



**Supreme Court**  
of New South Wales

# 2021

**ANNUAL REVIEW**



# CONTENTS

<b>Foreword by Chief Justice of New South Wales, the Honourable Andrew Scott Bell, the 18<sup>th</sup> Chief Justice of New South Wales</b>	<b>3</b>
<b>1 Court Profile</b>	<b>5</b>
• The Court's jurisdiction and Divisions	6
• Who makes the decisions?	10
– The Judges	10
– The Acting Judges	11
– Appointments	11
– Retirements	11
– The Associate Judges	11
– The Registrars	12
• Supporting the Court: the Registry	14
<b>2 Caseflow Management</b>	<b>15</b>
• Overview by jurisdiction	16
• Regional sittings of the Court	22
• Alternative dispute resolution	23
<b>3 Court Operations</b>	<b>25</b>
• Overview of operations by jurisdiction	26
• Timeliness	33
– Measurement against benchmarks	33
– Listing delays	34
• Use of alternative dispute resolution	35
<b>4 Education and Public Information</b>	<b>37</b>
• Judicial officer education	38
• The role of the Media Manager	40
<b>5 Other Aspects of the Court's work</b>	<b>41</b>
• Uniform Civil Procedure Rules	42
• Law Courts Library	42
• Admission to the legal profession and appointment of public notaries	43
• Admission under the mutual recognition Acts	44
• Administration of the Costs Assessment Scheme	45
• Pro Bono Scheme	46
• Judicial Assistance Program	46
<b>6 Appendices</b>	<b>47</b>
(I) Court statistics – comprehensive table of statistics	48
(II) The Court's committees and user groups	58
(III) Other Judicial Activity: conferences, speaking engagements, publications, appointments to legal and cultural organisations, delegations and international assistance, and commissions in overseas courts	71

## FOREWORD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

I am pleased to present the 2021 Annual Review of the Supreme Court of New South Wales.

Primarily, the Review is a conspectus of Court operations, rich in statistics on filings, disposals and matters pending. Its secondary purpose is to provide an overview of how the Supreme Court manages its cases from inception to completion under procedures that are set out in the Uniform Civil Procedure Rules, the Supreme Court Rules and the Practice Notes. Together, these are the instruments of case management. Cases are assigned to Registrars, Duty Judges, and a number of specialist List Judges, depending on the type and complexity of the matter. The Review is a useful resource for both professionals and lay persons who wish to understand better how the Court dispenses its workload.

What the Review cannot capture is the depth of knowledge and expertise that is invested in the Court, and the quality of justice administered. The value to the community is possibly immeasurable. Appendix III of the Review also gives some insight into the enormous contribution that judges make to civil society more generally through their speaking engagements, appointments to legal, cultural, and benevolent organisations, as well as through publications in law journals and other publications.

Despite the vicissitudes of the COVID-19 pandemic and associated public health restrictions the Court continued to provide access to justice to the people of New South Wales with great dedication and versatility throughout 2021 under the leadership of Chief Justice Bathurst.

The pandemic presented numerous challenges to the administration of justice as it had in 2020. Nowhere was the impact of the pandemic felt more acutely than between late June and early November 2021, when new jury trials were suspended and the public counter at the registry was closed due to the risk posed by the highly transmissible variant of the virus. Staff and judicial officers alike responded with ingenuity and flexibility, by hearing matters remotely where possible or adopting COVID-safe protocols throughout the Supreme Court's premises. I take this opportunity to express my admiration and sincere gratitude for the dedication of my colleagues

and court staff. The people of New South Wales were well-served during the most difficult times the community has faced in a generation.

While the number of matters filed and heard by the Common Law Division increased year-on-year, the caseload of the Court of Appeal, the Court of Criminal Appeal and the Equity Division did not entirely return to pre-pandemic levels. That said, in 2021 the Supreme Court met, and in some cases surpassed, a number of important national operational benchmarks. Among the noteworthy achievements were the age profiles of pending caseloads both in the Court of Appeal and Court of Criminal Appeal. The Court of Appeal ended the year with 92% of pending cases being within 12 months of age. For the Court of Criminal Appeal, the equivalent figure was 97%. Further and better Court statistics can be found in Appendix I of this report.

The work of a judge is difficult and demanding. The success and standing of the Court is due in no small part to the courage and integrity of the judges who comprise it. 2021 saw the retirement of the Hon Justice Clifton Hoeben AM RFD as Chief Judge at Common Law and as a Judge of Appeal in August. Justice Hoeben had served on the Bench of this court with distinction since 2004. Finally, the Court was delighted to welcome his replacement, as Chief Judge, the Hon. Justice Robert Beech-Jones, as well as the Hon. Justice Hament Dhanji, who joined the Common Law Division in September 2021. Both have already made significant contributions to the Court in their new roles.

I commend this report.

**Andrew Bell**  
Chief Justice of New South Wales

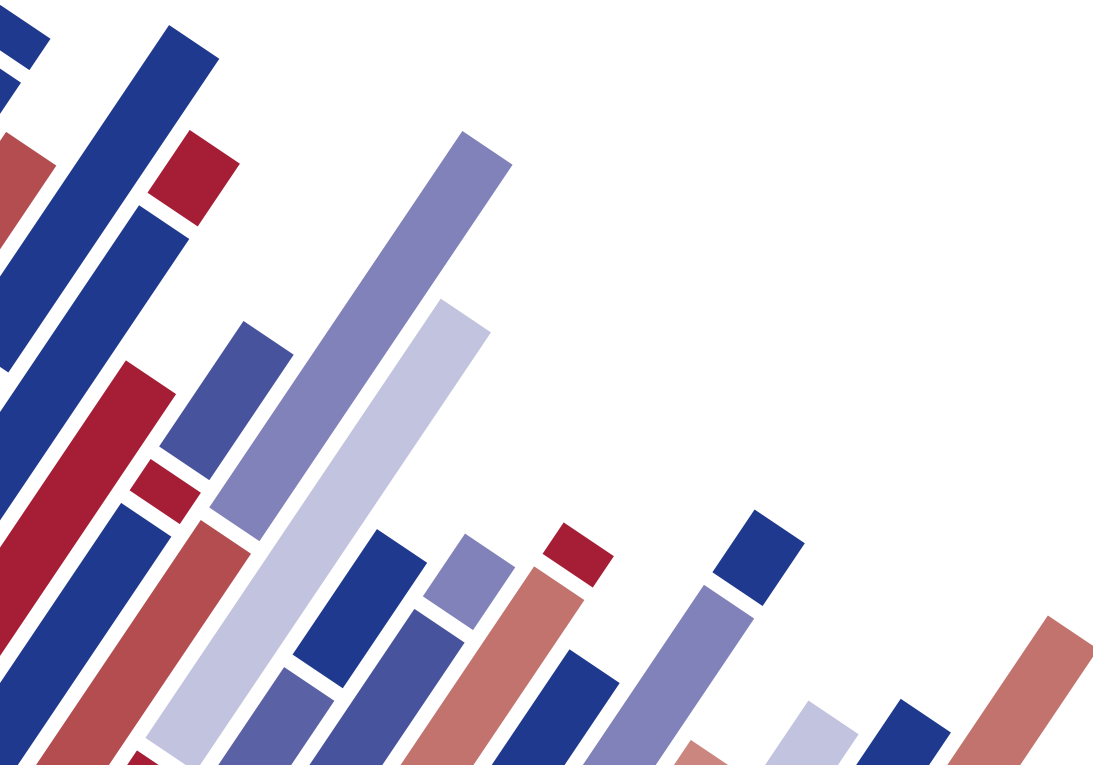






## 1 COURT PROFILE

- 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 dispatch 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 Land and Environment Court of New South Wales is a specialist court of statutory jurisdiction. The Judges of this court 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 of New South Wales sits at the base of the hierarchy of New South Wales courts and has broad criminal and civil jurisdictions.

The NSW Civil and Administrative Tribunal (NCAT) was established by the *Civil and Administrative Tribunal Act 2013*. The NCAT is the single point of access for specialist tribunal services in NSW, consolidating the work of 22 former tribunals. There are four divisions of the NCAT: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Guardianship Division and the Occupational Division.

Figures 1.1 and 1.2 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 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 2021, most benches in the Court of Criminal Appeal 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 tribunals
- appeals from the Local Court.

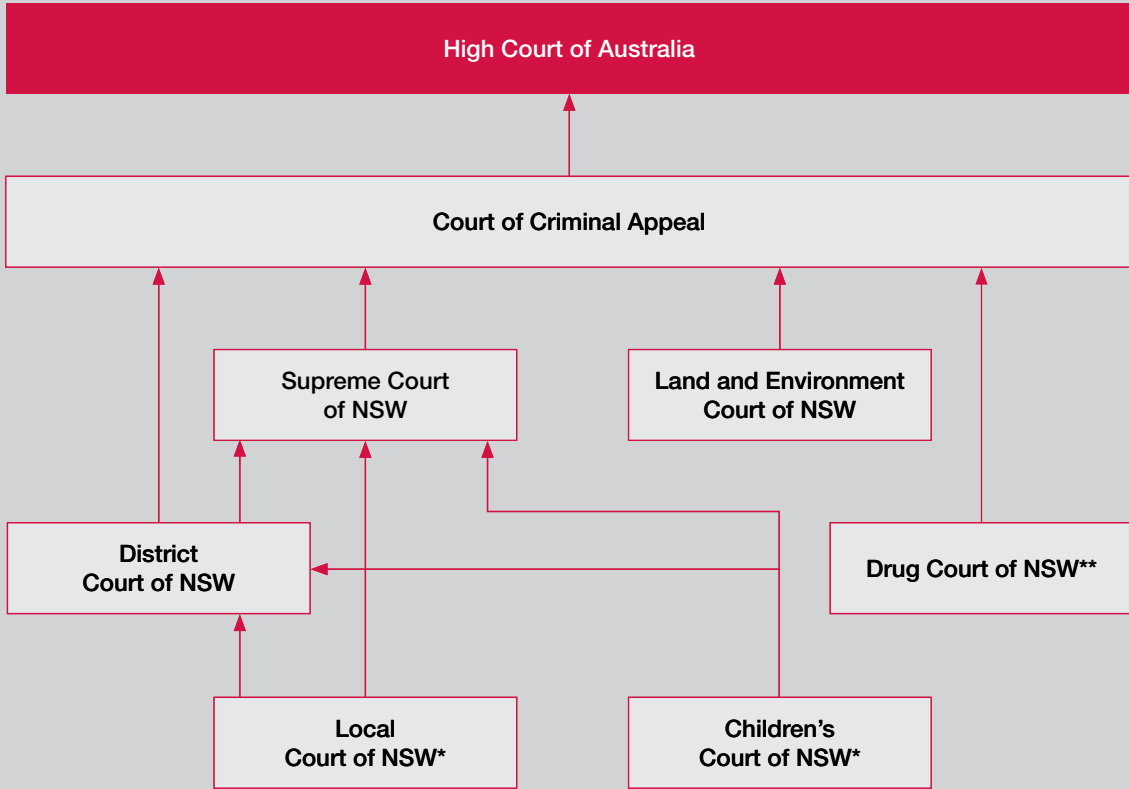
### Equity Division

The Equity Division exercises the traditional equity jurisdiction, dealing with claims for remedies other than damages and recovery of debts. The Division's work includes cases arising from contractual actions or rights of property, and disputes relating to partnerships, trusts or 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, commercial, technology and construction, and succession law, and the Court's adoption and protective jurisdictions.



Figure 1.1 NSW COURT SYSTEM CRIMINAL JURISDICTION



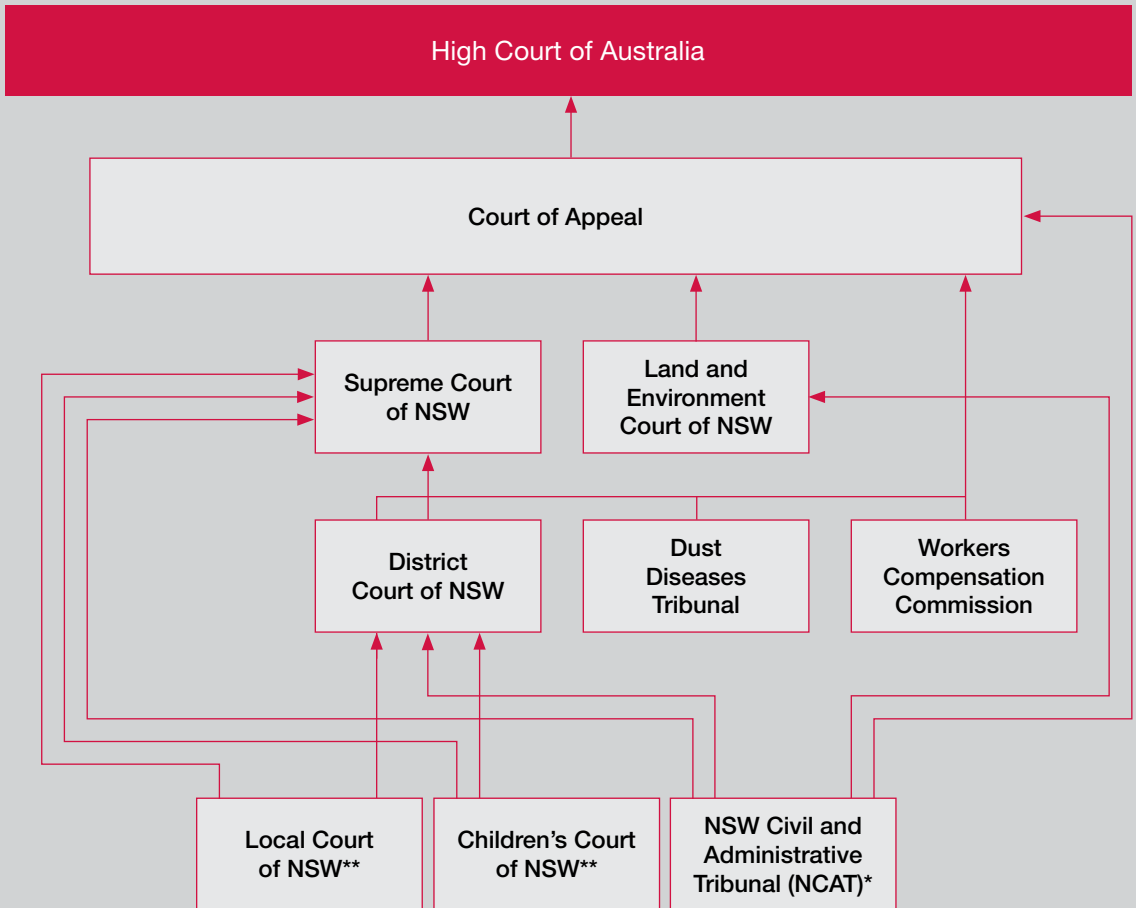
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

\* Appeals can be made to the District Court of NSW, or directly to the Supreme Court in certain circumstances.

\*\* Some appeals from committal proceedings may be made directly to the Court of Criminal Appeal



Figure 1.2 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.

\* Appeals from certain decision of NCAT may be made to the Court of Appeal, Supreme Court, Land and Environment Court or District Court. See *Civil and Administrative Tribunal Act 2013* ('the Act'), Part 6, Division 3. Also, certain decisions may be judicially reviewed by the Supreme Court or Court of Appeal under Section 34 of the Act; refer to section 48 of the *Supreme Court Act 1970* as to which decisions are assigned to the Court of Appeal.

\*\* Appeals can be made to the District Court of NSW, or directly to the Supreme Court in certain circumstances

## 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.

Appointment is 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 the 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. The Chief Justice may certify that a particular Judge should act as an additional Judge of Appeal in a particular matter 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 2021 can be found in Chapter 3.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2021.

### Chief Justice

The Honourable Thomas Frederick Bathurst AC

### President

The Honourable Justice Andrew Scott Bell

### Judges of Appeal

The Honourable Justice John Basten  
The Honourable Justice Robert Bruce Macfarlan  
The Honourable Justice Anthony John Meagher  
The Honourable Justice Julie Kathryn Ward  
The Honourable Justice Fabian Gleeson  
The Honourable Justice Mark James Leeming  
The Honourable Justice Anthony James Payne  
The Honourable Justice Richard Weeks White  
The Honourable Justice Paul Le Gay Brereton AM RFD  
The Honourable Justice Lucy McCallum  
The Honourable Justice Robert Thomas Beech-Jones

### Chief Judge at Common Law

The Honourable Justice Robert Thomas  
Beech-Jones

### Chief Judge in Equity

The Honourable Justice Julie Kathryn Ward

### Judges

The Honourable Justice Michael John Walton  
The Honourable Justice Peter Anthony Johnson  
The Honourable Justice Stephen Rothman AM  
The Honourable Justice Derek Michael Price AO  
The Honourable Justice David Jacob Hammerschlag  
The Honourable Justice Ian Gordon Harrison  
The Honourable Justice Elizabeth Lillian Fullerton  
The Honourable Justice Nigel Geoffrey Rein  
The Honourable Justice Robert Allan Hulme  
The Honourable Justice Michael John Slattery AM (Mii) RAN  
The Honourable Justice David Lloyd Davies  
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 Stephen Gerard Campbell  
The Honourable Justice Richard James Button  
The Honourable Justice Geoffrey Charles Lindsay  
The Honourable Justice Philip Hallen  
The Honourable Justice Francois Kunc  
The Honourable Justice Stephen David Robb

The Honourable Justice Rowan James Hunter Darke  
The Honourable Justice Robertson James Wright  
The Honourable Justice Peter John David Hamill  
The Honourable Justice Helen McLeod Wilson  
The Honourable Justice Desmond John Fagan  
The Honourable Justice Natalie Jane Adams  
The Honourable Justice Julie Lily-Ann Lonergan  
The Honourable Justice Thomas Guy Radcliffe Parker  
The Honourable Justice Kelly Anne Rees  
The Honourable Justice Lea Caroline Armstrong  
The Honourable Justice Patricia Anne Henry  
The Honourable Justice Mark Joseph Ierace  
The Honourable Justice Richard Austin Cavanagh  
The Honourable Justice Katrina Jane Williams  
The Honourable Justice Hament Kumar Dhanji

### The Acting Judges

Set out below are details of those persons who held commissions as Acting Judges during the 2021 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 2021 is also indicated.

Acting Judges of Appeal (in alphabetical order)

- The Honourable Arthur Robert Emmett AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective until 30 September 2021, acted as a Judge and Judge of Appeal for 205 days).
- The Honourable Carolyn Chalmers Simpson, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 209 days).

### Acting Judges (in alphabetical order)

- The Honourable Peter John Hidden AM QC, former Judge of the Supreme Court of New South Wales (commission effective until 30 June 2021, acted as a Judge for 45 days).
- The Honourable Monika Schmidt AM, former Judge of the Supreme Court of New South Wales (acted as a Judge for 134 days).

### Appointments

The following Judges were appointed in 2021 (in chronological order):

- The Honourable Justice Robert Thomas Beech-Jones, a Judge of the Supreme Court of New South Wales, was appointed as Chief Judge at Common Law and as a Judge of Appeal of the Supreme Court of New South Wales on 31 August 2021.
- The Honourable Justice Hament Kumar Dhanji was appointed a Judge of the Supreme Court of New South Wales on 20 September 2021.

### Retirements

The following Judge retired in 2021:

- The Honourable Justice Clifton Ralph Russell Hoeben AM RFD, retired as Chief Judge at Common Law and as a Judge of Appeal of the Supreme Court of New South Wales on 31 August 2021.

### 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.

As at 31 December 2021, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

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

### The Registrars

Registrars of the Court are appointed under section 120 of the *Supreme Court Act 1970* pursuant to the provisions of the *Government Sector Employment Act 2013*. The Chief Justice may also certify officers of the Supreme Court or Local Court 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. 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.

In addition to determining uncontested probate applications, 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 transfer of cases to or from the District Court
- conducting examinations under various Acts, including the *Corporations Act 2001* (Cth), the *Proceeds of Crime Act 1987* (Cth), the *Proceeds of Crime Act 2002* (Cth), and the *Criminal Assets Recovery Act 1990* (NSW)
- dealing with applications for orders under many of the provisions of the *Corporations Act 2001* (Cth), such as the winding up of companies
- hearing applications as referred to them by an Associate Judge
- issuing court orders and writs of execution, and
- entering default judgments.

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

The Registrars may also be called upon to mediate cases. During 2021, seven 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 person, 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 2021:

**Executive Director and Principal Registrar**

Chris D'Aeth

**Director, Assistant Principal Registrar and Prothonotary**

Rebel Kenna

**Registrar, Court of Appeal**

Jerry Riznyczok

**Registrar, Court of Criminal Appeal**

George Galanis

**Registrar, Common Law Case Management**

Karen Jones

**Registrar in Equity**

Leonie Walton

**Registrar, Corporations List**

Sarah Milligan

**Senior Deputy Registrars**

Brendan Bellach

Nicholas Flaskas

Jennifer Hedge

Suzin Yoo

**Deputy Registrars**

Anita Chang

Sivashna Chetty

Lynda Gerritsen

**Assistant Deputy Registrars**

Nicola Irwin-Faulks

Barbara Ruicens





## SUPPORTING THE COURT: THE REGISTRY

### The work of the Registry

The Registry 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
- 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 specialised administrative and clerical

support to the Court of Appeal Judges and offers procedural guidance to litigants and their representatives. Similarly, for the Court of Criminal Appeal the Registry provides support to the Judges hearing criminal appeals and also issues orders concerning the custody of prisoners.

### Management of the Registry

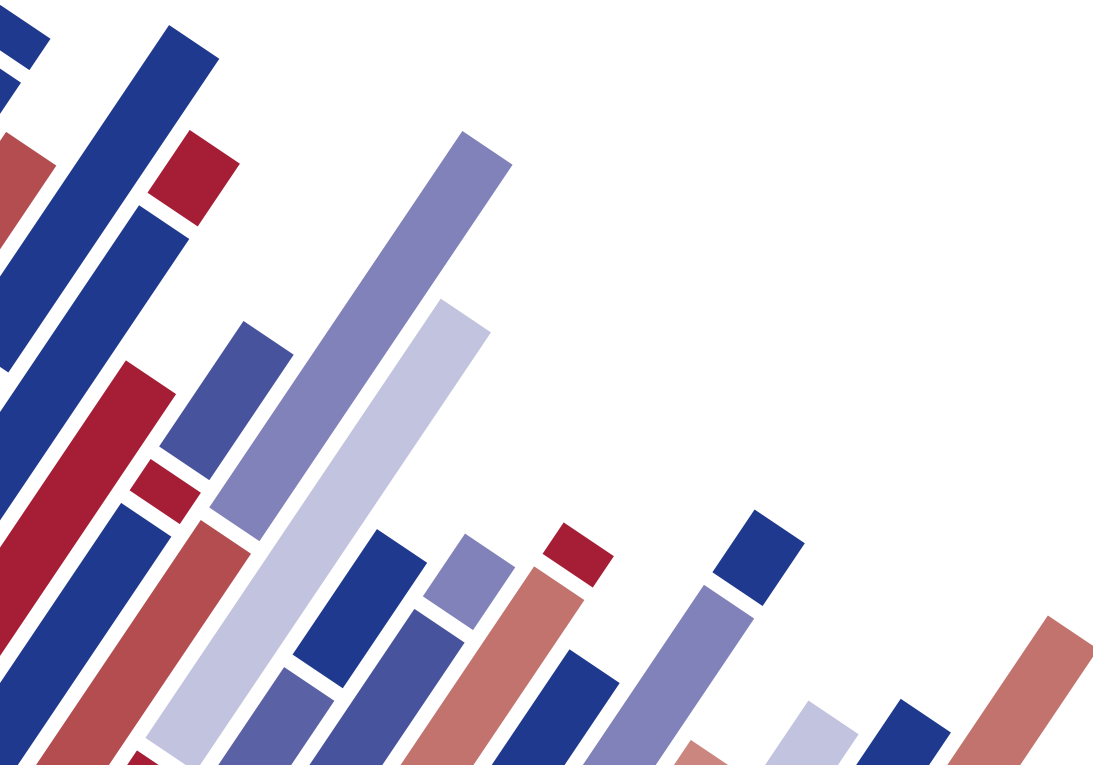
The Chief Justice directs the priorities to be pursued by the Registry. In general, the priorities reflect the central aim of meeting the expectations of Court users competently, efficiently and professionally.

Operational management of the Registry is handled by the Executive Director and Principal Registrar of the Court. The Executive Director is responsible for securing and managing the resources provided to the Court by the New South Wales Department of Communities and Justice. The Executive Director also provides executive support to the Court's judicial officers and develops strategies to improve the delivery of Registry services. These duties are undertaken in close consultation with the Chief Justice, other judicial officers, the Department, key professional bodies and Court users.



## 2 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.

The Court's case management procedures are set out in the Uniform Civil Procedure Rules, the Supreme Court Rules and the Practice Notes issued by the Chief Justice.

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 the 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 powers of a registrar, he or she may refer that case to a judge or the associate judge.

### Court of Appeal

New appeal cases are reviewed for competency and, if necessary, referred 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 of the Court of Appeal 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 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 the week after filing. Callovers are held regularly, 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 a bench of more than three judges hears 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.

The Court of Criminal Appeal List Judge during was Justice Hulme in conjunction with Justice Beech-Jones from September following his Honour's appointment as the Chief Judge at Common Law.

### 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 Possession List matters and money claims, known as '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 case, its estimated hearing length, and whether the judge has other court commitments.

The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. The Common Law List Judge during 2021 was Justice Beech-Jones, Chief Judge at Common Law.

### **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 one 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 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. These matters cannot be determined by the associate judge or a registrar. Matters are initially listed at 9:00 am before a registrar to determine whether the application is ready to be referred to the Duty Judge, who 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* (NSW), *Criminal Assets Recovery Act 1990* (NSW), and *Proceeds of Crime Act 1987* (Cth), *Proceeds of Crime Act 2002* (Cth) and *Customs Act 1901* (Cth). The Duty Judge also considers, in chambers, applications seeking authorisation of warrants, such as those made under the *Surveillance Devices Act 2007* (NSW).

### **Associate Judge**

The Associate Judge in the Common Law Division deals with statutory appeals from the Local Court (except under the *Crimes (Local Courts Appeal and Review) Act 2001*). The Associate Judge also deals with applications for summary judgment and dismissal, applications for extension under the *Limitation Act 1969*, and contested applications to transfer matters from the District Court.

The Associate Judge may deal with other matters as outlined in Schedule D of the *Supreme Court Rules 1970*.

Matters allocated to the Associate Judge are case managed by a Registrar daily. 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 among 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 2021.

<b>Specialised case management List</b>	<b>Judge managing List in 2021</b>
Administrative and Industrial Law List	Justice Adamson
Criminal List	Justice Hulme
Defamation List	Justice Sackar
High Risk Offender List	Justice Bellow
Possession List	Justice Davies
Professional Negligence List	Justice Harrison

### ***Administrative and Industrial Law List***

Three broad categories of cases are assigned to this List: statutory appeals arising from an error of law or on a question of law; administrative law matters commenced under section 69 of the *Supreme Court Act 1970*, challenging an error of law on the face of the record or jurisdictional error; and matters under the *Industrial Relations Act 1996* that were formerly dealt with by the Industrial Court (also known as the Industrial Commission in Court Session).

The Administrative and Industrial 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 2013* in respect of any person accused of any offence, even if the trial will not be heard in the Supreme Court. After an application is accepted for filing, it is listed for a callover or, at the Court's discretion, listed by the Registrar in chambers.

The cut-off day for an application to be listed in a callover is the Wednesday of the week prior to the callover. Applications are normally allocated a maximum of 30 minutes when listed for hearing.

The procedures for bail applications are detailed in Practice Note SC CL 11.

#### ***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 Criminal List Judge in 2021 was Justice Hulme.

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

#### ***Defamation List***

Matters filed in this List are managed in accordance with the provisions of the *Defamation Act 2005*. Matters are first listed before a Judge for directions and legal argument and to determine any applications for leave to proceed. The parties may also ask the Judge to consider whether 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 in dispute.

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

#### ***General List (formerly known as the General Case Management List)***

This List comprises all Common Law Division civil claims that are not included in the Administrative and Industrial Law, Defamation, High Risk Offender, Possession or Professional Negligence 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 makes directions to ensure the case is ready for hearing 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 1.

#### ***High Risk Offender List***

During 2018 the Court established this List to assist in the early identification and case management of urgent matters under the *Crimes (High Risk Offenders) Act 2006*. Previously these matters were dealt with in the General List.

#### ***Possession List***

The Possession List deals with all proceedings claiming possession of land. All matters in this List requiring case management are managed in the Online Court, unless the Court otherwise orders. Early resolution of cases is encouraged 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 in dispute in these types of claims. A Registrar conducts early case management hearings. The Professional Negligence List Judge hears also 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.

### **Equity Duty Judge**

A Judge of the Division is available at all times for urgent applications. A Duty Judge is rostered for a block 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.

### **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 2021, the Expedition Judge was Justice Sackar.

### **General List**

All cases other than those in the specialised Lists or 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 Succession 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 (Case Management) and Eq 14 (Online Court Protocol).

The Registrar sets cases down for hearing before the Judges of the Division. The Registrar consults with the Chief Judge in Equity in relation to long or complex matters.

### **Specialised Lists of the Equity Division**

The Equity Division's caseload is also managed by allocating certain matters to specific Lists according to the nature of the claims. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2021.

<b>Specialised case management List</b>	<b>Judge managing the List in 2021</b>
Admiralty List	Justice Rein
Adoptions List	Justice Sackar
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Black
Family Provision List	Justice Hallen (the Succession Judge)
Probate List	Justice Hallen (the Succession Judge)
Protective List	Justice Lindsay
Real Property List	Justice Darke
Revenue List	Justice Ward, Chief Judge in Equity
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***

The Adoptions 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*.

Practice Note SC Eq 13 applies to cases entered into the Adoptions List.

### ***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 scheduled hearing date, and hearings are continued to conclusion, even though time estimates may be exceeded.

Practice Note SC Eq 3 applies to cases entered into the Commercial List.

### ***Commercial Arbitration List***

Disputes entered into the Commercial Arbitration 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 List provides parties with a quick and effective mechanism for resolving disputes in relation to arbitration agreements, or disputes arising from the context or form of arbitral proceedings.

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 four days a 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.

### ***Family Provision List***

All applications under the *Family Provision Act 1982* and Chapter 3 of the *Succession Act 2006* are entered into this List. It is managed by the Succession Judge, who simultaneously manages contentious matters in the Probate List.

The Succession Judge manages family provision applications from the first directions date through to hearing, if required. Many disputes in the List are settled without a contested hearing as all parties are required to attempt to resolve their issues through mediation before seeking a hearing date.

Practice Note SC Eq 7 applies to cases entered into the Family Provision List.

### ***Probate List***

The work performed by the Succession Judge (who oversees both the Family Provision and Probate Lists) and the Registrars comprises both contentious and non-contentious cases. The 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 Succession 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 Succession Judge.

The Succession 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 a Judge. Contentious matters commonly include disputes as to a testator's last valid will.

### ***Protective List***

The work of the Protective List is to ensure the affairs of people deemed incapable of looking after their property, or themselves, are properly managed. The List also deals with appeals from the Guardianship Tribunal of New South Wales, along with applications (in chambers) from 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 in dispute in this 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 resolved in this way it is decided more formally.

A Registrar sits in court one day a week for this List. 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 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.

### ***Real Property List***

The Real Property Judge List case manages disputes over land that the filing party seeks to resolve through equitable relief, rather than recovering a monetary sum as damages or debt under the common law. The disputes could relate to a contract for the sale of land, or issues with leases, easements, covenants or strata and community schemes. The Real Property List Judge sits weekly to manage new cases and complex interlocutory applications that have been given leave to proceed. The Registrar in Equity provides support to the List Judge by handling procedural applications for substituted service, security for costs or to set aside subpoenas and notices to produce.

Practice Note SC Eq 12 applies to cases entered into the Real Property List.

### ***Revenue List***

The Revenue List is dedicated to the hearing of taxation matters. This 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.

## REGIONAL SITTINGS OF THE COURT

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 the Technology and Construction List. This List is managed by the same Judge and in the same manner as the Commercial List as set out in Practice Note SC Eq 3.

In 2021 criminal trials were conducted at Coffs Harbour, Goulburn, Newcastle, Orange, Port Macquarie, Queanbeyan, Tamworth, Wagga Wagga and Wollongong. There were no civil hearings conducted outside Sydney in 2021 in order to minimise non-essential travel in cases where the use of a virtual courtroom was an effective alternative.

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 can resolve their dispute with the assistance of a neutral person without the need for a conventional contested hearing before a Judge. Mediation is the most commonly used alternative dispute resolution method in Supreme Court cases.

### Mediation

Mediation, pursuant to Part 4 of the *Civil Procedure Act 2005*, is available for most civil proceedings. 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. Seven qualified Registrars were certified to conduct mediations throughout 2021. Alternatively, parties could choose to use private mediators.

A matter may proceed to mediation at the request of the parties, or the Court may refer appropriate proceedings 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. If parties cannot agree upon a mediator, they should attempt to agree on how the Court can appoint a qualified mediator; 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.

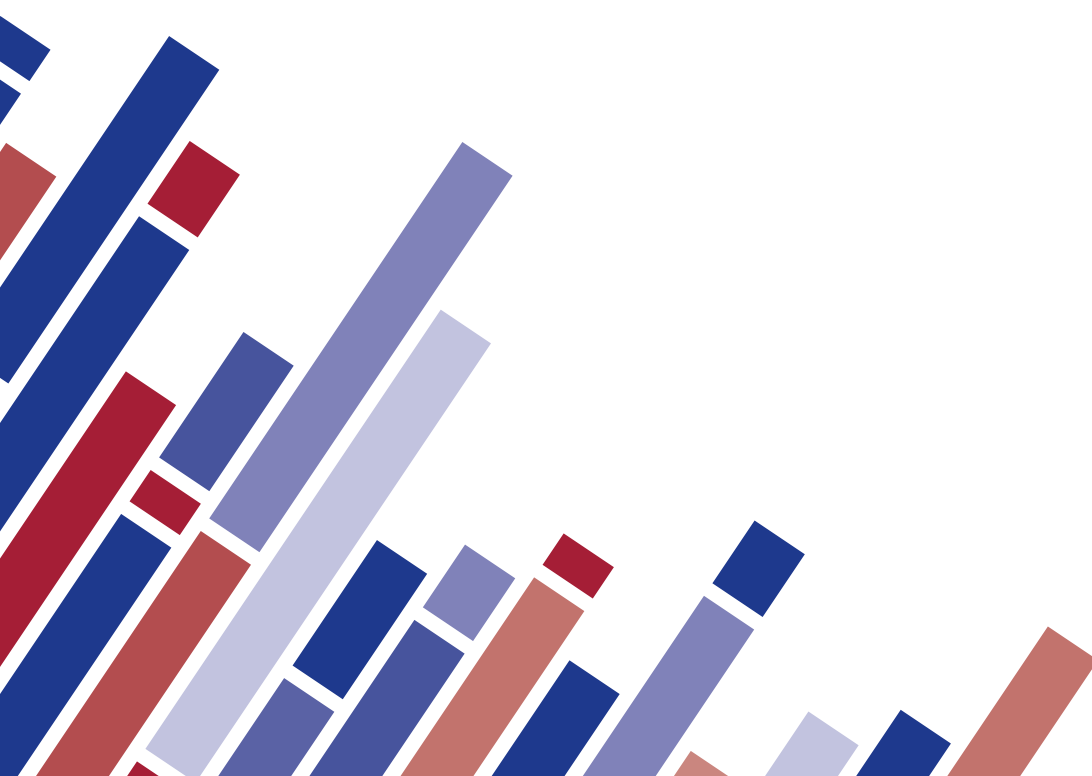
Even where mediation fails to resolve a matter entirely and the dispute proceeds to court, the benefit of mediation can often become apparent at the subsequent contested hearing. Mediation often helps to define the real issues and facts in dispute which may result in a reduction in court time and, consequently,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





### 3 COURT OPERATIONS

- Overview of operations by jurisdiction
- Timeliness
  - Measurement against benchmarks
  - Listing delays
- Use of alternative dispute resolution



## OVERVIEW OF OPERATIONS BY JURISDICTION \*

\*to be read in conjunction with Appendix (I)

### Court of Appeal

There were 341 net new cases lodged in the Court of Appeal in 2021. This is 1.5% lower than in 2020 and the lowest level seen in the past 10 years.

The sources of the new cases in 2021 were: Supreme Court (197), District Court (96), Land and Environment Court (15), NSW Civil and Administrative Tribunal (18) and other sources (15).

Of the 341 new cases, 181 were commenced by notice of appeal, 118 by summons seeking leave to appeal, and 42 by summons for the Court of Appeal to exercise its original jurisdiction.

There were 346 final disposals in 2021, which is 10% lower than the number in 2020.

Final disposals occurred by the following methods during 2021:

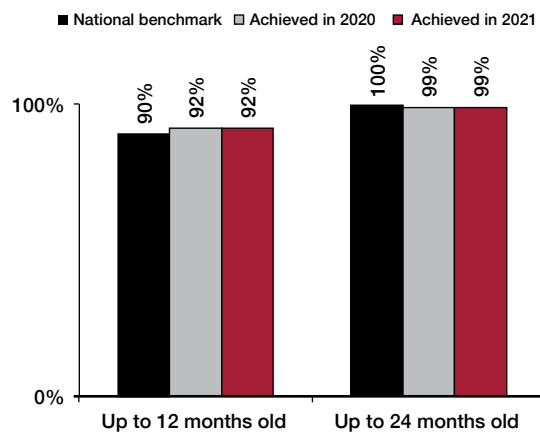
- judgment following hearing of either an appeal, an original jurisdiction summons or a concurrent hearing (a concurrent hearing enables the application for leave to appeal and, where leave is granted, the consequent appeal to be determined in a single hearing) – 63%
- refusal, striking out or other final disposal of an application for leave to appeal – 21%
- settlement of the appeal, original jurisdiction summons or leave application, or else non-progression to an appeal following a grant of leave to appeal – 9%
- striking out or other final disposal of either an appeal or an original jurisdiction summons – 7%.

The overall Court of Appeal pending caseload at the end of 2021 was 166 cases, a 4% decrease from the end of 2020 (170). Of the 165 pending cases, 41 (25%) were cases for which the question of leave to appeal had yet to be determined.

The age profile of the Court of Appeal's pending caseload remained at a good level during 2021 (see Figure 3.1). At the end of the year, 92% of pending cases were within 12 months of age, which exceeds the national benchmark of 90% for that age group. There were only two cases in the Court of Appeal older than 24 months.

The listing delay during 2021 ranged between 0.9 and 2.5 months for hearing of non-urgent substantive appeals and concurrent hearings. It settled at 1.8 months for the start of the 2022 law term. Hearings for leave applications alone are listed more quickly, and the average listing delay for these was 1.3 months, settling at 1.0 month for the start of the 2022 law term.

Figure 3.1 **Court of Appeal achievements against national benchmarks for age of pending cases**



### Court of Criminal Appeal

There were 421 new cases lodged in the Court of Criminal Appeal in 2021, an 8% decrease from filings in 2020.

The sources of criminal appeals in 2021 were: District Court (358), Supreme Court (33), Land and Environment Court (8) and other sources (17).

Of the 421 new cases, 250 were appeals against severity of sentence (of which 27 were appeals by the Crown), 112 were appeals against conviction, 35 were appeals against interlocutory judgments and 24 were cases of other types (this year there were no cases returned from the High Court for re-hearing).

Conviction appeals made up 27% of new cases in 2021, compared with 28% in 2020 and 29% in 2019. Conviction appeals are more complex and typically require longer hearings than appeals against severity of sentence only. Conviction appeal hearings are usually twice the length of hearings on sentence severity only and can extend to a whole day or longer.

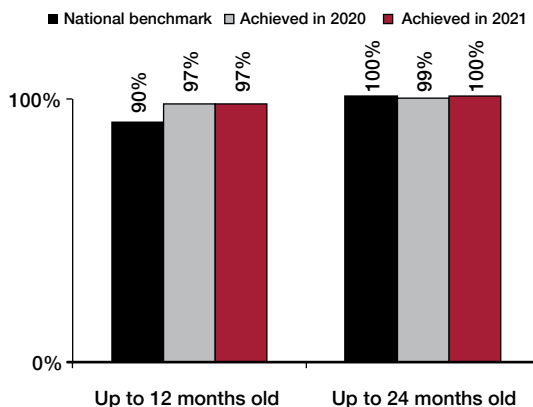
There were 401 disposals in 2021, 4% lower than the number in 2020. Of the 401 disposals, 331 were following a substantive hearing, 18 were by the appellant abandoning or withdrawing the appeal prior to a hearing, 19 were by refusal of leave to appeal and 33 were by other methods.

At the end of 2021, there were 214 pending cases, an increase of 9% from the pending caseload at the end of 2020.

The age profile of the Court of Criminal Appeal's pending caseload remained at a good level during 2021 and at the end of the year, it either met or exceeded the national benchmarks (see Figure 3.2). There were only 6 cases older than 12 months, all of which were less than 16 months old.

During 2021 the listing delay for non-urgent hearing of criminal appeals ranged between 4.3 and 7.9 months. The listing delay settled at 7.9 months for the start of the 2022 law term. Interlocutory appeals are listed more quickly than other appeals, according to their urgency.

Figure 3.2 Court of Criminal Appeal achievements against national benchmarks for age of pending cases



### Common Law Division criminal cases

In 2021 there were 81 new cases (defendants) registered in the Criminal List, compared with 112 during 2020 and 103 during 2019. Of the 81 new cases, 68 were prosecutions brought by the NSW Office of the Director of Public Prosecutions (60 of these involving homicide charges) and 13 by the Office of the Commonwealth Director of Public Prosecutions.

After entry into the Criminal List, the next step usually is arraignment. The majority of defendants enter a plea of 'not guilty' at arraignment, and the arraignment concludes with those cases being listed for trial. During 2021, the option for trial by judge-alone was taken up by three defendants, the lowest record in 15 years. This is also a substantial decrease from 2020, where as a result of the pandemic, 14 defendants selected a judge-alone trial.

At arraignments during 2021:

- 94 defendants were given listings for trials (3 being for judge-alone trials)
- 2 defendants were listed for fitness hearings (to deal with the question of the defendant's capacity to stand trial)
- 7 defendants entered a plea of 'guilty' at arraignment, compared with 19 during 2020 and 20 during 2019.

Some defendants change their plea to 'guilty' after being given a trial date – sometimes the change occurs as late as the start of, or during, the trial. During 2021, there were 10 defendants who entered a plea of 'guilty' after arraignment, of which five were either after the start of the trial or during the month in which the trial was scheduled to start. When the plea is changed at such a late stage it is usually impossible to re-assign that trial-time to another defendant.

In total, 17 pleas of 'guilty' were taken in 2021, compared with 26 in 2020 and 33 during 2019. The number and timing of the pleas of 'guilty' are factors that significantly affect the operation of the Criminal List: fewer pleas of 'guilty' entered at arraignment lead to more cases queuing for trials and, consequently, increases in listing delays and finalisation times for cases.



For criminal trials listed to start during 2021, the hearing estimates given to the Court ranged from one day to five months. At the end of each month during 2021, the average hearing estimate for the trials on hand (either not started or not concluded) was between 4.8 and 5.7 weeks.

At the first arraignments of the 2022 law term, the listing delay was 4.9 months for criminal trials requiring at least four weeks of trial time, a slight increase in listing delays as compared to the start of the 2021 law term. The listing delay for criminal trials can vary during the year, especially when several long trials are listed simultaneously, or when long trials must be vacated and re-listed, or when defendants plead 'guilty' after their trial has been set or started.

Trials for 75 defendants were listed to start during 2021. This has increased from the 57 trials listed in 2020, an unusually low number attributable to the impacts of the pandemic. For 29 of the 75 defendants, the trial either collapsed or was adjourned (this happened for 20 defendants in 2020 and 19 defendants during 2019). The need to re-start or re-list trials following collapse or adjournment reduces the Court's capacity to deal with its backlog of cases.

For the sixteenth consecutive year no trial was 'not reached' (a situation where the Court, rather than the parties, cannot start a listed trial). The Court does not normally over-list its criminal trials. There is already a risk of trials being 'not reached' when earlier trials run longer than their estimated time, and over-listing compounds that risk. The Court is aware of the emotional and financial impact for the family of victims and for witnesses (and of the cost to the community in funding the criminal justice system) when trials are delayed. It is a high priority for the Court to allocate its resources so that every criminal trial can start on its listed day.

A total of 88 defendants' cases were finalised during 2021, the same number of cases finalised in 2020. The Court prepared and handed down 64 sentences during 2021, compared with 52 during 2020.

By the end of 2021 there were 128 defendants with cases pending in the Criminal List, a decrease of 5% from the position at the end of 2020 (134 defendants). Note that a relatively small number of cases can cause appreciable changes (on a percentage basis) in the pending caseload from year to year.

With the relatively low number of cases in this resource-intensive list, the age profile for pending





cases can also show some volatility. The age profile for Criminal List pending cases worsened during 2021 (see Figure 3.3) with respect to the 12-month benchmark, and the number of cases older than 12 months rose from 52 to 60; however, the number of cases older than 24 months decreased slightly, from 15 to 14. Of the 14 cases older than 24 months at the end of 2021, 11 had been delayed at least once by the need to either re-start or re-list the defendant's trial (arising from hung juries, collapsed trials or successful applications to vacate scheduled trial dates), and a further three cases cannot proceed to sentencing until the separate trials of their respective co-accused have been completed. 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 evaluating the Court's performance against the national benchmarks it is important to note that almost all indictments presented to this Court are for offences of murder or manslaughter, or 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 broader range of charges that includes shorter maximum sentences. The national timeliness benchmark of 12 months from committal to sentencing is therefore a challenging target for this Court. Also, when making comparison to the national benchmark, note that the relatively small size of the List allows just a few cases to make statistically significant changes to percentage-based results.

This year was the second year of the Bails List operating under a new Practice Note, which commenced in June 2019. A total of 2,173 applications were lodged in the Bails List during 2021, an increase of 7% from the number lodged in 2020 (2,037). Release applications made up 86% of bail applications lodged in 2021, as compared to 97% in 2020.

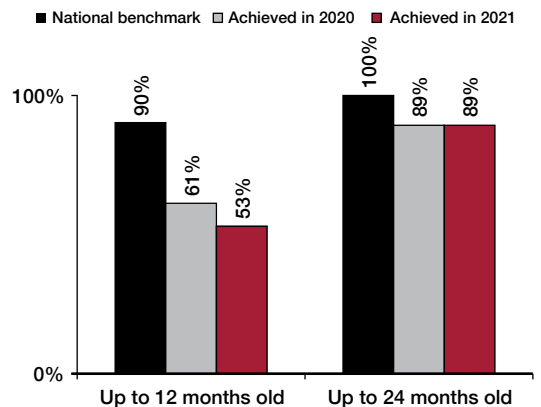
There were 2,126 Bails List applications disposed of during 2021, an increase of 6% from the number in 2020 (2,001). During 2021, 19% of disposals were as a result of the applicant withdrawing the application before or at the scheduled hearing,

an identical withdrawal rate to 2020. For cases that finalised by a determinative outcome (bail granted, refused or varied) during 2021, 47% were finalised within 32 days of lodging the application, a substantial increase in time when compared to 2020 (85% finalised within 32 days of lodging the application).

There were 226 pending cases on the Bails List at the end of 2021, an increase of 42% from the end of 2020 (159).

The listing delay for 30-minute hearings of adults' bail applications settled at 6.4 weeks for the start of the 2022 law term, up from 3.0 weeks a year earlier. Juvenile applications are given priority and are nearly always listed within two weeks of lodgment. The listing delay for Juvenile applications settled at 1.0 week for the start of the 2022 law term.

Figure 3.3 Criminal List achievements against national benchmarks for age of pending cases



### Common Law Division civil cases

The civil work of the Common Law Division can be separated into two broad groups:

- contested or defended cases (these require case management and include the specialised case management lists)
- cases requiring no case management (such as uncontested cases proceeding to default judgment, and the miscellaneous applications dealt with administratively by Registrars and registry officers).

Overall, there were 2,980 civil filings in the Division during 2021, an increase of 7% from the number in 2020 (2,780). Filings increased substantially in the Administration list (46%), and moderately in the Common Law Contested (16%), Possession (15%), and Common Law General (13%) Lists. Decreased numbers in filings were noted in the Miscellaneous and Common Law General Default lists (19% and 18% respectively).

The disposal rate during 2021 was 19% lower than in 2020. There were decreased disposals in every List except the Miscellaneous and High Risk Offender Lists. The total of 2,627 disposals included 1,576 contested cases (down from 1,591 last year), of which 409 had been listed for at least one hearing. The remaining 1,051 disposals were uncontested cases: There were 117 uncontested cases dismissed for inactivity, 224 cases finalised by default judgment, 400 disposals of miscellaneous applications and 210 other disposals. During 2021 the registry received a total of 304 applications for default judgment, of which 100% were either granted or requisitioned within five working days.

The number of pending cases in the Common Law Division increased by 12% during 2021 (see Figure 3.4). The contested caseload increased again this year, this time by 15%, from 2,272 to 2,601, and this is expected to increase the demand for case management directions and hearings in 2022 and 2023. The uncontested caseload rate increased slightly by 4%, from 628 in 2020 to 652 in 2021.

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.5). The national benchmarks are set by the Productivity Commission's *Report on Government Services*. Within the Division's civil caseload, the proportion within 12 months of age increased from 56% in 2020 to 59% in 2021. The proportion of cases within 24 months of age remained relatively stable at 81%, as compared with 82% in 2020. Over the year, the number of cases on hand and older than 24 months increased from 526 to 610.

The listing delay for non-urgent hearing of Common Law Division civil cases that required five days of hearing time fluctuated during 2021 between 7.6 and 11.6 months (excluding any time in the court vacation). By the start of the 2022 law term, the

listing delay had settled at 8.7 months for 5-day hearings; 7.4 months for 2-day hearings and 10.8 months for 10-day hearings.

There were 1,193 matters listed during 2021 for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 3.6). Of those listed matters, 620 proceeded to hearing, 422 settled after being listed for hearing, 148 successfully applied to vacate the hearing listing and three were not reached. 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' (a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing). None of the Division's listed hearings was 'not reached' during 2021. Since 2007, the Division has maintained a 'not reached' rate of 1% or less for listed civil hearings.

Civil hearings comprise just one area of work covered by the Common Law Division's 23 judges, who also hear all the Court's criminal trials, all hearings in the Bails List and all urgent applications to the Division, including those under the *Crimes (High Risk Offenders) Act 2006*. The Common Law Division judges are also 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 all these areas of work, with their changing work volumes, is challenging.

Figure 3.4 Common Law Division pending civil caseloads at 31 December

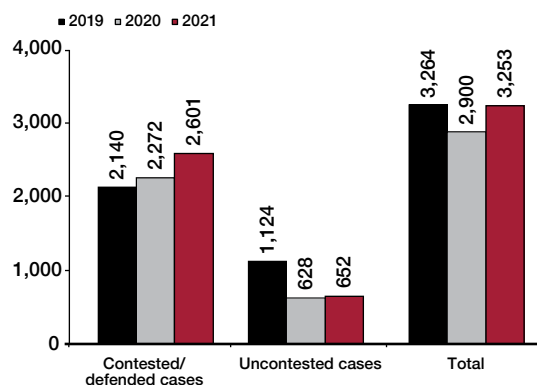


Figure 3.5 Common Law Division civil lists – achievements against national benchmarks for age of pending cases

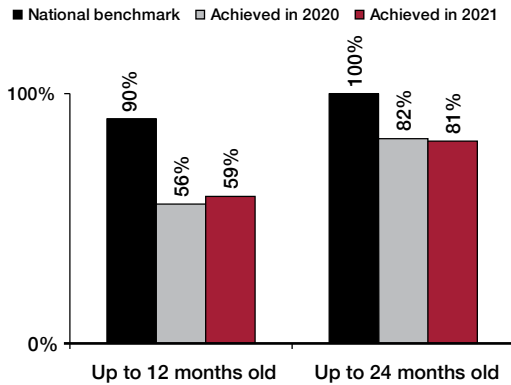
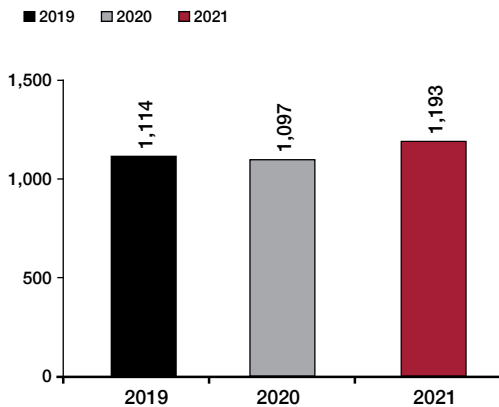


Figure 3.6 Listings for hearing – Common Law Division civil hearings



### Equity Division

The following analysis of the operational trends within the Equity Division does not include uncontested probate cases. The volume of uncontested probate cases is so large that, if included, it would mask the important trends for all other cases in the Equity Division. Uncontested probate cases are discussed separately at the end of this section.

There were 3,740 filings in the Division during 2021, a decrease of 2% from the number of filings in 2020 (3,804). The Commercial List, Technology and Construction and Equity General List experienced a decrease in the number of filings in 2021 as compared to 2020 (21%, 11% and 11% respectively). The Corporations List was the only list with a notable increase of 21% in filings. The remainder of Lists in 2021 had comparable or identical filing rates to those in 2020.

The disposal rate for the Division was 3% lower in 2021 than in 2020, decreasing from 3,822 to 3,714. Disposals increased by 18% in the Corporations List and 16% in the Technology and Construction List, in addition to a slight increase in the Real Property List. In comparison, the Revenue List, Protective List and Contentious Probate lists showed notably reduced disposals. The remainder of the Lists in 2021 had comparable disposal rates to those in 2020. The 3,714 disposals in 2021 included 522 cases that had a least one listing for hearing.

Overall, the number of pending cases in the Equity Division increased slightly to 2,930 cases at the end of 2021, compared with 2,904 at the end of 2020. There were notable increases in the number of pending cases for the Technology and Construction and Protective Lists.

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.8). The national benchmarks are set by the Productivity Commission's Report on Government Services. The age profile of Equity Division cases at the end of December 2021 is shown at Figure 3.8. Within the Division's caseload, the proportion within 12 months of age reduced during 2021 from 64% to 60%, and the proportion within 24 months of age reduced slightly from 84% to 82%. Over the year, the number of cases on hand and older than 24 months increased from 465 to 518.

The listing delay ranged between 4.2 and 9.2 months (excluding any time in the court vacation) during 2021 for 2-day hearings of non-urgent General List or Probate List cases. By the start of the 2022 law term the listing delay for these cases had settled at three months for 2-day hearings; for 5-day and 10-day hearings it was 3.9 months. Some judges of the Equity Division have been assigned for short periods to hear cases in other areas of the Court so that listing delays are managed across all areas of work.

The JusticeLink system does not provide reports regarding the matters listed for hearing, nor are there manually maintained statistics on this aspect for Equity Division cases, so analysis of the outcomes of the listed hearings cannot be presented.

The Equity Division does not have a general practice of over-listing matters. Running lists occur one week per month for family provision cases; these cases are given a specific hearing date within that week, and a pre-trial directions hearing is held around four weeks before the allocated hearing date.

Uncontested probate applications are handled by the Court's registrars. These are the applications for grants of probate or letters of administration, or for reseal of probate grants made outside NSW. A total of 26,663 applications were filed during 2021 (comparable with the 26,661 filings made in 2020), being:

- 23,983 for grants of probate
- 2,305 for grants of letters of administration
- 375 for reseals of probate granted elsewhere.

If an application meets all procedural requirements when lodged, a grant will be made on initial processing. The waiting time ranged between 6 and 23 working days during 2021 for initial processing of grant applications, increasing to 27 working days by the start of the 2022 law term.

Figure 3.7 Equity Division pending civil caseloads at 31 December

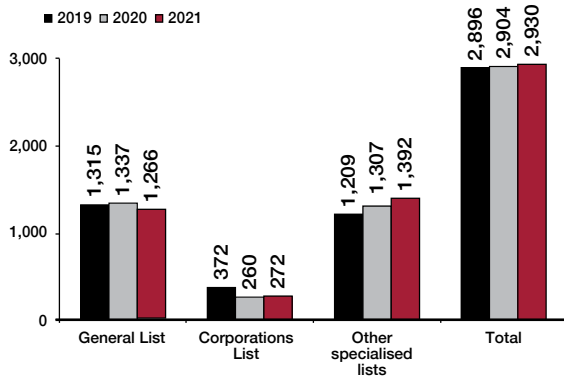
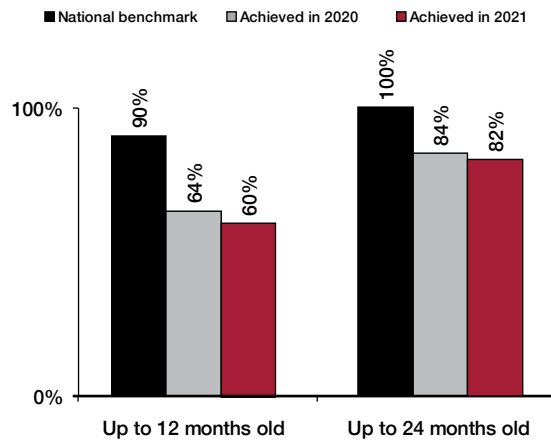


Figure 3.8 Equity Division – achievements against national benchmarks for age of pending cases



## TIMELINESS

### Measurement against benchmarks

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

Courts and other organisations may use different methods to measure the age of cases or the timeliness of case handling, and this can produce statistics that are not necessarily comparable. For example, in analysing criminal cases, some courts report performance by measuring the time between committal and the commencement of trial, while the Australian Bureau of Statistics produces national statistics that measure the time from committal to either acquittal or sentencing. Unless noted otherwise, the information in Appendix (I) concerning age of pending cases uses the same definitions of commencement and finalisation as is used by the Productivity Commission in its *Report on Government Services*.

Appendix (I) shows the position the Court reached at 31 December for each reported year with regard to the age of its pending caseload. For criminal matters (including criminal appeals) the method of measurement aligns with the method used by the Productivity Commission's *Report on Government Services*, except where cases are diverted to the Mental Health Review Tribunal. For the Court of Appeal, the reporting method aligns 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 in three ways: first, the Court reports separately for each Division; secondly, 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; and thirdly, the Court reports all pending cases, whereas the Productivity Commission's counting rules allow for exclusion of some particular case types and of pending cases that have been inactive for at least 12 months.





Appendix (I) allows comparison of the Court's position with the national benchmarks for 'backlogs' as set by the Productivity Commission. Those benchmarks 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 only hears 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 civil non-appeal cases, it is worth noting that every supreme court in the country has difficulty meeting the backlog benchmarks (see Table 7A.21 of the latest *Report on Government Services* published by the Productivity Commission).

The *Report on Government Services* also reports on case finalisation times, but that measure is not included here. The Court prefers the age profile of pending cases (the Productivity Commission's 'backlog' concept) as a reporting measure because it has a logical link to desired outcomes: when courts finalise an increased number of aged cases, the age profile of the pending caseload usually improves over that period whereas finalisation-time results usually worsen.

### Listing delays

The reported listing delays indicate the timeliness with which the Court can allocate non-urgent hearings for various types of cases that have been assessed as ready for hearing, providing the parties are willing to select from the first available group of hearing dates offered by the Court. Listing delays change during the year and the registry can assist with providing the most up to date information.

The table of listing delays in Appendix (I) shows the listing delays that applied 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.

This standardised 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 distinct 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.

For the representative hearing lengths described in Appendix (I), over the 12 months leading up to the start of the 2022 law term:

- Court of Appeal hearing delays improved slightly to 1.8 months, remaining within an optimal range
- Court of Criminal Appeal hearing delays for conviction appeals increased from 5.4 months to 6.4 months, exceeding the desired delay time
- Criminal trial listing delays increased slightly from 4.2 months to 4.6 months, exceeding the desired delay time
- Bails List hearing delays were 4.0 weeks at the start of 2022 law term, averaging a 4.4 week delay throughout the year (excluding law vacation)
- Common Law Division civil hearing delays significantly improved from 10.3 months to 6.9 months, however this is still longer than desired
- Equity Division civil hearing delays significantly improved from 6.3 to three months, however this is still slightly longer than desired.

The Common Law Division uses over-listing to make most effective use of judicial time and manage listing delays. The Equity Division uses running lists for family provision cases one week per month for the same purpose but does not have a general practice of over-listing matters.

Allocation of some work to acting judges assists the Court to manage and balance listing delays across all areas of work. Without the availability of acting judges, longer delays would have been likely in one or more areas of work.

## USE OF ALTERNATIVE DISPUTE RESOLUTION

The Supreme Court supports mediation as a method of alternative dispute resolution for Supreme Court civil proceedings. Litigants in any contested civil case (including appeals) can consider using mediation. Mediation is generally inapplicable for cases where no defendant contests the claim and in applications for an uncontested grant of probate, for adoption of children, for winding-up of companies, for recovery of proceeds of crime or under the *Crimes (High Risk Offenders) Act 2006*, and for the miscellaneous applications 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.

Since 2014, in addition to its long-standing court-annexed mediation program, judicial settlement conferences have been used in family provision cases where the estate is valued at less than \$500,000 or when the parties jointly request one. These conferences are conducted by Justice Hallen and timed to occur at an early stage of case management to encourage settlement as soon as possible and minimise litigation costs. The judicial settlement conferences have reduced the number of cases going to the court-annexed mediation program, and need to be taken into account when interpreting statistics concerning the Court's use of mediation, both court-annexed and overall.

During 2021 the number of court-annexed mediation listings (which are conducted by the Court's registrars) decreased by 26%. There were 262 listings for court-annexed mediation in 2021, compared with 331 in 2020. Overall, the registry recorded a total number of 950 referrals to mediation (court-annexed or private), which was an 11% decrease from the 2020 total of 1,055 referrals. It is possible that the total number of referrals does not fully include the use of private mediation because it is not essential for litigants to obtain a formal referral for mediation to use private mediation, nor to disclose to the Court that private mediation has been used (where no referral order has been made).

During 2021 an estimated 4,807 civil cases were filed that were of types for which mediation was considered generally applicable. This is an increase of 1% from the estimated 4,758 cases filed during 2020.

The 'mediation referral index' is the total number of cases referred for mediation in a given year, expressed as a percentage of the total number of cases (of types where mediation is considered to be generally applicable) commenced in that year. Compared to the previous year, the mediation referral index dropped from 22.2% to 19.8%.

Court-annexed mediations are conducted by those Supreme Court registrars who are additionally qualified as mediators. Of the 262 cases listed for court-annexed mediation during the year, 10 cases did not proceed to their allotted mediation session. Of the 252 cases that did proceed to a court-annexed mediation session, the settlement rate was 39%. The Court has a stringent convention for recording cases as 'settled at mediation': the parties must have agreed to finalising orders (or have drafted heads of agreement) by the close of the mediation procedure. In addition to the cases noted as 'settled at mediation', a further 30% of cases were recorded as 'still negotiating' at the close of the mediation session, and many of those are likely to have settled subsequently. 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 been fundamental to the parties eventually reaching settlement. The statistics for the court-annexed mediation program are collated independently of the JusticeLink system, which is not sufficiently reliable for that purpose. There are no statistics on settlement rates for cases referred to private mediators.

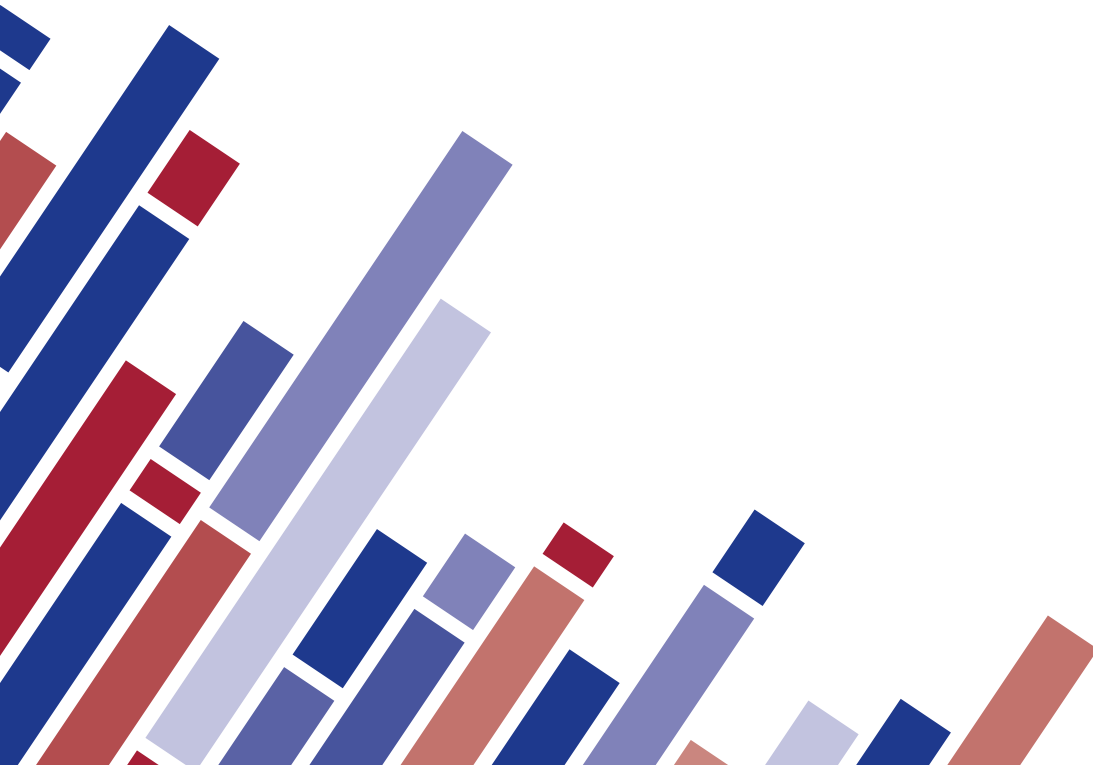
The waiting time ranged between two and 6 weeks during 2021 for non-urgent court-annexed mediation sessions. The waiting time settled at 3.6 weeks for the start of the 2022 law term. Where the Court orders an expedited court-annexed mediation, the waiting time does not apply. The waiting time can change during the year, and updated information is published daily in the court list.

Use of arbitration for Supreme Court cases remains possible but is now unlikely because the types of cases that typically had been referred to arbitration no longer come to the Supreme Court. The number of listed arbitrations declined rapidly after 2003, and the most recent referral of a Supreme Court case to arbitration was in 2006 (one referral only in that year).



## 4 EDUCATION AND PUBLIC INFORMATION

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





## JUDICIAL OFFICER EDUCATION

Each year, many judicial officers update and develop their skills and knowledge during the year by attending conferences, seminars and workshops. Unfortunately, judicial education in 2021 continued to be heavily impacted by the COVID-19 pandemic which heavily restricted the ability to gather in-person. However, judges embraced opportunities to learn through new medium such as webinars and the growth of this form of delivery has been a very positive outcome providing flexibility and accessibility that had been under utilised previously.

An overview of some of the educational activities completed during 2021 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

### Domestic judicial education activities undertaken in 2021

In August 2021, the Court's Annual Conference was to be held in the Blue Mountains. Unfortunately, the conference had to be postponed to November 2021 and then again to 2022, due to COVID-19, in the interest of health and safety concerns.

Throughout the year, judges had the opportunity to attend cross-jurisdictional webinars. These programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. In May, three judges attended a webinar 'Cross-jurisdictional Webinar: DNA - the latest capability and limitations of DNA technology and techniques'.

The Ngara Yura Committee presented a series of programs throughout the year:

- In March, three judges attended a webinar, 'Solutions to reducing the Indigenous prison population - role of a specialist court (County Koori Court of Victoria)'. This was presented by Her Honour Judge Irene Lawson, County Koori Court of Victoria and Ms Terrie Stewart, County Koori Court Coordinator, County Court of Victoria.
- The Ngara Yura program facilitated a visit to Weave, a not-for-profit organisation that provides a way up and a way forward supporting children, young people, families and communities facing complex situations. One judge attended this program held in April.
- This year saw the inauguration of the First Nations Speaker Series, a joint online program between the NSW Judicial Commission, the Law Society of NSW and NSW Bar Association celebrating First Nations culture and identity. It was a series of insightful talks featuring authors, researchers, creators, innovators, knowledge holders and storytellers providing an opportunity to learn about the cultural perspectives, and experiences of First Nations people across a range of disciplines. Presenters included in this series were:
  - Dr Tyson Yunkaporta, an academic, an arts critic, and a researcher who is a member of the Apalech Clan in far north Queensland. This presentation was attended by six judges.
  - Ms Karlie Noon, an astronomer, multiple award winner and 2019 Eureka Prize nominee. The presentation was attended by five judges.
  - Uncle Bruce Pascoe, an Aboriginal Australian writer of literary fiction, non-fiction, poetry, essays and children's literature. The presentation was attended by eight judges.
- Three judges attended a webinar, in November, presented in collaboration with the Francis Forbes Society 'Making the Past Visible: The Legacies of the Protectionist Legislation'.

Upon appointment, Supreme Court judges usually attend the National Judicial Orientation Program. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and held in various locations across the country. Unfortunately, the October 2021 program had to be postponed due to COVID-19 border restrictions.



The Court also continued to work with the Judicial Commission to ensure the *Criminal Trials Courts Bench Book*, *Sentencing Bench Book* and the *Civil Trials Bench Book* were regularly updated by judges to reflect developments in the law and sentencing practice.

In addition, there are a number of online resources permanently available to judges of the Supreme Court. Bench books and other research tools are available online via the JIRS database and are updated regularly. Where possible, Supreme Court judges are also able to view and participate in programs remotely either via the live streaming of certain programs or viewing a number of programs that have been recorded.



## THE ROLE OF THE MEDIA MANAGER

The COVID-19 pandemic has left a lasting transformation on the way members of the media interact with the Court, as journalists pivoted to observing virtual court proceedings as passive participants on the Court's Audio Visual Link (AVL) technology.

You-Tube live-streaming allowed media to broadcast court proceedings for the first time, under YouTube's user policies. The COVID-related proceedings (*Kassam & Henry v Hazzard*) before Justice Beech-Jones attracted a record number of views to the Court's YouTube channel. The total number of live views was 1,358,313 from across Australia.

The sentencing of Eddie Obeid and Ian McDonald by Justice Fullerton in October also drew interest to the Court's YouTube channel. The sentencing was livestreamed on YouTube and simultaneously broadcast on the ABC and Sky News channels.

The media unit receives a large volume of inquiries via email and phone across a range of matters before the Court, primarily in the Common Law division.

The matter which received the most inquiries in 2021 was *R v Abuzar Sultani* after long-standing suppression orders (in place for more than six years) across multiple jurisdictions were finally lifted and media were able to report on the sentencing and details.

The lifting of these Non-Publication Orders by Justice Fagan was met with great appreciation by the *Daily Telegraph* which published the following opinion editorial on 17 December 2021:

The tale of Abuzar Sultani isn't just a story about one of Sydney's deadliest men – a serial assassin who led a killing squad targeting other gangland figures. It is also a story about justice – true, open justice – and the public's right to know what is happening in their state, their city and their community.

The retirement of Chief Justice Bathurst was a significant media event for the Court itself. Toward the end of 2021 the Media Manager booked a week of 11 interviews and numerous photoshoots with TV and newspaper journalists and photographers which took place in February 2022 before the Chief Justice's final swearing-out ceremony.

Over four days, the former Chief Justice was interviewed by the *Sydney Morning Herald*, the *Daily Telegraph*, ABC TV, News Radio and online, ABC Law Report (radio), Ten News, 7 News and the *Law Society Journal*. Despite the heavy news cycle of NSW floods and Ukraine, profile stories ran across nearly all media and were interacted with for a total of 84.2 million clicks (according to Meltwater media monitoring).

The Court's media unit underwent significant change in 2021. New Media Manager Geraldine Nordfeldt digitised various procedures including the sharing of approved exhibits with media. Past practice involved meeting individual reporters and waiting while they made copies of USBs and disks containing exhibits such as CCTV and photos.

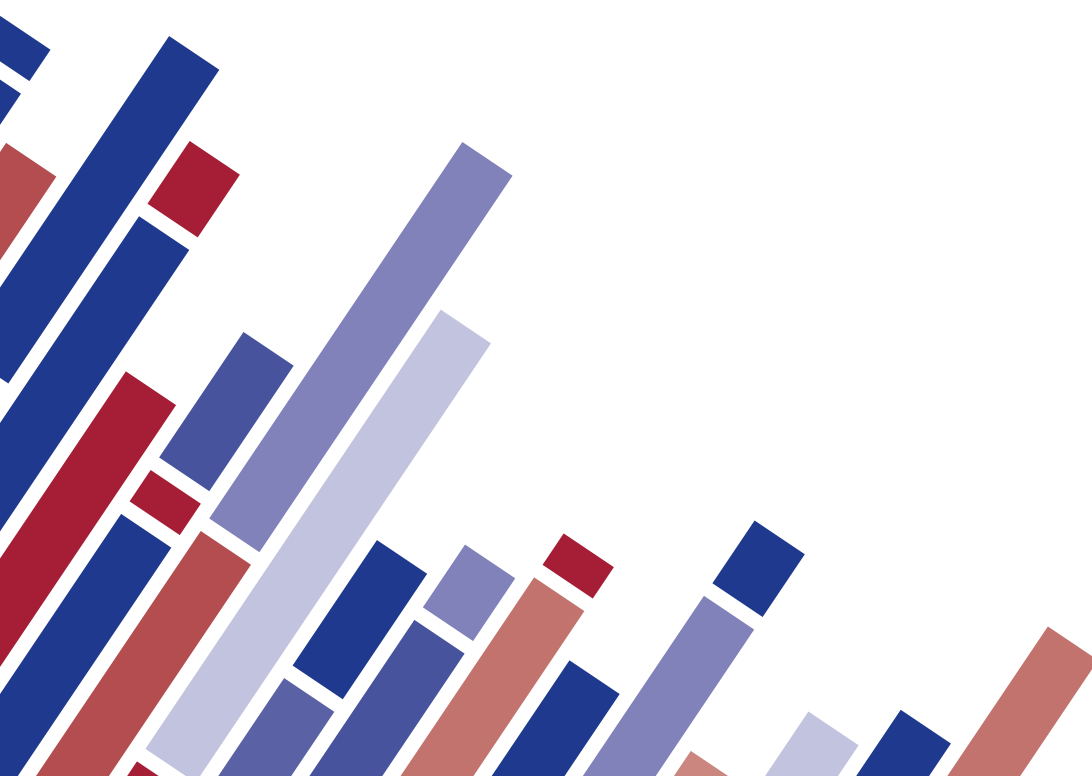
The media unit started using the DCJ Kiteworks secure file sharing program to digitally transfer larger files such as videos and photographs with approved journalists. Journalists have expressed their appreciation for this time-saving efficiency measure.

The Media Manager is the principal media spokesperson for the superior NSW courts: Supreme, LEC and IRC. The Media Manager coordinates with our Judges, Registrars and Associates to provide media with information about court proceedings, and approved documents, videos and photographs.

The Media Manager is also responsible for communicating Non-Publication Orders (NPOs) to the media and ensuring they are complied with. Media failure to comply with NPOs could compromise proceedings.

## 5 OTHER ASPECTS OF THE COURT'S WORK

- Uniform Civil Procedure Rules
- Law Courts Library
- Admission to the legal profession and appointment of Public Notaries
- Admission under the mutual recognition Acts
- Administration of the Costs Assessment Scheme
- Pro Bono Scheme
- Judicial Assistance Program



## UNIFORM CIVIL PROCEDURE RULES

The *Civil Procedure Act 2005* and Uniform Civil Procedure Rules 2005 commenced operation in 2005. The Uniform Rules Committee was established under section 8 and Schedule 2 of the Act. The Chief Justice (who acts as chair) and the President of the Court of Appeal are *ex officio* members of the Committee. The other Supreme Court representatives on the Committee during 2021 were Justice Adamson and Justice Lindsay.

As well as considering amendments to the Rules the Uniform Rules Committee approves forms for use in civil proceedings under section 17 of the Act.

## LAW COURTS LIBRARY

The Law Courts Library is one of the premier law libraries in Australia; elements of its collection predate 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 of the various courts in the Law Courts Building.

Legal authorities and accurate information are provided to support the timely and effective decision-making of the courts. In 2021, librarians answered over 700 requests from the Supreme Court, and 1,510 legal resources were borrowed. Law Courts Library reader services librarians continued to provide support for court use of online resources and e-publications on iPads and other mobile devices.



In addition, 2,341 Supreme Court (including Court of Appeal and Court of Criminal Appeal) decisions were published during 2021 on the NSW Caselaw website, which is managed and supported by the library.

The experiences of the Law Courts Library during the lengthy 2021 COVID-19 lockdown and restrictions highlighted the importance of online legal publications, and clearly illustrated that not all legal publications required by judges are available online. As Law Courts Library staff continued to provide the reference and research service to judges and court staff remotely for over four months, the lack of access to the print collection proved challenging, emphasizing the enduring value and importance of the collection maintained by the Law Courts Library. As in 2020, we gratefully relied on interstate court library colleagues to provide scans of print only material.

Further service adaptations and innovations were born out of necessity in 2021 and included the launch of training on demand videos for court staff in place of in person training.

Over 4,000 electronic judgments were created with links to the full text scanned documents, increasing digital access to decisions of the Supreme and Compensation Courts.

## ADMISSION TO THE LEGAL PROFESSION AND APPOINTMENT OF PUBLIC NOTARIES

The Legal Profession Admission Board is responsible for:

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

Constituted by the *Legal Profession Uniform Law Application Act 2014*, the Board is a self-funding statutory corporation. Membership of the Board comprises:

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

During 2021, the members of the Board were:

- The Honourable Chief Justice Bathurst
- The Honourable Arthur Emmett AO QC (Presiding Member)
- The Honourable Justice Payne
- The Honourable Justice Lindsay
- Ms Margaret Allars SC
- Ms Jennifer Ball
- Ms Phillipa Hetherton
- Professor Lesley Hitchens
- Mr Wen-Ts'ai Lim
- Professor Trish Mundy
- Professor Michael Quinlan
- Mr Julian Sexton SC.

The formal admission of lawyers continued throughout the year. Due to lockdowns in Sydney, admissions used a 'virtual' ceremony format, in which oaths or affirmations were administered or made on paper prior to the admission date and admittees were able to view a ceremony remotely via livestream video from the Supreme Court.



## ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

In December 2021, in-person admission ceremonies re-commenced albeit with reduced numbers of admittees and strict COVID-19 safety protocols. Admittees were then able to choose between being admitted in-person or remotely 'on the papers'.

A detailed account of the Board's activities and achievements can be found in its Annual Report, which is available for download from [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

The Registry liaises with the Legal Profession Admission Board in performing the task of managing applications from legal practitioners from New Zealand under the *Trans-Tasman Mutual Recognition Act 1997*.

In 2021, 49 New Zealand practitioners were enrolled under the Trans-Tasman Mutual Recognition Act. In comparison, there were 35 Trans-Tasman admissions in 2020 and 71 in 2019.



## ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

The Costs Assessment Scheme is the mechanism through which clients and practitioners can resolve disputes about costs and also quantify costs orders made by a NSW court or tribunal. The Scheme's processes are governed by the applicable NSW legal profession legislation that was in force when the litigation, under which the costs dispute arose or the costs order was made, commenced.

The Chief Justice appoints independent Costs Assessors to determine applications for costs assessment and review. All costs assessors are legally qualified and must have been a practising Australian lawyer for at least five years to be considered eligible for appointment.

The Costs Assessment section of the Registry undertakes the day-to-day administration of the Scheme under the guidance of the Manager, Costs Assessment.

During 2021, 974 costs assessment applications were lodged. Of these, 457 (47%) related to costs between parties to costs orders; 130 (13%) were brought by clients against practitioners, and 258 (27%) were brought by practitioners to recover against clients. There were 129 reviews (13%).

The review process is undertaken by a review panel comprising two senior assessors. The review panel generally considers the material before the assessor and can affirm or vary the original assessment. If the application is made under the *Legal Profession Act 2004* (LPA) a costs assessment determination can be appealed to the District Court as of right on questions of law and otherwise by leave. Although now repealed, the LPA still applies to assessments where the matter (in which the costs order was obtained) was commenced before 1 July 2015 or where first instructions from a client were given before 1 July 2015.

The *Legal Profession Uniform Law Application Act 2014* (as amended) incorporates the recommendations of the Chief Justice's Review concerning costs assessment reviews. For matters falling under the new legislation, an appeal is now to the District Court (leave is required if the amount in dispute is less than \$25,000) or to the Supreme Court (leave is required if the amount in dispute is less than \$100,000).

The Chief Justice appoints the Costs Assessment Rules Committee (CARC). Since 1 July 2015, with the commencement of the *Legal Profession Uniform Law Application Act 2014*, the CARC was reconstituted in the legislation to include a Supreme Court Judge, a District Court Judge, and representatives from the Office of the Legal Services Commissioner, the Law Society of NSW and the NSW Bar Association as well as representatives from the panel of costs assessors. The CARC is chaired by Justice Brereton.

## PRO BONO SCHEME

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

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

During 2021, the Court made 29 referrals under the Scheme: three referrals were made in Court of Appeal cases and 26 were made in cases from either the Common Law or Equity Division. 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.

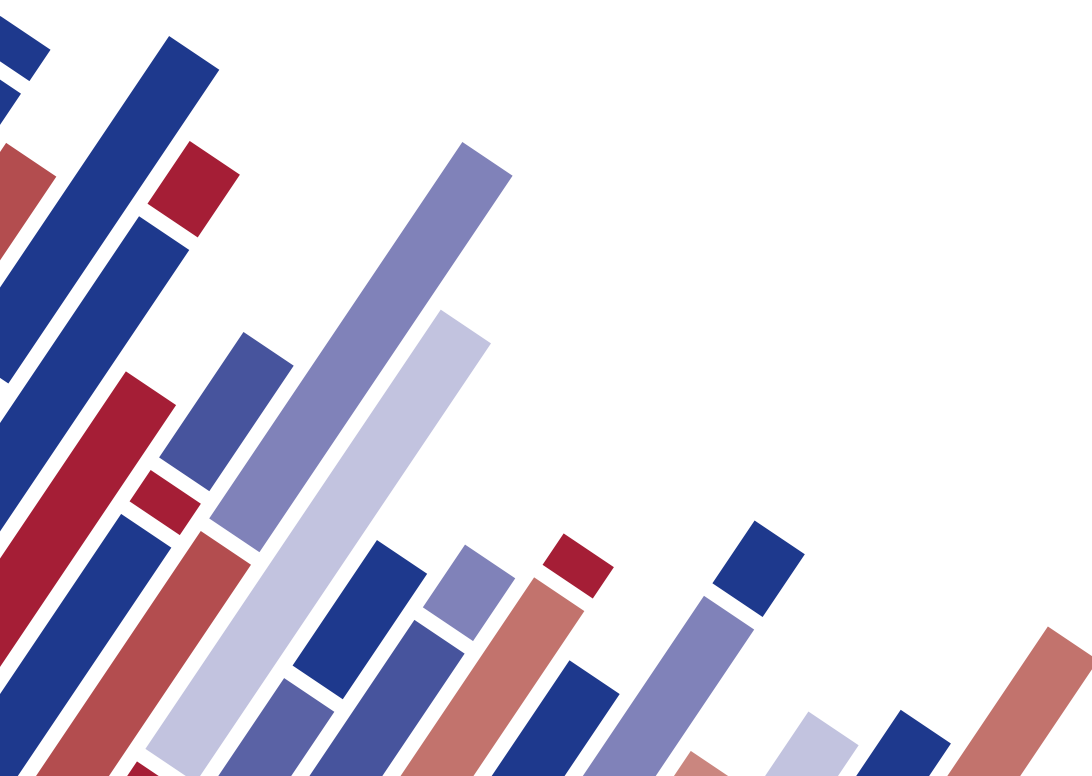
## JUDICIAL ASSISTANCE PROGRAM

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 Program 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 judicial officers in NSW.



## 6 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 3)

- Filings, disposals and pending cases
- Timeliness
  - age of pending cases at 31 December
  - listing delays after the end of the year
- Alternative dispute resolution

### Filings, disposals and pending cases

#### NOTES:

The figures for pending cases 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 commenced in one case management list or Division may subsequently be transferred to another list or Division for further case management and disposal.

The statistics for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system.

The statistics for the Court of Appeal, Court of Criminal Appeal, Criminal List, Bails List, Adoptions List, Protective List and contested Probate List matters are not supplied through the JusticeLink system; they continue to be collated manually and are subject to audit and revision.

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

“-” – item not applicable

“0” – zero count

	2017	2018	2019	2020	2021
<b>COURT OF APPEAL</b> <sup>1,2</sup>					
<b>Filings (net new cases)</b> <sup>3</sup>	<b>354</b>	<b>355</b>	<b>366</b>	<b>346</b>	<b>341</b>
<i>Filings of appeals / applications for relief</i>	241	228	235	214	223
<i>Filings of applications for leave to appeal</i> <sup>4</sup>	121	139	135	132	118
<b>Disposals (final disposals)</b> <sup>5</sup>	<b>380</b>	<b>361</b>	<b>339</b>	<b>381</b>	<b>346</b>
<i>Disposals of appeals / applications for relief</i>	257	249	213	232	229
<i>Disposals of applications for leave to appeal</i>	131	124	130	149	117
<b>Pending cases at 31 December</b>	<b>184</b>	<b>178</b>	<b>205</b>	<b>170</b>	<b>166</b>
<i>Appeals / applications for relief</i>	141	120	142	124	125
<i>Applications for leave to appeal</i>	43	58	63	46	41

<sup>1</sup> These statistics exclude notices of intention to appeal. A notice of intention to appeal does not commence a substantive appeal or application.

<sup>2</sup> These statistics cover Court of Appeal cases only. They are not comparable to ‘civil appeal’ case statistics reported within the Productivity Commission’s Report on Government Services, which include all civil cases of an appellate nature, including appeals and reviews dealt with in the Common Law Division or Equity Division.

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

<sup>4</sup> This item includes not only leave applications, but also applications where parties have elected to have a concurrent hearing of both the leave application and the appeal (if leave is granted).

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



	2017	2018	2019	2020	2021
<b>COURT OF CRIMINAL APPEAL <sup>1</sup></b>					
Filings	380	407	352	455	421
Disposals	395	366	368	416	401
Pending cases at 31 December	130	171	155	194	214

<sup>1</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 2, 0, 2, 1 and 0 applications lodged in the Court of Criminal Appeal for the years 2017 to 2021, respectively, for review of Parole Board decisions.

	2017	2018	2019	2020	2021
<b>COMMON LAW DIVISION – Criminal <sup>1, 2</sup></b>					
<b>Criminal List</b>					
Filings (registrations) <sup>3</sup>	112	93	103	112	82
Disposals <sup>4</sup>	105	99	106	88	88
Pending cases at 31 December	119	113	110	134	128

#### **Bails List <sup>5, 6</sup>**

Filings (applicants)	3,953	4,545	2,648	2,037	2,173
Disposals (applicants)	3,984	4,353	3,433	2,001	2,126
Pending applicants at 31 December	707	893	122	159	226

<sup>1</sup> In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act 2001*, applications for re-determination of a life sentence, and summary jurisdiction cases. Summary jurisdiction cases are included within the statistics for 'other summons cases' within the Common Law General List (where they are managed).

<sup>2</sup> The Court uses counting rules that align with national counting rules, except concerning referrals from and to the Mental Health Review Tribunal (MHRT). Whenever the Court determines that an accused person is unfit to plead, it refers that person to the MHRT – the Court records that event as a case disposal. If the MHRT subsequently determines that the person is fit to stand trial, the Court records that event as a new case commencement. If the MHRT determines that the accused person is unlikely to be fit to stand trial within the next 12 months it notifies the Court, which then obtains advice as to whether the Director of Public Prosecutions intends to take further proceedings against the accused. If the Director of Public Prosecutions advises that the proceedings are to be taken further, then the Court records a new case commencement.

<sup>3</sup> 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 (for example, where a bench warrant is executed).

<sup>4</sup> 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.)

<sup>5</sup> 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. From 2016 onwards, reports have been used which extract data from the JusticeLink system – it is possible that these do not take into account some data entered retrospectively.

<sup>6</sup> The statistics for 2019 are not directly comparable to previous years. Practice Note SC CL11 commenced on 3 June 2019 and set out a new practice and procedure for preparing and filing applications for hearing in the Bails List. Applications are now accepted only when they are accompanied by all material on which the applicant seeks to rely, and when the applicant's legal representation (or self-representation) is confirmed. Consequently, since June 2019 the operational figures are lower as they no longer include incomplete applications that would ultimately be withdrawn or dismissed.

	2017	2018	2019	2020	2021
<b>COMMON LAW DIVISION – Civil</b>					
<b>Administrative Law List</b>					
Filings	121	152	115	97	142
Disposals	114	132	141	129	102
Pending cases at 31 December	79	100	78	46	90
<b>Defamation List</b>					
Filings	54	39	11	14	11
Disposals	56	61	53	24	13
Pending cases at 31 December	85	65	24	14	11
<b>Common Law General List (formerly the General Case Management List)</b>					
<b>Filings</b>	<b>1,109</b>	<b>1,231</b>	<b>1,431</b>	<b>1,298</b>	<b>1,439</b>
Contested claims	442	542	692	722	896
– <i>personal injury</i>	347	427	533	586	742
– <i>other claims</i>	95	155	159	136	154
Uncontested claims	194	214	237	113	93
Proceeds of Crime cases	108	123	146	124	117
Other summons cases	365	352	356	339	333
<b>Disposals</b>	<b>1,057</b>	<b>1,102</b>	<b>1,169</b>	<b>1,208</b>	<b>1,176</b>
Contested claims	509	475	552	603	694
– <i>personal injury</i>	317	323	392	439	528
– <i>other claims</i>	192	152	160	164	166
Uncontested claims	114	151	177	121	64
Proceeds of Crime cases	85	110	108	112	95
Other summons cases	349	366	332	372	323
<b>Pending cases at 31 December</b>	<b>1,274</b>	<b>1,362</b>	<b>1,600</b>	<b>1,677</b>	<b>1,937</b>
Contested claims	819	913	1,083	1,254	1,488
– <i>personal injury</i>	575	677	828	979	1,188
– <i>other claims</i>	244	236	255	275	300
Uncontested claims	99	105	112	40	31
Proceeds of Crime cases	200	215	255	267	289
Other summons cases	156	129	150	116	129

	2017	2018	2019	2020	2021
<b>Possession List</b>					
Filings <sup>1</sup>	1,218	1,235	1,501	616	710
<b>Disposals</b>	<b>1,250</b>	<b>1,207</b>	<b>1,292</b>	<b>1,088</b>	<b>664</b>
<i>Contested</i>	76	46	68	70	82
<i>Uncontested</i>	1,174	1,161	1,224	1,018	582
<b>Pending cases at 31 December</b>	<b>820</b>	<b>847</b>	<b>1,046</b>	<b>574</b>	<b>627</b>
<i>Contested</i>	39	67	83	78	45
<i>Uncontested</i>	781	780	963	496	582
<b>Professional Negligence List</b>					
Filings	180	214	214	263	266
Disposals	131	173	199	244	217
Pending cases at 31 December	364	420	445	465	516
<b>High Risk Offender List <sup>2</sup></b>					
Filings	-	48	54	47	52
Disposals	-	36	60	37	51
Pending cases at 31 December	-	29	22	32	33
<b>Miscellaneous applications <sup>3</sup></b>					
Filings	481	633	500	445	360
Disposals	503	540	564	401	404
Pending cases at 31 December	33	127	49	92	39
<b>COMMON LAW DIVISION TOTALS – Civil</b>					
<b>Filings</b>	<b>3,163</b>	<b>3,552</b>	<b>3,826</b>	<b>2,780</b>	<b>2,980</b>
<b>Disposals</b>	<b>3,111</b>	<b>3,251</b>	<b>3,478</b>	<b>3,131</b>	<b>2,627</b>
<b>Pending cases at 31 December</b>	<b>2,655</b>	<b>2,950</b>	<b>3,264</b>	<b>2,900</b>	<b>3,253</b>

<sup>1</sup> All Possession List cases are assumed to be uncontested at the time of filing. If a subsequent defence or cross-claim is filed the case is listed for case management and counted as a contested case.

<sup>2</sup> The High Risk Offender List commenced during 2018. Some cases, commenced earlier in the Common Law General List, were transferred to this List for case management and final disposal.

<sup>3</sup> These include applications under the *Mutual Recognition (New South Wales) Act 1992* or *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*, 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.

2017      2018      2019      2020      2021

**EQUITY DIVISION <sup>1</sup>**

**Admiralty List**

Filings	1	0	3	2	0
Disposals	0	2	2	0	1
Pending cases at 31 December	2	0	1	4	2

**Adoptions List <sup>2</sup>**

Applications	222	242	224	185	179
Orders made	195	273	226	178	172
Pending cases at 31 December	94	63	60	67	72

**Commercial List**

Filings	155	196	171	213	168
Disposals	182	184	180	189	166
Pending cases at 31 December	200	222	221	248	247

**Commercial Arbitration List**

Filings	5	1	1	1	2
Disposals	2	6	1	1	3
Pending cases at 31 December	4	1	2	1	0

**Corporations List**

Filings	952	860	1,211	651	769
<i>Judges' list</i>	185	172	205	232	215
<i>Registrar's list</i>	767	688	1,006	419	554
Disposals	958	883	1,188	759	762
<i>Judges' list</i>	191	184	251	231	262
<i>Registrar's list</i>	767	699	937	528	500
Pending cases at 31 December	358	338	372	260	272
<i>Judges' list</i>	128	154	148	171	157
<i>Registrar's list</i>	230	184	224	89	115

	2017	2018	2019	2020	2021
<b>Equity General List</b>					
Filings	1,856	1,815	1,636	1,711	1,608
<i>Family provision cases</i>	973	962	878	880	872
<i>Other cases</i>	883	853	758	831	736
Disposals	1,774	1,910	1,724	1,719	1,680
<i>Family provision cases</i>	928	1,044	914	886	895
<i>Other cases</i>	846	866	810	833	785
Pending cases at 31 December	1,494	1,417	1,315	1,337	1,266
<i>Family provision cases</i>	544	470	417	412	381
<i>Other cases</i>	950	947	898	925	885
<b>Probate (Contentious Matters) List</b>					
Filings	294	316	310	291	296
Disposals	246	300	308	374	307
Pending cases at 31 December	241	257	257	174	163
<b>Protective List <sup>3</sup></b>					
Applications	110	102	123	87	85
Disposals	90	101	116	96	73
Pending applications at 31 December	45	46	51	42	54
<b>Real Property List</b>					
Filings	406	409	382	404	403
Disposals	357	388	366	356	382
Pending cases at 31 December	310	310	333	369	385
<b>Revenue List</b>					
Filings	8	24	14	10	9
Disposals	18	27	22	16	13
Pending applications at 31 December	27	26	18	14	10
<b>Technology and Construction List</b>					
Filings	138	163	178	249	221
Disposals	125	130	145	134	155
Pending cases at 31 December	195	229	266	388	459



	2017	2018	2019	2020	2021
<b>EQUITY DIVISION TOTALS</b>					
Filings	4,147	4,128	4,253	3,804	3,740
Disposals	3,947	4,204	4,278	3,822	3,714
Pending cases at 31 December	2,970	2,909	2,896	2,904	2,930
<b>PROBATE – Applications lodged for grant of probate etc.<sup>4</sup></b>	<b>27,294</b>	<b>26,538</b>	<b>27,438</b>	<b>26,661</b>	<b>26,663</b>

<sup>1</sup> The figures reported here 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).

<sup>2</sup> In this List all applications types are counted, including information applications.

<sup>3</sup> In this List, 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 *NSW Trustee and Guardian Act 2009*, it is possible that more than one application will be made in relation to that person. 'Disposals' refers to the number of disposed applications.

<sup>4</sup> 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 transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include other probate-related matters handled by the registry, such as probate accounts matters, caveats, deposited wills, and elections to administer estates.

## Timeliness – age of pending cases at 31 December <sup>1,2</sup>

Number pending (and % of total)	National standard <sup>3</sup>	2017	2018	2019	2020	2021
<b>COURT OF APPEAL</b>						
Total number of cases pending		184	178	205	170	166
Cases within 12 months of age	90%	176 (96%)	167 (94%)	191 (93%)	157 (92%)	153 (92%)
Cases within 24 months of age	100%	183 (99%)	177 (99%)	201 (98%)	168 (99%)	164 (99%)
<b>COURT OF CRIMINAL APPEAL</b>						
Total number of cases pending		130	171	155	194	214
Cases within 12 months of age	90%	127 (98%)	167 (98%)	150 (97%)	188 (97%)	208 (97%)
Cases within 24 months of age	100%	130 (100%)	171 (100%)	155 (100%)	193 (99%)	214 (100%)
<b>COMMON LAW DIVISION – Criminal <sup>4,5</sup></b>						
Total number of defendants pending		119	113	110	134	128
Cases within 12 months of age	90%	89 (75%)	61 (54%)	74 (67%)	82 (61%)	68 (53%)
Cases within 24 months of age	100%	109 (92%)	107 (95%)	97 (88%)	119 (89%)	114 (89%)
<b>COMMON LAW DIVISION – Civil</b>						
Total number of cases pending		2,655	2,950	3,264	2,900	3,253
Cases within 12 months of age	90%	1,783 (67%)	2,055 (70%)	2,218 (68%)	1,638 (56%)	1,917 (59%)
Cases within 24 months of age	100%	2,243 (84%)	2,549 (86%)	2,793 (86%)	2,374 (82%)	2,643 (81%)
<b>EQUITY DIVISION (excluding uncontested probate matters)</b>						
Total number of cases pending		2,970	2,909	2,896	2,904	2,930
Cases within 12 months of age	90%	2,055 (69%)	1,950 (67%)	1,871 (65%)	1,855 (64%)	1,743 (60%)
Cases within 24 months of age	90%	2,629 (89%)	2,531 (87%)	2,497 (86%)	2,439 (84%)	2,412 (83%)

- <sup>1</sup> 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.
- <sup>2</sup> 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/tribunals or interlocutory appeals, time taken by external agencies/individuals to prepare essential reports, and time occupied by trials that result in a hung jury.
- <sup>3</sup> The national standards are taken from the 'backlog' performance indicator within the Courts chapter of the *Report on Government Services* (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to 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. For criminal cases, for example, while other supreme courts in Australia typically deal with a broad range of offences, this Court deals typically with cases involving homicide offences (other matters, generally involving the most serious criminality, may be brought only with the approval of the Chief Justice). For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards (see the 'Backlog' tables in the latest Report on Government Services).
- <sup>4</sup> The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act 2001* and applications for re-determination of a life sentence.
- <sup>5</sup> The figures are comparable from year to year. The counting unit is defendants. Cases are considered to be pending until the time of sentence, acquittal or other final disposal. Where a trial collapses and a new trial is ordered, the counting of the age of the case is calculated from the date of committal (not from the date of the order for a new trial).

## Timeliness – listing delays after the end of the year <sup>1,2</sup>

	2017	2018	2019	2020	2021
<b>COURT OF APPEAL</b> <sup>3</sup>	2.2 months	1.7 months	1.8 months	2.0 months	1.9 months
<b>COURT OF CRIMINAL APPEAL</b> <sup>4</sup>	1.2 months	3.0 months	3.4 months	5.4 months	6.3 months
<b>COMMON LAW DIVISION</b>					
Criminal List <sup>5</sup>	5.5 months	6.5 months	5.0 months	4.2 months	4.6 months
Civil lists <sup>6</sup>	7.0 months	6.0 months	12.5 months	10.3 months	6.9 months
Bails List <sup>7</sup>	7 weeks	2 weeks	2 weeks	3 weeks	3 weeks
<b>EQUITY DIVISION</b> <sup>8</sup>	4.5 months	6.0 months	6.7 months	6.3 months	3.0 months

- <sup>1</sup> 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.
- <sup>2</sup> The listing delays show the position at the start of the new law term (for example, for 2021 it is the position at the start of the 2022 law term). This removes the end-of-year impact of the law vacation.
- <sup>3</sup> This refers to substantive appeals (including those heard concurrently with a leave application). The listing delay is usually shorter for a hearing of a leave application alone.
- <sup>4</sup> This refers to appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.
- <sup>5</sup> This refers to cases requiring at least four weeks of trial time.
- <sup>6</sup> This refers to cases requiring up to five days of hearing time.
- <sup>7</sup> This is the time between judgment of an application and the first group of available hearing dates. Prior to 2019, this referred to applications by adults receiving public funding. From June 2019, it refers to all applications by adults for a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.
- <sup>8</sup> 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

	2017	2018	2019	2020	2021
<b>Court-annexed mediations listed<sup>1,2</sup></b>					
Total	571	428	474	331	262
<i>Common Law Division</i>	51	29	27	26	31
<i>Equity Division – not probate cases</i>	455	344	366	269	219
<i>Equity Division – probate cases</i>	64	55	80	36	11
<i>Court of Appeal</i>	1	0	1	0	1
Percentage settling at mediation <sup>3,4</sup>	46%	47%	42%	42%	39%
Waiting time after the end of the year <sup>5</sup>	2 weeks	5 weeks	6 weeks	4 weeks	4 weeks
<b>Referrals to mediation generally</b>					
Total referrals recorded <sup>6</sup>	943	1,169	1,407	1,055	950
Mediation referral index <sup>7</sup>	20.8%	24.7%	30.3%	22.2%	19.8%
<b>Arbitrations listed<sup>8</sup></b>					
Total	0	0	0	0	0

<sup>1</sup> 'Court-annexed mediation' refers to mediations conducted by those registrars of the Court who are also qualified as mediators. It excludes settlement conferences conducted by judges and mediations conducted by private mediators.

<sup>2</sup> 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.

<sup>3</sup> This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement by the close of the court-annexed mediation session. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). In 2021, for example, in addition to the 39% of cases that settled at the close of their court-annexed mediation session, a further 30% of cases were continuing settlement negotiations.

<sup>4</sup> This refers only to cases using court-annexed mediation. The registry does not collect settlement data for mediations conducted by private mediators.

<sup>5</sup> This is the waiting time to the first-available extensive group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2021 it is the position at the start of the 2022 law term). Earlier sessions are often sporadically available. Urgent mediation sessions are provided without delay when ordered by the Court.

<sup>6</sup> This covers all cases in which, during the year, either a referral to mediation was made or directions were given that involved mediation, regardless of whether the mediation would be through the court-annexed mediation program or conducted by a private mediator.

<sup>7</sup> 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 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, High Risk Offender List or Protective List, and 90% of cases in the Corporations List. While a case may be of a type for which mediation is considered to be applicable, there may be a particular aspect of that case individually that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any individual cases on that basis.

<sup>8</sup> Referral for arbitration is possible for Supreme Court cases but no referrals have been recorded since 2006.

## 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 2021, except during periods when the Chief Justice was not available to hold a meeting.

#### Members during 2021

The Honourable T F Bathurst AC, Chief Justice (Chair)  
The Honourable Justice Bell  
The Honourable Justice Hoeben AM RFD  
(until September)  
The Honourable Justice Beech-Jones  
(from September)  
The Honourable Justice Ward  
Mr Chris D'Aeth, Executive Director and  
Principal Registrar

### Australian Centre for International Commercial Arbitration (ACICA) Judicial Liaison Committee

#### Members during 2021

The Honourable James Allsop AO (Chair),  
Chief Justice, Federal Court of Australia  
The Honourable Justice Stevenson  
The Honourable Justice Rees

### Adoptions List Users Group

#### Members during 2021

The Honourable Justice Sackar (Chair)  
The Honourable Justice Kunc  
Ms Sonali Abeynaike, Catholic Care  
Ms Brooke Bowman, Department of Communities  
and Justice  
Ms Nicola Callander, Legal Aid  
Ms Nicole Hailstone, Crown Solicitor's Office  
Ms Amanda Hall, Legal Aid  
Mr Alistair Harvey-Sutton, Solicitor  
Ms Esther Lawson, Barrister  
Ms Lynne Moggach, Barnardos  
Ms Jackie Palmer, Anglicare  
Ms Grace Romeo, Department of Communities  
and Justice  
Mr Derek Smith, Department of Communities  
and Justice  
Ms Lisa Vihtonen, Barnardos  
Ms Donna Ward, Barrister

### Alternative Dispute Resolution Steering Committee

The Alternative Dispute Resolution (ADR) Steering Committee which was established in 1993 meets to discuss the Court's ADR processes and consider ways in which they might be improved.

The Committee works to encourage the use of ADR (particularly mediation) in resolving disputes, and to ensure the Court has adequate resources to provide this service. The Committee makes recommendations to the Chief Justice in pursuit of these objectives, consulting with other courts and external organisations where appropriate.

#### Members during 2021

The Honourable Justice Ward (Chair)  
The Honourable Justice Hallen  
The Honourable Justice Adams  
Mr Chris D'Aeth, Executive Director and  
Principal Registrar  
Ms Leonie Walton, Equity Registrar  
Mr Nicholas Flaskas, Senior Deputy Registrar  
(Secretary)  
Mr Ian Davidson SC (Bar Assoc rep)  
Ms Mary Walker  
Mr Stephen Titus (Carneys Lawyers)

### Australian Judicial Officers Association (formerly the Judicial Conference of Australia)

#### Members during 2021

The Honourable Justice Glenn Martin, Supreme  
Court of Queensland (President)  
The Honourable Justice Walton (Vice President)  
Ms Lillian Lesuer

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

#### Members during 2021

The Honourable Justice Stevenson (Chair)  
The Honourable Alan Blow, Chief Justice, Supreme  
Court Tasmania  
The Honourable Justice Cavanough, Supreme  
Court of Victoria  
The Honourable Justice Penfold, Supreme Court of  
Australian Capital Territory  
The Honourable Justice Heath, High Court of  
New Zealand



The Honourable Justice Jessup, Federal Court of Australia  
The Honourable Justice Southwood, Supreme Court of Northern Territory  
The Honourable Justice Lyons, Supreme Court of Queensland  
The Honourable Justice Heenan, Supreme Court of Western Australia  
The Honourable Justice Vanstone, Supreme Court of South Australia

### **Board of State Records Authority of New South Wales**

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

#### **Members during 2021**

Dr Brian Lindsay (Chair; representing the history profession)  
Mr Rodney Wallis (Deputy Chair; representing the private sector)  
The Honourable Justice Lindsay  
Mr Reno Lucarini (representing State Law Enforcement Agencies)  
Mr Scott Johnson (representing NSW Govt departments)  
Cr David Walton (representing Local Government)

#### **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.

#### **Members during 2021**

The Honourable Justice Hoeben AM RFD (until September)  
The Honourable Justice Brereton AM RFD  
The Honourable Justice Stevenson  
The Honourable Justice Hallen  
Mr Chris D'Aeth, Executive Director and Principal Registrar  
Mr Nick Sanderson-Gough, Manager, Court Operations and Communications  
Mr Nathan Gray, Courtroom Support Coordinator (Secretary)

#### **Caselaw Governance Committee**

The Caselaw Governance Committee was established to provide a forum for discussion attended by representatives of the various courts and tribunals which publish judgments and decisions on NSW Caselaw. NSW Caselaw is a platform run by the Department of Communities and Justice, of the New South Wales Government.

#### **Members during 2021**

The Honourable Justice Basten, Court of Appeal of NSW (Chair)  
The Honourable Justice Moore, Land and Environment Court of NSW  
His Honour Judge Pickering, District Court of NSW  
The Honourable Justice Armstrong, President, New South Wales Civil and Administrative Tribunal  
Chief Commissioner Nichola Constant, Industrial Relations Commission  
Magistrate McIntyre, NSW Local Court  
Mr Chris D'Aeth, Executive Director & Principal Registrar, Supreme Court of NSW  
Ms Sarah Froh, Registrar, Land and Environment Court of NSW  
Ms Melinda Morgan, Registrar, Industrial Relations Commission of NSW  
Ms Cathy Szczygielski, Principal Registrar, New South Wales Civil and Administrative Tribunal  
Ms Elizabeth King, Research Associate, NSW Children's Court  
Ms Sue King, Registrar - Dust Diseases Tribunal of NSW

## Civil Bench Book

### Members during 2021

The Honourable Justice Garling RFD  
The Honourable Justice Kunc

## College of Law

### Members during 2021

The Honourable Justice Hallen

## Commercial List Users Group

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

### Members during 2021

The Honourable Justice Hammerschlag J  
(List Judge; Chair)

The Honourable Justice Ward

The Honourable Justice Parker

The Honourable Justice Ball

The Honourable Justice Stevenson

Mr Mark Ashhurst SC, University Chambers

Mr Ziv Ben-Arie, Mills Oakley

Mr Tim Breakspear – Banco Chambers

Mr Graeme Johnson, Herbert Smith Freehills  
(Law Society rep)

Mr Malcolm Stephens, Allens (Law Society rep)

Mr Francis Hicks, Blackstone Chambers

Dr Ruth Higgins, Banco Chambers

Ms Elisa Holmes, Eleven Wentworth

Mr David Jury, HWL Ebsworth Lawyers

Mr Nick Kidd SC, 7 Went Selb Chambers

Mr Duncan Miller SC, 7 Went Selb Chambers

Mr Robert Newlinds SC, Banco Chambers

Mr Peter Pether, King & Wood Mallesons

Ms Georgia Quick, Ashurst

Ms Nuala Simpson, 7 Wentworth Chambers

Dr Kristina Stern SC, 6 Selborne Chambers

Mr David Sulan, Banco Chambers

Ms Vanessa Whittaker, Banco Chambers

## Common Law Civil Users Group

The Group provides a forum for discussing and addressing matters of concern or interest in the administration of the Common Law Division's civil trial workload.

### Members during 2021

The Honourable Justice Hoeben AM RFD  
(until September)

The Honourable Justice Beech-Jones  
(from September)

The Honourable Justice Garling RFD

The Honourable Justice Fagan

Mr Chris D'Aeth, Executive Director and  
Principal Registrar

Ms Karen Jones, Common Law Case Management  
Registrar

Mr Peter Deakin QC, Sir James Martin Chambers

Mr Eugene Romaniuk SC, Jack Shand Chambers

Ms Lorna McFee, New South Wales Bar Association

Ms Kathleen Harris, Law Society New South Wales

Ms Ramina Kambar, Law Society New South Wales

## Corporations List Users Group

The Group promotes open and regular discussion between judicial officers and legal practitioners regarding the Corporations List, and assists in ensuring that the List is conducted in a fair and efficient manner.

### Members during 2021

The Honourable Justice Black

The Honourable Justice Rees

Ms Rebel Kenna, Director and Prothonotary

Ms Leonie Walton, Registrar, Equity

Mr Damian Allen (8 Windeyer Chambers)

Mr Charles Bavin (Hunt & Hunt)

Mr Andrew Carter (Ashurst)

Mr Miles K Condon SC (16<sup>th</sup> Floor Wardell Chambers)

Mr Doran Cook SC (Blackstone Chambers)

Mr Glen Cussen (Kemp Strang)

Mr Steven Golledge (3 St James Hall Chambers)

Ms Georgina Hayden (ASIC)

Mr Michael Hayter (Gillis Delaney)

Mr Ben Hely, Herbert Smith Freehills

Mr Luke Hastings, Herbert Smith Freehills

Mr Michael Hughes (Minter Ellison)

Aamena Hussein (Craddock Murray Neumann)  
Mr Jim Johnson (Frederick Jordan Chambers)  
Mr Roger D Marshall SC (Ground Floor  
Wentworth Chambers)  
Mr Khaled Metlej (Craddock Murray Neumann)  
Mr David McCrostie (Turks Legal)  
Mr Alexander Morris (Mallesons)  
Mr Michael Murray (Insolvency Practitioners  
of Australia)  
Mr Robert Newlinds SC (Banco Chambers)  
Ms Denise North (Insolvency Practitioners  
of Australia)  
Mr Malcolm Oakes SC (Tenth Floor Chambers)  
Ms Maria O'Brien (Baker McKenzie)  
Mr David Pritchard SC (3 St James Hall Chambers)  
Mr David Stack (Blackstone Chambers)  
Mr Jim Thomson (13 Wentworth Selborne Chambers)

### **Costs Assessment Rules Committee**

#### **Members during 2021**

The Honourable Justice Brereton AM RFD (Chair)  
Her Honour Judge Gibson, District Court NSW  
Mr Brendan Bellach, Manager, Costs Assessment  
(Secretary)  
Ms Samantha Gulliver (Office of the Legal Services  
Commissioner)  
Mr Mark Walsh SC (NSW Bar Association)  
Ms Valerie Higginbotham (NSW Law Society)  
Mr Gordon Salier  
Ms Michelle Castle  
Ms Alexandra Hutley  
Mr Stephen Lancken  
Mr John Sharpe  
Mr Chris Wall

### **Court of Criminal Appeal/Crime Users Group**

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

#### **Members during 2021**

The Honourable Justice Hoeben AM RFD (Chair)  
The Honourable Justice Johnson  
The Honourable Justice R A Hulme  
Mr Chris D'Aeth, Executive Director and  
Principal Registrar  
Ms Rebel Kenna, Director and Prothonotary  
Mr George Galanis, Registrar, Court of  
Criminal Appeal  
Mr Phillip Ingram SC, Office of the Director of  
Public Prosecutions  
Ms Ellen McKenzie, Commonwealth Director of  
Public Prosecutions  
Ms Janet Witmer, Legal Aid Commission New  
South Wales  
Ms Madeleine Schneider, Legal Aid Commission  
New South Wales  
Ms Clair Wasley, Aboriginal Legal Services New  
South Wales/Australian Capital Territory  
Mr S Odgers SC, New South Wales Bar Association  
Ms Elizabeth Hall, District Court of New South Wales  
Mr David Giddy, Law Society New South Wales  
Ms Pam Olsoen, Senior Registrar, Local Court

### **Criminal Trial Bench Book**

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

#### **Members during 2021**

The Honourable Rod Howie QC (Chair)  
The Honourable Justice Johnson  
The Honourable Justice R A Hulme  
His Honour Judge Lakatos SC, District Court NSW  
His Honour Judge Arnott, District Court NSW  
Ms Pierrette Mizzi, Judicial Commission of NSW

## Education Committee

The Supreme Court Education Committee, in partnership with the Judicial Commission of New South Wales, plans and organises continuing judicial education for judges of the Court.

### Members during 2021

The Honourable Justice Basten (Chair)  
The Honourable Justice Hoeben AM RFD  
(until September)  
The Honourable Justice Leeming  
The Honourable Justice Payne  
The Honourable Justice White  
The Honourable Justice McCallum  
The Honourable Justice Johnson  
The Honourable Justice Harrison  
The Honourable Justice Garling RFD  
The Honourable Justice Black  
The Honourable Justice Wright  
Mr Chris D'Aeth, Executive Director and  
Principal Registrar  
Ms Una Doyle, Education Director, Judicial  
Commission of NSW (Convenor)

## Equity Liaison Group

This Group was established in 2001 to promote discourse between the legal profession and representatives of the Equity Division in regard to matters of interest and importance to the operation of the Division. The Group is informal and the meetings facilitate candid discussions

about the operations of the Division. Typically, these discussions encourage cooperation between the judges and legal profession in developing suggested improvements to the Division's operations.

### Members during 2021

The Honourable Justice Ward (Chair)  
The Honourable Justice Slattery AM (Mil) RAN  
Ms Leonie Walton, Registrar, Equity  
Mr C R C Newlinds SC  
Mr Greg A Sirtes SC  
Ms Vanessa Whittaker SC  
Mr M Ashhurst SC  
Mr M K Condon SC  
Ms A M Kennedy

Mr J K Martin  
Mr B J Miller  
Ms P G Suttor  
Mr Charles Alexander (Queens Square Chambers)  
Mr Scott Baxter, Thompson Eslick Slrs  
(Law Society rep)  
Ms Sylvia Fernandez, Thomson Geer  
(Law Society rep)

## Harmonisation Committee

The Harmonisation of Rules Committee is a committee of the Council of Chief Justices. It has representatives of the Federal Court of Australia, the Family Court of Australia, each of the Supreme Courts of Australia and the High Court of New Zealand. The goals of the Committee are the harmonisation of rules of court and, as appropriate, practice in specific subject areas, either as identified by references from the Council of Chief Justices or, with the endorsement of the Council, by consensus among participating jurisdictions, through the members of the Committee. The Committee monitors the operation of harmonised rules of court and practice adopted by participating jurisdictions, as well as relevant proposals for modification of the substantive law, to generate amendments to those rules and practices on a harmonised basis.

The convenor of the Committee is appointed by the Council of Chief Justices. Other members are nominated by the head of each participating jurisdiction for one or more specific area projects, for the monitoring adopted harmonised rules of court or for both.

### Members during 2021

The Honourable Justice Perram (Chair and  
Convenor), Federal Court of Australia  
The Honourable Justice Hammerschlag  
The Honourable Justice Rein  
The Honourable Justice Cavanough, Supreme  
Court of Victoria  
The Honourable Justice Croft, Supreme Court  
of Victoria  
The Honourable Justice Douglas, Supreme Court  
of Queensland  
The Honourable Justice Le Miere, Supreme Court  
of Western Australia

The Honourable Justice Blue, Supreme Court of South Australia

The Honourable Justice White, Supreme Court of South Australia

The Honourable Justice Evans, Supreme Court of Tasmania

The Honourable Justice Refshuage, Supreme Court of Australian Capital Territory

Master Luppino, Supreme Court of Northern Territory

The Honourable Justice Strickland, Family Court of Australia

The Honourable Justice Fogarty, High Court, New Zealand

The Honourable Justice Kenny, Federal Court of Australia

The Honourable Justice Lander, Federal Court of Australia

Professor Gregory Reinhardt, Australasian Institute of Judicial Administration

Mr John Mathieson, Deputy Registrar, Federal Court of Australia (Secretary)

Ms Melanie Faithfull, Federal Court of Australia (Minutes)

### Information Technology

The Information Technology Committee meets to assess the information technology needs of judicial officers and their staff, the technology facilities in courtrooms throughout the State used by the Court and to review the implementation of IT services.

#### Members during 2021

The Honourable Justice Garling RFD (Chair)

The Honourable Justice Beech-Jones

The Honourable Justice Gleeson

The Honourable Justice Sackar

Mr Chris D'Aeth, Executive Director and Principal Registrar

Nick Sanderson-Gough, Manager, Court Operations & Communications

Ms Jane Mathison, Information & Digital Services

Mr Jay Huntley, Information & Digital Services

Mr Peter Xenos, Information & Digital Services

Mr Paul Falconer, Information & Digital Services

Ms Sal Austin, Director, Digital Reform Project (CTSD)

### Joint Conference on Sentencing (NJCA & Australian National University, Faculty of Law)

#### Members during 2021

The Honourable Justice Mullins, Supreme Court of Queensland (Chair)

The Honourable Justice Fagan

The Honourable Justice Pepper, Land and Environment Court of NSW

His Honour Judge Norrish, District Court of NSW

Her Honour Judge Cohen, County Court of Victoria

Chief Magistrate Heath, Magistrates Court of WA

Magistrate Horrigan, Children's Court of WA

Chief Judge Muecke, District Court of South Australia

Justice Murphy, Family Court of Australia (Brisbane)

The Honourable Justice Refshauge, Supreme Court of the ACT

Ms Amy Begley, ANU College of Law

A/Professor Mark Nolan, ANU College of Law

Dr Anthony Hopkins, ANU College of Law, ANU

Ms Lillian Lesueur, Chief Executive Officer, NJCA

Ms Karen Sloan, Program Manager, NJCA

### Judges' Handbook Committee

#### Members during 2021

The Honourable Justice Ward

The Honourable Justice Stevenson

The Honourable Justice Darke

The Honourable Justice Lonergan

The Honourable Acting Justice Schmidt AM

### Judicial Commission of New South Wales

The Judicial Commission of New South Wales provides a continuing education and information program for the judicial officers of New South Wales, and examines complaints about judicial officers' ability or behaviour. Ten Commission members guide the Commission's strategic direction and examine all complaints.

#### Members during 2021

The Honourable T F Bathurst AC, Chief Justice (President and Chair)

The Honourable Justice Bell, President of the Court of Appeal



The Honourable Justice Preston, Land and Environment Court of New South Wales  
The Honourable Justice Derek Price AO, Chief Judge, District Court of New South Wales  
His Honour Judge Henson AM, Chief Magistrate, New South Wales Local Court  
Ms Nichola Constant, Chief Commissioner, Industrial Relations Commission of NSW  
Dr Judith Cashmore AO  
Mr David Giddy  
Professor Brian McCaughan AM  
Mr Yair Miller OAM

### Judicial Remuneration Committee

#### Members during 2021

The Honourable Justice Hoeben AM RFD (Chair; until August)  
The Honourable Justice Rothman AM  
The Honourable Justice Sackar  
The Honourable Acting Justice Schmidt AM

### Law Admissions Consultative Committee

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

#### Members during 2021

Professor Sandford D Clark (Chair)  
The Honourable Acting Justice Emmett AO

### Law Courts Library Advisory Committee

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

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

#### Members during 2021

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

### Law Extension Committee (Sydney University)

#### Members during 2021

Her Honour Magistrate Daphne A Kok (Senate nominee) (Chair)  
The Honourable Justice White (Chief Justice's nominee)  
Professor Joellen Riley, Dean, Law School  
Mr Ross Anderson, (Law School nominee)  
Professor Sheelagh McCracken (Law School nominee)  
Professor Cameron Stewart (Law School nominee)  
Professor Philippa Pattison (Deputy Vice Chancellor [Education] & Senate Nominee)  
Professor Roslyn Arnold (Senate nominee)  
Professor Tyrone Carlin (Senate nominee)  
Mr Tony O'Brien (Bar Association of NSW nominee)  
Ms Janet Oakley (Bar Association of NSW nominee)  
Mr John Dobson (Law Society of NSW nominee)  
Ms Heidi Fairhall (Law Society of NSW nominee)  
Ms Belinda Hutchinson AM, Chancellor  
Dr Michael Spence, Vice Chancellor  
Mr Alec Brennan, Deputy Chancellor

## Law Reform Commission

### Members during 2021

Mr Alan Cameron AO (Chair)  
The Honourable Justice Brereton, AM RFD  
(Deputy Chair)

## Legal Profession Admission Board

Acting Justice Emmett AO has been the nominee of the Chief Justice as presiding member on the Legal Profession Admission Board. The Board has responsibility for three broad functions, being the oversight of the approval and admission of lawyers in New South Wales, the accreditation of law schools in New South Wales and the examination of students-at-law for the Diploma of Law course taught in conjunction with the Law Extension Committee of the University of Sydney.

### Members during 2021

The Honourable Chief Justice Bathurst  
The Honourable Arthur Emmett AO QC  
(Presiding Member)  
The Honourable Justice Payne  
The Honourable Justice Lindsay  
Ms Margaret Allars SC  
Ms Jennifer Ball  
Ms Phillipa Hetherton  
Professor Lesley Hitchens  
Mr Wen-Ts'ai Lim  
Professor Trish Mundy  
Professor Michael Quinlan  
Mr Julian Sexton SC.

## Legal Profession Admission Board Examinations Committee

### Members during 2021

The Honourable Justice Hamill (Chair)  
The Honourable Justice Darke  
Mr Michael Christie SC (6 Selborne  
Wentworth Chambers)  
Mr Andrew Boog  
Mr Ross Anderson  
Ms Susan Carter  
Mr Michael Christie SC  
Mr John Dobson  
Ms Maureen Noonan

## Legal Profession Admission Board Legal Qualifications Committee

### Members during 2021

The Honourable Justice Robb (Chair)  
The Honourable Justice McCallum  
The Honourable Justice Button  
Mr Edward Muston SC  
Mr Yaseen Shariff  
Ms Sonia Tame  
Mr Thomas Spohr  
Mr Richard Flitcroft  
Professor Theunis Roux  
Ms Maxine Evers  
Mr Prasan Ulluwishewa  
Dr Gordon Elkington  
Mr Peter Underwood  
Mr Gregory Ross

## Legal Services Council Admissions Committee

### Members during 2021

The Honourable Acting Justice Emmett AO (Chair)  
The Honourable Justice Henry  
The Honourable David Habersberger  
Dr Elizabeth Boros  
Mr Stuart Clark  
Professor Lesley Hitchens

## Media Court Committee

### Members during 2021

The Honourable Justice Payne (Chair)  
The Honourable Justice Lonergan  
The Honourable Justice Rees  
Ms Geraldine Nordfeldt (Media Manager)

## National Admissions Committee

### Members during 2021

The Honourable Justice White  
The Honourable Justice Kyrou, Supreme Court  
of Victoria

## **National Judicial Orientation Program Committee**

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

### **Members during 2021**

The Honourable Justice Harrison (Chair)  
The Honourable Justice Ainslie-Wallace, Family Court of Australia (Deputy Chair)  
The Honourable Justice Gleeson, Federal Court of Australia  
The Honourable Justice Martin AM, Supreme Court of Queensland  
Her Honour Judge Huggett, District Court NSW  
Her Honour Judge McIntyre, District Court SA  
His Honour Judge Staude, District Court WA  
His Honour Judge Cole, Federal Circuit of Australia  
Mr E Schmatt AM PSM, Judicial Commission of NSW  
Ms U Doyle, Judicial Commission of NSW  
Ms L Leseuer, CEO, National Judicial College of Australia  
Ms K Sloan, Program Manager, National Judicial College of Australia

## **Ngara Yura (Judicial Commission Aboriginal Liaison Committee)**

### **Members during 2021**

The Honourable Justice McCallum (Chair)  
The Honourable James Allsop AO, Chief Justice of the Federal Court of Australia  
The Honourable Justice Pepper, Land and Environment Court  
Her Honour Judge Yehia SC, District Court  
Her Honour Deputy Chief Magistrate Mottley AM, Local Court  
His Honour Magistrate B van Zuylen, Local Court  
Her Honour Magistrate S Duncombe, Local Court  
Mr J Behrendt, Managing Director, Chalk & Behrendt  
Mr A Smith, Barrister, University Chambers

Mr E Schmatt AM PSM, Chief Executive, Judicial Commission of NSW

Ms U Doyle, Director, Education, Judicial Commission of NSW (Convenor)

## **NSW Law Reporting Liaison Committee**

### **Members during 2021**

Mr Mark Brabazon SC (Chair)  
The Honourable Justice Bell  
The Honourable Justice Basten  
The Honourable Justice Meagher  
The Honourable Justice Leeming  
The Honourable Justice Adamson  
The Honourable Justice Lindsay  
Mr Garry Rich SC (Council member)  
Ms Sophie Callan (Council member)  
Dr Elisabeth Peardon (NSWLR Editor)  
Ms Fiona Hopkins (Council's General Manager; Convenor)

## **Parliamentary Counsel's Consultative Group**

### **Members during 2021**

The Honourable Justice Basten  
The Honourable Justice Leeming  
The Honourable Justice Beech-Jones

## **Possession List Users Group**

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

### **Members during 2021**

The Honourable Justice Davies,  
Ms Rebel Kenna, Prothonotary and Director &  
Assistant Principal Registrar  
Ms Karen Jones, Common Law Case Management  
Registrar  
Ms Naomi Ubrihien, Manager Client Services  
Mr Milio Cesta-Incani, Manager Listings  
Mr Tim Sherrard, Dentons Australia  
Mr Campbell Hudson, Dentons Australia  
Mr Richard Lewin, Dentons Australia  
Ms Danielle Kuti, Dentons Australia  
Ms Emma Hodgman, Dentons Australia  
Mr Gary Koning, Dentons Australia  
Mr Rod Cameron, Hicksons  
Mr Marc Rossi, Hicksons  
Ms Alexandra Kelly, Financial Rights Legal Centre  
Ms Amy Knox, Financial Rights Legal Centre  
Ms Alice Lin, Financial Rights Legal Centre  
Ms Lara Song, Financial Rights Legal Centre  
Ms Nerida Walker, Legal Aid NSW  
Ms Clarissa Mirarchi, Legal Aid NSW  
Ms Sera Erikozu, Norton Rose Fulbright Australia  
Ms Kate Cooper, Bransgroves  
Mr Matthew Bransgrove, Bransgroves  
Ms Sarah Elbarhoun, Bransgroves  
Ms Christina Jabbour, Bransgroves  
Ms Erin Couper, Bransgroves  
Ms Vivienne Zheng, Bransgroves  
Ms Caitilin Watson, Atkinson Vinden  
Ms Nora Minassian, Thomson Geer  
Ms Kimberley Wells, Thomson Geer  
Ms Pip Nagam, Thomson Geer  
Ms Lauren Hatton, Thomson Geer  
Ms Khoterra Shaw, Thomson Geer  
Ms Angela Gallichan, Hall & Wilcox  
Ms Kathryn Brann, Summer Lawyers  
Ms Debra Sweikert, Summer Lawyers  
Mr Andrew Hack, Summer Lawyers  
Ms Elisabeth McGready, Summer Lawyers  
Ms Elizabeth Mead, Summer Lawyers  
Ms Buse Harper, Summer Lawyers  
Ms Sana Wais, Summer Lawyers

Ms Samantha Parsons, Summer Lawyers  
Ms Zanne Lau, Summer Lawyers  
Mr Nicholas Chrisp, Summer Lawyers  
Mr Rhys Graham, Summer Lawyers  
Mr Michael Rose, 9<sup>th</sup> Floor Wentworth Chambers  
Ms Samantha Tang, Galilee Solicitors  
Mr Simon Duke, Galilee Solicitors  
Ms Katherine Joy, Galilee Solicitors  
Ms Narmin Audish, Legalstream  
Mr Matthew Pike, HWL Ebsworth  
Ms Julie Talakovski, HWL Ebsworth  
Mr Adam Young, HWL Ebsworth

### **Probate Users Group**

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

### **Members during 2021**

The Honourable Justice Lindsay  
The Honourable Justice Hallen  
Mr Chris D'Aeth, Executive Director and  
Principal Registrar  
Ms Rebel Kenna, Director and Prothonotary  
Ms Louise Brown, Senior Deputy Registrar  
Mr Jonathan Simpkins SC  
Mr John Armfield  
Professor R Croucher, Macquarie University  
(representing New South Wales Law Schools)  
Ms P Vines, University of New South Wales  
Mr R Neal, Law Society of New South Wales  
Ms P Suttor, Law Society of New South Wales  
Ms R Pollard, New South Wales Trustee and Guardian  
Mr P Whitehead (representing trustee companies)  
Mr M Willmott, New South Wales Bar Association

### **Professional Negligence List Users Group**

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

#### **Members during 2021**

The Honourable Justice Harrison  
(Chair and Convenor)  
Mr David Higgs SC  
Mr Duncan Graham SC  
Mr Michael Fordham SC  
Ms Jacqui Sandford  
Ms Kathryn Sant  
Mr Jason Downing  
Ms Anne Horvath  
Mr Patrick Rooney  
Ms Louise Cantrell (Henry Davis York)  
Ms Kerrie Chambers (Ebsworths)  
Ms Rebecca Kearney (Avant)  
Ms Karen Kumar (Hicksons)  
Mr Bill Madden (Carroll & O’Dea)  
Ms Julie Mahony (Stacks Goudkamp)  
Ms Francesca Minniti (Curwoods)  
Mr Don Munro (Tresscox)  
Ms Anna Walsh (Maurice Blackburn)

### **Programs Advisory Committee (National Judicial College of Australia)**

#### **Members during 2021**

The Honourable Justice Glenn Martin AM,  
Supreme Court of Queensland (Chair)  
The Honourable Justice Harrison  
The Honourable Justice Stevenson  
The Honourable Murray Kellam AO, formerly Court  
of Appeal Supreme Court Victoria  
Her Honour Judge Liz Boyle, Federal Circuit Court  
of Australia  
Her Honour Judge Martine Marich, County Court  
of Victoria  
Her Honour Judge Julie McIntyre, District Court of  
South Australia  
Magistrate Alison Adair, Magistrates Court of  
South Australia  
Magistrate Andrée Horigan, Children’s Court of  
Western Australia

Ms Lillian Lesueur, National Judicial College  
of Australia

Mr Johan Revalk, National Judicial College of Australia  
Professor Heather Roberts, ANU College of Law  
Professor Sally Wheeler OBE, ANU College of Law

### **Standing Advisory Committee of the Judicial Commission on Judicial Education**

The Standing Advisory Committee on Judicial Education advises the Judicial Commission of New South Wales about continuing judicial education. Its activities include identifying specific needs and recommending particular educational activities; recommending papers for publication in *The Judicial Review*, and coordinating the activities of the respective court’s Education Committees, where appropriate. Membership consists of the chairpersons (or their representatives) of the Education Committees of each of the five courts.

#### **Members during 2021**

The Honourable Justice Basten (Chair)  
The Honourable Justice Pain, Land and Environment  
Court of New South Wales  
His Honour Judge Lakatos SC, District Court  
of NSW  
His Honour Deputy Chief Magistrate Michael Allen,  
Local Court of New South Wales  
Chief Commissioner Nichola Constant, Industrial  
Relations Commission  
Ms Una Doyle, Education Director, Judicial  
Commission of NSW

### **Standing International Forum on Commercial Courts (SIFoCC) – Working Group**

#### **Members during 2021**

The Honourable Justice Hammerschlag

### **Supreme Court Rules Committee**

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



Rules contained in, or created under, the *Supreme Court Act 1970*. The Committee's membership is defined in Section 123 of the Act and includes representatives from each Division of the Court and key organisations within the legal profession. Many of the rules that govern civil proceedings are now incorporated in the Uniform Civil Procedure Rules. In these circumstances, fewer meetings of the Rule Committee have been required.

#### **Members during 2021**

The Honourable T F Bathurst AC, Chief Justice (Chair)  
The Honourable Justice Bell  
The Honourable Justice Meagher  
The Honourable Justice Adamson  
The Honourable Justice Lindsay  
The Honourable Justice Darke  
The Honourable Justice Wright  
Ms Rebel Kenna, Director and Prothonotary  
Ms Carol Webster SC (NSW Bar Association representative)  
Mr Mark Walsh SC (alternate NSW Bar Association representative)  
Ms Sylvia Fernandez, Law Society of New South Wales  
Mr David Hing (alternate Law Society of New South Wales)

#### **Supreme Court Bicentenary Planning Committee**

##### **Members during 2021**

The Honourable Justice Ward  
The Honourable Justice Bell  
The Honourable Justice Leeming  
The Honourable Justice Kunc  
The Honourable Justice Wright

#### **Sydney Institute of Criminology Advisory Committee**

##### **Members during 2021**

The Honourable T F Bathurst AC, Chief Justice

#### **Uniform Rules Committee**

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

##### **Members during 2021**

The Honourable T F Bathurst AC, Chief Justice (Chair)  
The Honourable Justice Bell  
The Honourable Justice Adamson  
The Honourable Justice Lindsay  
The Honourable Justice Preston, Chief Judge, NSW Land and Environment Court  
The Honourable Justice Price AO, Chief Judge of the District Court of NSW  
His Honour Judge Henson AM, Chief Magistrate of the Local Court  
Her Honour Magistrate Jennifer Atkinson, Local Court  
Ms Carol Webster SC (New South Wales Bar Association)  
Mr David Hing (Law Society of NSW)  
Mr Jon Prowse (Law Society of NSW alternate representative)  
Mr Chris D'Aeth, Executive Director and Principal Registrar  
Ms Rebel Kenna, Director and Prothonotary (Secretary)

## **Writing Better Judgments Planning Committee (National Judicial College of Australia)**

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

### **Members during 2021**

The Honourable Murray Kellam AO (Chair) formerly  
Supreme Court of Victoria

The Honourable Justice Stevenson

The Honourable Acting Justice Schmidt AM

The Honourable Justice Craig Colvin, Federal Court  
of Australia

The Honourable Justice Debra Mullins AO, Supreme  
Court of Queensland

His Honour Judge Chris O'Neill, County Court  
of Victoria

Ms Kate Latimer, CEO, National Judicial College  
of Australia



## APPENDIX (III): OTHER JUDICIAL ACTIVITY

In addition to hearing and determining cases, the Court's judicial officers actively contribute to the ongoing professional development of the legal community domestically and abroad. Their contributions encompass 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 judicial officers are also appointed to boards, commissions and committees for a wide range of legal, cultural and benevolent organisations. The Judges' and Associate Judge's activities during 2021 are summarised below in chronological order.

Judicial officers generally use private funds to cover travel and accommodation costs when attending a conference or speaking engagement outside Australia. However, the NSW Department of Communities and Justice provides funding towards attendance at several key official events each year. These events are identified as critical to promoting the Court's reputation and role within the Asia-Pacific region as a centre for commercial dispute resolution, and demonstrating its commitment globally towards developing ethical judicial processes.

While grants of financial assistance were awarded for overseas travel during 2021, travel restrictions combined with the postponement of many events due to the COVID-19 pandemic, meant that none of the planned overseas trips occurred. Consequently, there was no public expenditure on overseas travel during this reporting period.

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

#### Conferences:

16 Feb 2021	Seminar Recent Tendency Changes
31 Jul 2021	Toongabbie Legal Centre MCLE Seminar
16 Nov 2021	LAWASIA Judicial Session

#### Speaking engagements:

2021	Speech: 2021 Admission Speech
Jan 2021	Remarks: Australian Disputes Centre Remarks on 35 <sup>th</sup> Anniversary of Mediation Training Program
03 Feb 2021	Speech: Opening of Law Term Dinner Law Society of New South Wales, 'Trust in the Judiciary'
09 Feb 2021	Speaking engagement: Sydney Uni Intervarsity Mooting Competition for Corporate Law
10 Feb 2021	Remarks On the Opening of Law Term - The Great Synagogue Service
24 Feb 2021	Speech: Newcastle Admission Ceremony Speech
12 Mar 2021	Speaking engagement: SIFoCC Judicial Roundtable Discussion Commercial Litigation Funding
06 Apr 2021	Speech: District Court of New South Wales Annual Conference 2021, 'Challenges to the Rule of Law in Modern Society'
05 May 2021	Remarks: Introductory Remarks Murder at Myall Creek Lecture
19 May 2021	Speaking engagement: Sydney University Law Society Federal Constitutional Law Moot Grand Final
26 May 2021	Speaking engagement: Macquarie University Law Society Championship Mooting Competition
17 Jun 2021	Opening Remarks: UNSW Law School 'Evening with a Justice'

31 Jul 2021	Seminar: Toongabbie Legal Centre Persuasive Criminal Advocacy
22 Sep 2021	Lecture: Francis Forbes Lecture 'A History of Sentencing Law Since Francis Forbes 1823'
05 Oct 2021	Lecture: 2021 Harold Ford Memorial Lecture 'Commercial Trusts and the Liability of Beneficiaries: Are Commercial Trusts a Satisfactory Vehicle to be used in Modern Day Commerce'
03 Nov 2021	Lecture: Sir Maurice Byers Lecture 2021, 'Modern and Future Judging'
09 Nov 2021	Law Council of Australia International Law Section: Chief Justices Past and Present: Dispute Resolution Series, '21 <sup>st</sup> Century Legal practice – International and Domestic'
06 Dec 2021	Speech: Farewell Ceremony for The Hon Justice Clifton Hoeben AM RFD Upon the Occasion of his Retirement as Chief Judge at Common Law of the Supreme Court of New South Wales

#### **Publications:**

'Challenges to the Rule of Law in Modern Society', Law Society of South Australia, The Bulletin (May)

#### **Delegations and international assistance:**

07 May 2021	Official Visit: His Excellency Mr Yamagami Shingo Ambassador of Japan
10 Jun 2021	Official Visit: Her Excellency Ms Alicia Moral Revilla Ambassador of Spain

### **THE HONOURABLE JUSTICE BELL, PRESIDENT OF THE COURT OF APPEAL**

#### **Conferences:**

03 Feb 2021	Law Society of New South Wales Opening of Law Term Dinner (Hyatt Regency, Sydney)
24 Feb 2021	Admission of Lawyers Ceremony with the Hon. TF Bathurst AC, Chief Justice; the Hon. Justice CRR Hoeben, CJ at CL; and the Hon. Justice J Ward, CJ in Eq at Newcastle Town Hall
09 Mar 2021	Guest of Honour, South West Slopes Law Society Members Dinner (Roundabout Restaurant, Wagga Wagga)
16 Apr 2021	National Judicial College of Australia Conference, 'Effective Judicial Presentations' (The Mint, Sydney)
21 Apr 2021	COAT 2021 Whitmore Lecture, 'Balancing informality with natural justice and the work of Tribunals', delivered by the Hon. V Bell AC (Supreme Court, Sydney)
22 Apr 2021	2021 Bathurst Lecture, 'The Enduring Qualities of Commercial Law', delivered by the Hon. Justice M Leeming (Banco Court, Sydney)
28 Apr 2021	Australian Academy of Law Presentation, 'The New Court of Appeal for South Australia' (via Webex)
29 Apr 2021	Guest, Muslim Legal Networks' Annual Ramadan Iftar Dinner, keynote speaker: the Hon. Justice S Gageler AC (Doltone House, Sydney)
30 Apr 2021	Australian Association of Women Judges reception to mark the retirement of the Hon. V Bell AC and appointment of the Hon. Justice J Gleeson (Union, University and Schools Club)
05 May 2021	'Indigenous Injustice: The Myall Creek Massacre and its aftermath', lecture by Mr M Tedeschi AM QC (author of Murder at Myall Creek), event hosted by Mr Michael Herring (General Counsel, Macquarie Group) with introductory comments from the Hon. TF Bathurst AC, Chief Justice (St James Road Court, Sydney)

04 Jun 2021	Unveiling of the portrait of the Hon. MH McHugh AC QC (NSW Bar Association Common Room)
16 Aug 2021	2021 Mason Conversation with Her Excellency the Hon. Margaret Beazley AC QC, Governor of New South Wales (via MS Teams)
21 Sep 2021	The Edmund Barton Lecture - The Role of the Attorney General, delivered by the Hon. Mark Speakman SC MP; the Hon. John Hatzistergos AM and the Hon. Gabrielle Upton MP (online)
22 Sep 2021	Francis Forbes Society Legal History Tutorial, 'Sentencing law' delivered by the Hon. TF Bathurst AC, Chief Justice (Banco Court, Sydney)
30 Sep 2021	4 <sup>th</sup> Annual ADR Address, delivered by the Hon. Justice Julie Ward (Banco Court, Sydney)
08 Oct 2021	Gilbert and Tobin event, Book Launch, Judicial Federalism in Australia; History, Theory, Doctrine and Practice (online)
21 Oct 2021	AIAL, Keynote address by the Hon. Justice J Griffiths 'Kerr's Vision Splendid for Administrative Law: Still Fit for Purpose?' (Banco Court, Sydney)
30 Nov 2021	Unveiling of the portrait of the Hon. TF Bathurst AC, Chief Justice (Banco Court, Sydney)
02 Dec 2021	Presentation of the scrolls to the new Silks (NSW Bar Association Common Room)
06 Dec 2021	Law Society of New South Wales Annual Members Dinner (Fullerton Hotel Sydney)

#### **Speaking engagements:**

16 Mar 2021	Guest speaker, Australian Centre for International Commercial Arbitration Seminar, 'Behind the Bench – illuminating arbitration practice in the Courts' (Federal Court of Australia, Sydney)
06 Apr 2021	Guest speaker, Annual Conference of the District Court of New South Wales, 'Recent Recurring Issues in the Court of Appeal' (Hyatt Regency, Sydney)
13 Apr 2021	Occasional Address to the graduands of the Newcastle Law School, University of Newcastle (Callaghan Campus, Newcastle)
27 May 2021	Closing Address, Bar Practice Course (NSW Bar Association Common Room)
11 Jun 2021	Guest speaker, The Commercial Law Association of Australia Judges' Seminar Series, '35 years since Spiliada; was Voth correctly decided?' (State Library of NSW)
23 Jul 2021	Panel speaker, Centre for Comparative Constitutional Studies, University of Melbourne Law School, Constitutional Law Conference, 'The rule of law and the Constitution – a short overview' (via Zoom)
24 Aug 2021	Book Launch, The Law of Tracing (Federation Press, 2021) (Twenty Seven Chambers, Brisbane - via zoom)
16 Sep 2021	Closing Address, Bar Practice Course (via Zoom)
29 Oct 2021	Speaker, Supreme Court of Western Australia Annual Conference, 'Disputes with International Dimensions' (via Zoom)
03 Nov 2021	Speaker, Australian Academy of Law event, 'Issues arising from the operation of intermediate courts of appeal' (Banco Court Brisbane, online)
16 Nov 2021	Speaker, LAWASIA 2021 'Virtual' Conference, 'Gambling the Law and the 21 <sup>st</sup> Century' with The Hon T.F Bathurst AC, Chief Justice



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**Publications:**

Andrew Bell, 'Foreword' in Mohammad Jaamae Hafeez-Baig and Jordan English, *The Law of Tracing* (Federation Press, 2021)

Andrew S Bell, 'The Natural Forum Revisited' in Andrew Dickinson and Edward Peel (eds) *A Conflict of Laws Companion: Essays in honour of Adrian Briggs* (Oxford University Press, 2021)

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**Appointments to legal, cultural or benevolent organisations:**

Member of the Chief Justice's Executive Committee

Official Member of the Judicial Commission of NSW

Member of the Supreme Court Rules Committee

Member of the Uniform Rules Committee

Member of the Supreme Court Bicentenary Planning Committee

Adjunct Professor of Law, University of Sydney Law School (2008 - )

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**THE HONOURABLE JUSTICE BASTEN****Conferences:**

12 Feb 2021      Gilbert + Tobin Constitutional Law Conference (online)

23 Jul 2021      Centre for Comparative Constitutional Studies – 2021 Conference in Constitutional Law (online)

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**Speaking Engagements:**

05 Nov 2021      EPLA Conference – Paper 'Year in Review – Cases in the Court of Appeal'

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**Publications:**

Section Editor, *Statutory Interpretation*, *Australian Law Journal*

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**Appointments to Legal, Cultural or Benevolent Organisations:**

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

Chair, Supreme Court Education Committee

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

Member, Supreme Court Caselaw Governance Committee

Chair, Advisory Committee, G&T Centre of Public Law

Chair, Australian Institute of Administrative Law, NSW Chapter (AIAL)

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**THE HONOURABLE JUSTICE MEAGHER****Appointments to legal, cultural or benevolent organisations:**

Sydney Symphony Orchestra – Non-Executive Director

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## THE HONOURABLE JUSTICE WARD, CHIEF JUDGE IN EQUITY

### Conferences:

24 Feb 2021	Newcastle Admissions Ceremonies
27 Feb 2021	AIJA Council meeting (MS Teams)
11 - 12 Mar 2021	3 <sup>rd</sup> Meeting of SIFoCC (MS Teams)
21 Apr 2021	2021 UTS LSS x MULS Intersarsity Contract Law Moot

### Speaking engagements:

19 Nov 2021	Speaker – Advancing Women in Law forum ‘The Challenges and Attraction of the Court room’ (Park Hyatt, Sydney)
20 Nov 2021	Opening Address - The Blue Mountains Law Society 2021 Succession Conference (Hydro Majestic, Medlow Bath)

### Appointments to Legal, Cultural or Benevolent Organisations:

Chair of the Supreme Court ADR Steering Committee
Member and Fellow of The Australian Academy of Law
Member of the AIJA Council
Review Committee
Legal Qualifications Committee
Bicentenary Committee

## THE HONOURABLE JUSTICE GLEESON

### Conferences:

22 Apr 2021	Bathurst Lecture (Banco Court, Sydney)
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### Speaking engagements:

19 Feb 2021	Chairperson, Commercial Law Association – Contract Law Masterclass – Dixon Library, State Library of NSW
12 Mar 2021	Address (‘Introduction to the legal system’) – Year 6 classes, St Patrick’s College, Strathfield
12 May 2021	Judge – SULLS Torts Law Moot – University of Sydney (Camperdown Campus, via Zoom)

## THE HONOURABLE JUSTICE LEEMING

### Speaking engagements:

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11 Feb 2021	Admission of Practitioners, Banco Court, Sydney
9 - 10 Apr 2021	Presenting 'The Statutory Foundations of Negligence' (intensive LLM course, with Prof B McDonald), University of Sydney
22 Apr 2021	Bathurst Lecture 2021, 'The enduring qualities of commercial law'
30 Apr - 01 May 2021	Presenting 'The Statutory Foundations of Negligence' (intensive LLM course, with Prof B McDonald), University of Sydney
04 Jun 2021	'The Digital Divide – Paper v Paperless', presentation to Consultative Council of Australasian Law Reporting, Sydney
10 Jun 2021	'So Help Me God – A History of Oaths of Office' - Launch and panel discussion - Jubilee Room, Parliament House, Sydney
27 Oct 2021	'Fiddling with the common law? – the relationship between common law and statute' (guest lecturer, elective course), University of Sydney

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### Publications:

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'Injunctions in Criminal Law' 95 ALJ 18

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### Appointments to legal, cultural or benevolent organisations:

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Challis Lecturer in Equity, University of Sydney

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Advisory Committee, Francis Forbes Society

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Director, The Federation Press Pty Ltd

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Editorial Board member: Australian Bar Review, Journal of Equity

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Member of Panel of Referees, Journal of the Malaysian Judiciary

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Trustee, Sydney Grammar School (until September 2021)

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Honorary Benchler, Lincoln's Inn

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## THE HONOURABLE JUSTICE PAYNE

### Publications:

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Justice Anthony Payne and Natasha Naidu, 'The Criminalisation of Corporate and Cartel Conduct' in Michael Gvozdenovic and Stephen Puttick (eds), Current Issues in Competition Law (Federation Press, 2021)

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## THE HONOURABLE JUSTICE WHITE

### Conferences:

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12 - 14 Nov 2021 Supreme Court Annual Conference, Medlow Bath NSW

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### Appointments to legal, cultural or benevolent organisations:

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University of Sydney Law Extension Committee - five meetings during 2021

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### Commissions in overseas courts:

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20 Sep 2021 Sat as a Judge of the Tongan Court of Appeal (remote appearance)

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## THE HONOURABLE JUSTICE BRERETON AM RFD

### Speaking engagements:

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27 - 28 Apr 2021	Speaker: 'Command Responsibility', Queensland Police Service, Far North District, Cairns
08 Oct 2021	The Annual Mayo Lecture, James Cook University Townsville, Queensland, 'The International Law of Armed Conflict: The Australian Application' (via AVL)
14 Oct 2021	UNSW Ashurst Intermediate Mooting Grand Final
10 Nov 2021	Command, Leadership and Ethics Module at Australian Command and Staff College (Reserve), 'Ethics and Leadership in Defence'

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### Publications:

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Australian Law Journal (Anzac Edition) April 2021, 'Remembering the Hon Mr Justice Russell Le Gay Brereton', Introduction to article by Tony Cunneen

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James Cook University Law Review: The Annual Mayo Lecture, James Cook University Townsville, Queensland, 'The International Law of Armed Conflict: The Australian Application'

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### Appointments to legal, cultural or benevolent organisations:

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Deputy President, Defence Force Discipline Appeal Tribunal

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Deputy Chair, NSW Law Reform Commission

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Chair, Costs Assessment User Group

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Chair, Costs Assessment Rules Committee

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Member, Harmonisation of Rules Committee

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Assistant Inspector-General, Australian Defence Force

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## THE HONOURABLE JUSTICE BEECH-JONES, CHIEF JUDGE AT COMMON LAW

### Speaking engagements:

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03 Jun 2021	Local Courts of NSW Annual Conference (Sydney)
06 Nov 2021	Toongabbie Legal Centre – Criminal Law Seminar (Sydney)

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### Appointments to legal, cultural or benevolent organisations:

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Chairman of the Cooper-Rice Brading Foundation

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## THE HONOURABLE JUSTICE WALTON

### Appointments to legal, cultural or benevolent organisations:

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Honorary Professorial Fellow with the Sydney Business School of the University of Wollongong

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Chair of the Clubs Advisory Committee at the University of Sydney

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Vice President of the Australian Judicial Officers' Association

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President of the University of Sydney Lawn Tennis Club

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Editorial Committee of the Australian Journal of Labour Law

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## THE HONOURABLE JUSTICE ROTHMAN AM

### Conferences:

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17 Mar 2021	Ngara Yura Program Webinar: 'Solutions to reducing the Indigenous prison population – Role of a specialist court (County Koori Court of Victoria)' [Her Honour Judge Irene Lawson and Ms Terrie Stewart of the Victorian County Koori Court] (Sydney)
31 May 2021	Judicial Commission Cross Jurisdictional Webinar: 'Rapid Change Forensic DNA Testing in 2021 – Capabilities and Uncertainties' [Ms Alexandra Bate, Senior Forensic Biologist, NSW Government Criminalistics] (Sydney)
03 Aug 2021	Australian Association of Constitutional Law Seminar: 'Secret Hearings and the Constitution: SDCV v D-G of Security [2021] FCAFC 5' [David Hume, NSW Bar; Dr Rebecca Ananian-Welsh, TC Beirne School of Law, University of Queensland] (Sydney)
18 Nov 2021	Australian Institute of Employment Rights 11th Annual Ron McCallum Debate 'Are we Still the Lucky Country? The Future of Workplace Relations in Australia' [Justice Iain Ross AO, President of the Fair Work Commission] (Sydney)

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### Speaking engagements:

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27 Mar 2021	Keynote Speaker: 'Advocacy Tips – Supreme Court Bail' Reasonable Cause Criminal Law CPD Conference (Sydney)
03 Jun 2021	Panel Discussion: 'Reconciliation Week Indigenous Panel' Emanuel School (Sydney)
29 Jun 2021	Panel Discussion: 'Indigenous/Jewish Cooperation' Sydney Jewish Museum/NSW Jewish Board of Deputies Beit Sefer Yalbalanga Education Series Justice Session (Sydney)

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### Appointments to legal, cultural or benevolent organisations:

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Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools
Co-Chair – Australian Council of Jewish Schools
Board Member – International Association of Jewish Lawyers and Jurists
Advisory Committee Member – Australian Law Reform Commission Inquiry into the Religious Exemptions in Anti-Discrimination Law
Life Governor – Moriah War Memorial College
Honorary Life Member; Executive Member – NSW Jewish Board of Deputies
Committee Member – Rabinovitch Trust Advisory Committee

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## THE HONOURABLE JUSTICE HAMMERSCHLAG

### Speaking engagements:

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23 Feb 2021	The College of Law – Building and Construction Law Course – Opening Address and Recent Updates [Zoom]
25 Feb 2021	UNSW Edge – Construction Law Intensive - Update on the Construction Law List - UNSW CBD Campus
16 Mar 2021	ACICA - Behind the bench – illuminating Arbitration Practice in the Courts - Federal Court of Australia

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12 Nov 2021	Launch of UNSW Law Journal Issue 43(4) Keynote address 'The Alien and the Law' [Video]
04 Nov 2021	9 <sup>th</sup> International Society of Construction Law Conference - Opening Address – Auckland, New Zealand [Video]

**Publications:**

Hammerschlag's Commercial Court Handbook [2<sup>nd</sup> Edition] - LexisNexis, Sydney

**THE HONOURABLE JUSTICE HARRISON**

**Conferences:**

18 – 23 April 2021 National Judicial Orientation Program (Brisbane)

**Speaking engagements:**

23 Mar 2021	Keynote address - 30th Anniversary Medico Legal Congress
26 Mar 2021	Conference Dinner & Keynote Address on 'The Duties of the Crown Prosecutor' 2021 NSW Crown Prosecutors' Annual Conference (Sydney)
18 April 2021	Welcome, Chair, NJOP Steering Committee, National Orientation Program (Brisbane)
20 April 2021	Session 7 'Unconscious judicial bias', Chair, NJOP Steering Committee (Brisbane)
20 April 2021	Session 9 Maintaining psychological and physical health, Chair, NJOP Steering Committee (Brisbane)
22 April 2021	Day 5 Session 13 – 'Self-represented litigants', Chair (Brisbane)

**THE HONOURABLE JUSTICE REIN**

**Appointments to legal, cultural or benevolent organisations:**

Member of the Harmonisation of Rules Committee

**THE HONOURABLE JUSTICE RA HULME**

**Speaking engagements:**

16 Feb 2021	Judicial Commission of NSW – Tendency & Coincidence Evidence
20 - 21 Apr 2021	National Judicial College of Australia – Brisbane – National Judicial Orientation Program – Court Craft – The Trial from Hell

**Publications:**

Co-author Criminal Law News, LexisNexis Butterworths

Court of Criminal Appeal Round-up, 2021 District Court Annual Conference

**Appointments to legal, cultural or benevolent organisations:**

Court of Criminal Appeal List Judge

**Participation in Working Groups/Committees:**

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Chair, Criminal Trial Courts Bench Book Committee

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Member, Court of Criminal Appeal and Crime Users Groups

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Member, Criminal Appeal Rules Committee

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Chair, Criminal Trial Courts Bench Book Committee

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Member, Court of Criminal Appeal and Crime Users Groups

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**THE HONOURABLE JUSTICE SLATTERY AM (MIL) RAN****Conferences:**

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27 Mar 2021 Judge Advocate General's Annual Conference

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25 Nov 2021 Conference of the members of the Royal Australian Navy's Senior Leadership

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**Speaking engagements:**

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Date	Speaking Engagement details
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08 Dec 2021	Lecture to 2021 tipstaves, 'Using the Art of Rhetoric in Legal Practice'.
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**THE HONOURABLE JUSTICE BALL****Publications:**

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Principles of Insurance Law, LexisNexis, co-authored with David StL Kelly

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**THE HONOURABLE JUSTICE GARLING RFD****Appointments to legal, cultural or benevolent organisations:**

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Honorary Patron: CanRevive Inc

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Chair: Civil Trial Bench Book Editorial Committee – Judicial Commission of NSW

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Chair: NSW Supreme Court – IT Committee

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Member: NSW Supreme Court – Education Committee

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**THE HONOURABLE JUSTICE BLACK****Conferences:**

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15 - 16 May 2021 Law Council of Australia Corporate Law Workshop (Canberra)

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**Speaking engagements:**

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13 Mar 2021 Update on Corporations Law – NSW Bar Association Conference.

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**Publications:**

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Joint author (with P. Hanrahan), Securities & Financial Services Law, 10th ed, 2021

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Joint author (with RP Austin), Austin & Black's Annotations to the Corporations Act (ongoing updates)

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**Appointments to legal, cultural or benevolent organisations:**

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Adjunct Professor, Faculty of Law, University of Sydney

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Fellow, Australian Academy of Law

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**THE HONOURABLE JUSTICE ADAMSON****Speaking engagements:**

20 -21 Apr 2021 National Judicial College of Australia, National Judicial Orientation Program – Court Craft – The Trial from Hell (Brisbane)

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**Appointments to legal, cultural or benevolent organisations:**

Member, Uniform Rules Committee

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Member Supreme Court Rule Committee

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**THE HONOURABLE JUSTICE BELLEW****Conferences:**

07 Apr 2021 District Court Conference – Keeping the trial moving – presenter of paper

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02 Jun 2021 Local Court Conference – Evidence Refresher – Hearsay – presenter of paper

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**Speaking engagements:**

27 May 2021 Wenona School, North Sydney – Careers in the law

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29 May 2021 NSW Bar Association, Final Mock Trial

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11 Oct 2021 Notre Dame University, Sydney seminar

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11 Oct 2021 College of Law - Advocacy

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06 Nov 2021 Toongabbie Legal Centre, Hearsay Rule under the Evidence Act

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09 Dec 2021 College of Law – Workshop via Zoom.

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**THE HONOURABLE JUSTICE STEVENSON****Conferences:**

25 - 26 Mar 2021 Speaker - National Judicial College of Australia, Writing Better Judgments, Sydney

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**Speaking engagements:**

25 Feb 2021 Speaker - UNSW Seminar, presentation titled 'Technology & Construction List' (Sydney, NSW)

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**Appointments to legal, cultural or benevolent organisations:**

Member of the Program Advisory Committee of the National Judicial College of Australia

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Chair of the Oral Judgments Committee of the National Judicial College of Australia

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Member of the Writing Better Judgments Committee of the National Judicial College of Australia

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Member of the Leadership in the Courtroom Committee of the National Judicial College of Australia

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Chair of the Steering Committee organising annual Supreme and Federal Court Judges conferences

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## THE HONOURABLE JUSTICE BUTTON

### Speaking engagements:

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14 Apr 2021	'Tendency and Coincidence' (Land and Environment Court)
13 Oct 2021	'Admissibility of evidence to rebut doli incapax' (Children's Court)

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## THE HONOURABLE JUSTICE LINDSAY

### Conferences:

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20 Nov 2021	Blue Mountains Law Society Succession Law Conference (Katoomba, NSW) (in person)
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### Speaking engagements:

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24 Feb 2021	Opening Address: College of Law – Wills and Estates: Administration and Disputes Seminar – 'Boundaries in Estate Administration and protective Management: Limits on What Can Be Done' (via Zoom)
26 May 2021	Sydney Law School – Death and Inheritance Law – 'The Family Provision Jurisdiction – An Outline of Themes, and Practical Considerations' (via Zoom, University of Sydney, Camperdown)
16 Jun 2021	Eastern Suburbs Law Society Seminar – 'The Role of 'Evaluation' in the Determination of Succession (Probate & Family Provision) Litigation'
15 Jul 2021	Law Council of Australia – 'Virtual Roundtable on Enduring Power of Attorney Law Reforms'
05 Aug 2021	Law Society of NSW Conference – 'Challenges in the Conduct of a 'Succession' Case across Jurisdictional Boundaries'
15 Sep 2021	Sydney Institute Zoom Event – 'Australian Jurists and Christianity: A Discussion'
17 Nov 2021	STEP Australia Lecture on Statutory Wills – 'A Platypus in NSW Succession Law', Banco Court, Sydney
20 Nov 2021	Blue Mountains Law Society Succession Law Conference – 'An Application for Judicial Advice'

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### Publications:

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Editor, Australian Bar Review (since 1996)
Co-Editor, NSW Civil Procedure Handbook, 2019 (Thomson Reuters)

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### Appointments to legal, cultural or benevolent organisations:

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State Archives Board
Legal Profession Admissions Board
Uniform Rules Committee/ Supreme Court Rules Committee
The Francis Forbes Society for Australian Legal History
College of Law Wills and Estates Course Advisory Committee

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## THE HONOURABLE JUSTICE HALLEN

### Conferences:

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24 Sep 2021	QLS Succession and Elder Law Conference 2021
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### Speaking engagements:

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17 Feb 2021	Speech STEP Lecture 'Life, Death and Beyond'
13 Mar 2021	Speech Succession Law Conference
23 Mar 2021	Speech UNSW Wills & Estates Intensive Law CPD Program

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### Appointments to legal, cultural or benevolent organisations:

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Committee Member – STEP Australia
Committee Member – ADR Steering Committee
Committee Member – Wills & Estates Advisory Committee
Committee Member – College of Law
Committee Member – Supreme Court Building Committee

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## THE HONOURABLE JUSTICE KUNC

### Speaking engagements:

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19 Feb 2021	Moot Judge - Grand Final Philip C. Jessup Moot (by Zoom)
23 Mar 2021	College of Law CPD (by Zoom) – Litigation Masterclass
20 May 2021	Occasional Address, University of Sydney Law School prizegiving ceremony
29 May 2021	Bar Practice Court – Mock Trial – Supreme Court of NSW
23 Jun 2021	Address and Q&A with legal Studies Students, Good Samaritan Catholic College, Hinchinbrook

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### Appointments to legal, cultural or benevolent organisations:

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Deputy Chair, Law Advisory Committee, School of Law and Justice, Southern Cross University
General Editor, The Australian Law Journal
Adjunct Professor, School of Law and Justice, Southern Cross University
Member Editorial Board, Journal of Equity
Member, Legal Services Council Admissions Committee
Director, Opera Australia Capital Fund

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## THE HONOURABLE JUSTICE KUNC

### Speaking engagements:

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19 Feb 2021	Moot Judge - Grand Final Philip C. Jessup Moot (by Zoom)
23 Mar 2021	College of Law CPD (by Zoom) – Litigation Masterclass
20 May 2021	Occasional Address, University of Sydney Law School prizegiving ceremony
29 May 2021	Bar Practice Court – Mock Trial – Supreme Court of NSW
23 Jun 2021	Address and Q&A with legal Studies Students, Good Samaritan Catholic College, Hinchinbrook

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### Appointments to legal, cultural or benevolent organisations:

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Deputy Chair, Law Advisory Committee, School of Law and Justice, Southern Cross University
General Editor, The Australian Law Journal
Adjunct Professor, School of Law and Justice, Southern Cross University
Member Editorial Board, Journal of Equity
Member, Legal Services Council Admissions Committee
Director, Opera Australia Capital Fund

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## THE HONOURABLE JUSTICE DARKE

### Appointments to legal, cultural or benevolent organisations:

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Butterworths Property Reports, General Editor
Civil Trials Bench Book Committee, Member
Legal Profession Admission Board Examinations Committee, Member

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## THE HONOURABLE JUSTICE WRIGHT

### Appointments to legal, cultural or benevolent organisations:

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AIJA Council and Research Committee
Bicentenary Committee

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## THE HONOURABLE JUSTICE WILSON

### Speaking engagements:

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13 Mar 2021	Speaker at the Criminal Law MCLE Seminar at Toongabbie Legal Centre where she presented a paper on 'Appeals from the Local Court to the Supreme Court'
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## THE HONOURABLE JUSTICE NATALIE ADAMS

### Speaking engagements:

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07 Apr 2021	District Court Conference 2021 – Presenter ‘Criminal Law Update’
19 May 2021	St Andrew’s College – ‘Q&A with Justice Adams’
23 Jun 2021	Chair - Bar Association CPD seminar on Advanced Cross Examination
13 Sep 2021	Preside over the Grand Final of the University of Sydney Women’s Mooting Program
29 Sep 2021	Preside over the Grand Final of the 2021 UTS LSS Junior Criminal Law Moot
06 Oct 2021	Diverse Women in Law civil moot – grand final
10 Nov 2021	UNSW forensics course – presiding over a mock trial

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### Appointments to legal, cultural or benevolent organisations:

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Committee Member – ADR Steering Committee
Chair of the Committee overseeing a joint conference on sentencing held by the National Judicial College of Australia and the Australian National University College of Law from 1 July 2019.

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## THE HONOURABLE JUSTICE HENRY

### Speaking engagements:

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18 Feb 2021	Speaker, KWM National Equitable Briefing Event
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### Appointments to legal, cultural or benevolent organisations:

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Member, Admissions Committee, Legal Services Council (until 6 September 2021)
Member, Law Admissions Consultative Committee, Legal Services Council (until 6 September 2021)
Member, Foreign Lawyers Working Group, Legal Services Council (until 6 September 2021)
NSW Supreme Court Representative on Judicial Consultation Group on Sexual Harassment Education and Training run by Sexual Discrimination Commission as part of Respect@Work.

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## THE HONOURABLE JUSTICE CAVANAGH

### Speaking engagements:

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17 Feb 2021	UTS LSS 2021 Sally Varnham Torts Law Moot - Grand Final (Sydney by Zoom)
18 Mar 2021	St Aloysius' College Law Lunch - Guest Speaker (Sydney in person)

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### Appointments to legal, cultural or benevolent organisations:

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Legal Qualifications Committee (Legal Profession Admission Board)
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## THE HONOURABLE JUSTICE WILLIAMS

### Speaking engagements:

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31 Mar 2021	Women Barristers Forum, Appointment of 2020 Silks, Guest Speaker, (Sydney)
15 Apr 2021	NSW Bar Association Webinar, ‘Insolvency Issues for Junior Counsel, Panel Member (Sydney)

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## THE HONOURABLE JUSTICE DHANJI

### Conferences:

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03 Nov 2021	2021 Annual Maurice Byers Lecture – ‘Modern and Future Judging’ by Chief Justice the Hon T F Bathurst AC (Sydney)
30 Nov 2021	Unveiling of the Chief Justice's Portrait (Sydney)

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### Speaking engagements:

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25 Nov 2021	AAALA - Asian Australian Lawyers Association: 2021 William Ah Ket Scholarship Ceremony – Keynote speaker (Sydney)
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## THE HONOURABLE ACTING JUSTICE SCHMIDT AM

### Conferences:

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24 - 26 Mar 2021	Writing Better Judgments Perth (online)
07, 11, 19, 21, 26 Oct 2021	Online Judgment Webinars for the National Judicial College of Australia
11, 15, 18, 22, 29 Nov 2021	Online Judgment Webinars for the National Judicial College of Australia
06, 13, 20 Dec 2021	Online Judgment Webinars for the National Judicial College of Australia

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### Speaking engagements:

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18 Mar 2021	Guest Lecturer – ‘Masterclass in Criminal Law & Procedure’ – ANU Canberra
29 Jul 2021	Menzies Cyber Law Lecture – ‘The Beginning and End of Truth’ – ANU (Online)
07 Sep 2021	Presenter - Industrial Relations Commission of NSW – ‘Introduction to Court Craft, Part 1’ (Online Workshop)
24 Sep 2021	Guest Lecturer – ‘Masterclass in Contracts’ with LLB and JD Contracts Students at ANU College of Law (Online)

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### Appointments to legal, cultural or benevolent organisations:

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Office of the Parliamentary Remuneration Tribunal
Chair of the National Judicial College's Refresher Judgment Writing Program
Member of the Advisory Board for the Master of Labour Law and Relations (MLLR), Sydney Law School
Member, National Judicial College of Australia Planning Committee for Judgment Writing

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