



Supreme Court
of New South Wales

2013

ANNUAL REVIEW



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FOREWORD BY THE CHIEF JUSTICE OF NSW

This Review summarises the activities of the Court which it carries out in its function as the superior court in New South Wales. The focus of the Review is in outlining the organisation of the Court and the diverse areas of work that are conducted within it. Additionally, it gives some indication of the Court's timeliness in its primary task of resolving disputes between parties.

Inevitably, such an outline will be partial and selective. The section on other aspects of the Court's work only gives some indication of the many other projects and programs carried out by the Court. The Review is also incomplete given its inability to value certain intangibles that are, in fact, the core of the Court's function. For instance, the statistics measuring the time taken to list, manage and resolve matters do not reveal the legal complexity, or the quality of individualised justice delivered, in each case. The interpretation of the statistics must therefore be qualified by these abstract, yet fundamental, factors.



It is important however, in order to maintain access to justice, that the Court continues to eradicate all unnecessary delays in the management and resolution of disputes. In this respect, I am encouraged by the ongoing success of the alternate dispute resolution schemes that are affiliated with the Court. It is particularly pleasing that this year the court-annexed mediation program had the highest settlement rate ever recorded. Of all matters referred to court mediation, 55 per cent settled without the need for a contested hearing.

2013 saw many other promising developments within and beyond the Court. In September the Court entered into a Memorandum of Guidance with the Dubai International Financial Centre Courts to better facilitate the enforcement of each Court's judgments in the other's jurisdiction. Such arrangements are a positive development for the pursuit of greater certainty and efficiency in a globalised world. Within the Court itself, developments included the commencement of a pilot programme for online filing and a review of the costs assessment scheme.

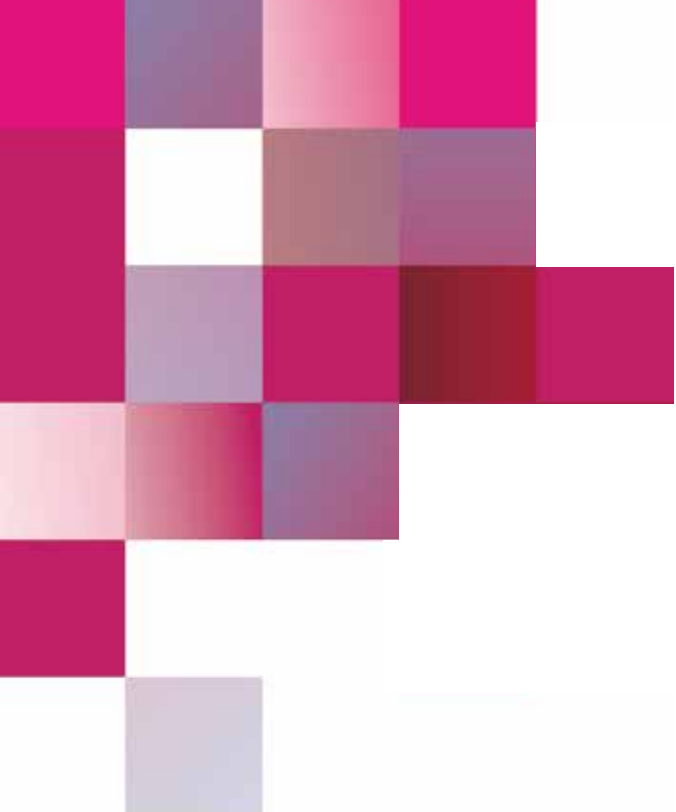
The end of the year also saw the significant development of the Court joining social media with the creation of its own Twitter account. The Twitter account will be used in particular, to advise followers of judgments being handed down and important administrative arrangements and dates. It is hoped that such an initiative will aid the Court to remain informed, engaged and accessible with, and to, the broader community.

I note that throughout 2013 there were a considerable number of judicial appointments. This is pleasing given the real need for an appropriate number of judicial officers to be maintained in order that the Court can adequately perform its tasks, which are by no means decreasing or simplifying.

I would like to express my thanks and appreciation to all the judicial officers and staff who have ensured the Court has worked as productively and efficiently as possible without compromising its paramount obligation to the attainment of justice. The Review is a testament to their diligent work and I trust it provides an instructive detailing of the Court's operations.

A handwritten signature in black ink, which appears to read 'T Bathurst'. The signature is fluid and cursive.

The Hon T Bathurst AC
Chief Justice of NSW



1

2013: AN OVERVIEW

- Memorandum of Guidance between the Court and the Dubai International Financial Centre Courts
- Introduction of online services
- Review of the Costs Assessment Scheme: release of reform recommendations
- The Court and social media
- Court operations

Memorandum of Guidance between the Court and the Dubai International Financial Centre Courts

A Memorandum of Guidance between the Court and the Dubai International Financial Centre (DIFC) Courts was signed on 10 September 2013.

This is the first time an Australian court has entered into an understanding to consult and co-operate with the DIFC Courts on the enforcement of each party's monetary judgments in the other party's court. The Memorandum of Guidance was signed by the Chief Justice of New South Wales and the DIFC Courts Chief Justice, Michael Hwang, in the presence of NSW Deputy Premier and Minister for Trade and Investment, Mr Andrew Stoner.

The DIFC Courts form part of the legal system of the United Arab Emirates – Australia's largest Middle Eastern trading partner. They are the leading English language commercial courts in the Middle East, resolving international civil and commercial disputes. The DIFC Courts' judiciary is selected from common law jurisdictions around the world and from Dubai. The Chief Justice and Chief Justice Hwang agreed that the Memorandum of Guidance would give certainty and clarity for investors, businesses and the legal profession operating in each jurisdiction by defining, for the first time ever, the method of enforcement of judgments.

The Memorandum of Guidance is concerned only with judgments requiring a person to pay a sum of money to another person. It sets out the requirements and procedures for enforcement of DIFC Courts' judgments in this Court and vice versa.

The signing of the Memorandum of Guidance with the DIFC Courts brings to three, the number of memoranda now in place between the Court and international jurisdictions. Other agreements covering issues arising under foreign law have previously been signed with the Singapore Supreme Court and the New York State Court of Appeals.





Introduction of online services

On 21 January 2013, the NSW Online Registry commenced service with electronic publication of probate notices through the NSW Online Registry website. This represented the first online service made available for the Court's clients. Traditionally, the Court's rules required clients to publish notice of their intention to apply for probate, letters of administration or reseal in a newspaper. The new online publication tool has resulted in considerable cost savings for clients; in many instances clients' publication costs have been reduced by more than half. It also offers clients a much faster publication process, with probate notices displayed online within 10 minutes of payment and visible to anyone in the world via the free online search facility. A total of 22,282 notices were published through the NSW Online Registry in 2013.

The NSW Online Registry is a secure, self-serve web portal providing registry services to parties in matters before the Court. It enables legal representatives, agents and clients who are representing themselves to lodge and keep track of their cases online and without attending the Registry.

In addition to the introduction of the online probate notice at the beginning of the year, a pilot of online filing commenced during 2013. Clients who registered an interest in using the new system were provided with electronic access for lodging 42 different civil forms without needing to attend the Registry. The invaluable feedback from participants in this pilot will be used to improve and expand the NSW Online Registry ahead of its formal launch in 2014.

Review of the Costs Assessment Scheme: release of reform recommendations

In September 2011, the Chief Justice announced that he would undertake the first ever comprehensive review of the Costs Assessment Scheme.

The Chief Justice issued an open invitation for submissions to the Review. The Court received 39 submissions from peak professional bodies, current and retired cost assessors, cost consultants, commercial and government lawyers and self-represented litigants.

The Chief Justice nominated the Honourable Justice Brereton AM RFD, supported by a committee of costs experts, to consider the submissions and identify potential areas for reform. Justice Brereton submitted his report on 25 January 2013. On 12 March 2013, the Chief Justice published his Honour's report dated 25 January 2013. The report set out 56 recommendations for reform of the costs assessment process, including reforms to:

- the process for instituting an assessment proceeding
- the conduct of the assessment process
- the effect and consequences of determinations
- the review and appeal process.

The most significant reform proposed a rearrangement of the assessment process to enable the real issues in dispute to be identified and resolved at an early stage, more efficiently and at the least cost to the parties and the Court system, and to provide incentives for expeditious resolution and compromise of the cost dispute.

Following publication of the report, the Chief Justice provided the legal and broader community a final opportunity to comment on the proposed future and structure of the Scheme. The Chief Justice indicated he would personally consider any comments received before determining whether he would accept the report's recommendations.

The Court and social media

On 11 December 2013, the Court announced that it was joining the micro-blogging site, Twitter, to share news and information about the Court's work.

The Court joined this site as it believes that it will be a simple way of notifying "followers" of judgments and other selected news items, and improve the transparency, accessibility and understanding of Court processes. In the Court's announcement, the Chief Justice stated: *"The Court is committed to improving accessibility to the Court and we are open to adopting new technology to make that happen. We are looking forward to sharing*

news and updates via "twitter" and we hope that it helps the Court inform and engage with interested members of the community, the media and the legal profession".

The Court advised that its followers could expect regular updates in relation to:

- notifications of judgments handed down
- Registry closures and administrative announcements
- new publications and speeches
- changes to legislation, rules and practice notes, and
- media releases.



Court operations

The Court performed solidly in 2013.

The Court of Appeal received 502 new cases, and disposed of 510 cases. The pending caseload decreased from 338 to 330 cases. At the end of the year, the age profile met or nearly met the national targets.

The Court of Criminal Appeal received 385 new cases, and disposed of 381 cases. The pending caseload increased from 225 to 229 cases. At the end of the year, the age profile met or nearly met the national targets.

The Criminal List received 110 new defendants, and disposed of cases for 121 defendants. Trials for 101 defendants were listed to start during 2013 (some trials involve multiple defendants). No trial was “not reached”. Trials for 13 defendants were affected by the need to discharge the jury or to adjourn the trial. The pending caseload decreased from 116 to 105 defendants. At the end of the year, the age profile was below the national targets (noting that the national targets are more typically applied to a broader case-mix than is seen in this Court’s Criminal List).

In the Common Law Division, 4,573 new cases were commenced and 6,239 cases were finalised. The disposal rate has continued at an unusually

high level while the Court continued to audit its caseload to remove inactive cases. The pending caseload decreased from 5,499 to 3,965. The age profile of the Division’s civil caseload improved over the year, but while auditing continues these results should not be understood as normal operations. The Division listed 923 cases for hearing of either the substantive issues or complex interlocutory issues, and only one hearing was “not reached”.

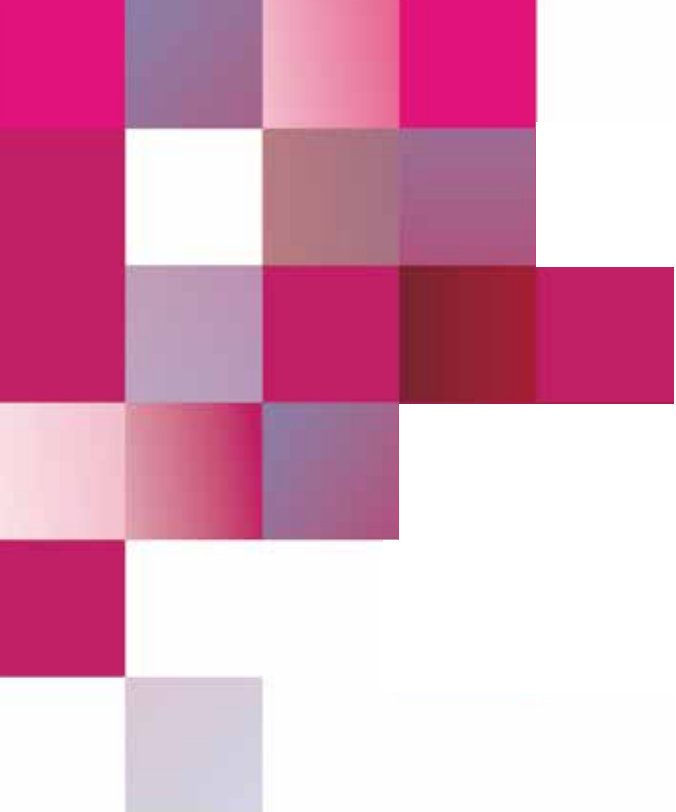
In the Equity Division, 4,202 new cases were commenced and 4,534 cases were finalised. The pending caseload decreased from 3,899 to 3,539. The age profile of the caseload remained relatively stable over the year; however, the caseload continues to include a significant number of aged, inactive cases that will be identified and removed through auditing during 2014.

In addition, the Court dealt with nearly 3,700 bail review applications in its Bails List, and with over 23,600 uncontested applications for probate.

The Court continues to actively manage and monitor its caseload. The stringent auditing of civil cases that commenced in 2012 is expected to be finalised in late 2014, with the result of removing aged, inactive cases from the caseload.

More detailed analysis of the Court’s operations is given in Chapter 4.





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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. There are also tribunals and commissions in New South Wales with statutory powers similar to the District and Local Courts.

Figures 2.1 and 2.2 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 2013, 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.

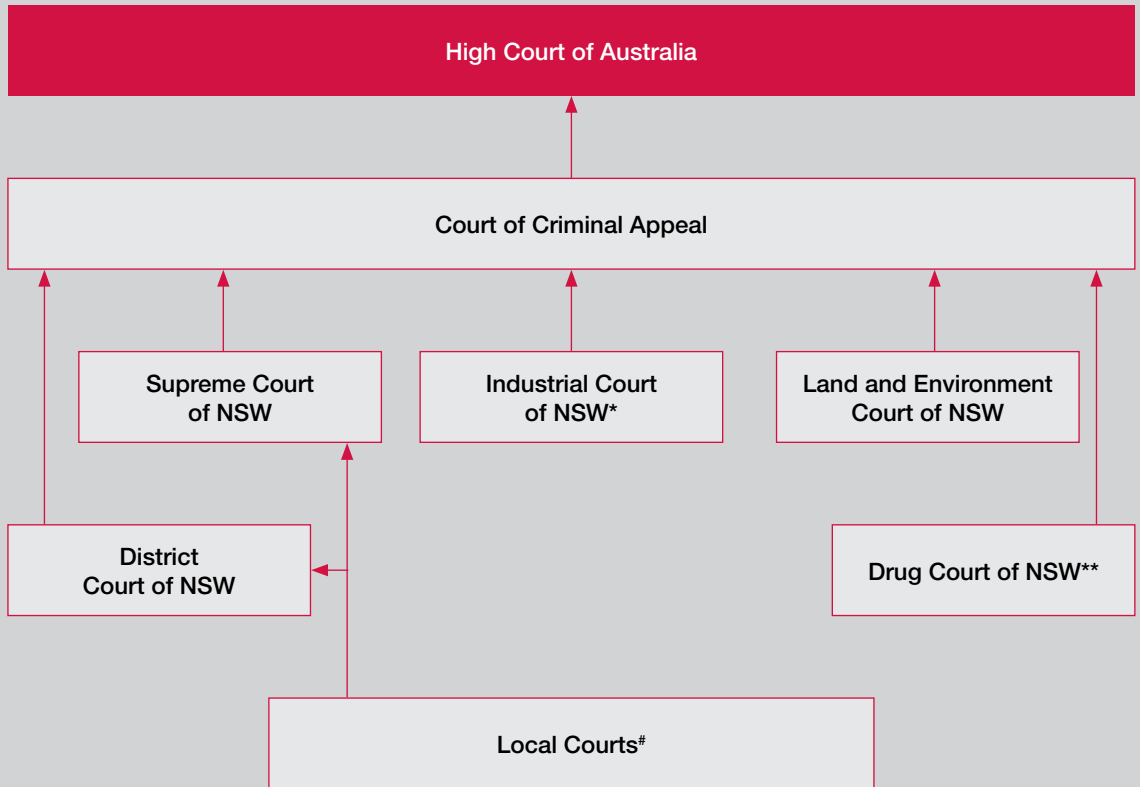
Equity Division

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



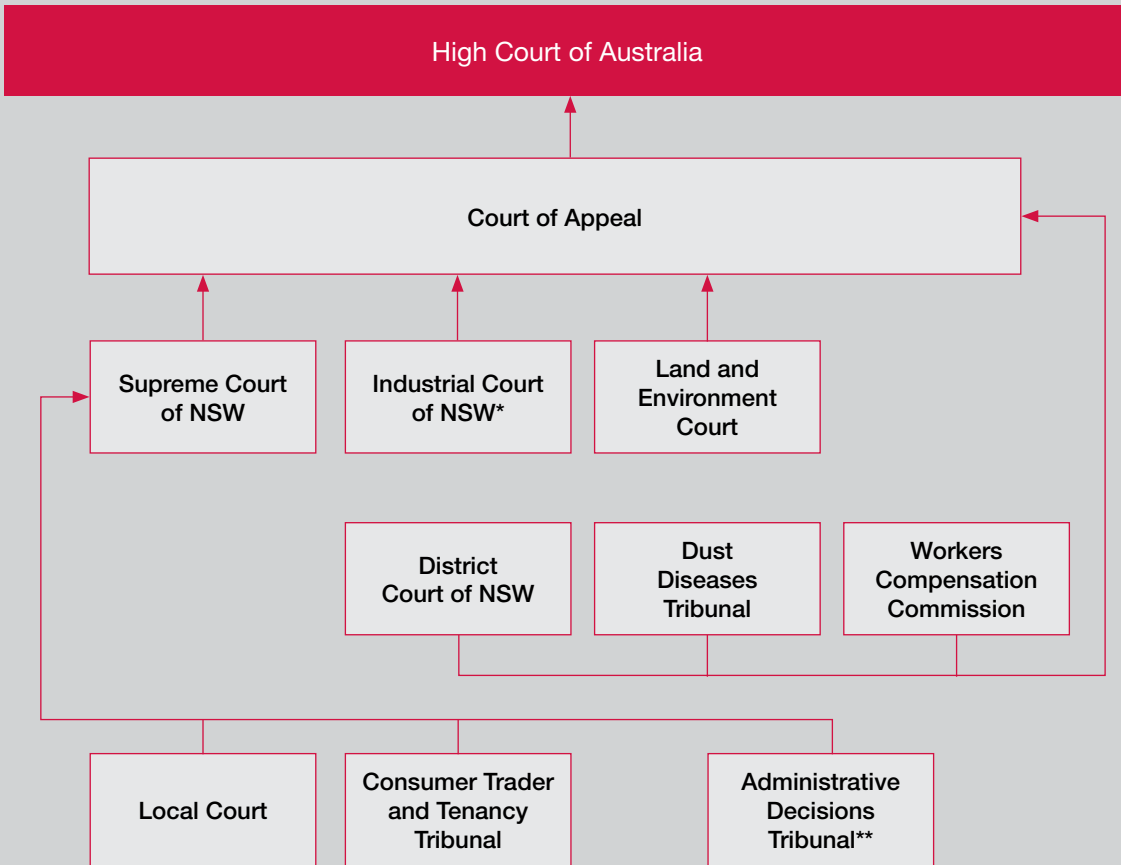
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

* 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 decision of the industrial Court of NSW; however, some proceedings may be brought by way of judicial review.

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

WHO MAKES THE DECISIONS?

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

The Judges

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

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

The Chief Justice is, by virtue of his office, a Judge of Appeal, and the senior member of the Court of Appeal. The other members of the Court of Appeal are the President and the 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 2013 can be found in Chapter 3.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2013.

Chief Justice

The Honourable Thomas Frederick Bathurst

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 John David Hislop

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 Acting Judges

Set out below are details of those persons who held commissions as Acting Judges during the 2013 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 2013 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 149 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 156 days).

- The Honourable Peter Wolstenholme Young AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 1 May and 31 December; acted as a Judge and Judge of Appeal for 132 days).

Acting Judges (in alphabetical order)

- The Honourable Graham Russell Barr QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 115 days).
- The Honourable Michael Brian Grove QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 54 days).
- The Honourable Robert Shallcross Hulme QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 101 days).
- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (acted as a Judge for 17 days).
- The Honourable William Henric Nicholas QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 35 days).
- The Honourable William Victor Windeyer AM RFD ED, former judge of the Supreme Court of New South Wales (commissions effective between 2 April and 31 May, and 30 September and 28 November; acted as a Judge for 42 days).

Appointments

The following Judges were appointed in 2013 (in chronological order):

- The Honourable Justice Peter David McClellan AM was appointed a Judge of Appeal on 21 February 2013.
- The Honourable Justice Clifton Ralph Russell Hoeben AM RFD was appointed Chief Judge at Common Law on 22 February 2013.
- The Honourable Justice Margaret Joan Beazley AO was appointed President of the Court of Appeal on 1 March 2013.
- The Honourable Justice Arthur Robert Emmett was appointed a Judge of Appeal on 7 March 2013.
- Francois Kunc SC was appointed a Judge of the Supreme Court on 8 April 2013.

- Fabian Gleeson SC was appointed a Judge of Appeal on 29 April 2013.
- Mark James Leeming SC was appointed a Judge of Appeal on 3 June 2013.
- Stephen David Robb QC was appointed a Judge of the Supreme Court on 20 June 2013.
- Rowan James Hunter Darke SC was appointed a Judge of the Supreme Court on 16 August 2013.
- Robertson James Wright SC was appointed a Judge of the Supreme Court on 25 October 2013.

Retirements

The following Judges retired in 2013:

- The Honourable Justice James Leslie Bain Allsop AO retired on 28 February 2013.
- The Honourable Justice Ian Vitaly Gzell retired on 27 May 2013.
- The Honourable Justice William Henric Nicholas retired on 1 July 2013.

The Associate Judges

The Governor appoints Associate Judges to the Court under section 111 of the *Supreme Court Act* 1970. Associate Judges are usually assigned to perform work within either the Equity or Common Law Division. 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 2013, the Court's only Associate Judge was The Honourable Joanne Ruth Harrison (Common Law Division).

The Honourable Associate Justice Richard Hugh Macready (Equity Division) retired on 27 February 2013.

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 caseflow 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 assists the Possession List and Professional Negligence List Judges.

The Registrars may also be called upon to mediate cases. During 2013, 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 2013:

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

Jennifer Hedge

Rebel Kenna

Senior Deputy Registrars

Paul Studdert

Nicholas Flaskas

Rebel Kenna

Deputy Registrars

Emoke Durkin

Bhaskari Siva

Suzin Yoo

Brendan Bellach

SUPPORTING THE COURT: THE REGISTRY

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.

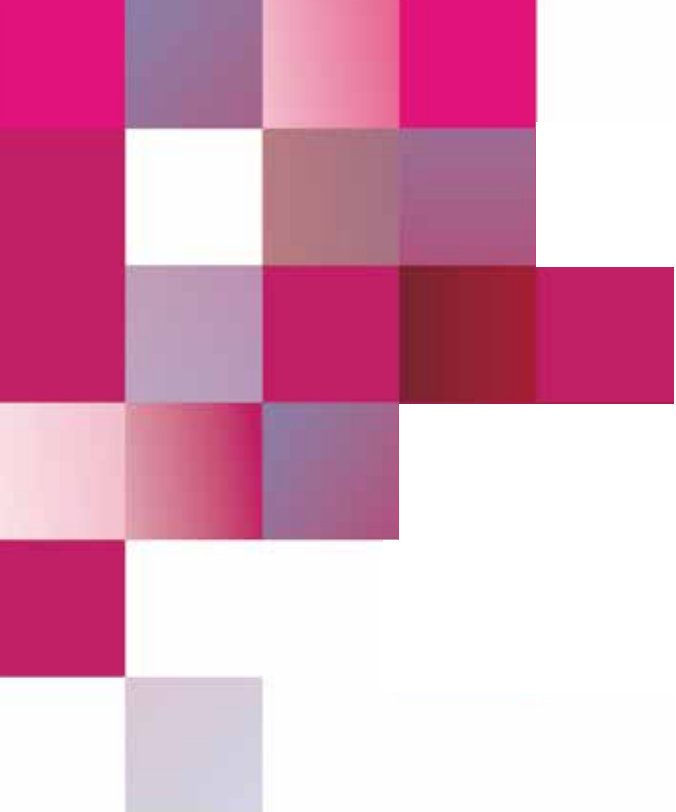
Day to day management of the Registry is handled by the Chief Executive Officer and Principal Registrar of the Court. The Chief Executive Officer is also responsible for securing and managing the resources the NSW Department of Attorney General and Justice provides to the Court, providing executive support 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.

Between 27 March 2013 and 3 May 2013 the Registry surveyed its clients as part of a regular client service review. The Registry received survey results from 110 clients. The survey results were announced and published on the Court's website on 22 July 2013. A snapshot of the survey results are as follows:

- there were 134 services used by the 89 respondents in response to the question of what services were used
- in relation to waiting times, 67 per cent of the respondents replied that the waiting time was acceptable and 32 per cent replied that the waiting time was not acceptable
- in relation to rating the service provided by Registry staff, 80.4 per cent of the respondents agreed that the staff were polite and courteous; 72.9 per cent of the respondents agreed that the staff were knowledgeable and helpful, and 67.8 per cent of the respondents agreed that the staff were efficient
- of the 11 respondents who identified themselves as individuals with a disability, 10 of those respondents agreed or strongly agreed that they were able to be accommodated and receive service according to their needs
- 94.2 per cent of respondents agreed or strongly agreed that the Registry's public areas and amenities were clean and comfortable.

It is anticipated that the work of Registry staff will change over time as clients elect to file their documents via the NSW Online Registry, which is scheduled to be formally launched in 2014.



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 Judges during 2013 were Justice Hoeben (to 20 February 2013) and Justice Garling (from 21 February 2013).

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*) and the Consumer, Trader and Tenancy Tribunal. 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 2013.

Specialised case management List	Judge managing List in 2013
Administrative Law List	Justice Hall
Bails List	Justice Latham
Criminal List	Justice Latham
Defamation List	Justice Nicholas (to 1 July 2013)
General Case Management List	Justice Hoeben
Possession List	Justice Davies
Professional Negligence List	Justice Hislop

Administrative Law List

The Administrative Law List comprises cases that seek a review of the decisions of government, public officials and administrative tribunals such as the Consumer, Trader and Tenancy Tribunal.

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

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 2013, the Expedition Judges were Justice Bergin, Justice Gzell and Justice Pembroke.

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 2013, 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.

Associate Judge

The Equity Division Associate Judge, Associate Justice Macready, retired on 27 February 2013. Since that date, all urgent applications have been handled by the Equity Duty Judge.

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 2013.

Specialised case management List	Judge managing the List in 2013
Admiralty List	Justice Rein
Adoptions List	Justice Brereton
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Brereton
Probate List	Justice White (to 27 May 2013) Justice Lindsay (from 28 May 2013)
Protective List	Justice White (to 27 May 2013) Justice Lindsay (from 28 May 2013)
Revenue List	Justice Gzell (to 27 May 2013) Justice White (from 28 May 2013)
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.

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 NSW, along with applications (in chambers) by the New South Wales Trustee and Guardian for advice regarding the administration of estates. The Court also considers applications regarding missing persons' estates and, in certain circumstances, may order that their estate be managed under the *NSW Trustee and Guardian Act 2009*.

Often the issues under dispute in the Protective List are of a highly sensitive nature. The Court acknowledges this situation, and handles these proceedings with the minimum degree of formality. However, when there is a dispute 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.

REGIONAL SITTINGS OF THE COURT

In 2013, the Court conducted criminal trials at Albury, Bathurst, Broken Hill, Coffs Harbour, Gosford, Grafton, Nowra, Orange, Wollongong, Port Macquarie, Lismore and Newcastle. All criminal cases are managed from Sydney irrespective of where the proceedings were commenced or the ultimate venue for hearing.

Civil hearings were held in Armidale, Bega, East Maitland, Newcastle and Wollongong in 2013.

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 2013 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
 - Listing delays
- Use of alternative dispute resolution

OVERVIEW OF OPERATIONS BY JURISDICTION *

* to be read in conjunction with Appendix (I)

Court of Appeal

The net number of new cases coming to the Court of Appeal was 502 this year. The net filing rate for new cases has remained relatively stable over the last five years. In 2013, 36 per cent of new cases were commenced by applications for leave to appeal.

The net number of disposals was 510 this year, which was 3 per cent higher than last year. Overall, during 2013:

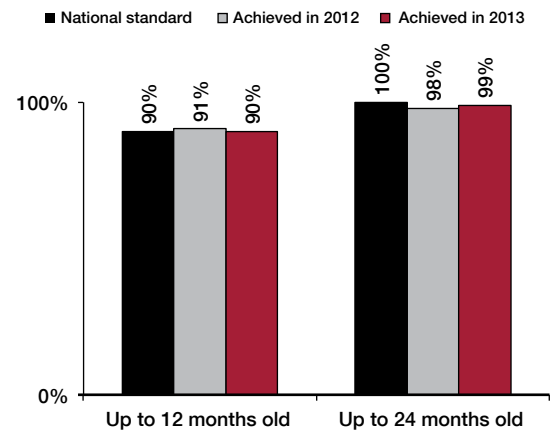
- 21 per cent of final disposals were either by settlement or by non-progression of the appeal following a grant of leave to appeal
- 59 per cent of final disposals were by judgment following hearing of an appeal or an original jurisdiction summons, or following a concurrent hearing (a concurrent hearing enables the application for leave to appeal and, where leave is granted, the consequent appeal to be determined in a single hearing)
- 15 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 2013 was 330 cases, 2 per cent lower than at the end of 2012. The composition of the pending caseload at the end of 2013 was similar to that at the end of 2012, with leave applications being 25 per cent of the pending cases.

The age profile of the Court of Appeal's pending caseload has remained at a good level during 2013 and meets or nearly meets the national targets. At the end of the year the proportion of pending cases less than 12 months old was 90 per cent and the proportion of pending cases less than 24 months old improved from 98 to 99 per cent (see Figure 4.1). During the year the number of cases older than 24 months decreased from six to two. Of those two oldest cases, one had judgment reserved and the other was set for hearing early in 2014.

The listing delay for hearing of substantive appeals and for concurrent hearings was between 4.0 and 4.5 months for most of the year, and reached a maximum of 5.25 months late in the year, returning to 4.0 months for the start of the 2014 law term. For hearing of leave applications only, the listing delay was one month or less for nearly the whole year, reaching six weeks at the end of May for a brief period.

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 385 this year, 14 per cent higher than the number in 2012. The new cases lodged included 248 appeals against severity of sentence (of which 52 were appeals by the Crown), 99 appeals against conviction and one case returned from the High Court for re-hearing.

Conviction appeals have made up 25 to 27 per cent of filings during the last three 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 and the increased rate of filing have placed an increased

demand on the hearing time of the Court of Criminal Appeal.

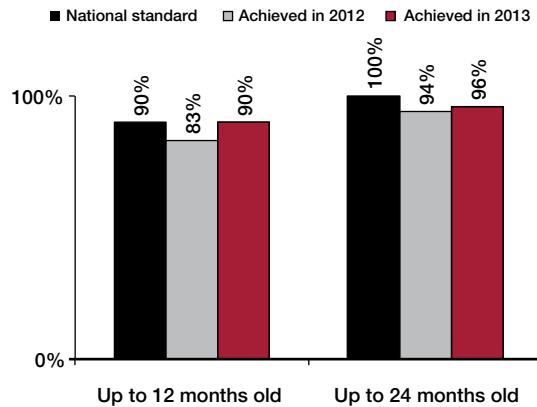
The number of disposals was 381 this year, 13 per cent higher than the number last year. Of the 381 disposals this year, 352 were by judgment following a substantive hearing (compared with 307 during 2012), and 23 were by the appellant abandoning or withdrawing the appeal (compared with 25 during 2012).

The number of disposals closely matched the number of filings, so the pending caseload increased only slightly during 2013, from 225 to 229 cases.

The age profile of the Court of Criminal Appeal's caseload has improved and meets or nearly meets the national targets (see Figure 4.2). The number of cases older than 12 months has decreased from 28 to 23, and the number of cases older than 24 months decreased from 14 to 9. 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 (one self-represented appellant has subsequently been declared vexatious), inability to execute a warrant for arrest of a witness, and the need to wait while interlocutory points are taken on appeal to the High Court of Australia.

The listing delay for criminal appeals continued at 3 – 4 months during most of 2013, increasing late in the year to 5 months for a brief period, but returning to 3 months for the start of the 2014 law term.

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



Common Law Division criminal cases

During 2013, 110 defendants entered the Criminal List, compared with 130 during 2012 and 138 during 2011. Of the 110 cases, 101 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 2013, 100 trial listings were given to defendants (6 of these were listings for judge-alone trials), with the trials starting in either 2013 or 2014. Additionally, 13 fitness hearing listings were given 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 2013, a total of 45 pleas of “guilty” were taken, compared with 62 during 2012.

For criminal trials that require at least three weeks of hearing time the listing delay during 2013 was between 2.0 and 5.0 months for the first half of the year, but was 6.0 to 6.5 months for the second half of the year. It was 6.5 months at the start of the 2014 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 25 weeks. For trials (unfinished or not started) on hand at the end of each month, the average hearing estimate was between 4.0 and 5.3 weeks.

During 2013, trials for 101 defendants were listed to start. For 13 of those defendants the trial either collapsed or was adjourned. In 2012, 11 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 eighth consecutive year, no trial was "not reached" (a situation where the Court, rather than the parties, cannot start a listed trial). 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 2013, a total of 121 defendants' cases were finalised, compared with 157 during 2012 and 85 during 2011. The Court prepared and handed down 94 sentences during 2013, compared with 120 during 2012 and 51 during 2011.

By the end of 2013, there were 105 defendants with cases pending in the Criminal List, a decrease of 9 per cent from the position at the end of 2012 (116 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.

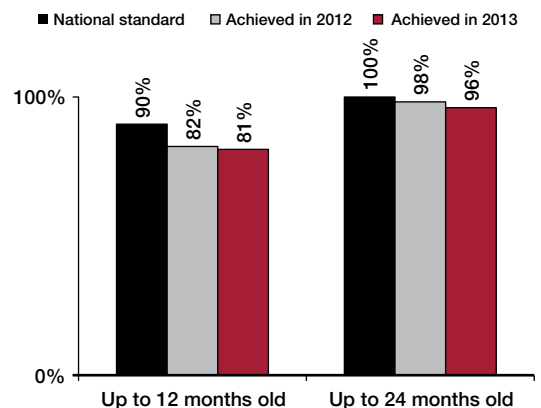
With the relatively low number of cases in this List, the age profile can also shift with some volatility. The age profile for pending cases in the Criminal List during 2013, however, changed little over the year

(see Figure 4.3). At the end of the year there were 20 cases older than 12 months, reduced from 21 cases at the end of 2012, and the number of cases older than 24 months increased from 2 to 4. Many of the oldest cases in the Criminal List have been delayed by factors such as interlocutory appeals, the need to accommodate long trials (of up to 25 weeks), and the collapse of previously listed trials.

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 means that just a few cases can 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: defended cases (including the specialised case-managed lists) and uncontested cases (such as those proceeding to default judgment, and applications dealt with administratively by Registrars and Registry Officers).

The Division's civil filings decreased by 11 per cent (539 cases) during 2013. Filings in the Possession List fell by 812 cases and filings reported for the Administrative Law List fell by 84 cases. For all the other areas of work, filings increased overall by 22 per cent (357 cases). 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.

Overall, the disposal rate in 2013 continued at the same unusually high level as was seen in 2012, as the Division continued to audit its caseload and close inactive cases. In addition to normally occurring case disposals, this year 2,176 inactive cases from the Possession List were closed. Inactive cases in the Common Law General List and Administrative Law List and among the miscellaneous applications were also identified and closed where appropriate. The Court hopes to conclude this large audit by the end of 2014 and thereafter return to normal levels of case disposals.

The number of pending cases in the Common Law Division decreased by 28 per cent during 2013 (see Figure 4.4), largely as a result of the audit of inactive cases. As at the end of 2013, the number of pending cases that are presumed to be uncontested is 1,740; the remaining 2,225 pending cases are in lists for case-management. This level of case-management workload can be compared 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. Once the audit of inactive cases is completed, the size of the workload for case-management will be clear.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.5). For both of the age-groups (as set by from the Productivity Commission's *Report on Government Services*) there are improvements during 2013. While the audit continues, the Division's results are better understood as progress towards a new baseline, rather than as a report on the normal operations of the Court during the year.

During 2013, the listing delay for Common Law Division civil cases that required five days of hearing time decreased from 9.5 months to 5.0 months. For cases requiring two days of hearing time, the listing delay had increased from 2.0 months to 2.75 months by the start of the 2014 law term. 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, 923 matters were listed for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 4.6). Of those listed matters, 62 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 2013, one hearing was "not reached", compared with no hearings in 2012 and nine hearings in 2011.

Figure 4.4 Common Law Division pending civil caseloads at 31 December

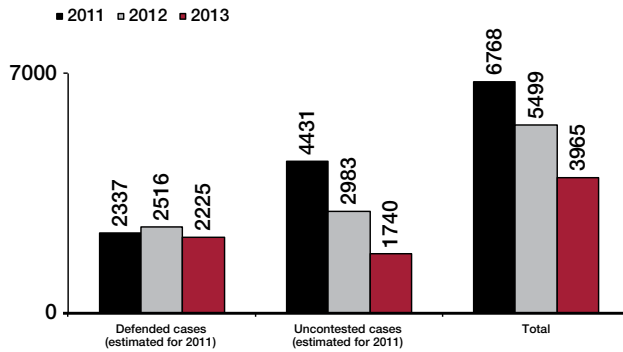


Figure 4.5 Common Law Division civil lists – achievements against time standards

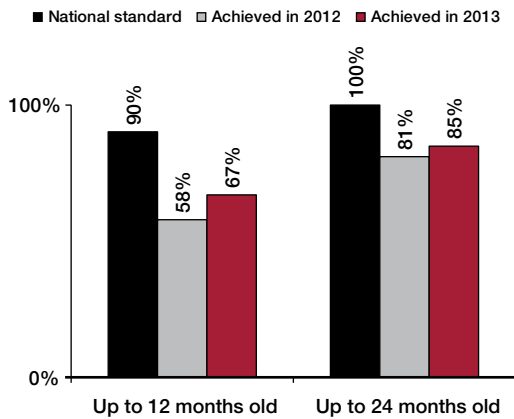
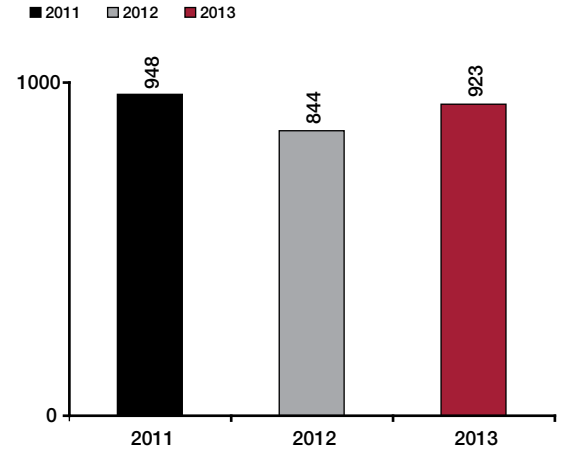


Figure 4.6 Listings for hearing – common law civil hearings



Equity Division

The following analysis of the workload trends within the Equity Division generally does not include uncontested probate cases. Uncontested probate cases are discussed separately, otherwise their large volume would mask the important trends for all other cases in the Equity Division.

The rate of filing in the Equity Division decreased by 7 per cent (298 cases) in 2013. Filings in the Corporations List fell by 295 cases. Other lists showed relatively small reductions, except for the Probate (Contentious) List with an increase of 54 cases, the Commercial List with an increase of 27 cases, and the Revenue List with an increase of 11 cases. 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.

Overall, the disposal rate for the Division was 3 per cent higher in 2013 than in 2012.

The number of pending cases in the Equity Division decreased by 9 per cent during 2013 (see Figure 4.7). Principally, this occurred within the Corporations List and Family Provision cases. The Corporations List was audited during 2013 and accumulated inactive cases were removed. The Division will audit other lists during 2014 in order to achieve a more accurate presentation of the active pending caseload of the Division.

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*, and the figures reported for them contain a number of inactive cases that the Court plans to review in 2014 within its overall audit of the civil caseload. Until the audit is completed, the reported results do not reflect the real condition of the Division's pending caseload.

At the close of 2013 the listing delay was 3.8 months for General List and Probate List cases that require up to two days of hearing time. The listing delay had been at 5.0 to 5.5 months during most of the second half of the year.

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 2013. The Equity Division does not routinely over-list the cases for hearing, so there are no "not reached" cases.

Uncontested applications for probate are handled by the Court's Registrars. During 2013, a total of 23,607 applications were filed. 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 within 2.5 weeks throughout 2013, except for January and February when longer processing times are normally experienced due to lower availability of Registrars during the vacation period.

Figure 4.7 Equity Division pending civil caseloads at 31 December

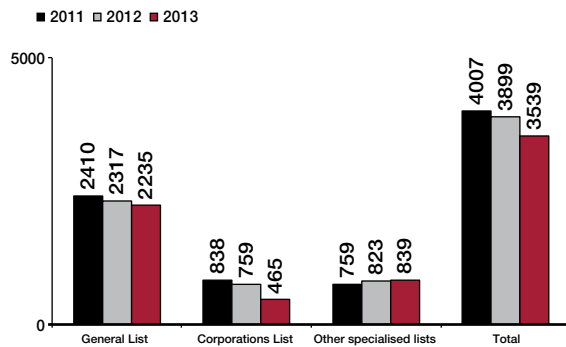
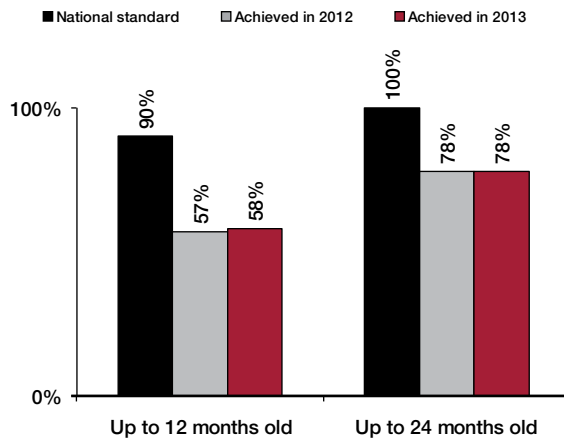


Figure 4.8 Equity Division – achievements against time standards



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 over time the success of delay reduction strategies 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, the District Court of New South Wales reports 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 (I) 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 do not exclude any pending case, whereas the Productivity Commission's counting rules allow for exclusion of pending cases that have been inactive for at least 12 months.

Appendix (I) 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 routinely 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 fourth 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 JusticeLink has continued to be refined and, during 2012, the Court obtained reports that were better able to identify inactive civil cases. The new reports enabled the Court to starting reviewing the many accumulated inactive cases. Those cases are being either closed, listed for further management or issued with a notice under rule 12.8 of the Uniform Civil Procedure Rules (advising the Court's intention to dismiss the case). Through this reviewing or auditing process, the Court closed 2,176 inactive Possession List cases during 2013, as well as auditing and closing inactive cases in other lists of the Common Law Division and in the Corporations List of the Equity Division. This was in addition to the more than 2,200 inactive Possession List cases that were reviewed and closed during 2012. These volumes indicate the size of the problem that was created by delayed access to important operational information. Auditing will continue into 2014. After all aged, inactive cases have been reviewed, more accurate reporting of the size and age profile of the real civil caseload for the Court will be possible.

Listing delays

The reported listing delays indicate the timeliness with which the Court can allocate hearings for various types of cases once they are assessed as ready for hearing, providing the parties are willing to select from the first available group of hearing dates offered by the Court.

The table of listing delays in Appendix (I) shows the listing delays that will apply at the start of the new law term following the close of the reporting year. The listing delays refer to hearing-time requirements that are considered representative or typical of the various areas of the Court, 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.

The listing delays at the close of 2013 for appellate cases do not show strong changes from the position a year earlier. However, in the Common Law Division the listing delay for criminal trials increased from 5.0 months to 6.5 months, while for civil hearings it improved from 9.5 months to 5.0 months. In the Equity Division the listing delay increased from 2.5 months to 3.8 months. The listing delays for the criminal and civil cases of the Common Law Division, in particular, continue to be longer than ideal.

The Common Law Division over-lists its civil cases for hearing, and in 2013 one 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. During 2013 the Registry recorded 1,088 referrals to mediation, of which approximately 62 per cent were referrals to court-annexed mediation conducted by the Court's Registrars. This is similar to the level of mediation usage in 2012 when there were 1,092 referrals overall, of which approximately 65 per cent were referrals to court-annexed mediation.

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 2013, approximately 4,600 civil cases were filed for which mediation was considered generally applicable. During 2012, the number was approximately 4,570.

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 2013 the mediation referral index was 23.7 per cent. The index has been held at this level since 2009, except for 2011 when it dropped to 19.4 per cent. The present level is a significant improvement from the index results in 2005 and 2006, which were 10.4 per cent and 10.0 per cent, respectively.

Within the court-annexed mediation program, the settlement rate was 55 per cent in 2013, which is higher than the rate in the previous four years. 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 court-annexed mediation sessions ranged between 2.5 and 14 weeks during 2013. For the second half of the year it was mostly 6 weeks or less. The listing delay can change during the year, and updated information is published daily in the court list.

Use of arbitration for Supreme Court cases is 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 Public Information Officer

JUDICIAL OFFICER EDUCATION

In February 2013, twelve Judges attended a Twilight Seminar on “JIRS Apps on the iPad” presented by Mr Ernie Schmatt PSM and Mr Murali Sagi PSM from the Judicial Commission. The seminar introduced Judges to recent enhancements of JIRS and how it can benefit the work of judicial officers.

Also in February, three Judges, together with District Court Judges, participated in a field trip to the NSW Police Telecommunication Interception Branch (TIB) and State Electronic Evidence Branch (SEEB). This was a follow-up to the field trip held in 2012 and Judges were given the opportunity to gain an insight into the operations of the TIB and SEEB, to observe the telecommunication interception system and to ask questions.

In early September 2013, 42 Judges, one Associate Judge and two Acting Judges attended the three-day Annual Supreme Court Judges’ Conference in Wollongong. The keynote speaker was Lord Hope of Craighead KT PC FRSE who gave an address on “Handling Scottish Appeals at Westminster”. The Honourable Dyson Heydon AC QC spoke on “Judging Community Values”, which looked at the interplay between community values and sentencing decisions. The Honourable Keith Mason AC QC, together with two psychologists, Dr Bruce Burns and Dr Ben Newell, gave a talk on “The Psychology of Decision-Making” which provided some insights into the thought processes influencing decision-making in the courtroom. Justice RA Hulme’s session, “A Chat about Criminal Law”, gave an update on significant decisions and developments in the criminal law over the preceding 12 months. The Equity topic of “Fully Informed Consent” and “The Fiduciary’s Allowance – Unravelling Two Fundamental Concepts in Fiduciary Control”, was presented by Professor Lee Aitken, who looked at the various developments within the jurisdiction. The Honourable Dr Kevin Lindgren AM QC spoke on “The Ambiguity of ‘Ambiguity’ in the Construction of Contracts”. Dr John Tidmarsh’s presentation on “Iran – the Mystery of Persia” looked at both the history and culture

of this country. Professor Joss Bland-Hawthorn spoke about “Astrophysics” including Australia’s contribution to new technologies and discoveries.

Thirteen Judges attended a cross-jurisdictional seminar on the *Evidence Amendment (Evidence of Silence) Act* and the *Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act* in September. The seminar was conducted by Justice Latham, who explained the key provisions, effects and rationale for the new Acts.

A cross-jurisdictional workshop on “Logic and Legal Reasoning” was presented by Professor Douglas Lind in September. Four Judges and one Associate Judge attended this two-day workshop which addressed the importance of sound reasoning and logic in judicial decision-making.

Also in September, three Judges participated in the National Judicial Orientation Program held in Hobart.

The Ngaru Yura Committee conducted various seminars and community visits throughout the year. Six Judges attended a seminar on “Understanding Kinship” in April and another three Judges attended a seminar on “Constitutional Recognition of Indigenous Australians” in October. Two Judges also made a community visit to Campbelltown in November 2013.

International judicial education activities undertaken in 2013

In May 2013, Mr Zaki Tun Azmi presented a lunchtime seminar on “The Independence and Transformation of the Malaysian Judiciary” to the Chief Justice, the Chief Justice of the Federal Court, the Chief Judge at Common Law, the Chief Judge in Equity and four Judges of Appeal.

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 1,100 students and members of the public attended these lectures in 2013. The majority of these visits were from high schools. However, there were also tours given for TAFE and university students, legal secretaries and summer clerks.



THE ROLE OF THE PUBLIC INFORMATION OFFICER

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

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

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

The PIO is also responsible for ensuring that media outlets are alert to any 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 2013, the PIO handled 5,551 requests for information – nearly 800 more than last year. Of these:

- 65 per cent related to Supreme Court matters
- 30 per cent related to District Court matters
- 5 per cent related to other jurisdictions

Sydney metropolitan journalists from major newspapers and radio and TV stations remain the major users of PIO services, accounting for 70 per cent of requests in 2013. Fifteen per cent were from NSW regional newspapers, radio and TV stations, and only 3 per cent were from suburban Sydney newspapers. The remaining enquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.



6

OTHER ASPECTS OF THE COURT'S WORK

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

This aim was substantially achieved through the commencement in 2005 of the *Civil Procedure Act 2005* and Uniform Civil Procedure Rules 2005. A Uniform Rules Committee was established under sections 8, 17 and Schedule 2 of the Act. The Committee is chaired by the Chief Justice. Justice Meagher, Justice Adamson, Justice Lindsay and Justice Rein also represented the Court on the Committee in 2013.



LAW COURTS LIBRARY

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 2013, librarians answered more than 2,100 requests from the Supreme Court, and 8,000 legal resources were borrowed. Law Courts Library reader services librarians received an increase in requests to support court use of online resources and e-publications on iPads and other mobile devices.

In 2013, 2,866 Supreme Court decisions were published on the NSW Caselaw website, which is managed and supported by the Library.

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

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

During 2013, the Supreme Court representatives on the Advisory Committee were:

The Honourable Justice Basten
The Honourable Justice Macfarlan
The Honourable Justice Emmett.

ADMISSION TO THE LEGAL PROFESSION AND APPOINTMENT OF PUBLIC NOTARIES

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

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

During 2013, the members of the Legal Profession Admission Board were:

The Honourable the Chief Justice
The Honourable Justice Slattery (Presiding Member)
The Honourable Justice Davies (Deputy Presiding Member)
The Honourable Justice Lindsay
Mr Jeremy Gormly SC (to 14 May 2013)
Ms Margaret Allars SC (from 15 May 2013)
Mr Garry McGrath SC
Mr Charles Cawley
Mr John Dobson
Professor Stephen Colbran

Professor Michael Adams

Ms Maureen Tangney (Department of Attorney General and Justice) (to 7 May 2013)

Mr Marcel Savary (Department of Attorney General and Justice) (from 8 May 2013)

Executive Officer and Secretary: Ms Robin Szabo.

The Board's work during 2013

In 2013, the Board met on seven occasions to exercise its statutory functions which include the determination of admission, readmission and early suitability applications, applications for public notary appointments, student-at-law applications for the Board's Diploma in Law course, accreditation and re-accreditation of academic law courses and PLT courses, requests for reviews of Committee decisions, and other applications such as requests for exemptions from undertaking certain courses or training by experienced practitioners. The Board also provided advice and made recommendations to the LACC and other Australian admitting authorities. The Presiding Member, the Honourable Justice Slattery, represented the Board on the LACC and attended LACC meetings.

The full impact of reforms to the regulation of the legal profession is still unclear. Following the withdrawal of support of several jurisdictions, NSW and Victoria have continued to progress a new version of the proposed uniform law that incorporates feedback obtained following the release of earlier versions. A simpler scheme is proposed, and functions that were to be centralised such as admissions and accreditation of academic and PLT courses will continue to be performed at a local level under uniform rules and guidelines. It will be necessary for the Board to have a close involvement with the drafting of the rules and guidelines, which are likely to include components of the current NSW and Victorian rules and procedures. New rules under the Legal Profession Uniform Law will be made by a newly established Legal Services Council.

The Board has taken an active role in reviewing and responding to numerous proposals put forward by the LACC and has highlighted issues arising from

its annual review and accreditation of academic law courses and PLT courses. In 2013 the Board consulted with the LACC on numerous issues, including compliance by New South Wales law schools with the teaching of Statutory Interpretation, the duration of law courses, revised Practical Legal Training Competency Standards for Entry-Level Lawyers, twinning arrangements (arrangements that some universities make with overseas institutions for students to obtain credits for certain courses undertaken overseas) and the development of Disclosure Guidelines to assist applicants for admission. The LACC drafted proposed changes to the Uniform Admission Rules 2008 and Uniform Principles for Assessing Qualifications of Overseas Applicants to the Australian Legal Profession. The Board also took an active interest in stale learning following an increase in the number of applicants seeking admission who had attained their academic qualifications in some instances up to 30 years prior, and raised the matter of stale learning with the LACC.

The advice of the Board, its Committees and staff was also often sought by other authorities with respect to matters of admission and the assessment of overseas qualifications.

Considerable work has been done by the Board to progress proposed reforms to the Public Notary Appointment Rules and *Public Notaries Act 1997*. In consultation with the Society of Notaries of NSW Inc., the proposed reforms will:

- introduce a simpler and more economical process for reinstatement of notaries who are removed from the Roll due to them ceasing to hold practicing certificates as a result of special circumstances
- require a Notarial Practice Refresher course
- increase the minimum period of practice for eligibility
- impose a penalty for the non-return or late return of annual notices.

Limited resources, the complexity of the work and the impact of the proposed reforms to the legal profession have delayed finalisation of these reforms. As soon as the legal profession reforms

are finalised the Board proposes to revisit the public notary reforms with assistance from the Legislation and Policy Division of the Department of Attorney General and Justice.

In 2013, the Board resolved to hold an oral hearing pursuant to Rule 88(1)(c) of the *Legal Profession Admission Rules 2005* in respect of an allegation of misconduct made to the Executive Officer against a student-at-law and the student's response to that allegation. The Board also published advice on its website reminding students-at-law of the need for them to possess strong English language skills in order to undertake studies with the Board.

The Board would not fulfil its statutory obligations without the enormous voluntary contributions of its members, its Committees and Sub-Committees, all of whom give their time from demanding positions to review agendas, attend meetings, prepare reports, represent the Board, assess applications and provide advice and assistance to the Board's Executive Officer and staff. Board members are appointed by the Chief Justice of New South Wales, the Attorney General, Bar Council, Law Society Council and Council of Australian Law Deans, and hold office until their nomination is withdrawn. Committee positions become vacant on 30 June of every even-numbered year and the person or body responsible for appointing or nominating members is asked to nominate members for the next two years. Members may be re-nominated for subsequent years. The Board is fortunate to benefit from a combination of very experienced and newly appointed Committee and Sub-Committee members. The Board's staff are employees of the Department of Attorney General and Justice and provide the necessary administrative support and assistance to Board and Committee members.

The Executive Officer and staff work closely with the Director, Law Extension Committee (LEC) and LEC staff to ensure that the Board's Diploma in Law course remains competitive and continues to be of the highest standard. This unique course has a rich history and is recognised as a means of allowing people from all walks of life and locations an opportunity to study law.

Table 6.1: **Four-year comparison of key aspects the Legal Profession Admission Board's work**

	2013	2012	2011	2010
Lawyer admissions approved by the Board	2,131	2,047	1,793	1,830
Certificates of Current Admission produced by the Board	205	204	315	326
Public notaries appointed by the Board	47	61	50	61
Student-at-law registrations	541	621	517	555

Note: admissions under mutual recognition Acts are not included.

Legal Qualifications Committee

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

During 2013, the members of the Legal Qualifications Committee were:

The Honourable Justice Davies
 The Honourable Justice Adamson
 The Honourable Justice Hallen
 Mr John Fernon SC
 Ms Susan Leis
 Ms Elizabeth Picker
 Ms Mary Macken
 Mr Charles Cawley
 Mr Stuart Westgarth
 Professor Peter Radan
 Ms Jenny Eggleton
 Professor Carolyn Penfold
 Dr Gordon Elkington
 Mr Greg Ross
 Mr Peter Underwood
 Executive Officer and Secretary: Ms Robin Szabo.

Work during 2013

The Committee met on seven occasions to perform the tasks allocated to it under the Board's Rules. The Committee and its Sub-Committees have regard to the Uniform Principles in exercising their functions under Rules 97 and 98 of the Legal Profession Admission Rules 2005 to assess applicants from overseas who seek entry to the legal profession in Australia. The Committee works closely with the Board to resolve issues that arise and in particular makes recommendations on changes or procedures proposed by the LACC. It has also provided preliminary advice to the LACC, and suggested changes that the LACC has since adopted. The expertise and assistance of Sub-Committee members is often sought by other Australian admitting authorities.

In 2013, the Committee assisted the Board by making recommendations on such matters as stale learning and PLT competency standards for entry-level lawyers. The Committee provided advice to the Board on proposed amendments to the Uniform Admission Rules 2008 and Uniform Principles for Assessing Qualifications of Overseas Applicants to the Australian Legal Profession relating to stale learning. Members of the Committee, in particular

Dr Gordon Elkington, assisted the Presiding Member to draft amendments to the Board's own Rules to incorporate a stale learning clause. The Committee considered both the draft Board Rules and draft Uniform Admission Rules and made recommendations to the Board. The Board's rule amendments are expected to commence in January 2015. They will require that, at the time an applicant applies for admission, completion of their academic and practical training must have occurred within the previous five years.

The Practical Legal Training Competency Standards for Entry-Level Lawyers, which were jointly developed by the LACC and the Australasian Professional Legal Education Council (APLEC), underwent a revision in 2012. The Committee considered a draft of the revised competencies in 2013 and made recommendations to the Board, in particular about when a student should be allowed to commence his or her PLT. These recommendations were passed on to the LACC and were incorporated into a second draft. As at the end of 2013 drafting of the competencies was still in progress.

The Committee's Accreditation Sub-Committee met in August 2013 to consider the annual accreditation notifications from all NSW universities, providers offering accredited law courses or PLT courses. Apart from the usual accreditation advice, universities and providers were asked to provide information on whether the duration of their courses satisfied the Board's requirements. While some universities advised that their academic law courses could be compressed so as to allow completion in less than three years, the Sub-Committee advised the Committee that it was satisfied that the quantity and content of the courses remained the same.

In 2013, Committee members, Dr Gordon Elkington and Mr Peter Underwood, who were nominated by the Board as expert advisers, assisted the Tertiary Education Quality and Standards Agency with the determination of an application for accreditation of a new academic law course.

Table 6.2: Four-year comparison of applications considered by Sub-Committees of the Legal Qualifications Committee

	2013	2012	2011	2010
Applications for academic exemptions	392	460	397	428
Applications for Practical Legal Training exemptions	94	107	122	99

Examinations Committee

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

During 2013, the members of the Examinations Committee were:

The Honourable Justice Simpson (Chair)
 The Honourable Justice Hall
 Mr Michael Christie SC
 Mr John Dobson
 Mr Frank Astill
 Ms Susan Carter
 Mr Ross Anderson
 Executive Officer and Secretary: Ms Robin Szabo.

Work during 2013

In 2013, the Examinations Committee proceeded with course-related tasks, including appointing Examiners and Revising Examiners, determining applications and reviewing Sub-Committee determinations. The Committee also continued to monitor and develop ways to improve and enhance the Boards' Diploma in Law course. With members' agreement, several of the Committee's seven meetings this year were held electronically.

On 12 July 2013, the Chief Justice gave the occasional address at the Board's Diploma in Law Graduation Ceremony at the University of Sydney's Great Hall.

The Board's Diploma in Law orientation day was held on 8 November 2013 at the University of Sydney. Justice Lindsay gave a welcome address to the new students on behalf of the Presiding Member. The Board's Executive Officer, Ms Robin Szabo, and LEC Director, Mr Frank Astill, delivered presentations to guide students through their candidature in the course.

This year the Committee endorsed an amendment to the entry criteria for the Board's course. The newly amended Rule 29(e) allows applicants with Graduate Certificate/Vocational Graduate Certificate or Graduate Diploma/Vocational Graduate Diploma qualifications to apply for registration as students-at-law.

A new academic prize for Conflict of Laws is now available to award to the student with the highest overall mark in the assignment and examination of the subject for the semester.

In September 2013, Board and LEC staff participated in the "Reinvent your Career Expo" to provide information and advice to attendees about the Board's Diploma in Law course. This event was held at the Royal Hall of Industries, Moore Park and attracted approximately 2,000 visitors. Total visitor numbers were significantly down on the previous year and may have been a result of the Federal election, which was being held on the same weekend. Expo signage may have also contributed to the low amount of visitors. A review of how students find out about the Board's course revealed that the main method was through word of mouth, followed by the internet. As a result, it is unlikely the Board and the LEC will participate in this event next year.

The Committee considered various policy changes throughout the year, including the illegible examination scripts policy. A "three strikes, you're out" policy was approved by the Committee to reduce the amount of illegible examination scripts being reviewed by examiners. Where it is identified

that a student has an illegible examination script, a first letter is sent out to the student inviting him or her to have an illegible script typed, and warning that future instances will allow the examiner to reserve the right to reject parts of the script that cannot be read. Should the same student re-offend, a further warning letter is issued advising the student that if there is a third offence, the examiner will have the discretion to provide an automatic "0" mark for the illegible script. The Committee also considered allegations of academic misconduct, in particular, plagiarism throughout the year. In the September 2013 Conveyancing exams, four students were detected as having plagiarised in their exams by copying slabs of text without attribution to the original author. The examiner penalised the students by awarding a lower mark for the relevant questions in which the plagiarism appeared. After reviewing the materials, the Committee decided that no further action should be taken against the students given the lack of evidence to support intentional plagiarism. The students' papers were re-marked without penalty.

Following on from the plagiarism incident and with feedback from the examiners, the Committee has undertaken a review of the plagiarism policy, in particular during open-book examinations. The LEC's Director, Mr Frank Astill, prepared a paper proposing guidelines to be used by examiners in open-book examinations. The guidelines are still being discussed and considered by both the Committee and the Board. It is hoped that the guidelines will be finalised and adopted before the end of 2014.

The Committee is in the process of reviewing several policies including revision of examination scripts and introducing English language proficiency requirements for prospective students-at-law. Currently, students who receive a mark between 40%-49% automatically have their examination script reviewed by the revising examiner before the release of results and at no cost to them. The Committee will be determining whether this policy is still effective.

ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

In recent months, both examiners and the Committee have raised concerns about the poor level of English of some students-at-law who usually come to the attention of the Committee, having sought entry to the Board's course after being excluded. Board staff and the LEC will be working together to develop and introduce English language proficiency requirements for prospective students-at-law for the Committee and Board to consider. Introducing English language proficiency requirements will ensure that the quality of students is of a high standard and that students are provided with greater assistance for success in the Board's course.

Table 6.3: **Four-year comparison of the Examinations Committee's work**

	2013	2012	2011	2010
Examination subject enrolments by students-at-law	4,945	5,022	4,818	4,993
Approved applications to sit examinations in non-scheduled venues	5	3	5	17
Approved applications for special examination conditions	45	41	29	26
Student-at-law course applications	200	178	181	183
Applications from students-at-law liable for exclusion from the Board's examinations	266	177	299	254

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 2013, 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 2013. There were no meetings of the Costs Assessment Rules Committee in 2013.

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 2013, 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 2013, 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, NSW 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.

PRO BONO SCHEME

As mentioned in Chapter 1, the Chief Justice published the Review Committee's report on 12 March 2013. The report set out 56 recommendations for reform of the costs assessment process, including reforms to:

- the process for instituting an assessment proceeding
- the conduct of the assessment process
- the effect and consequences of determinations
- the review and appeal process.

Following publication of the report, the Chief Justice provided the legal and broader community a final opportunity to comment on the proposed future and structure of the Scheme. The Chief Justice indicated he would personally consider any comments received before determining whether he would accept the report's recommendations.

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

The Scheme operates in accordance with Part 7 Division 9 of the Uniform Civil Procedure Rules 2005 and enables unrepresented litigants to be referred to a barrister and/or solicitor once the Court determines they are deserving of assistance. During 2013, 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 re-opened 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 transferred subsequently to another list or Division for further case management and disposal.

The statistics for 2010 through to 2013 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system. The JusticeLink statistical and operational reporting functions are still under development.

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

- “n/a” – figures not available or not separately reported
 “-” – item not applicable
 “0” – zero count

	2009	2010	2011	2012	2013
COURT OF APPEAL ^{1,2}					
Filings					
<i>Appeals and applications for relief</i>	339	353	320	333	334
<i>Applications for leave to appeal</i> ³	172	166	182	169	183
<i>Net new cases</i> ⁴	496	501	490	493	502
Disposals					
<i>Appeals and applications for relief</i>	368	313	365	319	337
<i>Applications for leave to appeal</i>	192	156	177	184	188
<i>Net disposals</i> ⁵	545	451	533	493	510
Pending cases at 31 December					
<i>Appeals and applications for relief</i>	241	285	237	252	249
<i>Applications for leave to appeal</i>	88	99	101	86	81
<i>Total</i>	329	384	338	338	330

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 and Equity Division.

³ This item also includes applications where parties have elected to have a concurrent hearing of both the application for leave to appeal and the appeal (if leave is granted).

⁴ For reporting the *net new cases*, if a Court of Appeal case is commenced by a summons for leave to appeal and then a notice of appeal is filed pursuant to a grant of leave, this is counted as one continuous appeal case (not two separate cases).

⁵ For reporting the *net disposals*, where an appeal has been preceded by a grant of leave, this is counted as one continuous case and a disposal is counted only when the substantive appeal is finalised.

	2009	2010	2011	2012	2013
COURT OF CRIMINAL APPEAL ¹					
Filings	389	414	382	339	385
Disposals	391	417	340	336	381
Pending cases at 31 December	183	180	222	225	229

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. For the years 2009 to 2013, there were 5, 1, 4, 0 and 4 and applications lodged for review of Parole Board decisions, respectively.

	2009	2010	2011	2012	2013
COMMON LAW DIVISION – Criminal ^{1, 2}					
Criminal List					
Filings ³	106	112	138	130	110
Disposals ⁴	112	106	85	157	121
Pending cases at 31 December	84	90	143	116	105

Bails List

Filings (applicants) ⁵	n/a	n/a	n/a	n/a	3,698 (est.)
Disposals (applicants) ⁵	n/a	n/a	n/a	n/a	3,742 (est.)
Pending applicants at 31 December	304	279	372	339	439

Summary jurisdiction cases ⁶

Filings	0	-	-	-	-
Disposals	248	-	-	-	-
Pending cases at 31 December	0	-	-	-	-

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

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

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

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

⁵ The figures for 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.

⁶ Normally, the few summary jurisdiction cases that come to the Court are included with civil cases within the Common Law General List of the Common Law Division, where they are managed. During 2007 and 2008, a total of 248 related prosecutions under the *Food Act 2003* (against one company and its two directors) were lodged. They were finalised in 2009. These cases have been separately reported to prevent skewing of the statistics for summons cases in the Common Law General List for those years. Note that the 248 cases reported here were reported to the Productivity Commission as 9 cases only, in accordance with the national counting rules.

COMMON LAW DIVISION – Civil

Administrative Law List

Filings	125	186	183	206	122
Disposals	110	218	156	119	148
Pending cases at 31 December	74	180	222	110	86

Defamation List

Filings	73	72	59	46	67
Disposals	89	65	63	55	76
Pending cases at 31 December	88	99	100	90	84

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

Filings	1,072	939	1,012	982	1,177
Contested claims	402	472	462	496	503
– <i>personal injury</i>	272	275	230	251	213
– <i>other claims</i>	130	197	232	245	290
Uncontested claims	173	65	100	52	161
Proceeds of Crime cases	127	114	125	93	104
Other summons cases	370	288	325	341	409
Disposals	1,073	778	863	1,041	1,556
Contested claims	414	337	422	533	616
– <i>personal injury</i>	232	219	188	248	365
– <i>other</i>	182	118	234	285	251
Uncontested claims	120	135	105	32	317
Proceeds of Crime cases	127	95	74	97	100
Other summons cases	412	211	262	379	523
Pending cases at 31 December	1,168	1,342	1,648	1,891	1,656
Contested claims	770	843	923	1,104	999
– <i>personal injury</i>	443	483	550	554	418
– <i>other</i>	327	360	373	550	581
Uncontested claims	105	192	243	162	139
Proceeds of Crime cases	156	157	216	145	148
Other summons cases	137	150	266	480	370

	2009 ¹	2010 ²	2011 ²	2012 ²	2013
Possession List ⁴					
Filings	4,610	3,658	3,994	3,259	2,447
<i>Contested</i>	286	n/a	n/a	n/a	n/a
<i>Uncontested</i>	4,324	n/a	n/a	n/a	n/a
Disposals	5,431	2,827	2,239	4,439	3,647
<i>Contested</i>	286	n/a	n/a	207	155
<i>Uncontested</i>	5,145	n/a	n/a	4,232	3,492
Pending cases at 31 December	2,007	2,679	4,319	2,922	1,711
<i>Contested</i>	220	n/a	n/a	178	136
<i>Uncontested</i>	1,787	n/a	n/a	2,744	1,575
Professional Negligence List					
Filings	172	202	150	161	194
Disposals	185	167	189	138	204
Pending cases at 31 December	419	406	394	409	402
Miscellaneous applications ⁵					
Filings	261	339	525	458	566
Disposals	491	319	490	465	608
Pending cases at 31 December	50	45	85	77	26
COMMON LAW DIVISION TOTALS – Civil					
Filings	6,313	5,396	5,923	5,112	4,573
Disposals	7,395	4,374	4,000	6,257	6,239
Pending cases at 31 December	3,806	4,751	6,768	5,499	3,965

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

² The figures reported for 2010, 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.

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

⁴ The statistics from the JusticeLink system do not reliably identify cases in the Possession List that become contested. Based on historical data, approximately 5 per cent of Possession List cases become contested.

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

2009 ¹ 2010 2011 2012 2013

EQUITY DIVISION ²

Admiralty List

Filings	22	11	4	2	0
Disposals	4	16	10	10	2
Pending cases at 31 December	21	17	11	3	1

Adoptions List ³

Applications	220	212	189	234	206
Orders made	204	199	194	203	218
Pending cases at 31 December	35	48	43	74	62

Commercial List

Filings	212	172	178	148	175
Disposals	240	173	188	178	190
Pending cases at 31 December	283	308	328	283	278

Commercial Arbitration List

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

Corporations List

Filings	2,764	2,149	1,837	1,648	1,353
Disposals ⁴	2,201	2,198	1,767	1,602	1,617
Pending cases at 31 December	686	672	838	759	465

Equity General List ⁵

Filings	1,993	2,250	2,101	2,037	1,994
– family provision cases	512	858	803	792	790
– other	1,481	1,392	1,298	1,245	1,204
Disposals ⁶	3,098	2,031	1,944	2,089	2,098
– family provision cases	605	719	738	811	919
– other	2,493	1,312	1,206	1,278	1,179
Pending cases at 31 December	1,856	2,111	2,410	2,317	2,235
– family provision cases	459	646	760	649	513
– other	1,397	1,465	1,650	1,668	1,722

	2009 ¹	2010	2011	2012	2013
Probate (Contentious Matters) List ⁷					
Filings	125	172	142	137	191
Disposals	123	160	145	116	172
Pending cases at 31 December	92	104	101	122	141
Protective List ^{8,9}					
Applications	75	80	72	106	95
Disposals	73	58	96	85	99
Pending applications at 31 December	17	39	15	36	32
Revenue List ¹⁰					
Filings	-	21	17	45	56
Disposals	-	3	8	15	35
Pending applications at 31 December	-	22	32	54	40
Technology and Construction List					
Filings	115	100	147	137	129
Disposals	109	91	119	115	95
Pending cases at 31 December	163	178	221	244	283
EQUITY DIVISION TOTALS ¹¹					
Filings	5,526	5,172	4,694	4,500	4,202
Disposals ¹²	6,052	4,932	4,476	4,422	4,534
Pending cases at 31 December	3,153	3,502	4,007	3,899	3,539
PROBATE – Applications lodged for grant of probate etc. ¹³	21,580	22,324	22,449	23,790	23,607

¹ Between 17 and 21 December 2009 the Court changed to a new case information and management system – JusticeLink. The data for 2009 were taken at 17 December – the exceptions are the Adoptions List, Protective List and Probate (Contentious Matters) List, for which the data were taken at 31 December.

² The figures reported for 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).

³ In this List, all applications types are counted, including information applications.

⁴ For 2009, these are Registrars' disposals only, with disposals by Judges and Associate Judges being included in the total for the Equity General List. For 2010 and onwards, all disposals in this List are recorded. Typically, Registrars finalise about 90 per cent of Corporations List cases.

⁵ The Equity General List figures for 2009 include Revenue List cases.

⁶ The disposals in this List for 2009 include cases disposed from the Corporations List by a Judge or Associate Judge.

⁷ The figures for 2011 and 2012 have been revised.

⁸ 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.

⁹ The figures for 2011 and 2012 have been revised.

¹⁰ For 2009, the Revenue List cases were included within the Equity General List.

¹¹ The figures for 2011 and 2012 have been revised.

¹² For 2009, the counts of disposals for the Equity Division should be considered with caution because, for the Equity General List and Corporations List (the two largest lists), a significant number of cases may have more than one disposal recorded per case. This is because many cases are re-opened but not counted as fresh filings. Consequently, such matters (which have been recorded only once as a filing) may have more than one disposal recorded against them.

¹³ 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. Probate-related matters (such as accounts matters, caveats, deposited wills, and elections to administer estates) are also handled by the Registrars but are not counted in these statistics.

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

Number pending (and % of total)	National standard ⁴	2009	2010	2011	2012	2013
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COURT OF APPEAL

Total number of cases pending		329	384	338	338	330
Cases within 12 months of age	90%	295 (90%)	328 (85%)	296 (88%)	307 (91%)	297 (90%)
Cases within 24 months of age	100%	320 (97%)	373 (97%)	323 (96%)	332 (98%)	328 (99%)

COURT OF CRIMINAL APPEAL

Total number of cases pending		183	180	222	225	229
Cases within 12 months of age	90%	167 (91%)	170 (94%)	205 (92%)	187 (83%)	206 (90%)
Cases within 24 months of age	100%	175 (96%)	176 (98%)	219 (99%)	211 (94%)	220 (96%)

COMMON LAW DIVISION – Criminal ^{5, 6}

Total number of defendants pending		84	90	143	116	105
Cases within 12 months of age	90%	68 (81%)	81 (90%)	108 (76%)	95 (82%)	85 (81%)
Cases within 24 months of age	100%	78 (93%)	90 (100%)	140 (98%)	114 (98%)	101 (96%)

COMMON LAW DIVISION – Civil

Total number of cases pending		3,806	4,751	6,768	5,499	3,965
Cases within 12 months of age	90%	-	3,513 (74%)	3,689 (55%)	3,178 (58%)	2,674 (67%)
Cases within 24 months of age	100%	-	4,193 (88%)	5,938 (88%)	4,474 (81%)	3,365 (85%)

Number pending (and % of total)	National standard ⁴	2009	2010	2011	2012	2013
EQUITY DIVISION (excluding uncontested probate matters) ⁷						
Total number of cases pending		3,153	3,502	4,007	3,899	3,539
Cases within 12 months of age	90%	-	2,340 (67%)	2,356 (59%)	2,208 (57%)	2,059 (58%)
Cases within 24 months of age	100%	-	2,960 (85%)	3,302 (82%)	3,027 (78%)	2,751 (78%)

¹ Equity Division cases and the civil cases of the Common Law Division have been included in this table since 2010 only and the information is based on data from the JusticeLink system. Until the end of 2012, however, the available reports from JusticeLink were not fully reliable for identifying inactive cases. This allowed many inactive cases to remain in the pending caseload, consequently reducing the percentage of young cases within the pending caseload. Auditing commenced in 2012, principally in the Common Law Division, to finalise old, inactive cases and continued during 2013. During 2014 the audit will be principally in the Equity Division. For the Court of Appeal, the Court of Criminal Appeal and Criminal list cases the information comes from manually collated data, not from JusticeLink system reports.

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 and 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. Most indictments presented in the Criminal List in this Court are for homicide offences. Other matters may be brought before this Court only with the approval of the Chief Justice and generally involve the most serious criminality. Most other supreme courts in Australia usually deal with a broader range of criminal cases. All supreme courts in Australia continue to have difficulty achieving the national standards in relation to their civil non-appeal cases (see table 7A.18 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 re-determination of a life sentence.

⁶ The figures are comparable from year to year: the counting unit is defendants. Cases are considered to be pending until the time of sentence/acquittal or other final disposal. Where a trial collapses and a new trial is ordered, the counting of the age of the case is calculated from the date of committal (not from the date of the order for the new trial).

⁷ The figures for 2011 and 2012 have been revised.

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

	2009	2010	2011	2012	2013
COURT OF APPEAL ³	1.5 months	3 months	4 months	4 months	4 months
COURT OF CRIMINAL APPEAL	2.5 months	2 months	4 months	2.5 months	3 months
COMMON LAW DIVISION					
Criminal List ⁴	3 months	1.5 months	5 months	5 months	6.5 months
Civil lists ⁵	3 months	1.5 months	7 months	9.5 months	5 months
Bails List	3 weeks	4 weeks	2.5 weeks	4 weeks	4 weeks
EQUITY DIVISION ⁶	2.5 months	3.3 months	2.5 months	2.5 months	3.8 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 2013 it is the position at the start of the 2014 law term). This removes the end-of-year impact of the law vacation.

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

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

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

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

Alternative dispute resolution

	2009	2010	2011	2012	2013
Court-annexed mediations listed ^{1, 2}					
Total	666	719	698	711	671
– Common Law Division	68	55	57	34	44
– Equity Division – not probate cases	553	651	623	660	605
– Equity Division – probate cases	36	12	18	16	21
– Court of Appeal	9	1	0	1	1
Percentage of cases settling at mediation ³	49%	51%	50%	54%	55%
Listing delay ⁴	5 weeks	7-8 weeks	5 weeks	6 weeks	3 weeks
Referrals to mediation generally					
Total referrals recorded ⁵	1,111	1,144	902	1,092	1,088
Mediation referral index ⁶	23.9%	23.5%	19.4%	23.9%	23.7%
Arbitrations listed					
Common Law Division	0	0	0	0	0

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

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

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

⁴ This is the delay until the first available group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2013 it is the position at the start of the 2014 law term). Earlier mediation sessions are arranged, if ordered by the Court.

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

⁶ The “mediation referral index” 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 particular aspects of that case that make it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

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

Chief Justice's 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 2013, except during periods when the Chief Justice was not available or unless the Chief Justice decided not to hold a meeting.

Members during 2013

The Honourable the Chief Justice (Chair)
The Honourable Justice Allsop AO
(until 28 February 2013)
The Honourable Justice Beazley AO
The Honourable Justice McClellan AM
(until 20 February 2013)
The Honourable Justice Hoeben AM RFD
(from 21 February 2013)
The Honourable Justice Bergin
Ms L Murphy, CEO and Principal Registrar
(Secretary)

Supreme Court Rules Committee

The Rules 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 Supreme Court Rules Committee have been required.

The Supreme Court Rules Committee met on one occasion in 2013.

Members during 2013

The Honourable the Chief Justice (Chair)
The Honourable Justice Allsop AO
(until 28 February 2013)
The Honourable Justice Beazley AO
The Honourable Justice Hoeben AM RFD
The Honourable Justice Meagher
The Honourable Justice White
The Honourable Justice Hall
The Honourable Justice Rein
The Honourable Justice Adamson
The Honourable Justice Lindsay
Ms C Webster, NSW Bar Association
Ms S Fernandez, Law Society of NSW
Mr S Jupp, Prothonotary (Secretary)
Senior Deputy Registrar Flaskas (Advising Officer)

Education Committee

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

The Committee also develops the program for an annual Supreme Court Conference attended by all available 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 2013

The Honourable Justice Beazley AO
The Honourable Justice Basten (Chair)
The Honourable Justice Hoeben AM RFD
The Honourable Justice Nicholas
The Honourable Justice Hislop
The Honourable Justice Johnson
The Honourable Justice Harrison
The Honourable Justice Fullerton
The Honourable Justice Schmidt
The Honourable Justice Garling RFD
Ms L Murphy, CEO and Principal Registrar
Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor)
Ms R Sheard, Manager, Conferences and Communication, Judicial Commission of NSW

Building Committee

The Committee meets approximately every two months to discuss matters affecting the buildings within the Darlinghurst and King Street court complexes, and the Law Courts Building in Phillip Street. The Committee also identifies facilities that are required to support courtroom operations and the needs of Court users. The refurbishment of the Law Courts Building and the ongoing refurbishment of the King Street and St James Road Court Complex remained the Committee's primary focus during 2013.

Members during 2013

The Honourable Justice McDougall (Chair)
The Honourable Justice Hoeben AM RFD
The Honourable Justice McClellan AM (until 20 February 2013)
The Honourable Justice Brereton AM RFD
The Honourable Justice Price AM
The Honourable Justice McCallum
The Honourable Justice Hallen
Ms L Murphy, CEO and Principal Registrar
Mr N Sanderson-Gough, Manager, Court Operations & Communications
Mr K Marshall, Asset Management Branch, Department of Attorney General and Justice
Mr M Levy, Asset Management Branch, Department of Attorney General and Justice
Mr J Grant (Secretary)

Information Technology Committee

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

Members during 2013

The Honourable Justice McColl AO (Chair)
The Honourable Justice Latham
The Honourable Justice Beech-Jones
The Honourable Associate Justice Macready (until 27 February 2013)
Ms L Murphy, CEO and Principal Registrar
Mr N Sanderson-Gough, Manager, Court Operations & Communications
Mr J Mahon, Information Services Branch, Department of Attorney General and Justice
Ms K Duke, Information Services Branch, Department of Attorney General and Justice
Ms L Fairbairn, Law Courts Library
Ms E Walsham, Reporting Services Branch, Department of Attorney General and Justice

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 2013

The Honourable Justice Basten (Chair)
The Honourable Justice RA Hulme
The Honourable Justice Adamson
The Honourable Justice Black
The Honourable Justice Craig, Land and Environment Court
His Honour Judge O'Connor AM, President, Administrative Decisions Tribunal
His Honour Judge Berman, District Court
Deputy Chief Magistrate Culver, Local Court
Ms L Murphy, CEO and Principal Registrar
Ms L Walton, Acting Registrar, Land and Environment Court
Ms P Green, Registrar, Administrative Decisions Tribunal
Ms R Davidson, Executive Officer, Children's Court
Ms B Baker, Registrar, Dust Diseases Tribunal
Ms L Fairbairn, Director, Library Services
Ms D Reece, Caselaw Support Officer, Library Services (Secretary)

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 2013

The Honourable Justice Bergin (Chair)
The Honourable Justice Ward
The Honourable Justice Hoeben AM RFD
The Honourable Justice Hislop
The Honourable Justice Hall
The Honourable Justice Latham
The Honourable Associate Justice Harrison
Ms L Murphy, CEO and Principal Registrar
Mr A Musgrave, Acting Registrar in Equity
Ms J Highet (Secretary)

NSW Bar Association members:

Ms A Bowne SC
Ms M Walker

Law Society of NSW member:

Mr A McMurrin

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 2013

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

Court of Appeal User Group

The Group was established in 1999 and consists of representatives from the legal profession nominated by the Bar Association and the Law Society. The Group did not meet in 2013.

Court of Criminal Appeal/Crime User Group

The joint Court of Criminal Appeal/Crime User 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 time frames.

Members during 2013

The Honourable Justice McClellan AM (Chair) (until 20 February 2013)
The Honourable Justice Hoeben AM RFD (Chair) (from 21 February 2013)
Ms L Murphy, CEO and Principal Registrar
Mr S Jupp, Prothonotary
Mr M Crompton, Registrar, Court of Criminal Appeal

NSW Bar Association members:

Mr M Ierace SC
Mr P Ingram SC
Mr S Odgers SC
Mr S Doumit
Mr I Rodgers

Law Society of NSW member:

Mr D Giddy

Other members:

Mr G Galanis, Office of the Director of Public Prosecutions
Ms E Hall, Aboriginal Legal Service
Ms E McKenzie, Commonwealth Director of Public Prosecutions
Ms P Musgrave, Director, Criminal Law Review, Department of Attorney General and Justice
Ms P Olsoen, District Court of NSW
Ms M Schneider, Legal Aid NSW
Ms J Witmer, Legal Aid NSW

Common Law Civil User 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 2013

The Honourable Justice McClellan AM (Chair) (until 20 February 2013)

The Honourable Justice Hoeben AM RFD (Chair) (from 21 February 2013)

The Honourable Justice Hall

Mr C Bradford, Common Law Registrar

NSW Bar Association members:

Mr P Deakin QC

Ms L McFee

Mr E Romaniuk

Law Society of NSW members:

Mr R Kamar

Mr E Yamine

Professional Negligence List User Group

The Group meets as required to discuss issues relevant to the administration and operation of the List. The Group did not meet in 2013.

Members during 2013

The Honourable Justice Hislop (Chair)

Law Society of NSW members:

Mr I Butcher

Mr D Munro

Mr T Stern

Ms J Tully

Ms A Walsh

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 co-operation between the judges and legal profession in developing suggested improvements to the Division's operations. The Group met three times in 2013.

Members during 2013

The Honourable Justice Bergin (Chair)

The Honourable Justice Slattery

Mr A Musgrave, Acting Registrar in Equity

NSW Bar Association members:

Mr M Ashhurst SC

Mr M K Condon SC

Mr R R I Harper SC

Ms J A Needham SC

Mr C R C Newlinds SC

Mr G A Sirtes SC

Ms V Whittaker

Law Society of NSW members:

Ms A M Kennedy

Mr J K Martin

Mr B J Miller

Ms P G Suttor

Mr S D Westgarth

Corporations List User 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 2013 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 2013

The Honourable Justice White (Chair)
The Honourable Justice Ward
The Honourable Associate Justice Macready
(until 27 February 2013)
Mr A Musgrave, Acting Registrar in Equity

NSW Bar Association members:

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

Law Society of NSW members:

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

Other members:

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

Commercial and Technology and Construction Lists User Group

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

Members during 2013

The Honourable Justice McDougall (Chair)
The Honourable Justice Hammerschlag (List Judge)
The Honourable Justice Lindsay

Bar Association of NSW:

Mr M A Ashhurst SC
Ms E A Collins SC
Mr F C Corsaro SC
Mr N C Hutley SC
Mr J C Kelly SC
Mr G T Miller QC
Mr C R C Newlinds SC
Ms E M Olsson SC
Mr S D Robb QC (until 20 June 2013)
Mr M G Rudge SC
Mr R M Smith SC
Mr L V Gyles

Law Society of NSW:

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

Possession List User Group

The Possession List User 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 NSW, the Consumer Credit Legal Centre and Redfern Legal Centre) who provide legal assistance to those experiencing problems with debt. The Group does not have appointed members. Rather, representatives from those firms and organisations attend and provide a range of views on relevant issues. The Group's primary objectives are to encourage frank discussion concerning issues affecting the running of the List, to identify how any problems might be overcome and to improve court processes to assist parties in this class of proceedings.

Members during 2013

The Honourable Justice Davies (Chair)
The Honourable Justice McCallum
Mr S Jupp, Prothonotary
Mr C Bradford, Common Law Registrar
Mr M Cesta-Incani, Manager, Listings

Bransgroves:

Ms K Cooper
Ms R Daher
Ms L Eldridge
Mr G Fletcher
Ms C Watson

Consumer Credit Legal Centre:

Ms A Kelly
Ms K Lane
Ms S Winfield

Dibbs Abbott Stillman:

Ms J Pike

Dibbs Barker:

Mr M Connor
Mr R Iaconis
Ms C Wallace

Gadens:

Mr M Collins
Mr C Hudson
Ms N Minassian
Mr T Sherrard
Ms H Van Ravels

Henry Davis York:

Ms S Lever
Ms F Parker
Ms A Doudman

Hicksons:

Mr B Burke
Mr R Cameron
Mr S Stierli

Kemp Strang:

Mr M Pike
Mr A Pong

Legal Aid NSW:

Ms R Doran
Mr D McMillan
Mr J Moratelli

NAB Legal:

Ms H Baxter
Ms K White (from May 2013)

Norton Rose:

Ms K Andrews
Mr M Suliman

Redfern Legal Centre:

Ms N Petrou

Probate User 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 2013

The Honourable Justice White (Probate List Judge)
(Chair)

Ms L Murphy, CEO & Principal Registrar

Mr S Jupp , Prothonotary

Mr P Studdert (Secretary)

NSW Bar Association member:

Mr M Willmott

Law Society of NSW members:

Mr R Neal

Ms P Suttor

Other members:

Professor R Croucher, Macquarie University,
representing NSW law schools

Ms R Pollard, NSW Trustee & Guardian

Ms Mr P Whitehead, representing trustee
companies

Ms P Vines, University of NSW

Media Consultation Group

The Media Consultation Group was established in 2002 to promote open discussion between key representatives from the courts, legal profession and media. The aim of the Group is to identify issues affecting the reporting of court proceedings by the media. The Group met once in 2013 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 2013

The Honourable Justice McColl AO (Chair)

The Honourable Justice Hoeben AM RFD

The Honourable Justice Rein

The Honourable Justice Nicholas

The Honourable Justice Latham

The Honourable Justice McCallum

Ms S Zadel, Public Information Officer, NSW
superior courts

Mr L Babb SC, NSW Director of Public
Prosecutions

Mr P Bibby, Sydney Morning Herald

Mr R Coleman, Fairfax Legal

Ms A Cooper, Media Liaison and Communications
Officer, Office of the Director of Public
Prosecutions

Ms A Dale, Daily Telegraph

Ms I Hayes, Australian Associated Press

Mr M Ierace SC , Senior Public Defender

Ms J H Low, Australian Financial Review

Ms E Southwood, Network Ten

Mr G Taylor, Radio 2GB

Ms J Wells, Australian Broadcasting Corporation

Judges' JusticeLink Committee

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

Members during 2013

The Honourable Justice Latham (Chair)
The Honourable Associate Justice Macready (until 27 February 2013)
Ms L Murphy, CEO and Principal Registrar
Mr S Jupp, Prothonotary
Ms N Ubrihien, Manager, Client Services

Civil Registry Consultation Group

This Group was established in August 2011 with the aim of encouraging feedback regarding the civil Registry's ability to meet the ongoing and future needs of the legal profession. The Group met monthly throughout 2013.

Members during 2013

Ms L Murphy, CEO and Principal Registrar
Mr S Jupp, Prothonotary

Law Society of NSW members:

Mr R Drinnan, Allens Arthur Robinson
Mr A McMurrin, Heidtmans
Mr G Ulman, Minter Ellison
Ms J Virgo, Clayton Utz
Mr B Bellach and Ms R Kenna (Secretaries)

APPENDIX (III): OTHER JUDICIAL ACTIVITY

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

The Judges' and Associate Judges' activities during 2013 are summarised below in chronological order.

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

Conferences:

16-17 May 2013	4th Judicial Seminar on Commercial Litigation (Singapore)
20-22 May 2013	9th World INSOL International Quadrennial Congress, The Hague (Netherlands)
27 Aug 2013	Supreme Court Corporate Law Conference (Sydney)
29-31 Aug 2013	Banking and Financial Services Law Association Annual Conference (Gold Coast)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
28-30 Oct 2013	15th Conference of Chief Justices of Asia and the Pacific (Singapore)
31 Oct-1 Nov 2013	5th Asia Pacific Judicial Reform Forum Meeting (Singapore)

Speaking engagements:

29 Jan 2013	Address at the Opening of Law Term Dinner, " <i>The Folly of Prediction</i> " (Sydney)
7 Feb 2013	Remarks at the Opening of Law Term Service, Auburn Gallipoli Mosque (Auburn)
16 Feb 2013	Address at NSW Bar Association Continuing Professional Development, " <i>Uncovering Discovery</i> " (Newcastle)
22 Feb 2013	Address on the Retirement of the Honourable Justice J Allsop AO as President of the Court of Appeal, Banco Court (Sydney)
28 Feb 2013	Opening remarks at the Law Council of Australia Superannuation Lawyers' Conference, " <i>Superannuation Governance Reform: Radical Departure or More of the Same?</i> " (Sydney)
7 Mar 2013	Address at the Swearing-in Ceremony of the Honourable Justice A R Emmett as a Judge of the Supreme Court of New South Wales and as a Judge of Appeal, Banco Court (Sydney)
7 Mar 2013	Book launch address, <i>The Future of Dispute Resolution</i> by M Legg (ed) (Sydney)
13 Mar 2013	Address at the Affinity Intercultural Foundation Gala Dinner and Awards Ceremony, " <i>The Importance of Public Service</i> " (Sydney)
20 Mar 2013	Book launch address, <i>Schemes, Takeovers & Himalayan Peaks</i> (3 rd ed) by T Damian and A Rich (Sydney)
8 Apr 2013	Address at the Swearing-in Ceremony of the Honourable F Kunc as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney)
16 Apr 2013	Address to the Rotary Club of Sydney, " <i>Lawyers and Commercialism: Help or Hindrance?</i> " (Sydney)

29 Apr 2013	Address at the Swearing-in Ceremony of the Honourable Justice F Gleeson as a Judge of the Supreme Court of New South Wales and as a Judge of Appeal, Banco Court (Sydney)
6 May 2013	Opening remarks at the 32nd Annual Aviation Law Association of Australia and New Zealand (ALAANZ) Conference, " <i>Regulation, Competition and the Changing Structure of the Aviation Industry</i> " (Sydney)
8 May 2013	Opening remarks at the Insolvency Practitioners' Association of Australia National Conference (Sydney)
16-17 May 2013	Panel Chair, 4th Judicial Seminar on Commercial Litigation (Singapore)
21 May 2013	Roundtable discussion member, 9th World INSOL International Quadrennial Congress, The Hague (Netherlands)
3 Jun 2013	Address at the Swearing-in Ceremony of the Honourable M J Leeming as a Judge of the Supreme Court of New South Wales and as a Judge of Appeal, Banco Court (Sydney)
4 Jun 2013	Adjudicator, University of New South Wales Senior Torts Mooting Competition Grand Final (Sydney)
17 Jun 2013	Remarks at the Launch of NSW State Reports on AUSTLII, Australian Legal History Library Project (Sydney)
20 Jun 2013	Address at the Swearing-in Ceremony of the Honourable S Robb as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney)
12 Jul 2013	Occasional address at the LPAB Diploma in Law Graduation, University of Sydney (Sydney)
7 Aug 2013	Welcome address to the Community Awareness of the Judiciary Program, Judicial Commission of NSW (Sydney)
8 Aug 2013	Panel discussion member, " <i>Corporate Law Judicial Decision-Making</i> ", Sydney Law School (Sydney)
16 Aug 2013	Address at the Swearing-in Ceremony of the Honourable Justice R J H Darke as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney)
27 Aug 2013	Opening remarks at the Supreme Court Annual Corporate Law Conference, " <i>Directors' Duties, New Perspectives</i> " (Sydney)
30-31 Aug 2013	Presenter at the Banking and Financial Services Law Association Annual Conference, " <i>It Tolls for Thee: Accessorial Liability After Bell v Westpac</i> " (Gold Coast)
3 Sep 2013	Address to the Francis Forbes Society for Australian Legal History, " <i>The Historical Development of Corporations Law</i> ", Introduction to Australian Legal History Tutorials (Sydney)
6 Sep 2013	Welcome address at the Supreme Court Annual Judges' Conference (Wollongong)
19 Sep 2013	Keynote address at the Australian Insurance Lawyers Association National Conference, " <i>Insurance Law – A View From the Bench</i> " (Sydney)
11 Oct 2013	Address to the Judicial Conference of Australia Colloquium, " <i>Separation of Powers: Reality or Desirable Fiction?</i> " (Sydney)
12 Oct 2013	Remarks at the Toongabbie Legal Centre Annual Fundraising Dinner (Sydney)

25 Oct 2013	Address at the Swearing-in Ceremony of the Honourable Justice R Wright as a Judge of the Supreme Court of New South Wales, Banco Court (Sydney)
28 Oct 2013	Address to the Conference of Chief Justices of Asia and the Pacific, " <i>The Importance of Developing Convergent Commercial Law Systems, Procedurally and Substantively</i> " (Singapore)
31 Oct 2013	Remarks at the 5th Meeting of the Asia Pacific Judicial Reform Forum, " <i>Lessons From Judicial Systems in Transition</i> " (Singapore)
8 Nov 2013	Occasional address at the University of Western Sydney Law School Alumni Association Annual Dinner (Sydney)
11 Nov 2013	Address at Silks Bows Ceremony, Banco Court (Sydney)
15 Nov 2013	Opening remarks at the Administrative Decisions Tribunal of New South Wales Members' Conference (Sydney)
22 Nov 2013	Address at the Newcastle Bar Association Annual Dinner (Newcastle)

Publications:

Foreword, *Schemes, Takeovers & Himalayan Peaks* (3rd ed) by T Damian and A Rich, Herbert Smith Freehills, 2013

The Historical Development of Corporations Law (2013) 37 *Australian Bar Review* 217

It Tolls for Thee: Accessorial Liability After *Bell v Westpac* (2013) 87 *Australian Law Journal* 831

The Historical Development of Corporations Law (2013) 37 *Australian Bar Review* 217

Appointments to legal, cultural or benevolent organisations:

Chair of the Judicial Commission of New South Wales

Delegations and international assistance:

21 Feb 2013	Visited by delegation led by Mr Zhu Xiaoping, Deputy Inspector, Nanjing Bureau of Justice (China)
13 Mar 2013	Visited by delegation led by Justice Rinzin Gyaltshen, Judge of the Supreme Court of Bhutan (Bhutan)
12 Apr 2013	Visited by Justice Stefen Lindskog, Judge of the Supreme Court of Sweden (Sweden)
2 May 2013	Visited by Judge Jan-Marie Doogue, Chief District Court Judge of New Zealand (New Zealand)
10 May 2013	Visited by Mr Zaki Tun Azmi, former Chief Justice of Malaysia (Malaysia)
11 Jun 2013	Visited by delegation led by Mr Zheng Shaofeng, Deputy Chief Procurator of the People's Procuratorate of Qinghai Province (China)
11 Jun 2013	Visited by delegation led by Mr Miao Xiaobao, Chair of Committee for Social and Legal Affairs of the Chinese People's Political Consultative Conference Shanghai Committee (China)
6 Aug 2013	Visited by Judge Kaoru Ueno, Saga District Court (Japan)
7 Aug 2013	Visited by Mr Michael Hwang SC, Chief Justice of Dubai International Financial Centre Courts (Dubai, UAE)

9 Sep 2013	Signing of Memorandum of Understanding between the Supreme Court of New South Wales and Dubai International Financial Centre Courts (Dubai, UAE)
20 Sep 2013	Visited by delegation led by Mr Zhai Junyong, Judge, Tianjin No 2 Intermediate People's Court (China)
21 Oct 2013	Visited by delegation led by Mr Zhang Mingsong, Senior Judge, High People's Court of Hunan Province (China)
6 Nov 2013	Visited by delegation led by Mr Li Yalin, Deputy Chief Judge No 1 Civil Division, Jiangsu Provincial High Court (China)
12 Dec 2013	Visited by delegation led by Mr Wu Ping, Vice President, Nanjing Intermediate People's Court (China)

THE HONOURABLE JUSTICE M J BEAZLEY AO

Conferences:

18-23 Jan 2013	Supreme and Federal Court Judges' Conference (Adelaide)
2-3 May 2013	2013 Leadership Program, National Judicial College of Australia (Sydney)
9-12 May 2013	International Association of Women Judges (IAWJ) Annual Conference (Auckland)
15-18 May 2013	4th Judicial Seminar on Commercial Litigation (Singapore)
23 May 2013	Land and Environment Court Conference (Kiama)
26-29 Jun 2013	Environmental Law Enforcement Conference (Edinburgh)
26 Jul 2013	Judges and the Academy: Where Theory and Practice Intersect (Melbourne)
3 Sep 2013	Government Solicitors Conference (Sydney)
25 Sep 2013	Australian Law Librarians' Association Annual Conference (Sydney)
3 Oct 2013	Consumer, Trader and Tenancy Tribunal Annual Conference (Sydney)
18 Oct 2013	Environment and Planning Law Association of NSW (EPLA) Conference (Sydney)
25 Nov 2013	Advanced Property Law Conference, College of Law (Sydney)

Speaking engagements:

9 Mar 2013	Paper: <i>Good faith in contract: dodo or phoenix?</i> Salvos Lecture Series (Sydney)
16 Mar 2013	Paper: <i>Solicitors' duties in commencing proceedings</i> Windsor Law Society (Sydney)
27 Mar 2013	Paper: <i>Advocacy: A view from the bench</i> Advocacy Seminar, Legalwise (Sydney)
15-18 May 2013	Paper: <i>Social Media and the Courts</i> 4th Judicial Seminar on Commercial Litigation (Singapore)
23 May 2013	Paper: <i>The distinction between questions of fact and law: a question without answer?</i> Land and Environment Court Conference (Kiama)
29 May 2013	Address Arts Law Centre of Australia Pro Bono Awards (Sydney)

13 Jun 2013	Address Opening of TressCox's new offices (Sydney)
26-29 Jun 2013	Paper: <i>Environmental enforcement and the Alien Torts Statute</i> Environmental Law Enforcement Conference (Edinburgh)
3 Sep 2013	Keynote address Government Solicitors Conference (Sydney)
19 Sep 2013	Paper: <i>Calderbank offers 3</i> NSW Young Lawyers Civil Litigation Committee, "Without Prejudice" Offers and Offers of Compromise" Seminar (Sydney)
20 Sep 2013	Keynote address University of Western Sydney Law Ball
25 Sep 2013	Keynote address Australian Law Librarians' Association Annual Conference (Sydney)
3 Oct 2013	Paper: <i>Natural justice/procedural fairness</i> Consumer, Trader and Tenancy Tribunal Annual Conference (Sydney)
10 Oct 2013	Address: <i>How I flunked Ancient History</i> Equal Opportunity Committee, NSW Bar Association (Sydney)
18 Oct 2013	Paper: <i>Recent developments in the Court of Appeal</i> Environment and Planning Law Association of NSW (EPLA) Conference (Sydney)
25 Nov 2013	Paper: <i>Volunteers and indefeasibility</i> Advanced Property Law Conference, College of Law (Sydney)
13 Dec 2013	Address Bethany College Speech Day (Sydney)

Appointments to legal, cultural or benevolent organisations:

Chair, NSW Chapter, Australian Institute Administrative Law

Member, Board of Governors, Queenswood School for Girls

Member, Advisory Board, Centre for Children and Young People, Southern Cross University

Member, Advisory Board, Centenary Institute

Patron, Toongabbie Legal Centre

President, Arts Law Centre of Australia

Member, Advisory Board, University of Notre Dame

Delegations and international assistance:

6 Dec 2013 Delegation from the People's Procuratorate of Liaoning Province (China)

THE HONOURABLE JUSTICE R S McCOLL AO

Conferences:

14 Jun 2013	AIJA Public Information Officers' Conference, Federal Court (Sydney)
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Speaking engagements:

14 Jun 2013	Address: " <i>Could the Courts and judges speak directly to the public via social media?</i> " AIJA Public Information Officers' Conference, Federal Court (Sydney)
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8 Aug 2013	Corporate Law Judicial Decision-Making Panel
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THE HONOURABLE JUSTICE JOHN BASTEN

Conferences:

19-23 Jan 2013	Supreme and Federal Court Judges' Conference (Adelaide)
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15 Feb 2013	Constitutional Law Conference (Sydney)
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6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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12-13 Sep 2013	Judicial Commission – " <i>Logic and Legal Reasoning in Judicial Decision Making</i> " (Sydney)
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25 Oct 2013	Judges and the Academy Seminar Series: " <i>Where Theory and Practice Intersect</i> " (Melbourne)
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3-7 Nov 2013	6th International Conference of the International Organisation for Judicial Training (Washington DC)
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Speaking engagements:

8 Mar 2013	Paper: <i>Judicial Control of Trustees' Exercise of Powers: A Public Law Perspective</i> Trusts Symposium 2013 (Adelaide)
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17 Apr 2013	Paper: <i>Judging Community Standards and Mores</i> Roseville Rotary Club (Sydney)
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14 May 2013	Paper: <i>Judicial Review of Executive Action: Tiers of Scrutiny or Tears of Frustration</i> Constitutional and Administrative Law Section of NSW Bar Association (Sydney)
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20 Jun 2013	Paper: <i>The Scope of Power: Determining the Limits</i> AGS Administrative Law Conference (Canberra)
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Appointments to legal, cultural or benevolent organisations:

Chair, Judicial Commission of NSW Standing Advisory Committee on Judicial Education

Chair, Judicial Commission of NSW Supreme Court Education Committee

Member, Editorial Board of The Judicial Review, Journal of the Judicial Commission of NSW

Member, Supreme Court Caselaw Governance Committee
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Member, UNSW Law Faculty Advisory Council

Member, Law Courts Library Advisory Committee

Member, Advisory Committee, G & T Centre of Public Law
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THE HONOURABLE JUSTICE ROBERT MACFARLAN

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Appointments to legal, cultural or benevolent organisations:

Member, Board of the State Records Authority of New South Wales

Member, Appeal Courts Judgment Writing Committee of the National Judicial College of Australia

Chair, Joint Law Courts Library Committee

THE HONOURABLE JUSTICE ANTHONY JOHN MEAGHER

Conferences:

11 May 2013	Teaching Interpretation Colloquium, University of Sydney (Sydney)
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22 Aug 2013	International Commercial & Arbitration Conference
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6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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18 Sep 2013	AMTAC Annual Address: Stuart Hetherington
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Speaking engagements:

23 Mar 2013	<i>Effective Advocacy in the NSW Court of Appeal</i> Bar Association Conference
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Other:

14 Sep 2013	Participated as judge/instructor, ABA Appellate Advocacy Course
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21 Sep 2013	Participated as judge/instructor, NSW Bar Association Mock Trial
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10 Oct 2013	Participated as judge, UNSW Law Society Mooting Grand Finals
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23 Oct 2013	Participated as judge, University of Notre Dame Grand Final Mooting Competition
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Appointments to legal, cultural or benevolent organisations:

Member, Uniform Rules Committee

Board Member, Kincoppal-Rose Bay School Board

Member, Kincoppal-Rose Bay School Bursary Investment Advisory Committee

Governor, University of Notre Dame

Member, University of Notre Dame Law Advisory Board

THE HONOURABLE JUSTICE R I BARRETT

Conferences:

27 Aug 2013	Corporations Law Conference, Supreme Court (Sydney)
30 Aug-1 Sep 2013	Banking and Financial Services Law Association, 30th Annual Conference (Gold Coast)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

22 Feb 2013	Occasional remarks: Admission of Lawyers (Newcastle)
14 May 2013	Book launch: <i>Everett & McCracken's Banking and Financial Institutions Law</i>
30 Aug 2013	Commentary: "Cross-border Controversy – A Tale of Two Ships Passing in the Night?" Banking and Financial Services Association Conference

Publications:

General Editor, <i>Robson's Annotated Corporation Legislation</i> (looseleaf)
Foreword, John Tarrant, <i>Deregistration and Reinstatement of Companies and Schemes</i> , 2013

THE HONOURABLE JUSTICE C R R HOEBEN AM RFD

Conferences:

3 Apr 2013	District Court Annual Conference (Newcastle)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
11 Nov 2013	<i>Delays in Sentencing</i> , NSW Bar Association Seminar (Sydney)

Speaking engagements:

3 Apr 2013	Address: <i>Court of Appeal Review</i> District Court Annual Conference (Sydney)
5 Jun 2013	Address: <i>Civil Liability Act – Causation</i> AILA Conference
18 Sep 2013	Address and panel participant: Community Awareness of the Judiciary Program 2013
15 Nov 2013	Address: <i>A View from the Bench</i> NSW Claims Discussion Group
9 Dec 2013	Address: <i>The Jury System and Sentencing in Australia</i> Students from Singapore Management University

Delegations and international assistance:

7 Mar 2013	Hosting delegation of Judges from the Vietnam Supreme Peoples Court
27 May 2013	Hosting visit by Shinpei Takazakura, Judge of the Fukuoka District Court of Japan
9 Dec 2013	Hosting visit by students of the Singapore Management University

THE HONOURABLE JUSTICE JULIE WARD

Conferences:

15-17 May 2013 4th Judicial Seminar on Commercial Litigation (Singapore)

Speaking engagements:

9 Mar 2013 Keynote address: Salvos Legal Lecture Series

11 May 2013 Session Chair: *Perspectives and Experiences*
Teaching Interpretation Colloquium, University of Sydney (Sydney)

5 Jul 2013 Keynote address: *Advancement of Women in the Legal Profession*
Law Society Thought Leadership Luncheon

29 Aug 2013 Speech: *Capacity*
National Judicial College of Australia (Adelaide Hills)

16 Nov 2013 Keynote address/presentation: *NSW Young Lawyers Awards Ceremony*
2013 Annual Assembly Conference of the NSW Young Lawyers

Publications:

Constructive Trusts and Equitable Proprietary Relief: Insights from Estoppel, *Principles of Proprietary Remedies* (2013) Thomson Reuters

Appointments to legal, cultural or benevolent organisations:

Member and Fellow, Australian Academy of Law

THE HONOURABLE JUSTICE F GLEESON

Conferences:

8 Aug 2013 Sydney University Law School Seminar: Corporate Law Judicial decision making

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

10 Sep 2013 NSW Judicial Commission Cross-jurisdictional Seminar: *Evidence Amendment (Evidence of Silence) Act & Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act* (Sydney)

22-27 Sep 2013 National Judicial Orientation Program (Hobart)

Speaking Engagements:

29 Apr 2013 Swearing in speech

27 May 2013 Adjudicator: *Adjudicate 2013 Witness Examination Championship at Henry Davis York's office*
UTS Law Students Society (Sydney)

10 Oct 2013 Adjudicator: *UNSW Law Society Ashurst Mooting Grand Finals* (Sydney)

THE HONOURABLE JUSTICE LEEMING

Conferences:

6-7 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

30 Aug 2013 Session Chair: *Trusts, Fiduciaries and Commerce Symposium*
Ross Parsons Centre (Sydney)

20 Sep 2013 Session Chair: *Waltons v Maher and Promissory Estoppel: The 25th Anniversary*
Journal of Equity Conference, UTS (Sydney)

15 Nov 2013 Paper: *The Riddle of Jurisdictional Error*
ANU Public Law Weekend (Canberra)

Publications:

Five Judicature Fallacies, in Gleeson, Watson & Higgins (eds), *Historical Foundations of Australian Law*
(The Federation Press, 2013)

Theories and Principles Underlying the Development of the Common Law – The Statutory Elephant in the
Room (2013) 36(3) *UNSWLJ* 1002

Hypothetical Jurisdiction: A rejoinder (2013) 87 *ALJ* 685

Appointments to legal, cultural or benevolent organisations:

Editorial Board Member, *Journal of Equity*, *Australian Bar Review*

Challis Lecturer in Equity, University of Sydney
Director, The Federation Press Pty Ltd

THE HONOURABLE JUSTICE SIMPSON

Conferences:

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

25 Oct 2013 Keynote speaker:
NSW Council of Civil Liberties 50th Anniversary Dinner (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, Legal Profession Admission Board Examinations Committee

THE HONOURABLE JUSTICE PETER HIDDEN AM

Conferences:

10 Apr 2013	Judicial Commission Seminar (University of Sydney)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
10 Sep 2013	NSW Judicial Commission Cross-jurisdictional Seminar: <i>Evidence Amendment (Evidence of Silence) Act & Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act</i> (Sydney)
12 Sep 2013	<i>International Courts as Environment Courts</i> by Professor James Crawford (University of Sydney)

Speaking engagements:

3 May 2013	Seminar for post-graduate students (University of Wollongong)
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Other:

2 May 2013	Attended Investiture Ceremony (Government House, Sydney)
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THE HONOURABLE JUSTICE R W WHITE

Conferences:

8 Mar 2013	Trusts Symposium (Adelaide)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)

Appointments to legal, cultural or benevolent organisations:

2013	Chair under s 52 of <i>Dormant Funds Act 1942</i> , Charity Referee, Koala Park Sanctuary Dormant Fund (Hearing 12 June 2013)
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THE HONOURABLE JUSTICE HALL

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Appointments to legal, cultural or benevolent organisations:

Member, Legal Profession Admission Board Examinations Committee	
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THE HONOURABLE JUSTICE STEPHEN ROTHMAN AM

Conferences:

18-24 Jan 2013	Supreme & Federal Court Judges' Conference (Adelaide)
6 Feb 2013	Australian Association of Constitutional Law: <i>State Jurisdictional Residue: What remains to a State Court when its Chapter 111 Functions are Exhausted?</i> (Sydney)

10 Apr 2013	NSW Judicial Commission Ngara Yura Program Seminar: <i>Understanding Kinship</i> (Sydney)
13 Mar 2013	Affinity Intercultural Foundation Gala Dinner (Sydney)
7 May 2013	Australian Baha'i Community: Australian Rights National Forum, NSW Parliament House (Sydney)
18-19 Jul 2013	Australasian Institute of Judicial Administration Indigenous Law Conference: <i>Current Issues in Delivering Indigenous Justice; Challenges for the Court</i> (Adelaide)
22 Jul 2013	Australian Institute of Administrative Law Seminar: <i>The Boundaries of Judicial Review and Justiciability; Comparing Perspectives from Australia and Canada</i> (Sydney)
15 Aug 2013	Australian Association of Constitutional law: <i>The Impact of Kirk on State Jurisdiction</i> (Sydney)
10 Sep 2013	NSW Judicial Commission Cross-jurisdictional Seminar: <i>Evidence Amendment (Evidence of Silence) Act & Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act</i> (Sydney)
9-14 Oct 2013	Three Aspects of International Justice at The Hague: ICJ, ICC and ICTY (The Hague)
7 Nov 2013	Australian Insurance Law Association Seminar: <i>Professionals and Construction</i> Sydney
16 Nov 2013	NSW Judicial Commission: Ngara Yura: Community visit to Tharawal Aboriginal community (Campbelltown)
28 Nov 2013	Australian Association of Constitutional Law Seminar: <i>Same-sex Marriage Legislation: Constitutional Law Perspectives</i> (Sydney)
10 Dec 2013	Australian Association of Constitutional Law Seminar: <i>Comparative Constitutional Law</i> (Sydney)

Speaking engagements:

13 Nov 2013	<i>Merits Review v Judicial Review – The Slippery Slope</i> Motor Accidents Authority of NSW Conference (Sydney)
14 Oct 2013	<i>The Effect of the ICJ, ICC and ICTY on Territorial Courts</i> Three Aspects of International Justice at The Hague (The Hague)

Appointments to legal, cultural or benevolent organisations:

Director, Board Member and Chair, Workplace Relations Committee, NSW Association of Independent Schools
Honorary Life Member and Executive Member, NSW Jewish Board of Deputies
Co-chair, Australian Council of Jewish Schools
Chair, Organising Committee of the Joint Supreme Court/Federal Court Judges' Conference
Chair, Workplace Research Centre Advisory Board, Faculty of Economics and Business, University of Sydney
Chair, Ngaga Yura Committee of Judicial Commission of NSW
Member, NAB Yachad Scholarship Fund NSW Advisory Board
Chair of the Board, "Fighting Chance", charity providing employment training to the disabled
President, The Great Synagogue (Sydney)

THE HONOURABLE P L G BRERETON AM RFD

Conferences:

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

16 Mar 2013 *Equitable Issues in Family Law*
Queensland Law Society Symposium (Brisbane)

8 May 2013 *Military Justice & Chapter III: The Constitutional Basis for Courts Martial*
Australian association of Constitutional Law Seminar (Sydney)

15 Jun 2013 Opening address: Costs Assessors Seminar (Sydney)

28 Aug 2013 Opening address: *The Chief Justice's Review of the Costs Assessment Scheme*
State Legal Conference

28 Aug 2013 Panellist: *Conflicts of duty and interest*
Law Society of NSW Ethics Forum

2 Sep 2013 *Three Decades of Corporations Practice*
ASIC Chief Legal Office Conference (Manly)

3 Oct 2013 *Not So Strange Bedfellows: The Professions of Law and of Arms*
Australian Army Legal Corps 70th Anniversary Symposium

7 Nov 2013 *Striking a Balance: Representing clients with diminished capacity*
Law Society of NSW CPD Series

Publications:

The High Court and Family Law: Two Recent Excursions (2013) Volume 3/2 April *Family Law Review*

Binding or Bound to Fail? Equitable Remedies and Rectification of Financial Agreements (2013) No 2 Autumn
Australian Family Lawyer

Appointments to legal, cultural or benevolent organisations:

Member, Defence Force Discipline Appeal Tribunal

Trustee, Leycester Meares Bequest, Kidsafe

Chair, Chief Justices' Review of Costs Assessment Scheme

Chair, Costs Assessment User Group

Member, Law Extension Committee, University of Sydney

THE HONOURABLE JUSTICE DAVID HAMMERSCHLAG

Conferences:

15-17 May 2013	4th Judicial Seminar on Commercial Litigation (Singapore)
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Speaking engagements:

14 Mar 2013	Opening remarks at the UNSW CLE Seminar on Building Law (Sydney)
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11 Apr 2013	Book launch: <i>Building Disputes & the Home Building Act (1989) NSW</i> by Phillip Bambagiotti, Mills Oakley Lawyers
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20 May 2013	<i>A View from the Bench – The Technology & Construction and Commercial Lists</i> Colin Biggers & Paisley's Lunch and Learn (Sydney)
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31 May 2013	<i>Drafting Pleadings: Tips from the Bench</i> College of Law Masters Students – Master of Applied Law Commercial Litigation Intensive Workshop (Sydney)
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31 Jul 2013	Address: University of New England, School of Law addressing the Law students
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12 Aug 2013	<i>Supreme Court Arbitration List</i> NSW Bar Association Arbitration Workshop (Sydney)
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THE HONOURABLE JUSTICE ELIZABETH FULLERTON

Speaking engagements:

17 May 2013	After-dinner speech: Australian Defence Lawyers Alliance (Sydney)
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31 Jul 2013	After-dinner speech: Legal Aid NSW Annual Criminal Law Dinner (Sydney)
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8 Aug 2013	Official launch of report: <i>New Beginnings: Lookism and the Role of Dress for Success</i> (Sydney)
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15 Aug 2013	Panel member: <i>Judicial Q & A</i> CPD Seminar for New Barristers (Sydney)
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12 Sep 2013	Lecture: <i>Tendency & Coincidence Evidence</i> University of New South Wales (Sydney)
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21 Sep 2013	Adjudicator: Final Mock Trial New South Wales Bar Association Bar Practice Course (Sydney)
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23 Oct 2013	Judge: Criminal Law Moot Grand Final Sydney University Law Society (Sydney)
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THE HONOURABLE JUSTICE McCALLUM

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Speaking engagements:

21 Sep 2013	Keynote address: <i>Privilege against Self-incrimination</i> NSW Law Society – Young Lawyers Seminar
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THE HONOURABLE JUSTICE ROBERT ALLAN HULME

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Speaking engagements:

2 Apr 2013	<i>Court of Criminal Appeal Review</i> District Court of New South Wales Annual Conference
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31 Jul 2013	<i>Criminal Law Update</i> Local Court of New South Wales Annual Conference
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7 Sep 2013	<i>Criminal Law Update</i> Supreme Court Annual Judges' Conference
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Publications:

Co-author *Criminal Law News*, LexisNexis Butterworths

Significant criminal appellate decisions in 2013, (2013) 25 *Judicial Officers' Bulletin*

Appointments to legal, cultural or benevolent organisations:

Member, Judicial Commission of NSW Criminal Trial Bench Book Committee

THE HONOURABLE JUSTICE SLATTERY

Conferences:

21-23 Jan 2013	Supreme Court/Federal Court Judges' National Judicial Conference (Adelaide)
21 Feb 2013	The Law Admissions Consultative Committee Conference ("LACC") (Melbourne)
15-17 Apr 2013	Defence Legal Joint Legal Issues Workshop (Puckapunyal Military Base)
11 May 2013	Teaching Statutory Interpretation Colloquium, Sydney University Law School (Sydney)
18-19 May 2013	HMAS Creswell, New South Wales Navy Reserve Legal Panel Legal Conference (Sydney)
28 Jun 2013	LACC (Melbourne)
30 Jul 2013	International Arbitration Conference, Jerusalem Arbitration Centre
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
18 Oct 2013	LACC (Melbourne)
26-27 Oct 2013	HMAS Creswell – Australian Defence Force Judge Advocate General's Legal Conference

Speaking engagements:

12 Feb 2013	Book launch: <i>An Uncommon Soldier</i> by Chris Masters Introduction to Chris Masters, NSW Bar Association
10 May 2013	Orientation Day speech to new students Legal Profession Admission Board
11 May 2013	<i>A Perspective from LACC – Teaching Statutory Interpretation Colloquium</i> Sydney University Law School (Sydney)
24-25 Jun 2013	<i>The Judge Advocate General – Current Functions and Constitutional Origins</i> HMAS Creswell, NSW Navy Reserve Legal Panel
3 Jul 2013	Community Awareness of the Judiciary forum Judicial Commission of New South Wales
13 Jul 2013	Presiding Member's welcome to graduates and presentation of prizes Legal Profession Admission Board Graduation
27 Sep 2013	Presentation from Judiciary to NSW Bar Association Open Day at the Bar for visiting female law students
17 Dec 2013	Presentation from Judiciary to NSW Bar Association Indigenous Law Students – pre-law program

THE HONOURABLE JUSTICE DAVID DAVIES

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Appointments to legal, cultural or benevolent organisations:

Deputy Presiding Member, Legal Profession Admission Board

Chair, Legal Qualifications Committee

THE HONOURABLE JUSTICE M SCHMIDT

Conferences:

13 Feb 2013	Twilight Seminar – Supreme Court of NSW Seminar: <i>JIRS Apps on the iPad</i> (Sydney)
10 Apr 2013	Ngara Yura Program Seminar: <i>Understanding Kinship</i> (Sydney)
1 Aug 2013	7th Annual Whitmore Lecture: <i>Forewarned and Four-Armed – Administrative Law Values and the Fourth Arm of Government</i> , Federal Court of Australia (Sydney)
15 Aug 2013	AACL – <i>Kable, Kirk and Judicial Statesmanship</i> , Federal Court of Australia (Sydney)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
10 Sep 2013	NSW Judicial Commission Cross-jurisdictional Seminar: <i>Evidence Amendment (Evidence of Silence) Act & Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Act</i> (Sydney)
2 Oct 2013	Ngara Yura Twilight Seminar: <i>Constitutional Recognition of Indigenous Australians</i> (Sydney)

Speaking engagements:

18 Mar 2013	National Judicial Orientation Program (joint program with NJCA and AIJA) <i>The Exercise of Discretions</i> (Manly)
25 Mar 2013	<i>A Guide to the Work Health and Safety Act 2011: Part 2</i> (Chair) CPD Seminar (Sydney)
23-24 May 2013	Panel session: <i>Courtcraft</i> Land and Environment Court Annual Conference (Kiama)
25 Jul 2013	Judgment Workshop Judicial Commission of NSW (Melbourne)
27, 29-30 Aug 2013	National Judicial College of Australia Conference (Adelaide)
22-28 Sep 2013	National Judicial Orientation Program (Hobart)

Appointments to legal, cultural or benevolent organisations:

Chair, National Judicial Orientation Program

Trustee, Director and Chair, Julian Small Foundation

Member of the Advisory Board for the Master of Labour Law and Relations, Sydney Law School

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

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

THE HONOURABLE JUSTICE M L BALL

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Publications:

Co-author, with David Kelly, *Principles of Insurance Law*, LexisNexis

THE HONOURABLE JUSTICE PETER GARLING RFD

Conferences:

3 Jun 2013	4th GAILMC Cape Sounion 2013 – Greek Australian International Legal & Medical Conference (Greece)
27 Aug 2013	Annual Corporate Law Conference (Sydney)
6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

26 Feb 2013	<i>Practical Points for Cross Examination</i> Young Barrister Committee, NSW Bar Association
11 May 2013	Mooting Competition Final University of Western Sydney School of Law
13 May 2013	<i>Concurrent Expert Evidence</i> NSW Bar Association – Bar Practice Course
13 May 2013	<i>Judicial Perspective on the Court Process</i> University of Technology Sydney School of Law – Court visit
13 May 2013	New Bar Readers
29 Jul 2013	<i>Reforming Public Hospitals – Reflections on an Inquiry</i> NSW Medico-Legal Society
14 Aug 2013	<i>Practical Aspects of Claims for Client Legal Privilege</i> NSW Crown Solicitor's Office
9 Sep 2013	<i>Concurrent Expert Evidence</i> NSW Bar Association – Bar Practice Course
16 Oct 2013	<i>Concurrent Evidence – Perceptions of an Australian Judge</i> University of Oxford Faculty of Law

Appointments to legal, cultural or benevolent organisations:

Member, Advisory Committee, Faculty of Law, Australian Catholic University
Member, Loreto Education Council
Chair, NSW Rugby Union Appeals Tribunal

Delegations and international assistance:

5 Nov 2013	Delegation from the Tianjin Peoples Procurate (China)
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THE HONOURABLE JUSTICE BLACK

Conferences:

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

Speaking Engagements:

16 Mar 2013 *Recent Developments In Corporate Law*
NSW Young Lawyers Annual Seminar

7 Jun 2013 *Practice In Corporations List of the Supreme Court of New South Wales*
Commercial Law Association Judges Seminar

27 Aug 2013 *Directors' Statutory and General Law Accessory Liability for Corporate Wrongdoing*
Supreme Court of New South Wales Annual Corporate Law Conference

1 Oct 2013 *Development of Principles of Statutory Interpretation – Introduction to Australian Legal History Tutorials*

1 Oct 2013 Taught courses in financial markets regulation, Semester 1, 2013
University of Sydney and University of New South Wales

Publications:

Co-author, *Securities and Financial Services Law*, 8th ed, LexisNexis, 2012

Co-author, *Austin & Black's Annotations to the Corporations Act*, LexisNexis

Contributor, *Australian Corporation Law: Principles and Practice*, LexisNexis

Directors statutory and general law accessory liability for corporate wrongdoing (2013) 31 *C&SLJ* 511

Appointments to legal, cultural or benevolent organisations:

Adjunct Professor, Faculty of Law, University of Sydney

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

Fellow, Australian Academy of Law

THE HONOURABLE JUSTICE ADAMSON

Conferences:

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

Appointments to legal, cultural or benevolent organisations:

Member, Legal Qualifications Committee

Member, Uniform Rules Committee

THE HONOURABLE JUSTICE GEOFFREY BELLEW

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Speaking engagements:

16 Feb 2013	NSW Bar Association Conference (Newcastle)
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31 Oct 2013	Sydney University Witness Examination Moot
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5 Nov 2013	NSW Police Fingerprint Experts Conference
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23 Nov 2013	NSW Young Lawyers Annual Conference
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Publications:

Co-author, *Ritchies Uniform Civil Procedure NSW*, Lexis Nexis Publishing

Consulting Editor, *Motor Vehicle Reports*, Lexis Nexis Publishing

Contributor, *Court Forms, Precedents and Pleadings NSW*, Lexis Nexis Publishing

Contributor, *Federal Civil Litigation Precedents*, Lexis Nexis Publishing

THE HONOURABLE JUSTICE JAMES STEVENSON

Conferences:

18-23 Jan 2013	Supreme & Federal Court Judges' Conference (Adelaide)
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15-17 May 2013	4th Judicial Seminar on Commercial Litigation (Singapore)
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6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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11-13 Oct 2013	Judicial Conference of Australia Colloquium (Sydney)
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8 Nov 2013	Restitution, Equity & Statutory Liability Conference (ANU & CLA Commercial Law Conference) (Sydney)
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Speaking engagements:

16 May 2013	Lead presentation: <i>De-mystifying eDiscovery</i> 4th Judicial Seminar on Commercial Litigation (Singapore)
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8 Nov 2013	Keynote address: <i>Recent Developments in Restitution: Money Paid Under Mistake of Fact and the Change of Position Defence</i> Restitution, Equity & Statutory Liability Conference (Sydney)
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19 Nov 2013	Keynote address: <i>The Technology & Construction List</i> Australian Constitution Law Discussion Group Annual Dinner (Sydney)
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18 Dec 2013	Keynote address: Narrabundah College Presentation Night (Canberra)
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THE HONOURABLE JUSTICE BEECH-JONES

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
11-13 Oct 2013	Judicial Conference of Australia Colloquium 2013 (Sydney)

Speaking engagements:

15 Aug 2013	Chair: Australian Association of Constitutional Law Seminar
11 Oct 2013	Chair: <i>Royal Commissions – The Practicalities</i> Judicial Conference of Australia Colloquium 2013
8 Nov 2013	Chair: <i>Recent Developments in the Law of Proportionate Liability</i> Commercial Law Association/ANU Conference

Appointments to legal, cultural or benevolent organisations:

Member, Governing Council, Judicial Conference of Australia
Member, Executive Committee, Judicial Conference of Australia

THE HONOURABLE JUSTICE CAMPBELL

Conferences:

19-23 Jan 2013	Supreme & Federal Court Judges' Conference (Adelaide)
11-13 Oct 2013	National Judicial Conference

Speaking engagements:

27 Mar 2013	Paper: <i>Part 5 Civil Liability Act 2002</i> State Legal Conference
24-25 May 2013	Keynote address: <i>Personal Injury</i> Specialist Accreditation Conference
Aug 2013	Speaker: <i>Practice at Common Law Bar in 21st Century</i> Common Law Committee Bar Association

THE HONOURABLE JUSTICE BUTTON

Conferences:

6-8 Sep 2013	Supreme Court Annual Judges' Conference (Wollongong)
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Speaking engagements:

24 May 2013	Paper: <i>Criminal Law Review</i> Land and Environment Court Annual Conference (Kiama)
20 Aug 2013	<i>History of Australian Criminal Law</i> Francis Forbes Society for Australian Legal History
22 Nov 2013	Speaker: <i>15 Easy Advocacy Fixes in Criminal Law</i> Office of the Director of Public Prosecutions

THE HONOURABLE JUSTICE LINDSAY

Conferences:

Mar–Dec 2013 Convenor, tutorials on Australian Legal History for members and friends of the Forbes Society

Speaking engagements:

- 23 Mar 2013 Seminar: *Perspectives from the Equity Bench, Including Reflections on Onus of Proof* 2013 Civil Litigation Committee Annual One-Day Seminar (Sydney)
- 25 Mar 2013 Seminar: *Strategies to Avoid Risk in Relation to Death-bed Wills* The Elder Law and Succession Committee (Sydney)
- 11 Jun 2013 Speech: *The Future of Authorised Law Reporting in Australia* The Australian Law Librarians Association lunch time meeting (Sydney)
- 15 Aug 2013 Seminar: *Judicial Q & A* Bar Association New Barristers Committee (Sydney)
- 22 Aug 2013 Seminar: *Onus of Proof in Estate Litigation: Implications for Practical Advocacy* Wills, Probate and Estate Law Sub-Committee (Sydney)
- 5 Sep 2013 Opening Address: *Perspective from the Bench – The Importance of Adjectival Law, and Practice, to Substantive Outcomes* Advanced Wills & Estate Conference (Sydney)
- 18 Sep 2013 Introduction of Lecturer: 2013 Warrane Lecture, University of NSW (Sydney)
- 25 Sep 2013 Speech: *The Unfolding Future of Authorised Law Reporting* Conference of Australian Law Librarians Association (Sydney)
- 15 Oct 2013 Lecture: James Watson, Topics in Legal History Course “Precedent” based on the topic “Building a Nation: The Doctrine of Precedent in Australian Legal History” in *Historical Foundations of Australian Law*, Gleeson, Watson & Higgins (eds) (The Federation Press, 2013)
- 8 Nov 2013 Speech: *Orientation Day Welcome to Students* Legal Profession Admission Board, Law Extension Committee, Summer Session 2013 (Sydney)
- 25 Nov 2013 Seminar: *Deciphering Mysteries of the Protective List* Law Society, Elder Law & Succession Committee
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Publications:

Editor, Australian Bar Review (since 1996)

Guest Editor, Australian Law Journal, December 2013

“Building a Nation: The Doctrine of Precedent in Australian Legal History” in Gleeson, Watson & Higgins (eds) *Historical Foundations of Australian Law*, (The Federation Press, 2013)

Appointments to legal, cultural or benevolent organisations:

Secretary, The Francis Forbes Society for Legal History

Member, Legal Profession Admission Board

Member, Uniform Rules Committee

Chair, Annual Sports Law Conference (NSW Bar Association) 2013

Fellow, Australian Academy of Law

THE HONOURABLE JUSTICE HALLEN

Conferences:

6-8 Sep 2013 Supreme Supreme Court Annual Judges' Conference (Wollongong)

Speaking engagements:

25 Feb 2013 NSW Law Society Practice Note Seminar (Sydney)

26 Feb 2013 NSW Bar Association Cross-Examination Forum (Sydney)

6 Mar 2013 UNSW Wills & Estate Seminar (Sydney)

27 Mar 2013 NSW Bar Association Family Provision Update (Sydney)

8 May 2013 NSW Bar Association Bar Practice Course – Applications Before a Judge (Sydney)

24 Jun 2013 NSW Law Society New Family Provision List Review (Sydney)

25 Oct 2013 NSW Law Society Rural Issues Conference (Sydney)

11 Nov 2013 NSW Elder Law Accredited Specialist Dinner (Sydney)

12 Nov 2013 De Groot's Annual Lecture (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, STEP Committee

Member, Legal Qualifications Committee

THE HONOURABLE JUSTICE FRANCOIS KUNC

Conferences:

22-27 Sep 2013 National Judicial Orientation Program (Hobart)

Speaking engagements:

9 Nov 2013 Address: *Shall Ye be Heard: Legal Representation in Civil Claims*
Salvos Legal Lecture Series (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, Editorial Board, Journal of Equity

Chair, Palestrina Foundation

Director, Layne Beachley Aim for the Stars Foundation

Director, Opera Australia Capital Fund

Delegations and international assistance:

6 Nov 2013 Member of discussion panel with visiting delegation of judges from the People's Republic of China

THE HONOURABLE JUSTICE ROBB

Conferences:

6-8 Sep 2013 Supreme Court Annual Judges' Conference (Wollongong)

2 Oct 2013 Judicial Commission Seminar

16 Nov 2013 Judicial Commission Ngara Yura Tharawal Community Visit

THE HONOURABLE JUSTICE DARKE

Conferences:

22-27 Sep 2013 National Judicial Orientation Programme (Hobart)

THE HONOURABLE JUSTICE ROBERTSON WRIGHT

Speaking engagements:

27 Nov 2013 Opening address: *Introduction to NCAT*
CTTT Combined Consultative Forum (Sydney)

4 Dec 2013 Chair: *Introduction to NCAT*
CDP NSW Bar Association in conjunction with Thomson Reuters (Sydney)

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