lieutenant-Governor of New South Wales



Publications:

"The Historical Development of Insolvency Law" 39 *Australian Bar Review* 113, LexisNexis, 2014 (Sydney)

Book review, *Justice in Arms: Military Lawyers in the Australian Army's First Hundred Years*, B Oswald and J Waddell 39 *Australian Bar Review* 109, LexisNexis, 2014 (Sydney)

"Insurance Law – A View From the Bench" 25 *Insurance Law Journal* 94, LexisNexis, 2014 (Sydney)

Appointments to legal, cultural or benevolent organisations:

Companion of the Order of Australia, Queen's Birthday Honours, 9 June 2014

Delegations and international assistance:

| | |
|-------------|--|
| 13 Mar 2014 | Visit by the Hon Judge Jeff W Davis, Presiding Judge, Seventh Circuit Court of South Dakota, United States of America (Sydney) |
| 17 Mar 2014 | Visit by Vietnamese National Assembly delegation (Sydney) |
| 25 Mar 2014 | Visit by Professor Marta Pertegas, First Secretary, Hague Conference on Private International Law, The Netherlands (Sydney) |
| 12 May 2014 | Visit by judicial delegation led by Mr Zhang Qifu, Deputy President, Shaanxi Provincial Higher People's Court, The People's Republic of China (Sydney) |
| 21 May 2014 | Visit by judicial delegation led by the Hon Mr Justice Godfrey Lam, President of the Competition Tribunal and Judge of the Court of First Instance of the High Court, Hong Kong (Sydney) |
| 26 May 2014 | Visit by the Performance and Management Steering Committee of the Judiciary of Kenya led by the Hon Justice Daniel Musinga (Sydney) |
| 4 Aug 2014 | Visit by The Right Honourable The Lord Neuberger of Abbotsbury, President of the Supreme Court of the United Kingdom (Sydney) |
| 5 Sep 2014 | Visit by delegation led by Mr Zhou Lijun, Deputy Procurator-General of People's Procuratorate of Shandong Province, The People's Republic of China (Sydney) |
| 9 Oct 2014 | Visit by judicial delegation led by Justice Chiba Katsumi, Supreme Court of Japan (Sydney) |
| 22 Oct 2014 | Visit by Chief Justice Sundaresh Menon, Chief Justice of Singapore (Sydney) |
| 29 Oct 2014 | Visit by delegation led by Mr Shao Jiandong, Deputy Chief Prosecutor, Jiangsu Provincial People's Procuratorate, The People's Republic of China (Sydney) |
| 30 Oct 2014 | Visit by delegation led by Mr Hao Yinglin, Director of Political Department, Liaoning Province People's Procuratorate, The People's Republic of China (Sydney) |
| 21 Nov 2014 | Visit by delegation led by Mr Li Qin, Director-General, Hebei Province People's Procuratorate, The People's Republic of China (Sydney) |
| 27 Nov 2014 | Visit by delegation led by Mr Yu Dajun, Division Chief, Prosecution Office for Civil Administration, Jiangsu Provincial People's Procuratorate, The People's Republic of China (Sydney) |
| 28 Nov 2014 | Visit by judicial delegation led by Mr Wang Limin, Vice President and Senior Judge, Anhui Senior People's Court, The People's Republic of China (Sydney) |

THE HONOURABLE JUSTICE BEAZLEY AO, PRESIDENT, COURT OF APPEAL

Conferences:

| | |
|--------------|--|
| 14 Feb 2014 | 2014 Constitutional Law Conference (Sydney) |
| 1-3 Aug 2014 | Supreme Court Judges Conference (Wollongong) |
| 29 Jul 2014 | Corporate Law Conference (Sydney) |
| 12 Sep 2014 | Australasian Institute of Judicial Administration (AIJA) Appellate Judges' Conference (Sydney) |

Speaking engagements:

| | |
|-------------|--|
| 7 Mar 2014 | Paper, <i>"To be a trust or not to be: The ramifications of judicial advice under the Trustee Act 1925 (NSW), s 63"</i> , Adelaide Trusts Symposium 2014 (Adelaide) |
| 11 Mar 2014 | Presentation speech, 2014 Coral McLean Awards (Sydney) |
| 12 Mar 2014 | Paper, <i>"How to balance ethical duties to the Court and client expectations"</i> , A B Lawyers Seminar (Sydney) |
| 4 Apr 2014 | Lunchtime speaker, Executive Women's Boardroom Lunch, Law Society of New South Wales (Sydney) |
| 4 Apr 2014 | Paper, <i>"Offers of compromise: costs, Calderbank and confusion"</i> , Carroll & O'Dea Litigation Conference (Sydney) |
| 16 Apr 2014 | Speaker, <i>"Calderbank offers in Trusts and Estate Cases"</i> , Society of Trust and Estate Practitioners Seminar (Sydney) |
| 17 Apr 2014 | Panel Member, Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals Conference, The Australasian Institute of Judicial Administration (Sydney) |
| 22 Apr 2014 | Paper, <i>"Recurring Issues in the New South Wales Court of Appeal"</i> , District Court Annual Conference (Hunter Valley) |
| 20 May 2014 | Panel Member, Supreme Court of New South Wales Community Engagement Seminar (Sydney) |
| 22 May 2014 | Speech, Bar Practice Course (Sydney) |
| 30 May 2014 | Paper, <i>"Standing in Australian Environmental Law"</i> , Environmental Defenders Office NT Environmental Law Conference (Darwin) |
| 6 Jun 2014 | Paper, <i>"Dos and Don'ts in the Court of Appeal"</i> , Commercial Law Association of Australia Lunchtime Series Seminar (Sydney) |
| 16 Jun 2014 | Panel Member, e.law International/Nuix Roundtable: Why information governance is key for eDiscovery (Sydney) |
| 10 Jul 2014 | Breakfast speaker, <i>"The influence of decisions of superior English courts on the development of Australian common law principles"</i> , Anglo-Australian Lawyers Society (Sydney) |
| 27 Aug 2014 | Paper, <i>"The intersection of Australian law and the Islamic faith: a selection of cases"</i> , Affinity Intercultural Foundation Seminar (Sydney) |
| 30 Aug 2014 | Speaker, Lawyers Learning for Charity, Eastern Suburbs Regional Law Society (Sydney) |

| | |
|---------------|---|
| 4-5 Sep 2014 | Paper, " <i>Discretion and the rule of law in the criminal justice system</i> ", World Bar Conference (Queenstown, New Zealand) |
| | Paper, " <i>Rule of law and national security concerns: whither human rights?</i> ", World Bar Conference (Queenstown, New Zealand) |
| 10 Oct 2014 | Paper, " <i>Uniformity and similarity? Tendency evidence under the Uniform Evidence Law</i> ", Crown Prosecutors Continuing Professional Development Seminar (Sydney) |
| 22 Oct 2014 | Paper, " <i>Ethics and professional responsibility: rule compliance or something more?</i> ", University of New South Wales Continuing Legal Education seminar: Ethical challenges in legal practice (Sydney) |
| 23 Oct 2014 | Keynote Speaker, The Law Society of New South Wales Annual Members Dinner (Sydney) |
| 8-14 Nov 2014 | Submissions on behalf of the Australian Delegation, " <i>Environmental Pollution: is criminal law a good instrument? A further evaluation</i> ", 57th Annual Meeting of the International Association of Judges (Brazil, South America) |

Appointments to legal, cultural or benevolent organisations:

| |
|---|
| Chair, NSW Chapter, Australian Institute Administrative Law (Sydney) |
| Member of the Board of Governors, Queenwood School for Girls (Sydney) |
| Member of the Advisory Board, Centre for Children and Young People, Southern Cross University (Lismore) |
| Member of the Advisory Board, Centenary Institute (Sydney) |
| Patron, Toongabbie Legal Centre (Toongabbie) |
| President, Arts Law Centre of Australia (Sydney) |

Delegations and international assistance:

| | |
|-------------|---|
| 19 Jun 2014 | Hosted Ms Hina Jilani, international human rights lawyer, pro-democracy campaigner and activist in Pakistan's Women's Movement (Sydney) |
| 11 Sep 2014 | Hosted Mr Chai Xueyou and delegation from the People's Procuratorate of Anhui Province, The People's Republic of China (Sydney) |

THE HONOURABLE JUSTICE MCCOLL AO

Conferences:

| | |
|--------------|--|
| 1-3 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
| 12 Sep 2014 | AIJA Appellate Judges' Conference (Sydney) |

Speaking engagements:

| | |
|-------------|---|
| 27 Feb 2014 | Address, <i>Celebrating Women in the Judiciary 2014</i> , NSW Women Lawyers' Association (Sydney) |
| 8 Mar 2014 | Address, <i>Privacy Business and the Digital Era</i> , CPD Seminar Series, NSW Law Society (Sydney) |
| 17 Oct 2014 | Address, Women In Law Awards (Melbourne) |

Delegations and international assistance:

12 May 2014 Visit by Chinese delegation (Sydney)

19 Jun 2014 Hosted Ms Hina Jilani, international human rights lawyer, pro-democracy campaigner and activist in Pakistan's Women's Movement (Sydney)

THE HONOURABLE JUSTICE MACFARLAN, JUDGE OF APPEAL**Conferences:**

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Appointments to legal, cultural or benevolent organisations:

Member, Joint Law Courts Library Committee (Sydney)

THE HONOURABLE JUSTICE MEAGHER**Conferences:**

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

12 Sep 2014 Supreme Court Appellate Judges' Conference (Sydney)

Appointments to legal, cultural or benevolent organisations:

Governor, University of Notre Dame (Australia)

Board Member, Kincoppal-Rose Bay School of the Sacred Heart (Sydney)

Director, Sydney Symphony Orchestra (Sydney)

THE HONOURABLE JUSTICE BARRETT**Conferences:**

29 Jul 2014 Supreme Court Corporations Conference (Sydney)

Speaking Engagements:

23 Jul 2014 Book launch, "*N D'Angelo: Commercial Trusts*" (Sydney)

25-27 Jul 2014 Speaker, Managed Investment Schemes, 2014 Corporations Workshop, Law Council of Australia (Surfers Paradise)

Publications:

General Editor, "*Robson's Annotated Corporation Legislation*", Thomson Reuters (Australia)

Foreword, N D'Angelo, "*Commercial Trusts*", LexisNexis, 2014 (Australia)

Appointments to legal, cultural or benevolent organisations:

Fellow, Australian Academy of Law (Canberra)

Member, International Insolvency Institute (USA)



THE HONOURABLE JUSTICE WARD

Conferences:

| | |
|-------------------|--|
| 5-9 Jul 2014 | Supreme and Federal Court Judges' Conference (Darwin) |
| 29 Jul 2014 | Supreme Court Annual Corporate Law Conference (Sydney) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Conference (Wollongong) |
| 7-8 Sep 2014 | Appellate Advocacy Workshop (New Zealand) |
| 11-12 Sep 2014 | AIJA Appellate Judges' Conference (Sydney) |
| 13 Sep 2014 | ABA Appellate Advocacy Course (Sydney) |

Speaking engagements:

| | |
|--------------|---|
| 7 Mar 2014 | Speaker, " <i>Hypothetical "Gunns v Rozez"</i> ", Lawcover Claims Prevention Seminar (Sydney) |
| 21 Mar 2014 | Speaker, Successful Advocacy Seminar, Legalwise (Sydney) |
| 22 Mar 2014 | Panel Member, " <i>Panel discussion on expert evidence in litigation: counsel's and solicitor's involvement in the preparation of reports – a view from the bench, the bar and an expert</i> ", Law Society of NSW (Sydney) |
| 29 May 2014 | Speaker, " <i>Legal capacity then and now: The potential repercussions of neuroscientific studies</i> ", Society of Trust and Estate Practitioners Conference (Sydney) |
| 31 May 2014 | Speaker, " <i>Views from the Bench – a Q&A session</i> ", NSW Young Lawyers Mid-Year Assembly (Blue Mountains) |
| 29 Aug 2014 | Session Chair, " <i>Nuncio D'Angelo: Commercial Trusts and Insolvency</i> ", UNSW Australia Journal of Equity Conference (Sydney) |
| 3 Sep 2014 | Speaker, " <i>What's in a Name</i> ", NSW Young Lawyers State of the Profession (Sydney) |
| 5-7 Sep 2014 | Speaker, " <i>War is not the answer: the ever present threat to the rule of law</i> ", World Bar Conference and Advocacy Training Program (New Zealand) |
| 17 Sep 2014 | Speaker, " <i>Women in the Legal Profession</i> ", UOW Women in Law Luncheon (Wollongong) |
| 3-6 Oct 2014 | Speaker, " <i>Criminal Session: Discriminatory Law</i> ", 27th LawAsia Conference (Thailand) |
| 8 Oct 2014 | Speaker, " <i>Judgment writing</i> ", NCAT-Consumer & Commercial Division – Member Conference (Sydney) |
| 17 Oct 2014 | Keynote address, Law Students Association Law Breakfast, University of Newcastle (Newcastle) |

Appointments to legal, cultural or benevolent organisations:

| |
|---|
| Chair, Supreme Court ADR Steering Committee (Sydney) |
| Member and Fellow, The Australian Academy of Law (Canberra) |
| Patron, NSW Young Lawyers 2014 (Sydney) |

THE HONOURABLE JUSTICE EMMETT, JUDGE OF APPEAL

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

10-12 Oct 2014 Judicial Conference of Australia Colloquium (Noosa)

Speaking engagements:

20 Jan 2014 Speaker, "*Bailment in Roman law and the Common Law*", Roman Law Discussion Group, All Souls College, Oxford University (Oxford, UK)

27-28 Jan 2014 Speaker, "*Mis-Selling of Financial Instruments – Recent Australian Cases Concerning Ratings Agencies*", Annual Conference of Panel of Recognised International Market Experts in Finance (PRIME Finance), Peace Palace, (The Hague, The Netherlands)

30 Jan 2014 Speaker, "*Cross-Border Aspects of Capital Markets Litigation*", Anglo Australian Law Society (London, UK)

26 Feb 2014 Speaker, "*Practical Litigation in New South Wales Affidavits*", The Judges Series, College of Law, Supreme Court (Sydney)

27-28 Feb 2014 Speaker, "*Implications of Breach of Trust by Superannuation Trustees*", Beyond the Fringe, Superannuation Lawyers Conference, Superannuation Committee of the Law Council of Australia (Adelaide)

24 May 2014 Speaker, "*The Roman Navy*", Sydney Legal Panel Conference, HMAS Creswell, Royal Australian Naval Reserve (Jervis Bay)

Jul 2014 Speaker, "*Roman Traces in Australian Law*", Francis Forbes Society for Australian Legal History (Sydney)

29 Aug 2014 Opening Address, "*Trusts and Trustees*", Journal of Equity and Commercial Law Association Conference (Sydney)

12 Sep 2014 Speaker, "*Is Bailment Sui Generis? A Comparison Between Roman Law and the Common Law*", Australian Institute of Judicial Administration Appellate Judges' Conference (Sydney)

Publications:

"*Roman Law and Equity, Some Parallels*" (2014) 38 *Australian Bar Review* 95, LexisNexis, April 2014 (Australia)

"*Latin Words & Phrases*", *Concise Legal Dictionary*, 5th ed, LexisNexis, December 2014 (Australia)

Appointments to legal, cultural or benevolent organisations:

Lecturer, Roman Law, Sydney University, March-May 2014 (Sydney)



THE HONOURABLE JUSTICE GLEESON

Conferences:

| | |
|-------------------|---|
| 24 Mar 2014 | Regional Judicial Round Table on Insolvency (Hong Kong) |
| 29 Jul 2014 | Supreme Court Annual Corporate Law Conference (Sydney) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
| 12 Sep 2014 | 7th AIJA Appellate Judges' Conference (Sydney) |

Speaking Engagements:

| | |
|-------------|--|
| 25 Mar 2014 | Address, <i>My Courtroom Rules: Views from the Bench</i> , INSOL International Annual Regional Conference, (Hong Kong) |
|-------------|--|

THE HONOURABLE JUSTICE LEEMING

Conferences:

| | |
|-------------------|---|
| 7-8 Jan 2014 | "Equity and Administration", Cambridge Private Law Centre (Cambridge, UK) |
| 30 May 2014 | The Future of Law Reporting in Australia Forum 2014, Consultative Council of Australian Law Reporting, 34th Annual Meeting (Canberra) |
| 16-18 Jun 2014 | National Judicial College of Australian National Judicial Orientation Program (Broadbeach) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
| 15-17 Sep 2014 | "Process and Substance in Public Law", Centre for Public Law, University of Cambridge (Cambridge, UK) |
| 24 Oct 2014 | "Public Law in the Age of Statutes", ANU Public Law Weekend (Canberra) |

Speaking engagements:

| | |
|-------------|--|
| 29 Jan 2014 | Speaker, <i>"Introducing NCAT"</i> , Official Launch of NCAT (Sydney) |
| 7 Feb 2014 | Speaker, Australian Health Practitioner Regulation Agency Conference for external stakeholders (Melbourne) |
| 25 Mar 2014 | Speaker, <i>"Overview of NCAT"</i> , Council of Australian Tribunals AGM (Sydney) |
| 29 Mar 2014 | Speaker, <i>"Introducing NCAT"</i> , CPD Conference (Sydney) |
| 9 May 2014 | Speaker, <i>"Introducing NCAT"</i> , NSW Bar Association (Sydney) |
| 10 Sep 2014 | Keynote speaker, <i>"The Implementation of NCAT"</i> , Government Solicitors' Conference (Sydney) |
| 12 Nov 2014 | Keynote speaker, City of Sydney Law Society Annual Dinner (Sydney) |
| 17 Nov 2014 | Speaker, <i>"Overview of NCAT"</i> , International Commission of Jurists (Sydney) |

Publications:

"The Riddle of Jurisdictional Error" 38 *Australian Bar Review* 139, LexisNexis, 2014 (Australia)

"Translating overseas trusts into the Australian legal system" 88 *Australian Law Journal* 169, Thomson Reuters, 2014 (Australia)

"How long is too long for an equitable claim?" 88 *Australian Law Journal* 621, Thomson Reuters, 2014 (Australia)

J D Heydon, M J Leeming, Peter G. Turner, *Meagher, Gummow and Lehane's Equity: Doctrines and Remedies*, 5th ed, LexisNexis Australia (Australia)

Appointments to legal, cultural or benevolent organisations:

Editorial Board member, *Journal of Equity, Australian Bar Review* (Sydney)

Challis Lecturer in Equity, University of Sydney (Sydney)

Director, The Federation Press Pty Limited (Sydney)

THE HONOURABLE JUSTICE SIMPSON

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Appointments to legal, cultural or benevolent organisations:

Member, Legal Profession Admission Board Examinations Committee (Sydney)

THE HONOURABLE JUSTICE HIDDEN AM

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

29 Aug 2014 Speaker, Seminar for post-graduate students from the University of Wollongong (Sydney)

THE HONOURABLE JUSTICE WHITE

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

18 Oct 2014 Paper, *"Advocacy & Ethics: The Self Represented Litigant"*, Law Society NSW Annual One-Day Advocacy Seminar (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, Legal Services Council Admissions Committee



THE HONOURABLE JUSTICE JOHNSON

Conferences:

31 Jul-2 Sep 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

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| 20 Mar 2014 | Panel member, <i>Sentencing</i> seminar for members of the New South Wales Parliament (Sydney) |
| 25 Mar 2014 | Panel member, <i>Sentencing</i> seminar for representatives of the media (Sydney) |
| 8 Apr 2014 | Paper, <i>The Bail Act 2013 – an overview and some issues affecting the Supreme Court</i> , seminar (Sydney) |
| 20 May 2014 | Panel member, Chief Justice's <i>Community Engagement Seminar on Sentencing</i> (Sydney) |

Publications:

Howie, R N, Johnson, P A (joint author), *Criminal Practice and Procedure (NSW)*, LexisNexis, 2014 (Sydney)

Assessing the unacceptable risk test in the Bail Act 2013, *Judicial Officers' Bulletin*, Sydney, 2014 (Sydney)

Basten, John, Johnson, Peter (co-author), *The prosecutor's role in sentencing*, *Judicial Officers' Bulletin*, 2014 (Sydney)

Appointments to legal, cultural or benevolent organisations:

Part-time Commissioner, New South Wales Law Reform Commission (Sydney)

THE HONOURABLE JUSTICE HALL

Appointments to legal, cultural or benevolent organisations:

Board Member, Examinations Committee, Legal Profession Admission Board (Sydney)

Member, Alternative Dispute Resolution Steering Committee (Sydney)

THE HONOURABLE JUSTICE ROTHMAN AM

Conferences:

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| 18 Mar 2014 | Stress and Vicarious Trauma, Twilight Seminar, NSW Judicial Commission (Sydney) |
| 8 Apr 2014 | The <i>Bail Act</i> , Twilight Seminar, NSW Judicial Commission (Sydney) |
| 30 Apr 2014 | " <i>When Good Men Fail to Act: Human Rights in North Korea</i> ", lecture delivered by the Hon Justice Michael Kirby, Chairman of the United Nations Commission of Inquiry on Human Rights in North Korea (Sydney) |
| 4-9 Jul 2014 | Supreme and Federal Courts Annual Judges' Conference (Darwin) |
| 8 Aug 2014 | An Address on Human Rights, the Right Hon the Lord Neuberger of Abbotsbury, President of the Supreme Court, Anglo-Australasian Lawyers Society (Sydney) |
| 26 Aug 2014 | Whitmore Lecture, Emeritus Professor Gillian Triggs, President of the Australian Human Rights Commission (Sydney) |

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| 3 Sep 2014 | Sentencing Alternatives, Mr Luke Grant, Assistant Commissioner, Strategic Policy and Planning and Ms Rosemary Caruana, Assistant Commissioner, Community Offender Management, Corrective Services NSW, Supreme Court Seminar (Sydney) |
| 10 Sep 2014 | Advances in Open Justice in England and Wales, the Right Honourable Lord Dyson, Master of Rolls, Supreme Court Seminar (Sydney) |
| 13 Oct 2014 | Are Religion and Modern Bioethics Compatible: The Case of Jewish Law, Rabbi David Sinclair, Sinclair Bioethics Lectured (Sydney) |
| 20 Oct 2014 | Administrative Law Update: Recent Developments in the High Court and Overseas, Justices Basten and Leeming, Supreme Court Education Committee Seminar (Sydney) |
| 23 Oct 2014 | The Common Law Litigation Process – Time for a Rethink?, Academy of Law Patron's Address, Sundaresh Menon, Chief Justice of Singapore (Sydney) |
| 29 Oct 2014 | Kinship, Lynnette Riley, Ngara Yura Program Seminar, NSW Judicial Commission (Sydney) |
| 4 Dec 2014 | National Native Title Speakers Program, Supreme Court Education Committee Seminar (Sydney) |

Speaking engagements:

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| 25 Feb 2014 | Paper, <i>"The Impact of Bugmy & Munda on Sentencing Aboriginal and Other Offenders"</i> , Ngara Yura Committee Twilight Seminar (Sydney) |
| 1 July 2014 | Address, Australasian Union of Jewish Students 2014 NSW Parliamentary Conference (Sydney) |
| 2 Jul 2014 | Keynote address, <i>"Equal Justice, Mandatory Sentencing and the Rule of Law"</i> , Legal Aid Commission Conference (Sydney) |
| 3 Jul 2014 | Paper, <i>"Equal Justice and the Rule of Law with Particular Application to the Sentencing of Aboriginal Offenders"</i> , Aboriginal Legal Service Conference, (Sydney) |
| 18 Aug 2014 | Chair (with Mark Robinson SC), Judicial Review – The Laws of Australia, M A Robinson SC, Thomas Reuters, 2014, NSW Bar Association CPD Conference and Book Launch (Sydney) |

Appointments to legal, cultural or benevolent organisations:

President, The Great Synagogue (Sydney)

Member, Judicial Remuneration Committee, Supreme Court of New South Wales

Director; Board Member and Chair, Workplace Relations Committee, New South Wales Association of Independent Schools

Honorary Life Member and Executive Member, New South Wales Jewish Board of Deputies

Co-Chair, Australian Council of Jewish Schools

Chair, Organising Committee of the Joint Supreme Court and Federal Court Judges' Conference

Chair, Ngara Yura Committee, Judicial Commission of New South Wales

Delegations and international assistance:

13-14 Sep 2014 Community visit, New South Wales Judicial Commission Ngara Yura (Walgett)

THE HONOURABLE JUSTICE PLG BRERETON AM RFD

Conferences:

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| 5-9 Jul 14 | Supreme and Federal Court Judges' Conference (Darwin) |
| 8-10 Oct 14 | National Family Law Conference |
| 26 Jul 2014 | Corporations Workshop, Law Council of Australia Conference (Surfers Paradise) |

Speaking Engagements:

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| 12 Mar 14 | Speaker, " <i>Subpoenas, Discovery and Interrogatories</i> ", The Judges Series, College of Law, Supreme Court |
| 24 Mar 14 | Prerecorded audio presentation, " <i>A Model Law on Cross-Border Insolvency in Asia – is there any hope?</i> ", INSOL International Annual Regional Conference (Hong Kong) |
| 20 Jun 14 | Speaker, " <i>The Corporations List: common and uncommon applications</i> ", The Judges' Series, Commercial Law Association of Australia, Federal and Supreme Courts |
| 17 Jul 14 | Speaker, " <i>The Chief Justice's Review of the Costs Assessment Scheme</i> ", Law Society CPD |
| 8-9 Aug 14 | Speaker, " <i>Challenging Binding Agreements & Orders</i> ", Family Law Residential, Family Law Practitioners Association and Queensland Law Society (Gold Coast) |
| 9 Sep 14 | Speaker, " <i>Aspects of Law & Practice in Corporate Insolvency</i> ", Faculty of Law, University of Technology |
| 7 Oct 14 | Chair and commentator, " <i>How to Win More Cases: What & How Judges Think</i> ", seminar, New South Wales Bar Association |
| 8 Oct 14 | Keynote speaker, " <i>Aspects of Domestic and International Law and Practice in Adoptions</i> ", Peter Nygh Memorial Lecture, National Family Law Conference |

Appointments to legal, cultural or benevolent organisations:

Chairman of Trustees, Leycester Meares Bequest

THE HONOURABLE JUSTICE HAMMERSCHLAG

Speaking engagements:

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| 12 Feb 2014 | Paper, " <i>Lawyer-Client Privilege in Litigation</i> ", Judges' Series (Sydney) |
| 12 Mar 2014 | Opening remarks, CLE & Continuing Professional Development Programme (Sydney) |
| 18 Jun 2014 | Paper, " <i>Practice Note SC Eq 11 – Disclosure in the Equity Division</i> ", 8th Information Governance & eDiscovery Summit (Sydney) |

THE HONOURABLE JUSTICE HARRISON

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

13 May 2014 Keynote address at City of Sydney Law Society Breakfast (Sydney)

21 July 2014 Practice moot for University of Technology, Sydney's Faculty of Law Team, Shine Torts Moot Competition (Sydney)

THE HONOURABLE JUSTICE FULLERTON

Speaking Engagements:

20 May 2014 Panel Member, Community Engagement Seminar on Sentencing (Sydney)

21 Oct 2014 Judge, Criminal Law Moot Grand Final, – Sydney University Law Society (Sydney)

THE HONOURABLE JUSTICE REIN

Speaking engagements:

1 May 2014 Keynote Speaker, "Raising the Flag: revisiting choice of law rules for shipboard torts", Maritime Law Association of Australia and New Zealand Half-Day Conference (Sydney)

Publications:

"Raising the flag: revisiting choice of law rules for shipboard torts" (2014) 88 *Australian Law Journal* 247

THE HONOURABLE JUSTICE R A HULME

Speaking engagements:

8 Mar 2014 Speaker, *Criminal Law Update*, Young Lawyers Annual Criminal Law seminar, The Law Society of New South Wales (Sydney)

20, 25 Mar,
20 May 2014 Chief Justice's Community Engagement seminars (Sydney)

23 Apr 2014 Speaker, *Court of Criminal Appeal Review*, District Court of New South Wales Annual Conference (Sydney)

6 May, 24 Nov
2014 Speaker, *Quarterly Criminal Law Update*, Supreme Court of New South Wales (Sydney)

22 May 2014 Commentary, *Bail Act DVD*, Judicial Commission of New South Wales (Sydney)

2 Jul 2014 Speaker, *Criminal Law Update*, Local Court of New South Wales Annual Conference (Sydney)

1 Aug 2014 Speaker, *Developments in Criminal Law*, Supreme Court Annual Judges' Conference (Wollongong)



Publications:

Berman, P G; Hulme, R; Howie, R N (co-author), *Criminal Law News*, LexisNexis, 2014 (Australia)

Appointments to legal, cultural or benevolent organisations:

Member, Jury Task Force (Sydney)

Member, Criminal Trial Bench Book Committee, Judicial Commission of New South Wales (Sydney)

Member, Caselaw Governance Committee (Sydney)

Member, JusticeLink Committee (Sydney)

Member, Crime Users Group, Court of Criminal Appeal (Sydney)

THE HONOURABLE JUSTICE SLATTERY QC**Conferences:**

21 Feb 2014 Law Admissions Consultative Committee Conference (Melbourne)

25 Jul 2014 Navy Legal Conference Australian Maritime Museum (Sydney)

31 Jul-2 Aug 2014 Supreme Court Judges' Annual Conference (Wollongong)

29-31 Oct 2014 US, NZ, Canada, Australia JAG Conference, New Zealand Defence Force Headquarters (Wellington, New Zealand)

14-16 Nov 2014 Australian Defence Force Judge Advocate General's Conference (Canberra)

Speaking engagements:

9 May 2014 Speaker, "*Presiding Member's Welcome Address*", Legal Profession Admission Board Law Extension Committee Orientation Day, Carslaw Building, Main Campus, The University of Sydney (Sydney)

25 Jul 2014 Speaker, "*Lessons Learned from Managing Large ADF Inquiries*", Navy Legal Conference (Sydney)

27 Aug 2014 Speaker, "*The Role of the Judge Advocate General – ADF*", LTM1 Course, Military Law Centre (Sydney)

16 Oct 2014 Keynote address, "*What Aristotle and Homer tell us about educating lawyers*", Continuing Legal Education Association of Australasia (CLEAA) Annual Conference (Sydney)

3 Nov 2014 Swearing-in speech as Acting Judge Advocate General, ADF, Supreme Court of New South Wales (Sydney)

11 Nov 2014 Speaker, "*The JAG 2014 -2015*", Senior Military Lawyers Workshop, Office of Director of Defence Counsel Services (Canberra)

4 Dec 2014 JAG address, "*Modern Military Legal Practice*", LTM2 Course, Australian National University (Canberra)

Appointments to legal, cultural or benevolent organisations:

Acting Judge Advocate General, Australian Defence Force (from 30 July 2014) (Sydney)

Presiding Member, Legal Profession Admission Board (until 30 May 2014) (Sydney)

Legal Profession Admission Board Member, National Law Admissions Consultative Committee (Sydney)

Board Member, Indigenous Barristers Trust (The “Mum Shirl” Fund) (Sydney)

THE HONOURABLE JUSTICE DAVIES

Speaking engagements:

17 Jun 2014 Judge, Finals of the AILA Ron Shorter Award Final (Advocacy) (Sydney)

26 Nov 2014 Launch, *Practitioner’s Guide to Civil Litigation*, Law Society of New South Wales Young Lawyers (Sydney)

22 Oct 2014 Chair, Finals of the UTS Students Mooting Competition

Publications:

Foreword, *Practitioner’s Guide to Civil Litigation*, 4th ed, LexisNexis Butterworths, 2014 (Australia)

Appointments to legal, cultural or benevolent organisations:

Deputy presiding Member, Legal Profession Admission Board (Sydney)

THE HONOURABLE JUSTICE SCHMIDT

Conferences:

18 Mar 2014 Stress and Vicarious Trauma for Judges, Twilight Seminar (Sydney)

8 Apr 2014 The Bail Act 2013 – An Overview and Some Issues Affecting the Supreme Court, Twilight Seminar (Sydney)

14-15 Nov 2014 Jury Management Program, National Judicial College of Australia (Melbourne)

Speaking engagements:

19-21 Mar 2014 Judgment Writing Program, National Judicial College of Australia (Brisbane)

31 Mar 2014 Chair, Administrative Law Session, New South Wales State Legal Conference (Sydney)

15 May 2014 Court of Conscience: Drinks with the Judiciary, UNSW Law Society (Sydney)

15-20 Jun 2014 Speaker, National Judicial Orientation Program Conference (Broadbeach)

10 Nov 2014 “*Planning Judgments and Identifying Issues*”, Queensland Industrial Relations Commission Conference (Noosa)

22 Nov 2014 Queens Guide Alumni High Tea, Girl Guides NSW & ACT (Sydney)



Appointments to legal, cultural or benevolent organisations:

Chair, Steering Committee, National Judicial Orientation Program (Sydney)

Trustee Director and Chairman, The Julian Small Foundation (Sydney)

Member, Advisory Board, Master of Labour Law and Relations (MLLR), Sydney Law School (Sydney)

Member, National Judicial College of Australia Planning Committee for Dialogues on Being a Judge (Canberra)

Member, National Judicial College of Australia Planning Committee for Judgment Writing (Canberra)

Member, Supreme Court Education Committee (Sydney)

Member, Supreme Court Remuneration Committee (Sydney)

Member, CLE for Registrars (Sydney)

THE HONOURABLE JUSTICE BALL

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

2-4 Oct 2014 Address, Australian Centre for International Commercial Arbitration (Seoul, South Korea)

Publications:

David StL Kelly, M Ball (co-author), *"Principles of Insurance Law"*, LexisNexis, 2014 (Australia)

THE HONOURABLE JUSTICE GARLING RFD

Conferences:

13 Feb 2014 George Winterton Memorial Lecture: Professor Fiona Wheeler, Banco Court, Supreme Court of New South Wales (Sydney)

18 Mar 2014 *Stress and Vicarious Trauma for judges*, Twilight Seminar (Sydney)

8 Apr 2014 *The Bail Act 2013 – An Overview and Some Issues Affecting the Supreme Court*, Twilight Seminar (Sydney)

6-9 Jul 2014 Supreme/Federal Court Judges' Conference (Darwin)

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

3 Sep 2014 *Sentencing Alternatives*, Twilight Seminar (Sydney)

10 Sep 2014 Lord Dyson: *Advances in Open Justice in England and Wales*, Banco Court, Supreme Court of New South Wales (Sydney)

Speaking engagements:

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| 6 Mar 2014 | Speaker, <i>An Introduction to the Legal Profession</i> , Faculty of Law seminar, Australian Catholic University (Sydney) |
| 15 Mar 2014 | Speaker, <i>Civil Liability Act 2002 – Burdens for a Defendant</i> , Personal Injury Conference, New South Wales Bar Association (Sydney) |
| 3 May 2014 | Speaker, <i>Role of the Expert and the Responsibility of the Courts</i> , GP Expert Witness Training Day (Sydney) |
| 29 May 2014 | Speaker, <i>Conception, Delivery and Growth</i> , New South Wales Kids and Families, New South Wales Health (Sydney) |
| 20 Oct 2014 | Panel member, <i>Expert Evidence</i> , Law Society Medico-Legal Liaison Committee (Sydney) |
| 31 Oct 2014 | Speaker, <i>Judicial Conduct</i> , Community Awareness of the Judiciary Program, Judicial Commission of New South Wales (Sydney) |
| 8 Dec 2014 | Speaker, <i>An Enabler of Public Hospital Reforms</i> , Bureau of Health Information (Sydney) |

Appointments to legal, cultural or benevolent organisations:

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| Member, Civil Trials Bench Book Committee, Judicial Commission of New South Wales (Sydney) |
| Member, Supreme Court Education Committee (Sydney) |
| Member, Supreme Court IT Committee (Sydney) |
| Member, Common Law Users Group |
| Member, Law Advisory Committee, Australian Catholic University (Sydney) |
| Member, Loreto Education Council (Sydney) |
| Chair, New South Wales Rugby Union Appeals Tribunal |

Delegations and international assistance:

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| 20 Feb 2014 | Kaoru Ueno, Saga District Court; Associate Professor Ryota Kosai, Ehime University; Professor Masaaki Yamamoto, Department of Law, Shizuoka University; Professor Hideyo Matsubara, Ehime University (Japan) |
| 3 Mar 2014 | Tsuyoshi Hondou, Tohoku University; Tetsuro Hirano, Ritsumeikan University; Dr Kohji Hirata, Centre for Promotion of Integrated Sciences; Chihara Watanabe, Ritsumeikan University (Japan) |
| 5 Sep 2014 | Delegation from Shandong Procurate (The People's Republic of China) |



THE HONOURABLE JUSTICE BLACK

Conferences:

5-9 Jul 2014 Supreme and Federal Court Judges' Conference (Darwin)

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

2014 Lecturer, Financial Markets Regulation, Semester 1, University of Sydney and University of New South Wales (Sydney)

20 Feb 2014 Paper, "Market Manipulation – Incentives and Enforcement", Ross Parsons Law and Business Seminar Series, Faculty of Law, University of Sydney (Sydney)

8 Mar 2014 Speaker, *Recent Developments in Corporate Law*, New South Wales Young Lawyers Annual Seminar (Sydney)

1 Oct 2014 Speaker, *Development of principles of statutory interpretation*, Introduction to Australian Legal History Tutorials (Sydney)

Publications:

Baxt, R; Black, A; Hanrahan, P (co-author), *Securities and Financial Services Law*, 8th ed, LexisNexis, 2012 (Australia)

Austin, R.P; Black, A.J (co-author), *Austin & Black's Annotations to the Corporations Act*, LexisNexis, 2014, (Australia)

Contributor, *Australian Corporation Law: Principles and Practice*, LexisNexis, 2014 (Australia)

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

Member, Crime Users Group, Court of Criminal Appeal (Sydney)

THE HONOURABLE JUSTICE ADAMSON

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

7 Aug 2014 Speech to women graduates of Sydney Law School at King & Wood Mallesons (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, Caselaw Governance Committee, Supreme Court of New South Wales (Sydney)

Member, Rule Committee, Supreme Court of New South Wales (Sydney)

Member, Uniform Rules Committee, Supreme Court of New South Wales (Sydney)

Chairperson, Legal Qualifications Committee, Supreme Court of New South Wales (Sydney)

Member, NSWLR Liaison Committee, Supreme Court of New South Wales (Sydney)

Member, Common Law Users Group Governor, Supreme Court of New South Wales (Sydney)

THE HONOURABLE JUSTICE BELLEW

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

9 Apr 2014 Speaker, "*Contributory Negligence*", Motor Accidents Authority of New South Wales (Sydney)

30 Apr 2014 Speaker, "*Evidence*", Continuing Professional Development, Henry Parkes Chambers (Sydney)

14-16 Nov 2014 Speaker, Jury Management Program, National Judicial College of Australia (Melbourne)

28 Nov 2014 Speaker, book launch, *Commonwealth Criminal Law* (Sydney)

3 Dec 2014 Speaker, "*Surveillance Warrants*", New South Wales Police Seminar (Sydney)

Publications:

Peter Taylor, Dr Elwyn Elms, Michael Meek SC, the Hon Justice Geoffrey Bellew, *Ritchie's Uniform Civil Procedure NSW*, LexisNexis (Australia)

G Bellew (managing editor), *Motor Vehicle Reports*, LexisNexis (Australia)

G Bellew (co-author and contributor), *Court Forms Procedures and Pleadings NSW*, LexisNexis, 2014 (Sydney)

THE HONOURABLE JUSTICE STEVENSON

Conferences:

4-9 Jul 2014 Supreme and Federal Court Judges' Conference (Darwin)

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

10-12 Oct 2014 Judicial Conference of Australia Colloquium (Noosa)

Speaking engagements:

21 Mar 2014 Keynote address, "*Practice and procedure in the Commercial List*", Legalwise Commercial Litigation Practice Update Seminar (Sydney)

26 Mar 2014 Keynote address, "*Practice and procedure in the Commercial List*", at the NSW State Legal Commercial Litigation Conference (Sydney)



THE HONOURABLE JUSTICE BEECH-JONES

Conferences:

31 Jul-2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

20 Mar 2014 Keynote speech, "*Proportionate Justice*", Australian Lawyers Alliance, New South Wales State Conference (Sydney)

6 Aug 2014 Speaker, "*Students' Day with Judges*", Southern Cross University (Lismore)

Appointments to Legal, Cultural or Benevolent Organisations:

Vice President of the Judicial Conference of Australia (Sydney)

Member of the Governing Council of the Judicial Conference of Australia (Sydney)

Member of the Executive Committee, Judicial Conference of Australia (Sydney)

Supreme Court Information Technology Committee (Sydney)

Member of Legal Qualifications Committee (Sydney)

THE HONOURABLE JUSTICE CAMPBELL

Conferences:

19-21 Mar 2014 Judgment Writing Program (Brisbane)

5-10 Jul 2014 Supreme Court & Federal Court Judges' Conference (Darwin)

14-15 Nov. 2014 Jury Management Program, National Judicial College of Australia (Melbourne)

Speaking engagements:

27 Mar 2014 Speaker, State Legal Conference (Sydney)

23-24 May 2014 Keynote Address, Specialist Accreditation Conference – Personal Injury (Terrigal)

11 Jun 2014 Address, Motor Accidents Authority (Sydney)

17 Jul 2014 Lecture, visiting delegation of Thai Judges (Sydney)

THE HONOURABLE JUSTICE BUTTON

Conferences:

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| 8-9 Feb 2014 | Sentencing – from theory to practice, ANU (Canberra) |
| 19-21 Mar 2014 | Judgment Writing Program, National Judicial College of Australia (Brisbane) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |

Speaking engagements:

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| 27 Mar 2014 | Speaker, Advocacy in criminal law for ALS solicitors (Redfern) |
| 8 Apr 2014 | Speaker, " <i>The Bail Act 2013 – an overview and some issues affecting the Supreme Court</i> ", Bails Talk for Supreme Court Judges, Twilight Seminar (Sydney) |
| 23 Apr 2014 | Speaker, Bails talk, District Court Judges' Conference (Hunter Valley) |
| 6 Nov 2014 | Speaker, Community Awareness of the Judiciary Program (Sydney) |
| 12 Nov 2014 | Speaker, <i>History of Criminal Law</i> , Legal History Tutorial, The Francis Forbes Society of New South Wales (Sydney) |
| 2 Dec 2014 | Address to Tipstaves, Careers in Criminal Law (Sydney) |

Appointments to legal, cultural or benevolent organisations:

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| Chair, Steering Committee, National Judicial Orientation Program (Sydney) |
| Trustee Director and Chairman, The Julian Small Foundation (Sydney) |
| Member, Advisory Board, Master of Labour Law and Relations (MLLR), Sydney Law School (Sydney) |
| Member, National Judicial College of Australia Planning Committee for Dialogues on Being a Judge (Canberra) |
| Member, National Judicial College of Australia Planning Committee for Judgment Writing (Canberra) |
| Member, Supreme Court Education Committee (Sydney) |
| Member, Supreme Court Remuneration Committee (Sydney) |
| Member, CLE for Registrars (Sydney) |

THE HONOURABLE JUSTICE LINDSAY

Conferences:

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| 8 Apr 2014 | <i>Bail Act</i> Seminar (Sydney) |
| 29 Jul 2014 | Annual Law Conference (Sydney) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |



Speaking engagements:

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| 19 Feb 2014 | Paper, " <i>Pleadings & Case Management</i> ", College of Law Judges Series (Sydney) |
| 25 Mar 2014 | Paper, " <i>Wills & Inheritance Disputes – Opening Commentary from the Bench</i> ", UNSW CLE Seminar (Sydney) |
| 6 Aug 2014 | Paper, " <i>Administration Life Death Form Function & History</i> ", College of Law Advanced Willis & Estates Conference (Sydney) |
| 10 Nov 2014 | Speaker, Wills & Estates Specialists, Law Society (Sydney) |

Publications:

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| Geoff Lindsay, <i>Nutshell: Contract Law</i> , 7th ed, Law Book Co, 2014 (Australia) |
| Editor, <i>Australian Bar Review</i> (Australia) |
| Editor, <i>New South Wales Civil Procedure Service and Handbook</i> , Thomson Reuters, 2014 (Australia) |
| Editorial Consultant, <i>New South Wales Conveyancing Law & Practice</i> , CCH, 2014 (Australia) |

Appointments to legal, cultural or benevolent organisations:

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| Secretary, The Francis Forbes Society for Australian Legal History (Sydney) |
| Coordinator of Tutorials, The Francis Forbes Society for Australian Legal History (Sydney) |

Delegations and international assistance:

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| 17 May 2014 | Interschool Mooting Competition, UWS Law Students Association (Sydney) |
| 17 Aug 2014 | WWI Commemoration, Cockatoo Island (Sydney) |
| 23 Sep 2014 | Farewell, Governor Marie Bashir (Sydney) |

THE HONOURABLE JUSTICE HALLEN**Conferences:**

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| 10-13 Mar 2014 | 21st Pacific Judicial Conference (Auckland, New Zealand) |
| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |

Speaking engagements:

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| 6 Mar 2014 | Speaker, UNSW Wills & Estates Seminar (Sydney) |
| 30 May- 1Jun 2014 | Speaker, Riverina Law Society Half-Yearly Meeting (Griffith) |

THE HONOURABLE JUSTICE KUNC

Conferences:

31 Jul- 2 Aug 2014 Supreme Court Annual Judges' Conference (Wollongong)

10-12 Oct 2014 Judicial Conference of Australia Colloquium (Noosa)

Speaking engagements:

6-10 Jan 2014 Keynote Address, Ten Tips for Successful Litigation: the view from the Bar and the Bench, Australian Accountants Lawyers & Company Directors Conference (Aspen, USA)

5 Mar 2014 Speaker, Court Etiquette and Professional Behaviour, College of Law Judges' Series, Banco Court, Supreme Court of New South Wales (Sydney)

23 May 2014 Speaker, Dealing with unrepresented litigants, College of Law Breakfast Seminars (Sydney)

15 Oct 2014 Speaker, "*Dented and rusty like a suit of armour? Reflections on the origins of the parens patriae jurisdiction*", Francis Forbes Society for Australian Legal History (Sydney).

Publications:

Book review, "*Interpretation and Use of Legal Sources – The Laws of Australia*" (2013-14) 38 *Australian Bar Review* 208

Appointments to legal, cultural or benevolent organisations:

Member, Editorial Board, *Journal of Equity* (Sydney)

Chairperson, Palestrina Foundation (Sydney)

Chairperson, Layne Beachley Aim for the Stars Foundation (Sydney)

Director, Opera Australia Capital Fund (Sydney)

THE HONOURABLE JUSTICE ROBB

Conferences:

15-20 Jun 2014 National Judicial Orientation Programme (Gold Coast)

Speaking engagements:

25 May 2014 Speaker, "*Disputes in Commercial Transactions: what happens when it all goes wrong?*", College of Law – Specialist Accreditation Conference (Sydney)

24 Nov 2014 Keynote Speaker, "*Contractual Interpretation in Property Law Matters*", College of Law – Advanced Property Day (Sydney)

Appointments to legal, cultural or benevolent organisations:

Committee Member, Legal Qualifications Committee, Legal Profession Admission Board (Sydney)



THE HONOURABLE JUSTICE DARKE

Conferences:

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| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
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THE HONOURABLE JUSTICE WRIGHT, PRESIDENT OF NCAT

Conferences:

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| 5-6 Jun 14 | Council of Australasian Tribunals Conference (Auckland) |
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| 15-20 Jun 14 | National Judicial Orientation Program (Gold Coast) |
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Speaking engagements:

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| 29 Jan 14 | Speaker, <i>"Introducing NCAT"</i> , Official Launch of NCAT (Sydney) |
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| 7 Feb 14 | Speaker, Australian Health Practitioner Regulation Agency Conference for external stakeholders (Melbourne) |
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| 25 Mar 14 | Speaker, <i>"Overview of NCAT"</i> , Council of Australian Tribunals AGM (Sydney) |
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| 29 Mar 14 | Speaker, <i>"Introducing NCAT"</i> , CPD Conference (Sydney) |
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| 9 May 14 | Speaker, <i>"Introducing NCAT"</i> , NSW Bar Association (Sydney) |
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| 10 Sep 14 | Keynote speaker, <i>"The Implementation of NCAT"</i> , Government Solicitors' Conference (Sydney) |
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| 12 Nov 14 | Keynote speaker, City of Sydney Law Society Annual Dinner (Sydney) |
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| 17 Nov 14 | Speaker, <i>"Overview of NCAT"</i> , International Commission of Jurists (Sydney) |
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THE HONOURABLE JUSTICE HAMILL

Conferences/ Events:

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| 8 Aug 2014 | Indigenous Students' Day (Sydney) |
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| 31 Jul-2 Aug 2014 | Supreme Court Annual Judges' Conference (Wollongong) |
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| 13-14 Sep 2014 | Community visit, New South Wales Judicial Commission Ngara Yura (Walgett) |
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Speaking Engagements:

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| 12 Aug 2014 | Keynote address, <i>"Media Frenzy and the Law"</i> , St Johns College Annual Law Dinner (Sydney) |
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| 18 Oct 2014 | Keynote address, <i>"Media Frenzy and the Law"</i> , New South Wales Young Lawyers Advocacy CDP(Sydney) |
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Supreme Court of New South Wales

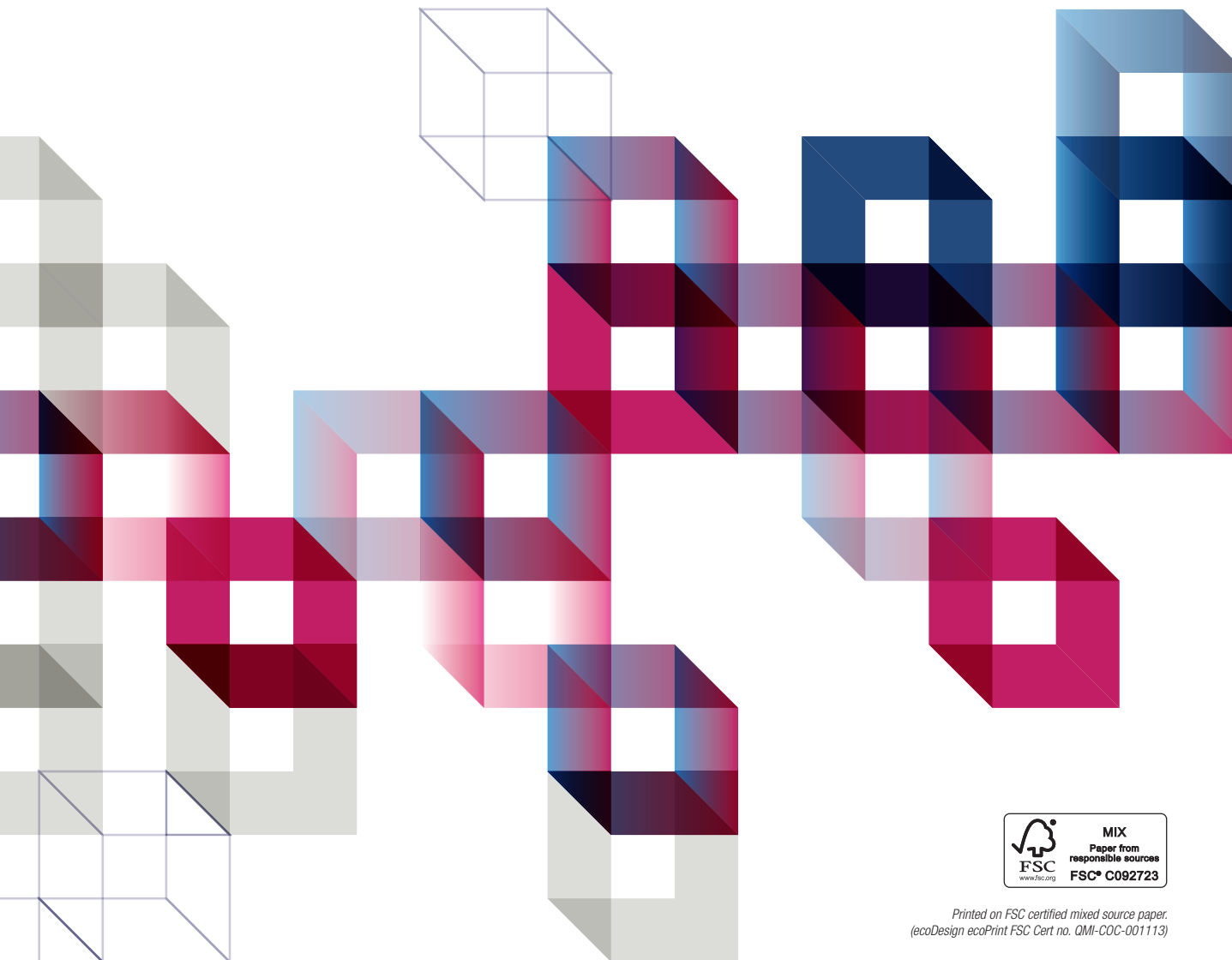
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