



# 2015

**ANNUAL REVIEW**



**Supreme Court**  
of New South Wales

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## FOREWORD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

I am very pleased to provide the foreword to the Supreme Court's 2015 Annual Review. As always, the Annual Review provides a summary of the Court's profile and make up, court operations and case management, community engagement and other aspects of the court's work. I hope that its readers will find this information to be a useful insight into the operations of the Court and the ways in which the Court is seeking to improve those operations. It is important to remember, however, that the Review presents only a snapshot of the Court's performance; it is by no means a comprehensive analysis of the Court's achievements or success in the determination of cases, nor can it capture the more elusive quality of justice that must sit at the heart of the Court's work.

Nevertheless, the just, quick and cheap resolution of matters is an overriding obligation of the Court, the fulfilment of which can be assisted by viewing statistics such as listing delays, age profiles and the uptake of alternative dispute resolution. To that end, the reduction in the age of the pending caseload across the divisions in 2015 was encouraging. Cases less than 12 months old constituted 94% of cases in the Court of Criminal Appeal (up from 86%), 81% of cases in the Common Law Division Criminal List (up from 66%), 69% of cases in the Common Law Division Civil List (up from 65%) and 71% of cases in the Equity Division (up from 69%). Listing delays also improved in the Court of Appeal, Court of Criminal Appeal and Common Law Civil List.

The ratio of cases referred to mediation to cases commenced increased from 19% to 23.1%, with settlement at mediation continuing at a good rate. Accompanying this rise was the piloting of informal settlement conferences in family provision cases where the estate is valued at less than \$500,000. These conferences aim to achieve settlement and minimise litigation costs at as early a stage of proceedings as possible.

The Review also seeks to give an overview of schemes and programs in which the Court participates, which enhance the functioning and effectiveness of its processes.

Of note in 2015 was the new shared courts library system and catalogue, launched in July. The catalogue now incorporates holdings across the Victorian and South Australian collections as well as the High Court and Federal Court. This collaborative initiative helps to expand, and improve access to, the range of resources on which Court staff can rely. 2015 also saw the reconstitution of the Costs Assessment Rules Committee, which continued to consider the implementation of recommendations resulting from the 2014 Review of the Costs Assessment Scheme.

The Court has continued to build on and develop relationships with courts across Australia and internationally. In 2015, the Court successfully hosted the 16th Conference of Chief Justices of Asia & the Pacific in conjunction with the High Court. The Conference was an excellent opportunity to exchange views and practices with courts across the region and to promote the rule of law.

I wish to extend my personal thanks to all of the judicial officers and staff who have contributed to the smooth and successful running of the Court in 2015. This Review is evidence of their unflinching hard work and commitment, which I have no doubt will continue into the future.



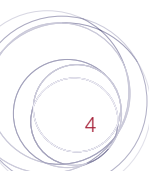
A handwritten signature in black ink, which appears to read 'TF Bathurst'. The signature is fluid and cursive, written in a professional style.

The Honourable TF Bathurst AC  
Chief Justice of NSW



## **1 2015: AN OVERVIEW**

- Court operations



## Court operations

Overall, the Court performed solidly in 2015.

The Court of Appeal received 379 new cases, and disposed of 433 cases. The pending caseload decreased from 290 to 236 cases. At the end of the year, the age profile was better than or nearly met the national targets.

The Court of Criminal Appeal received 340 new cases, and disposed of 400 cases. The pending caseload decreased from 226 to 166 cases. At the end of the year, the age profile was better than or nearly met the national targets.

The Criminal List received 118 new defendants, and disposed of cases for 88 defendants. Trials for 68 defendants were listed to start during 2015 or 2016 (some trials involve multiple defendants). No trial was “not reached”. Trials for 10 defendants were affected by the need to discharge the jury or to adjourn the start of the trial. The pending caseload increased from 85 to 115 defendants. At the end of the year, the age profile did not meet the national targets (noting that those targets are more typically applied to a broader case-mix than is seen in this Court’s Criminal List).

In the Common Law Division, 3,538 new civil cases were commenced and 3,590 cases were finalised. The disposal rate was at normal operational levels as auditing (to identify inactive cases in this Division and progress them to finalisation) was completed during 2014. The Division listed 977 cases for hearing of either the substantive issues or complex interlocutory issues, and no hearing was “not reached”. The pending caseload decreased from 2,771 to 2,667. The age profile of the Division’s civil caseload improved over the year, and there were fewer cases in the older age groups. The age profile does not meet the national targets, and that situation is typical of all Australian supreme courts with regard to their civil non-appeal caseloads.

In the Equity Division, 5,168 new cases were commenced and 5,127 cases were finalised. The pending caseload increased from 2,713 to 2,814. The age profile of the caseload improved over the year, and auditing (to identify inactive cases in the Division and progress them to finalisation) was

essentially completed by the end of the year. As a result of the audit, the disposal level during 2015 is higher than would be normally expected, but the age profile reported for the end of the year is considered to be a reliable baseline to which future results can be compared.

The Court also dealt with 4,201 bail review applications in its Bails List, and received 26,408 uncontested applications for probate (which were assessed within 2 to 5 weeks of lodgement).

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

The Court continues to actively manage and monitor its caseload. The civil cases audit, commenced in 2012, was essentially finalised by the end of 2015. The audit has enabled the Court to close inactive cases where the litigation has ended but data entry was incomplete (and the cases were still being counted as pending). The Court has an ongoing program to identify cases that appear to become inactive so that timely action can be taken to close these cases or restore them to case management, as appropriate.

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



## 2 COURT PROFILE

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



## THE COURT'S JURISDICTION AND DIVISIONS

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

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

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

- Court of Appeal
- Court of Criminal Appeal.

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

- Common Law Division
- Equity Division.

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

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

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

The District Court of New South Wales is an intermediate court, and its jurisdiction is determined by statute. The Local Court sits at the bottom of the hierarchy of New South Wales courts, and has broad criminal and civil jurisdictions.

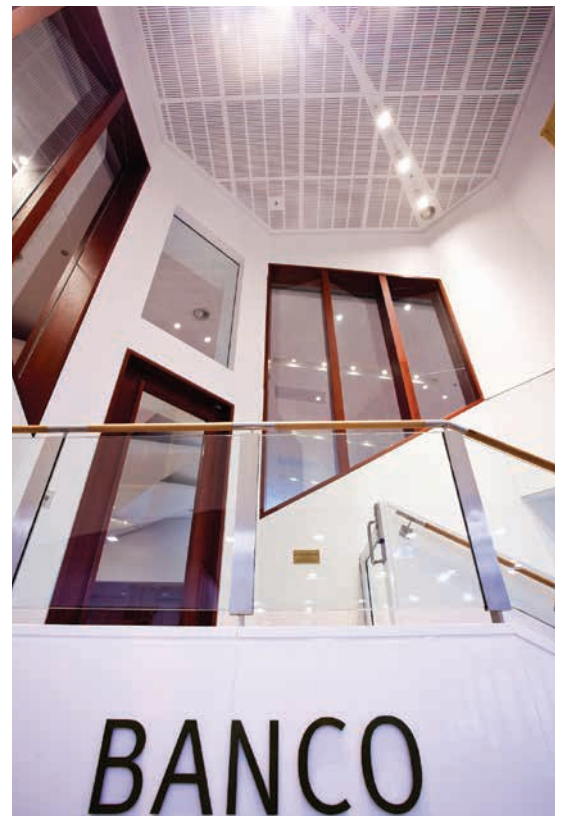
The NSW Civil and Administrative Tribunal (NCAT) was established on 1 January 2014 by the *Civil and Administrative Tribunal Act 2013*. NCAT is the single point of access for specialist tribunal services in NSW, consolidating the work of 22 former tribunals. NCAT was established in response to the recommendations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

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

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

### Court of Appeal

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



## Court of Criminal Appeal

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

Sittings of the Court of Criminal Appeal are organised on a roster basis, taking into account the other regular judicial duties and commitments of the Judges who form the Court's bench. The Judges who sit in the Court of Criminal Appeal are the Chief Justice, the President, the Judges of the Court of Appeal, the Chief Judge at Common Law and Judges of the Common Law Division. During 2015, each Court of Criminal Appeal bench comprised at least two Common Law judges, with the presiding judge being the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

## Common Law Division

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

approval. The Judges of the Common Law Division also hear bail applications, matters concerning proceeds of crime and post-conviction inquiries.

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

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

## Equity Division

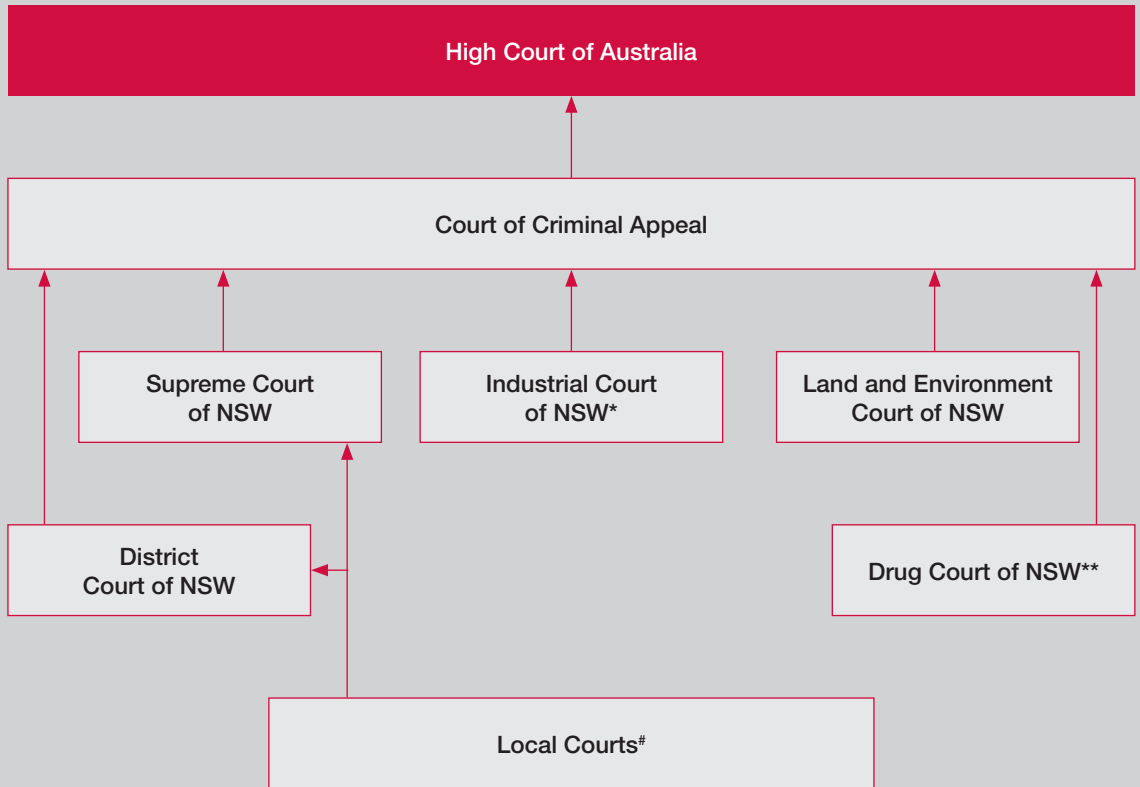
The Equity Division exercises the traditional equity jurisdiction dealing with claims for remedies other than damages and recovery of debts, including contractual actions, rights of property, and disputes relating to partnerships, trusts, and deceased estates.

The Division hears applications brought under numerous statutes, including the *Corporations Act 2001* (Cth), the *Succession Act 2006*, and the *Property (Relationships) Act 1984*. The Division also handles a diverse range of applications in the areas of admiralty law, commercial law, technology and construction, probate and the Court's adoption and protective jurisdictions.





Figure 2.1 NSW Court system – criminal jurisdiction



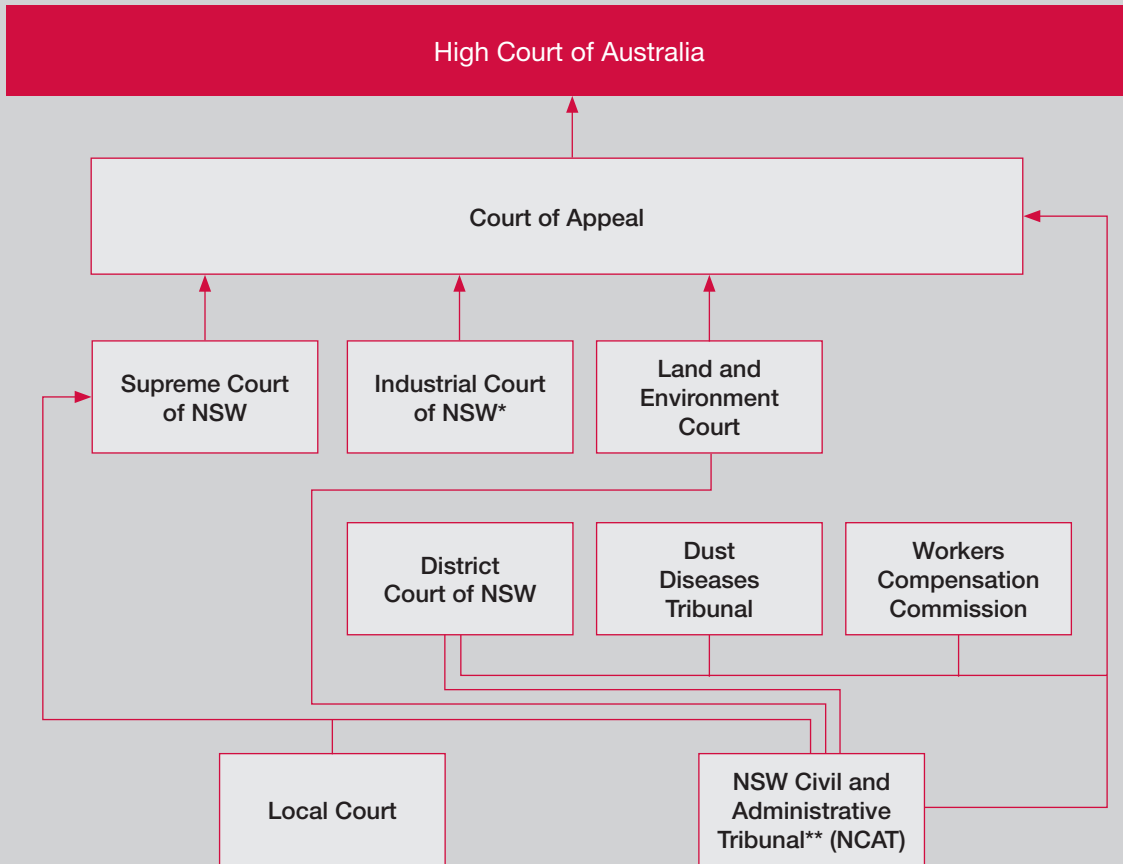
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

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

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

# Some appeals from committal proceedings may be made to the Court of Criminal Appeal.

Figure 2.2 NSW Court system – civil jurisdiction



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

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

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

## WHO MAKES THE DECISIONS?

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

### The Judges

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

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

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

The *Supreme Court Act* 1970 also provides that the Chief Justice may appoint Judges to administer a specific list within the Common Law or Equity Divisions. Details of the Judges assigned to these lists in 2015 can be found in Chapter 3.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2015.

### Chief Justice

The Honourable Thomas Frederick Bathurst AC

### President

The Honourable Justice Margaret Joan Beazley AO

### Judges of Appeal

The Honourable Justice Ruth Stephanie McColl AO

The Honourable Justice John Basten

The Honourable Justice Robert Bruce Macfarlan

The Honourable Justice Anthony John Meagher

The Honourable Justice Clifton Ralph Russell  
Hoeben AM RFD

The Honourable Justice Julie Kathryn Ward

The Honourable Justice Peter David McClellan AM

The Honourable Justice Fabian Gleeson

The Honourable Justice Mark James Leeming

The Honourable Justice Carolyn Chalmers Simpson

### Chief Judge at Common Law

The Honourable Justice Clifton Ralph Russell  
Hoeben AM RFD

### Chief Judge in Equity

The Honourable Justice Patricia Anne Bergin

### Judges

The Honourable Justice Peter John Hidden AM

The Honourable Justice Michael Frederick Adams

The Honourable Justice Robert Calder McDougall

The Honourable Justice Richard Weeks White

The Honourable Justice Peter Anthony Johnson

The Honourable Justice Peter Michael Hall

The Honourable Justice Megan Fay Latham

The Honourable Justice Stephen Rothman AM

The Honourable Justice Paul Le Gay Breton  
AM RFD

The Honourable Justice Derek Michael Price AM

The Honourable Justice David Jacob  
Hammerschlag

The Honourable Justice Ian Gordon Harrison

The Honourable Justice Elizabeth Lillian Fullerton

The Honourable Justice Lucy McCallum

The Honourable Justice Nigel Geoffrey Rein  
 The Honourable Justice Robert Allan Hulme  
 The Honourable Justice Michael John Slattery  
 The Honourable Justice David Lloyd Davies  
 The Honourable Justice Monika Schmidt  
 The Honourable Justice Michael Andrew Pembroke  
 The Honourable Justice Michael Lee Ball  
 The Honourable Justice Peter Richard Garling RFD  
 The Honourable Justice John Robertson Sackar  
 The Honourable Justice Ashley John Black  
 The Honourable Justice Christine Elizabeth Adamson  
 The Honourable Justice Geoffrey John Bellew  
 The Honourable Justice James William John Stevenson  
 The Honourable Justice Robert Thomas Beech-Jones  
 The Honourable Justice Stephen Gerard Campbell  
 The Honourable Justice Richard James Button  
 The Honourable Justice Geoffrey Charles Lindsay  
 The Honourable Justice Philip Hallen  
 The Honourable Justice Francois Kunc  
 The Honourable Justice Stephen David Robb  
 The Honourable Justice Rowan James Hunter Darke  
 The Honourable Justice Robertson James Wright  
 The Honourable Justice Helen McLeod Wilson  
 The Honourable Justice Desmond John Fagan

### **The Acting Judges**

Set out below are details of those persons who held commissions as Acting Judges during the 2015 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 2015 is also indicated.

### **Acting Judges of Appeal (in alphabetical order)**

- The Honourable Joseph Charles Campbell QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective from 05 February to 30 June 2015, acted as a Judge and Judge of Appeal for 21 days)
- The Honourable Arthur Robert Emmett, former Judge of Appeal of the Supreme Court of New South Wales (commission effective from 30 September 2015, acted as a Judge and Judge of Appeal for 56 days)
- The Honourable Ronald Sackville AO QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 178 days).
- The Honourable Murray Herbert Tobias AM RFD QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 55 days).
- The Honourable Peter Wolstenholme Young AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 122 days).

### **Acting Judges (in alphabetical order)**

- The Honourable Robert Shallcross Hulme QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 202 days).
- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (acted as a Judge for 127 days).

### **Appointments**

The following Judges were appointed in 2015 (in chronological order):

- The Honourable Justice Carolyn Chalmers Simpson was appointed a Judge of Appeal of the Supreme Court of New South Wales on 11 June 2015.
- Desmond John Fagan SC was appointed a Judge of the Supreme Court on 11 June 2015.

### **Retirements**

The following Judges retired in 2015:

- The Honourable Justice Reginald Ian Barrett retired as a Judge of Appeal of the Supreme Court of New South Wales on 22 April 2015.

- The Honourable Justice Arthur Robert Emmett retired as a Judge of Appeal of the Supreme Court of New South Wales on 30 September 2015.

### The Associate Judges

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

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

Applications that arise before trial include:

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

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

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

As at 31 December 2015, the Court's only Associate Judge was The Honourable Joanne Ruth Harrison (Common Law Division).

### The Registrars

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

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

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

The work of the Registrars commonly includes:

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

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

## SUPPORTING THE COURT: THE REGISTRY

The Registrars may also be called upon to mediate cases. During 2013, eight of the Court's Registrars were qualified mediators and available to conduct mediations throughout the year on a rostered basis.

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

Set out below are the Registrars of the Court, as at 31 December 2015:

### **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**

Alanna Van Der Veen

### **Registrar, Common Law Case Management**

Christopher Bradford

### **Registrar in Equity**

Leonie Walton

### **Acting Registrar, Corporations List**

Jennifer Hedge

### **Senior Deputy Registrars**

Nicholas Flaskas

Brendan Bellach

Louise Brown

### **Deputy Registrars**

Emoke Durkin

Bhaskari Siva

Suzin Yoo

### **The work of the Registry**

The Court operates with the support of the Registry, which provides administrative and clerical support to the Court.

In civil matters, the Registry is responsible for: accepting documents filed at the Court; securing the custody of court documents including exhibits and documents produced under subpoena; listing matters for hearing; issuing court process; attending to the information needs of the Court's users by providing procedural guidance; maintaining the Court's physical files and computer records; and ensuring that all the necessary facilities are available for hearings.

In criminal matters, the Registry provides support in processing committals, bail applications, applications under Part 7 of the *Crimes (Appeal and Review) Act 2001* and Common Law Division criminal summary jurisdiction proceedings.

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

### **Management of the Registry**

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

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



### **3 CASEFLOW MANAGEMENT**

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

## OVERVIEW BY JURISDICTION

### Introduction

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

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

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

### Court of Appeal

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

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

The Registrar manages and lists most appeal cases and applications for leave to appeal, although some cases may be referred to a Judge of Appeal for special case management. Urgent cases are expedited and can be heard at short notice, if appropriate. The Registrar in the Court of Appeal also deals with most interlocutory applications (in accordance with a delegation by the Chief Justice under section 13 of the *Civil Procedure Act 2005*).

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

Detailed information about case management practices in the Court of Appeal is set out in Practice Note SC CA 1.

### Court of Criminal Appeal

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

Case management begins when an appeal or application for leave to appeal is filed in the Registry. The appeal or leave application is listed for callover within two weeks of filing. Callovers are held fortnightly, although special callovers can be held in urgent matters. At the callover, the presiding Registrar will fix a hearing date and make directions for the filing and serving of submissions by the parties. The Registrar also manages cases that are deemed to require special attention.

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

### Common Law Division

Case management in the Common Law Division begins when a summons or statement of claim is filed in the Registry. Each summons or statement of claim (with the exception of default matters) is given a return date before a Judge or Registrar and placed in a List. A Judge is appointed to manage



each List, while the Common Law List Judge monitors all cases listed for hearing before a Judge. Registrars handle default matters administratively.

### **Common Law List Judge**

The Common Law List Judge allocates cases listed for hearing to specific Judges. When deciding which Judge will hear a matter, the List Judge considers the type of cases, its estimated hearing length, and whether the Judge has other Court commitments. The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. The Common Law List Judge during 2015 was Justice Adamson.

### **Common Law Duty Judge**

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

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

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

### **Associate Judge**

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

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

### **Lists of the Common Law Division**

In addition to the above, the work of the Division is also distributed amongst a number of specialised Lists. The Chief Justice appoints a specific Judge to be responsible for the management of a List throughout the year. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2015.

<b>Specialised case management List</b>	<b>Judge managing List in 2015</b>
Administrative Law List	Justice Hall
Criminal List	Justice Johnson
Defamation List	Justice McCallum
Possession List	Justice Davies
Professional Negligence List	Justice Harrison

### ***Administrative Law List***

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

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

### ***Bails List***

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

### ***Criminal List***

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

The arraignment procedure contemplates the involvement of counsel at an early stage of the proceedings. This allows both the prosecution and defence to consider a range of issues that may provide an opportunity for an early plea of guilty, or to shorten the duration of the trial.

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

### ***Defamation List***

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

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

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

### ***General Case Management List***

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

The procedures associated with the running of this List are set out in Practice Note SC CL 5.

### ***Possession List***

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

Practice Note SC CL 6 applies to cases in this List.

### ***Professional Negligence List***

Claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers are allocated to the Professional Negligence List. Specialised case management encourages parties to focus on the real issues under dispute in these types of claims. A Registrar monitors cases at regular conference hearings. Conference hearings

provide an opportunity for parties to discuss outstanding issues in the case, and provide a forum for mediation between the parties. The Professional Negligence List Judge hears applications and makes directions according to the specific needs of each matter.

Practice Note SC CL 7 applies to this List.

### Equity Division

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

### Expedition Judge

Cases are expedited when sufficient urgency is shown. Applications for expedition are made to the Expedition Judge on Fridays. The Expedition Judge case manages all expedited cases and hears those cases when they are ready for trial. During 2015, the Expedition Judges were Justice Rein, Justice Sackar and Justice Stevenson.

### Equity Duty Judge

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

### General List

All cases other than those in the specialised Lists, including applications for family provision under Chapter 3 of the *Succession Act 2006* or *Family Provision Act 1982*, are entered into the General list.

Family provision applications are managed in accordance with Practice Note SC Eq 7 by the Family Provision List Judge, who also sets the cases down for hearing. Other cases in the General List are managed by the Registrar in Equity in accordance with Practice Note SC Eq 1. The Registrar sets cases down for hearing before the Judges of the Division. During 2015, the Registrar offered parties a hearing date within three to four

months of the final directions hearing. The Registrar consults with the Chief Judge in Equity in relation to long and/or complex matters.

### Specialised Lists of the Equity Division

The Equity Division's caseload is also managed by allocating certain matters to specific Lists according to the nature of the claims. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2015.

Specialised case management List	Judge managing the List in 2015
Admiralty List	Justice Rein
Adoptions List	Justice Brereton
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Brereton Justice Black
Expedition List	Justice Rein Justice Sackar Justice Stevenson
Family Provision List	Justice Hallen
Probate List	Justice Lindsay
Protective List	Justice Lindsay
Revenue List	Justice White
Technology and Construction List	Justice Hammerschlag

### Admiralty List

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

### Adoptions List

This List deals with applications for adoption orders and declarations of the validity of foreign adoptions under the *Adoptions Act 2000*. Most applications are unopposed. Once all supporting affidavits are filed, a Judge will deal with the application in the absence of the public, and without the attendance of the applicants or their lawyers. Unopposed applications require close attention for compliance

with formal requirements, but there is little delay. A small number of contentious hearings take place in court in the absence of the public. Most of these relate to dispensing with consent to adoption. The Registrar in Equity deals with requests for information under the *Adoptions Act 2000*.

### **Commercial List**

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

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

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

### **Commercial Arbitration List**

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

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

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

### **Corporations List**

A Registrar sits each day of the week to hear most applications and hearings under the *Corporations Act 2001* (Cth) and related legislation. The Registrar may refer applications to the Judge on a Monday. The Registrar determines routine applications

to wind-up companies, applications for leave to proceed against companies in liquidation (limited to personal injury actions) and applications to reinstate companies.

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

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

### **Probate List**

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

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

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

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

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

## REGIONAL SITTINGS OF THE COURT

### *Protective List*

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

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

The Protective List Registrar sits in court one day a week. The Registrar may refer a case to be determined by the Judge without further appearance or adjourn a case into the Judge's list. A Judge sits once a week to deal with any referred cases. Most cases are considered on the Judge's usual sitting day as soon as the parties are ready. Longer cases, however, are specially fixed, usually within one month.

### *Revenue List*

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

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

### *Technology and Construction List*

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

In 2015, the Court conducted hearings and trials at Ballina, Bathurst, Broken Hill, Coffs Harbour, Griffith, Newcastle, Nowra, Orange and Taree.

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



## ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution is a broad term that refers to the means by which parties seek to resolve their dispute, with the assistance of a neutral person, but without a conventional contested hearing before a Judge or Associate Judge. The alternative dispute resolution method most commonly employed in Supreme Court proceedings is mediation.

### Mediation

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

The role of the mediator is to assist parties in resolving their dispute by alerting them to possible solutions, while allowing the parties to choose which option is the most agreeable. The mediator does not impose a solution on the parties. Eight qualified Registrars and Deputy Registrars were certified to conduct mediations throughout 2015 at specified times each week. Alternatively, parties may use private mediators.

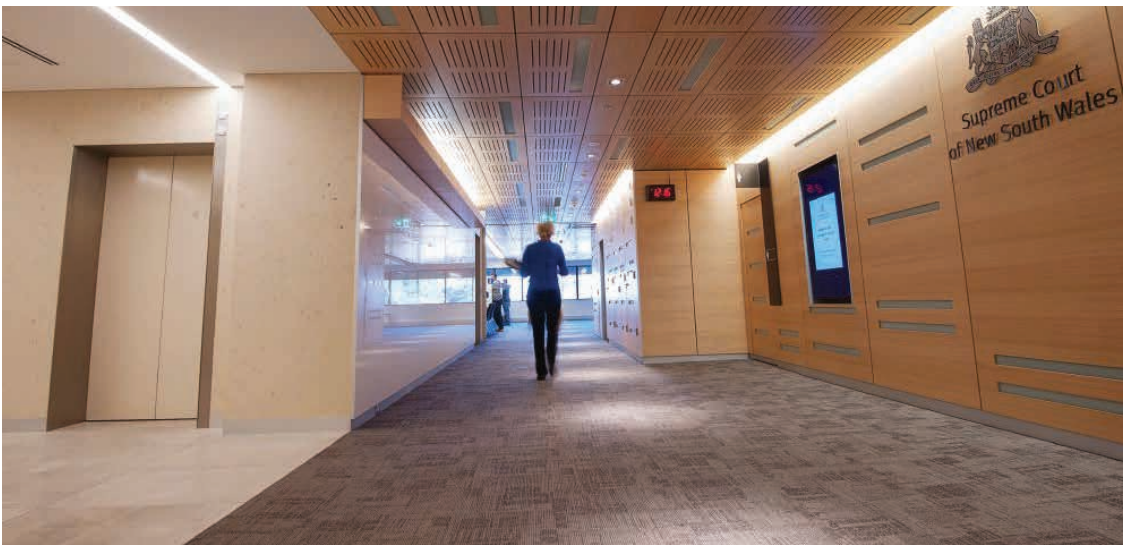
A matter may proceed to mediation at the request of the parties, or the Court may refer appropriate proceedings to mediation, with or without the consent of parties. If the Court orders that a matter be referred to mediation, there are several ways in

which a mediator may be appointed. If the parties are in agreement as to a particular mediator, they can ask the Court to appoint that mediator or they may agree to mediation by a Registrar of the Court. If parties cannot agree upon a mediator, they should attempt to agree on how the Court can appoint a qualified mediator. Some options are set out in Practice Note SC Gen 6.

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

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

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





## 4 COURT OPERATIONS

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

## OVERVIEW OF OPERATIONS BY JURISDICTION \*

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

### Court of Appeal

The net number of new cases coming to the Court of Appeal was 379 this year. This is 18 per cent lower than the number in 2014, the main area of reduction being appeals from District Court decisions. In 2015, 56 per cent of new cases were commenced by notice of appeal, 36 per cent were commenced by summons seeking leave to appeal, and 8 per cent were commenced by summons for the Court of Appeal to exercise its original jurisdiction.

The net number of disposals was 433 this year, which was 14 per cent lower than last year, but consistent with a reduction in new cases coming to the Court of Appeal during 2014 and 2015. Overall, during 2015:

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

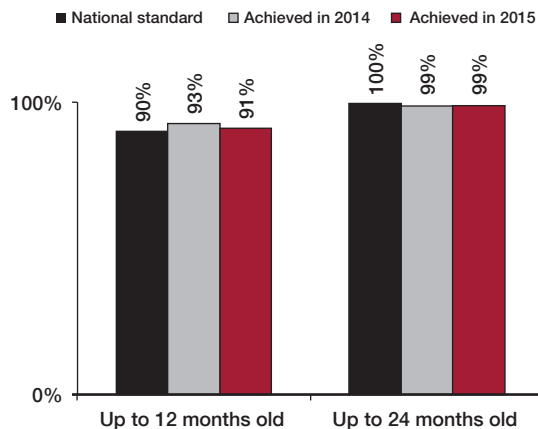
The overall Court of Appeal caseload at the end of 2015 was 236 cases, a 19 per cent reduction from the end of 2014. At the end of 2015, 27 per cent of the pending caseload was cases for which the question of leave to appeal had yet to be determined.

The age profile of the Court of Appeal's pending caseload remained at good levels during 2015, exceeding or nearly at the national targets. At the end of the year the proportion of pending cases less than 12 months old was 91 per cent and the proportion of pending cases less than 24 months old was 99 per cent (see Figure 4.1). At the end of the year there were 22 cases older than 12 months

and, of these, 2 cases were older than 24 months (those two cases are related to each other and delayed by the respondents being in administration).

The listing delay for non-urgent hearing of substantive appeals and for concurrent hearings was between 2.5 and 4 months throughout the year. The listing delay settled at 2.3 months for the start of the 2016 law term. Hearings for leave applications alone are listed more quickly, and the listing delay for these was 1.5 months or less for nearly the whole year, reaching a maximum of 2 months in December.

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



### Court of Criminal Appeal

The number of new cases coming to the Court of Criminal Appeal was 342 this year, 8 per cent lower than the number in 2014. The new cases in 2015 included 183 appeals against severity of sentence (of which 33 were appeals by the Crown), 94 appeals against conviction, 39 appeals against interlocutory judgments, 1 case returned from the High Court for re-hearing and 25 cases of other types.

Conviction appeals have made up 25 to 27 per cent of filings during the last five years, in contrast to the situation during 2008 to 2010 when they made up only 21 to 22 per cent of filings. Conviction appeals are more complex and typically require longer hearings than appeals against severity of sentence. Hearings for conviction appeals are usually at least double the length of those for severity-only appeals,



and often extend to a whole day or longer. This case-mix change has increased the overall hearing time needed from the Court of Criminal Appeal.

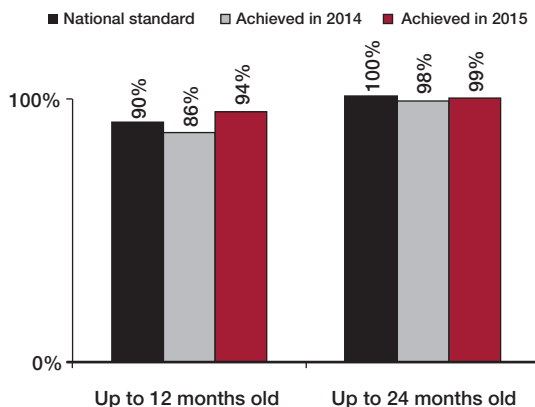
The number of disposals was 400 this year, 6 per cent higher than the number last year. Of the 400 disposals this year, 336 were by judgment following a substantive hearing (compared with 354 during 2014), and 39 were by the appellant abandoning or withdrawing the appeal (compared with 20 during 2014).

The number of disposals exceeded the number of filings, so the pending caseload decreased significantly during 2015, from 226 to 168 cases.

The age profile of the Court of Criminal Appeal's caseload improved during 2015 and by the end of the year was exceeding or nearly at the national targets (see Figure 4.2). The number of older cases has been reduced: cases older than 12 months decreased from 32 to 10, while the number of cases older than 24 months decreased from 4 to 2. Factors that have delayed progress in the oldest cases include the need to vacate and re-set hearing dates, and the complexity of the appeal.

The listing delay for non-urgent hearing of criminal appeals fluctuated between 1.8 and 4.5 months during the year, and settled at 2.5 months for the start of the 2016 law term. Interlocutory appeals are listed more quickly according to their urgency.

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



### Common Law Division criminal cases

During 2015, 118 defendants entered the Criminal List, compared with 72 during 2014 and 110 during 2013. Of the 118 cases, 97 involved homicide charges. After entering the List, the next step usually is arraignment. The majority of defendants enter a plea of “not guilty” at arraignment, and those cases are then listed for trial. Nearly all trials are conducted with a jury.

At arraignments held during 2015, 99 trial listings were given to defendants (10 of these were listings for judge-alone trials), with the trials starting in either 2015 or 2016. Additionally, 9 defendants were listed for fitness hearings and 8 pleas of “guilty” were taken.

Some defendants change their plea after being given a trial date (sometimes as late as the start of, or during, the trial). During 2015, a total of 16 pleas of “guilty” were taken, compared with 29 during 2014. The number and timing of “guilty” pleas can significantly affect the operation of the Criminal List: fewer “guilty” pleas at arraignment lead to more cases queuing for hearing, with consequent impact on listing delays and the age profile of the caseload. In 2015 there were only 8 pleas of “guilty” at arraignment, compared with 14 in 2014.

For criminal trials that require at least three weeks of hearing time the listing delay during 2015 fluctuated between 2 and 7 months. It was 5.5 months for cases in the first arraignments list of the 2015 law term. Fluctuations in the listing delay can occur when several long trials are listed simultaneously, when long trials must be vacated and re-listed, or when defendants plead guilty after their trial has been set or started.

For criminal trials arraigned during the year the hearing estimates given to the Court ranged from 2 weeks to 6 months. For trials (unfinished or not started) on hand at the end of each month, the average hearing estimate was between 4.9 and 6.2 weeks.

Trials for 68 defendants were listed to start during 2015. For 10 of those defendants the trial either collapsed or was adjourned. The number of defendants involved in collapsed or adjourned trials was 8 during 2014 and 13 during 2013. Re-starting or re-listing trials following collapse or adjournment reduces the Court's capacity to deal with its backlog of cases.

For the tenth consecutive year, no trial was “not reached” (a situation where the Court, rather than the parties, cannot start a listed trial). Over-listing of criminal trials occurs in a very limited form. With over-listing there is some risk of “not reaching” a listed trial. Additionally, trials that over-run their estimated hearing time can jeopardise the Court’s ability to start other listed trials. The Court is aware of the financial impact for the various publicly funded agencies involved in the criminal justice system, and of the emotional and financial impact for the family of victims and for witnesses, when trials are unable to run. It is a high priority for the Court to allocate its resources so that every criminal trial can start on its listed day.

During 2015, a total of 88 defendants’ cases were finalised, compared with 92 during 2014 and 121 during 2013. The Court prepared and handed down 61 sentences during 2015, compared with 68 during 2014 and 94 during 2013.

By the end of 2015, there were 115 defendants with cases pending in the Criminal List, an increase of 35 per cent from the position at the end of 2014 (85 defendants). The variation in the number of filings and the number of disposals from year to year contributes to large changes, on a percentage basis, in the pending caseload from year to year.

With the relatively low number of cases in this resource-intensive list, the age profile can also shift with some volatility. The age profile for pending cases in the Criminal List improved during 2015 (see Figure 4.3) and there were fewer older cases on hand: the number of cases older than 12 months decreased from 29 to 22, and the number of cases older than 24 months decreased from 8 to 6. Many of the oldest cases in the Criminal List have been delayed by the need to re-list or re-start trials (in some cases involving very long hearing estimates), interlocutory appeals, and the need to accommodate very long trials.

The impact of the *Xie* trial during 2015 has been significant. The Court received an initial hearing estimate of 4 months for this trial. The trial then collapsed twice at a relatively early stage. It was

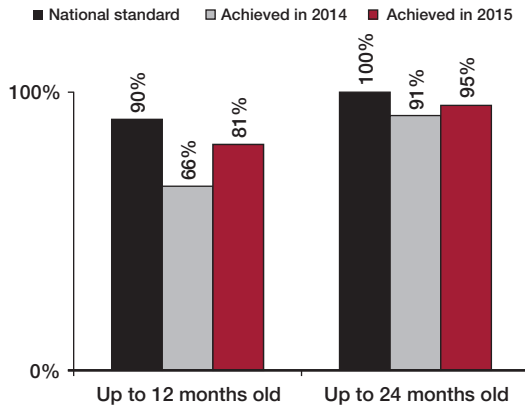
started for a third time in early 2015, with a revised hearing estimate of 6 months, but ran for 10 months and resulted in a hung jury. The *Xie* trial will be listed again in 2016. The hearing time it occupied during 2015 was equivalent to 7 to 8 trials of average length.

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

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

During 2015 the number of applicants coming to the Bails List increased by 16 per cent to 4,401. The number of disposals also increased by 16 per cent, to 4,201. The pending caseload has nevertheless increased to 761, more than double the number normally on hand three years ago. This, accordingly, has increased the listing delay for Bails List hearings. For publicly aided adults the listing delay increased over 2015 from 3 weeks to 10.5 weeks by the start of the 2016 law term. To address the increased volume of work, the Court has, at various times, allocated extra judges to the Bails List. However, the effectiveness of this strategy is limited by the capacity of other justice agencies that are vital participants in the operation of the Bails List. Juvenile applications are given priority and are listed within 2 weeks.

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



### Common Law Division civil cases

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

Overall, there were 3,538 civil filings in the Division during 2015, a decrease of 4 per cent from the number in 2014. The principal area of reduction was the Possession List. Other areas of decreased filings were the Administrative Law List, Defamation List and Professional Negligence List. Filings increased in the Common Law General List, and among miscellaneous applications. While there was a reduction in filings in the Division overall, there was no reduction in the number of incoming cases requiring case-management with a view to obtaining a hearing before a judge.

During 2015 the disposal rate was 26 per cent lower than in 2014. This was principally due to the reduction in work for the Possession List, where approximately 94% of cases are uncontested and can be finalised relatively quickly. The total of 3,590 disposals included 1,554 contested cases, of which 497 had been listed for at least one hearing. The remaining 2,036 disposals were for uncontested cases, many of which are finalised by an application

for default judgment – during 2015 the Registry processed 812 applications for default judgment, all of which were either granted or requisitioned with 5 working days. There were also 649 dismissals of inactive cases (compared with 1,530 during 2014) – all 649 were uncontested cases.

The number of pending cases in the Common Law Division decreased by 4 per cent during 2015, following a 30 per cent decrease during 2014 (see Figure 4.4).

The large decrease in 2014 was unusual and principally attributable to the closure of inactive cases. Extensive auditing concluded at the end of 2014, and routine maintenance only is now required. There were 1,694 contested cases for case-management within the Division at the end of 2015.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.5). The reported age-groups are those set by the Productivity Commission's *Report on Government Services*. Inactive cases that should have been closed were present in the caseload up until the end of 2014. Consequently, the appropriate point from which to measure changes in the age profile is from the end of 2014 onwards. During 2015, the proportion of the Division's civil caseload within 12 months of age improved from 65 per cent to 69 per cent, and the proportion within 24 months of age improved from 83 per cent to 84 per cent. Compared with the position at the end of 2014, there were 139 fewer cases older than 12 months and 47 fewer cases older than 24 months.

During 2015, the listing delay for non-urgent hearing of Common Law Division civil cases that required five days of hearing time ranged between 2.5 and 7.3 months. For the start of the 2016 law term, the listing delay had settled at 4.5 months for two-day hearings, 6.0 months for five-day hearings, and 7.3 months for ten-day hearings. Civil hearings comprise just one area of work covered by the Judges of Common Law Division (see the section "Listing Delays" later in this chapter) and the task of balancing the limited judicial resources between all areas of the Division is challenging.

During the year, 977 matters were listed for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 4.6). Of those listed matters, 63 per cent proceeded to a hearing, and 24 per cent settled after being listed for hearing. In the remaining matters a successful application was made to vacate the hearing listing. This information is collated independently of the JusticeLink system.

So that available judicial time is used optimally, the Common Law Division's civil hearings are over-listed. This carries a risk that some cases may be "not reached". In 2015, no hearing was "not reached". Since 2007 the Division has maintained a "not reached" rate of 1 per cent or less.

Figure 4.4 Common Law Division pending civil caseloads at 31 December

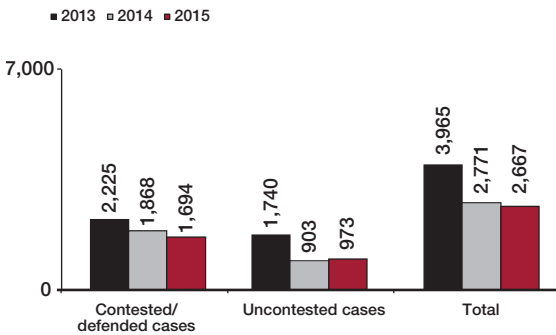


Figure 4.5 Common Law Division civil lists – achievements against time standards

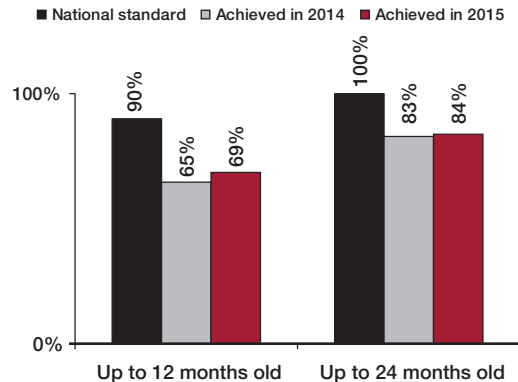
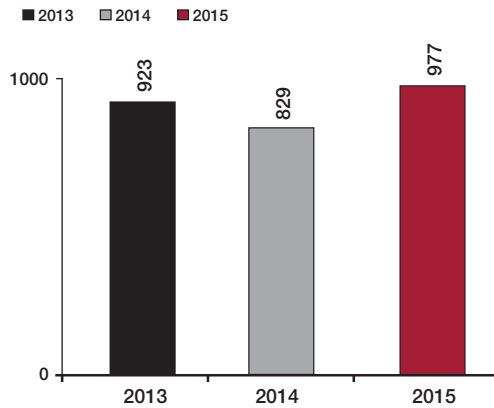


Figure 4.6 Listings for hearing – common law civil hearings



### Equity Division

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

The rate of filing in the Equity Division increased by 16 per cent in 2015. The principal areas of increase were the Corporations List and the family provision cases within the Equity General List. The increase in filings in the Corporations List came from cases commenced by the Australian Taxation Office; these were filed between April and October in 2015, but will not continue into 2016. Filings decreased in the Commercial list and Adoptions List. Other lists showed relatively small changes, noting that the Real Property List was created in 2015 and impacts any reading of changes in the Equity General List (not family provision cases) during 2015.

Overall, the disposal rate for the Division was only 3 per cent lower in 2015 than in 2014, following a 17 per cent increase during 2014. The continued high level of disposals in 2015 was principally influenced by increased work flowing through the Corporations List and to a lesser extent by audits removing inactive cases, whereas in 2014 the high level was due to audits removing inactive cases.

In contrast to the Common Law Division, the majority of inactive cases in the Equity Division are being retrospectively closed, not dismissed under the provisions of the Uniform Civil Procedure Rule 12.8: they are cases where final orders had been made but the case had not been closed in JusticeLink. The audit of inactive Equity Division cases was essentially completed by the end of 2015, with only a relatively small number of cases still to be investigated during 2016.

The number of pending cases in the Equity Division increased by 4 per cent during 2015 (see Figure 4.7). The increase is largely attributable to family provision cases in the Equity General List, and to other cases in the Equity General List in combination with cases in the recently established Real Property List. The number of cases in the Equity Division's pending caseload as at the end of 2015 is considered to be a reasonable baseline to which future movement can be compared.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.8). The two age-groups reported here are set by the Productivity Commission's *Report on Government Services*. While the figures reported for the Equity Division show clear improvement over recent years, inactive cases that should have been closed were present in the caseload up until the end of 2015. Consequently, changes in the age profile are more appropriately measured from the end of 2015 onwards. At the end of 2015, 71 per cent of the Division's cases were within 12 months of age and 89 per cent were within 24 months of age.

During 2015 the listing delay for two-day hearings of non-urgent General List or Probate List cases time ranged between 1.8 and 4 months. By the start of the 2016 law term the listing delay had settled at 3.0 months for two-day hearings, and 4.3 months for five-day hearings and ten-day hearings.

The JusticeLink system does not provide reliable reports regarding the outcomes of matters listed for hearing, so hearing rates and settlement rates are not known for 2015. In 2014 the Equity Division successfully introduced over-listing of hearings to a limited extent, and no cases have been "not reached".

Uncontested applications for probate are handled by the Court's registrars. During 2015, a total of 26,408 applications were filed (an increase of 8 per cent over the volume in 2014). Despite this increased volume of work, the processing time improved from 5 weeks to 2 weeks for applications for a grant of probate, letters of administration or a re-seal (of a probate grant), providing the initial applications met all procedural requirements.

Figure 4.7 Equity Division pending civil caseloads at 31 December

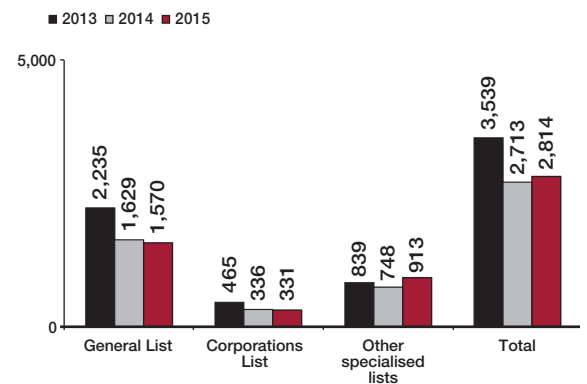
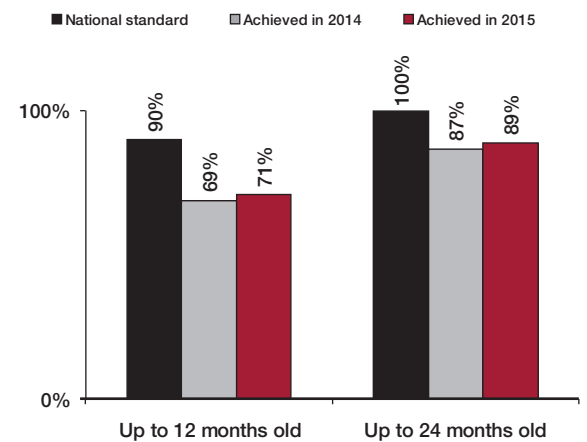


Figure 4.8 Equity Division – achievements against time standards



## TIMELINESS

### Time standards

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

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

Appendix (i) shows the position this 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 fully with the method used by the Productivity Commission's *Report on Government Services*. For the Court of Appeal, the reporting here is also aligned with the methods used by the Productivity Commission but is confined to those cases lodged in the Court of Appeal (whereas the Productivity Commission's figures cover all civil cases that are appellate in nature, not just those lodged in the Court of Appeal). For civil cases in the Common Law and Equity Divisions, the Court's reporting differs from the Productivity Commission's methods: the Court reports separately for each Division; for cases that are appellate in nature but heard in the Common Law or Equity Division, the Court reports those cases within the appropriate Division and not in combination with Court of Appeal cases; the Court's reports include all pending cases, whereas the Productivity Commission's counting rules allow for exclusion of pending cases that have been inactive for at least 12 months.

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

This is the sixth year of reporting the size and age profile of the civil caseloads of the Common Law and Equity Divisions using data extracted from the NSW courts' case information system, JusticeLink. The extraction of data was continually refined from 2009 through to 2012, at which point the Court obtained reports that were better able to identify inactive civil cases. Since 2012, the Court has been auditing to identify the many inactive cases that had accumulated from 2009. Auditing was substantially completed for the Common Law Division at the end of 2014, and for the Equity Division at the end of 2015. We estimate that more than 5,000 inactive civil cases have been closed as a result. The impact of the audits needs to be taken into account to understand changes in the size and age profile of the Court's civil caseload since 2008.

### Listing delays

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

The table of listing delays in appendix (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. The various listing delays can change during the year and updated information is published daily in the court list. The appellate listing delays improved to 2.3 months in the Court of Appeal and improved to 2.5 months in the Court of Criminal Appeal. In the Common Law Division the listing delay for criminal trials increased to 5.5 months, and improved to 6 months for civil hearings. For Bails List cases, the delay for publicly aided adult applicants reached 10.5 weeks. In the Equity division, the listing delay lengthened slightly to 3 months. The listing delays within the Common Law Division for criminal trials, civil hearings and the Bails list continue to be significantly longer than ideal.

The Common Law Division over-lists its civil cases for hearing, and in 2015 no hearing was “not reached” (a situation where the parties are ready to proceed but the Court is unable to provide a judge

for the hearing). The judges of the Common Law Division hear not only the criminal and civil trials of the Division, but also preside over the Bails List and are the principal judicial resource for the Court of Criminal Appeal. The task of appropriately balancing and re-balancing the allocation of Common Law Division judges to these four areas of work is challenging. Without access to acting judges, the listing delays across the Common Law Division would have been more difficult to balance, and would most likely have resulted in longer delays in one or more areas.

The measurement of listing delays, in contrast to measurement of the age of pending cases or case finalisation times, focuses on the Court’s management of its own resources to deliver timely hearings. It is 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.



## USE OF ALTERNATIVE DISPUTE RESOLUTION

Mediation is the most popular form of alternative dispute resolution for Supreme Court proceedings. Litigants in any contested civil case (including appeals) can consider using mediation. Mediation is generally inapplicable for cases where no defendant contests the claim and in applications for an uncontested grant of probate, for adoption of children, to wind up companies, for recovery of proceeds of crime and where only administrative processing is required. For other civil cases mediation is considered generally applicable, although individual cases may have circumstances that make mediation inadvisable or inappropriate.

In addition to its long-standing court-annexed mediation program, throughout 2014 and 2015 the Court piloted the use of informal settlement conferences in family provision cases where the estate is valued at less than \$500,000. The conferences are conducted by Justice Hallen and are timed to occur at an early stage of case management with a view to achieving settlement as soon as possible so as to minimise litigation costs. The informal settlement conferences have reduced the number of cases going to the court-annexed mediation program, with consequent impact on statistics concerning the court's use of mediation, both court-annexed and overall.

During 2015 the registry recorded 1,070 referrals to mediation, of which approximately 48 per cent were referrals to court-annexed mediation conducted by the Court's registrars. The percentage referred to court-annexed mediation is lower than in years up to 2013 due to the pilot of informal settlement conferences for family provision cases.

During 2015, approximately 4,640 civil cases were filed that were of types for which mediation was considered generally applicable, compared with approximately 4,425 such cases during 2014.

The "mediation referral index" relates the number of cases referred for mediation to the number of cases commenced that are of types where mediation is considered to be generally applicable. For 2015 the mediation referral index was 23.1 per cent, an increase from 19.0 per cent in 2014, and a return

to the index results seen in 2013 and 2012. The reduced percentage in 2014 was largely attributable to the removal of cases to the informal settlement conference pilot. The increase in 2015 is due to larger numbers of cases from the Common Law and Equity divisions (other than family provision cases) being referred to mediation.

There were 518 cases listed for court-annexed mediation in 2015, and 510 mediation sessions were held. Settlement at mediation continued at a good rate, at 51 per cent for 2015. The Court has a stringent convention for recording cases as "settled at mediation": the parties must have agreed to finalising orders by the close of the mediation procedure or have drafted heads of agreement. An additional 27 per cent of cases were recorded as "still negotiating" at the close of the mediation session, and many of those cases are likely to settle 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 helped the parties to eventually reach that settlement. The Court would like to obtain reports eventually from the JusticeLink system to measure settlement rates after mediation. There are no statistics on settlement rates for cases referred to private mediators.

The listing delay for non-urgent court-annexed mediation sessions ranged between 2 and 8 weeks during 2015, but was 4 weeks or less for most of the year. The listing delay for mediations had settled at 4 weeks for the start of the 2016 law term. The listing delay can change during the year, and updated information is published daily in the court list.

Use of arbitration for Supreme Court cases is possible but now extremely rare. The most recent referral to arbitration occurred in 2006 (one referral only). The use of arbitration has declined following re-distribution of work among the State's courts. The types of cases that typically had been referred by the Supreme Court to arbitration no longer come to the Supreme Court.





## 5 EDUCATION AND PUBLIC INFORMATION

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

## JUDICIAL OFFICER EDUCATION

Many judicial officers updated and developed their skills and knowledge during the year by attending conferences, seminars and workshops. Some of the programs are tailored specifically to the Court's needs, while others target the international legal community. An overview of some of the educational activities completed during 2015 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

### Domestic judicial education activities undertaken 2015

During 2015, judges attended 113 days of face-to-face judicial education organised by the Judicial Commission, an average of 2 days of judicial education per judge. Participants are asked to rate the practical value of each education event to their role as a judge. The overall ratings in 2015 (from an average response rate of 42%) reveal that judges find the Supreme Court's education program relevant and a useful source of knowledge and ideas. While 95% of participants said that the education program enhanced their knowledge and capability, no participants indicated that the program had little or no relevance to their work.

In February, 21 Supreme Court judges and the principal registrar attended a Twilight Seminar on 'The Bail Amendment Act 2014 — An Overview and Some Issues Affecting the Supreme Court' presented by Justice McCallum and Justice Button. The seminar provided an overview of the key changes and consideration of issues affecting the Supreme Court under the new legislation. Scenarios were also used in order to illustrate the expected operation of the amended Act.

In April, ten Supreme Court judges attended a Cross-jurisdictional Seminar on 'Procedure for Fitness to be Tried and Mental Illness Cases' presented by Professor Dan Howard SC, President of the Mental Health Review Tribunal, and Dr Tobias Mackinnon, Statewide Clinical Director for Forensic Mental Health. This session provided an overview of the new entry in the *Criminal Trial Courts Bench Book* introduced to guide courts and practitioners through the processes outlined in the *Mental Health*

(*Forensic Provisions*) Act 1990. The presenters also discussed the benefits of obtaining an independent psychiatric report from the Forensic Mental Health Network before setting bail conditions or deciding whether to grant conditional release to a person who has been found not guilty by reason of mental illness.

In June, one Supreme Court judge attended the National Judicial Orientation Program at Broadbeach, Queensland. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales, the Australian Institute of Judicial Administration and the Judicial College of Victoria.

The Court's Annual Conference, held in September, included sessions on the interaction of statute and common law, judicial notice of legislative facts in child sexual assault trials, developments in criminal law, the law of penalties, Aboriginal culture, current issues in torts, statutory interpretation, constitutional constraints on extra-judicial activities, and the concept of justice. Forty Supreme Court judges attended plus one associate judge, two acting judges of appeal and the Principal Registrar.

In October, 12 judges from the Supreme Court attended a Cross-jurisdictional Seminar on 'The Rise of the Digital Natives: Communicating with Juries' presented by Professor James Ogloff AM from Swinburne University and Dr Jacqueline Horan from the Melbourne Law School. Professor James Ogloff APM described innovations being explored in Australia and overseas to improve jury communication and avoid trials being aborted, and discussed the practical aspects of communicating with a jury. Dr Jacqueline Horan addressed the impact that technology is having on jury trials (eg jury access to research, jurors communicating trial issues via social media) and discussed ways in which to manage digital native jurors.

## PUBLIC EDUCATION PROGRAMME

In November, 10 Supreme Court judges attended a Cross-jurisdictional Seminar on 'Giving Juries Written Directions' presented by His Honour Judge Tom Ingram from the New Zealand District Court. This session discussed the practical steps involved with communicating with juries using question trails; took participants step-by-step through the process; highlighted the benefits of using question trails; and discussed some of the challenges of using question trails.

The Ngara Yura Committee presented various seminars and community visits throughout the year:

- in June two judges attended a field trip to Jibbon Beach Rock Engravings and three judges attended a seminar on 'Violence at Home is Everybody's Business: Legal Responses to Family Violence' presented by Ms Rosie Batty, Australian of the Year 2015, Ms Dixie Link Gordon, Rape and Domestic Violence Services Australia, The Honourable Justice Hilary Hannam, Family Court of Australia, and Ms Cheryl Orr, Cheryl Orr Family Law
- in September six judges attended a seminar on 'Communicating with Aboriginal People in Court' presented by Dr Diana Eades from the University of New England
- in October two judges attended a Community visit to Bathurst.

The court also attended a number of Correctional Visits throughout the year. In February, two Supreme Court judges attended a visit to St Heliers Correctional Centre, while in May another two judges attended a visit to Long Bay Complex.

Each week the Court's Registrars address secondary school students and community groups regarding the Court's jurisdiction and daily operations. After the lecture, the group is taken to an appropriate courtroom to observe a Supreme Court trial. The Court offers this service at no cost to the attendees, and demand for these group talks remains high, particularly amongst secondary school Legal Studies students.

Approximately 1,400 students and members of the public attended these lectures in 2015. The majority of these visits were from high schools. However, there were also tours given for TAFE and university students and community groups.

## THE ROLE OF THE MEDIA MANAGER

The Court's Media Manager (MM) is the principal media spokesperson for the superior NSW courts and provides a professional court-media liaison service.

The major role of the position is to provide the media with information about court proceedings in the Supreme Court, the Land & Environment Court (LEC) and the Industrial Relations Commission (IRC).

For the past decade, the MM has also handled media inquiries for the District Court but relinquished this role at the beginning of 2015 when that jurisdiction appointed its own Media Coordinator.

The MM works with the media to ensure that judicial decisions are correctly interpreted and reported to the community and widely promotes any initiatives taken by the courts to enhance access to justice. The MM is also responsible for ensuring that media outlets are alert to any non-publication and suppression orders issued in proceedings, and that they are familiar with the terms and impacts of these orders. This is important because the media's failure to acknowledge or adhere to such orders in their coverage could compromise proceedings.

During 2015, the MM completed 5,186 requests for information. Of these:

- 87 per cent related to Supreme Court matters
- 13 per cent related to the LEC, IRC and other courts and tribunals.

As usual, inquiries relating to Supreme Court matters were the most numerous (4,527) but this also represented a significant percentage rise in the MM's workload, increasing 32 per cent on the previous year when Supreme Court inquiries accounted for 55 per cent of requests.

Sydney metropolitan journalists from major newspapers and radio and TV stations remained the major users of MM services, accounting for 70 per cent of requests in 2015. Fifteen per cent of users were from NSW regional newspapers, radio and TV stations, and less than one per cent was from suburban Sydney newspapers. The remaining inquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.

2015 also saw the first full year's operation of the broadcasting judgments legislation which includes a presumption in favour of permitting recording and broadcast of judgment remarks that determine proceedings. The MM received 22 media applications to film criminal sentences of which 16 were granted and six refused.

In addition to reactive work, the MM undertook proactive media tasks including drafting media releases and statements, providing media advice to judges, organising media interviews for the Chief Justice, assisting with the Court's social media (Twitter and Facebook) activity, assisting the Judicial Commission of NSW with media inquiries relating to a public inquiry, drafting media reporting guidelines, organising media testing for the new Banco Court audio visual equipment, administering the Media Consultation Group and participating in the national Court Media Officers Conference.



## 6 OTHER ASPECTS OF THE COURT'S WORK

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

## UNIFORM CIVIL PROCEDURE RULES

The *Civil Procedure Act 2005* and *Uniform Civil Procedure Rules 2005* commenced operation in 2005. The Uniform Rules Committee was established under sections 8 and Schedule 2 of the Act. The Chief Justice (who acts as chair) and the President of the Court of Appeal are ex-officio members of the Committee. The other Supreme Court representatives on the Committee during 2015 were Justice Beazley, 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; its collection predates the formation of the Supreme Court in 1824. The Library is a legal resource and information centre for all judicial officers, court staff and registrars in the Law Courts Building.

Legal authorities and accurate information are provided to support the timely and effective decision making of the courts. In 2015, librarians answered more than 4,000 requests from the Supreme Court, and around 5,200 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.

A new shared courts library system and catalogue was launched in July 2015. The Australian Courts Library consortia members initially comprised the High Court Library, Federal Court Library and NSW Law Courts Library. Subsequently the Law Library of Victoria and South Australian Courts Administration Library have joined. Members work collaboratively with a cooperative approach to collection building and sharing resources. Users may search the catalogue to view the combined holdings of each library, or select an individual or selection of libraries.

In 2015, 2,755 Supreme Court decisions were published on the NSW Caselaw website, which is managed and supported by the Library.

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

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

During 2015, the Supreme Court representatives on the Advisory Committee were:

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

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

The Legal Profession Admission Board 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 own 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 2015, the members of the Board were:

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

### The Board's work during 2015

The Board met on eight occasions during 2015 to exercise its statutory functions. A detailed report on its activities and achievements can be found in the Board's Annual Report. Key statistics are set out in Table 1 on page 40.

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

During 2015, members of the Legal Qualifications Committee were:

- The Honourable Justice Adamson (Chair)
- The Honourable Justice Beech-Jones (Deputy Chair)
- The Honourable Justice Robb
- Ms Jenny Eggleton (to 3 February 2015)
- Dr Gordon Elkington
- Ms Maxine Evers (from 4 February 2015)
- Mr John Fernon SC
- Ms Susan Leis
- Ms Carolyn Penfold
- Ms Elizabeth Picker
- Professor Peter Radan
- Mr Greg Ross
- Mr Thomas Spohr
- Ms Pam Suttor
- Mr Peter Underwood
- Mr Mark Warton.

Members of the Examinations Committee during the same period were:

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

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

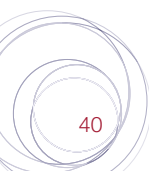
- Accreditation Sub-Committee
- Academic Exemptions Sub-Committee
- Practical Training Exemptions Sub-Committee
- Performance Review Sub-Committee
- Quality Sub-Committee
- Curriculum Sub-Committee.

The Presiding Member, The Honourable Justice Emmett, expresses his gratitude to members of the Board, its committees and sub-committees for their expert advice and dedication to their tasks throughout 2015.

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

	2011	2012	2013	2014	2015
Applications for admission as a lawyer	1,819	2,074	2,146	2,251	2,397
Applicants disclosing a fitness and propriety matter	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	469	518
People admitted as a lawyer	1,793	2,047	2,131	2,221	2,359
Admittees who were previously admitted overseas	83	97	88	105	110
People admitted under mutual recognition	90	101	73	45	54
Public notaries appointed	50	61	47	64	67
Assessments of academic qualifications	397	460	392	386	508
Assessments of practical legal training	122	107	94	93	103
Applications for registration as a student-at-law	518	622	541	495	509
Number of enrolments in all subjects	4,945	5,003	4,782	4,552	4,331
Examinations sat	4,080	4,180	4,141	3,938	3,760
Students graduated	138	142	146	153	171

<sup>1</sup> This figure was not reported in previous years





## ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

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

In 2015, 54 New Zealand practitioners were enrolled under the *Trans-Tasman Mutual Recognition Act*. In comparison, there were 45 trans-Tasman admissions in 2014 and 73 in 2013.

The number of Australian legal practitioners enrolled under the *Mutual Recognition Act 1992* remains negligible after each State and Territory, except South Australia, enacted legislation that allows interstate practitioners to practise seamlessly throughout Australia. There have been only five enrolments recorded under the *Mutual Recognition Act* in New South Wales since January 2007, and none since 2012.

## ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

The Costs Assessment Scheme is the means of resolving disputes about costs between practitioners and clients as well as means by which costs orders made by a NSW court or tribunal may be quantified. Costs Assessment processes are established under NSW legal profession legislation.

The Chief Justice commissioned a Review of the Costs Assessment Scheme and, in 2014, he accepted the recommendations made by the Committee undertaking the Review, as chaired by the Honourable Justice Paul Brereton AM RFD, subject to certain comments in relation to particular recommendations and pending the commencement of the new Legal Profession Uniform Law. Most of the recommendations accepted by the Chief Justice that required legislative amendment were incorporated into the Legal Profession Uniform Law Application Act 2014 (Application Act) that commenced on 1 July 2015. It is noted however, that the Legal Profession Act 2004 (LPA) will continue to apply to many costs assessment applications for some time.



Under the Costs Assessment Scheme, Costs Assessors undertake the determination of applications for costs assessment. The Chief Justice appoints Costs Assessors and all Costs Assessors are lawyers external to the Supreme Court. The Costs Assessment section of the Registry undertakes the day-to-day administration of the Costs Assessment Scheme and the Manager, Costs Assessment is located in the Supreme Court Registry. Under the Application Act, the Chief Justice may now appoint a registrar of the Supreme Court as Manager, Costs Assessment.

During 2015, 1432 costs assessment applications were lodged. Of these, 630 (44 per cent) related to costs between parties to costs orders; 166 (12 per cent) were brought by clients against practitioners; and 448 (31 per cent) were brought by practitioners to recover against client. There were 188 reviews (13 per cent of applications).

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 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. Under the *Legal Profession Uniform Law Application Act 2014* (as amended) the recommendations of the Chief Justices' Review were incorporated into the legislation about appeals. For matters falling under the new legislation, an appeal is now to the District Court, but only with leave if the amount in dispute is less than \$25,000 or to the Supreme Court but only with leave if the amount in dispute is less than \$100,000.

The Chief Justice appoints the Costs Assessment Rules Committee (CARC). Under the LPA, CARC consisted of costs assessors appointed by the Chief Justice and was chaired of Mr Gordon Salier AM. CARC met during 2015 and conducted the annual Costs Assessor Conference which was held in June 2015 in Banco Court of the Supreme Court.

From 1 July 2015, with the commencement of the Application Act, CARC was reconstituted in the legislation to include a Supreme Court Judge, a District Court Judge, a nominee of Office of Legal Services Commissioner and of both NSW Law Society and NSW Bar Association as well as representative Costs Assessors. The new CARC is chaired by The Honourable Justice Paul Brereton AM RFD and commenced meeting in 2015. The CARC deliberations have continued to consider implementation of recommendations of the Chief Justice's Review and the Costs Assessment Rules to be introduced under the Application Act.

The Costs Assessment User Group meets as necessary to discuss issues on costs assessment from a user's perspective. The Costs Assessment User Group is also chaired by Justice Brereton and consists of the Manager, Costs Assessment, costs assessors, costs consultants and a representative of the Office of the Legal Services Commissioner. The User Group met during 2015 and discussion included implementation of various recommendations from the Chief Justice's Review of the Costs Assessment Scheme and the new legal profession legislation.

## PRO BONO SCHEME

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

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

During 2014, the Court made 43 referrals under the Scheme: 10 referrals were made in Court of Appeal cases, and 33 referrals were made by Judges across the Common Law and Equity Divisions. The Scheme's success depends upon the continued goodwill of barristers and solicitors who have indicated a willingness to participate in the Scheme. The Court gratefully acknowledges and extends its sincere thanks to those who support the scheme by volunteering their services.

## JUDICIAL ASSISTANCE PROGRAM

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





## 7 APPENDICES

- I Court statistics – comprehensive table of statistics
- II The Court’s committees and user groups
- III Other judicial activity: conferences, speaking, engagements, publications, appointments to legal and cultural organisations, delegations and international assistance and commissions in overseas courts

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

(to be read in conjunction with Chapter 4)

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

### Filings, disposals and pending cases

NOTES:

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

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

The statistics for 2010 through to 2014 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system.

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

"n/a" – figures not available or not separately reported

"–" – item not applicable

"0" – zero count

	2011	2012	2013	2014	2015
<b>COURT OF APPEAL</b> <sup>1,2</sup>					
<b>Filings (net new cases)</b> <sup>3</sup>	<b>490</b>	<b>493</b>	<b>502</b>	<b>461</b>	<b>379</b>
<i>Filings of appeals/applications for relief</i>	320	333	334	310	255
<i>Filings of applications for leave to appeal</i> <sup>4</sup>	182	169	183	166	134
<b>Disposals (final disposals)</b> <sup>5</sup>	<b>533</b>	<b>493</b>	<b>510</b>	<b>501</b>	<b>433</b>
<i>Disposals of appeals/applications for relief</i>	365	319	337	330	312
<i>Disposals of applications for leave to appeal</i>	177	184	188	186	131
<b>Pending cases at 31 December</b>	<b>338</b>	<b>338</b>	<b>330</b>	<b>290</b>	<b>236</b>
<i>Appeals/applications for relief</i>	237	252	249	230	173
<i>Applications for leave to appeal</i>	101	86	81	60	63

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

<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 continuing case (not two separate cases). 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 application for leave to appeal and the appeal (if leave is granted).

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

**2011                      2012                      2013                      2014                      2015**

**COURT OF CRIMINAL APPEAL <sup>1</sup>**

Filings	382	339	385	373	342
Disposals	340	336	381	376	400
Pending cases at 31 December	222	225	229	226	168

<sup>1</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 4, 0, 6, 6 and 7 applications lodged in the Court of Criminal Appeal in the years 2011 to 2015, respectively, for review of Parole Board decisions.

**2011                      2012                      2013                      2014                      2015**

**COMMON LAW DIVISION – Criminal <sup>1,2</sup>**

**Criminal List**

Filings (registrations) <sup>3</sup>	138	130	110	72	118
Disposals <sup>4</sup>	85	157	121	92	88
Pending cases at 31 December	143	116	105	85	115

**Bails List <sup>5</sup>**

Filings (applicants)	n/a	n/a	3,698 (est.)	3,780	4,401
Disposals (applicants)	n/a	n/a	3,742 (est.)	3,637	4,201
Pending applicants at 31 December	372	339	439	561	761

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

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

<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 (eg 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. Because the change in counting was implemented in mid-2013 and was not retrospective, an estimate has been made for the filings and disposals for 2013.

	2011 <sup>1</sup>	2012 <sup>1</sup>	2013	2014	2015
<b>COMMON LAW DIVISION – Civil</b>					
<b>Administrative Law List</b>					
Filings	183	206	122	144	134
Disposals	156	119	148	136	158
Pending cases at 31 December	222	110	86	109	91
<b>Defamation List</b>					
Filings	59	46	67	58	47
Disposals	63	55	76	65	65
Pending cases at 31 December	100	90	84	81	65
<b>Common Law General List (formerly the General Case Management List)</b>					
<b>Filings</b>	<b>1,012</b>	<b>982</b>	<b>1,177</b>	<b>1,056</b>	<b>1,176</b>
Contested claims	462	496	503	454	484
– <i>personal injury</i>	230	251	213	266	315
– <i>other claims</i>	232	245	290	188	169
Uncontested claims	100	52	161	133	169
Proceeds of Crime cases	125	93	104	94	120
Other summons cases	325	341	409	375	403
<b>Disposals</b>	<b>863</b>	<b>1,041</b>	<b>1,556</b>	<b>1,408</b>	<b>1,149</b>
Contested claims	422	533	616	572	525
– <i>personal injury</i>	188	248	365	283	299
– <i>other claims</i>	234	285	251	289	226
Uncontested claims	105	32	317	185	109
Proceeds of Crime cases	74	97	100	116	77
Other summons cases	262	379	523	535	438
<b>Pending cases at 31 December</b>	<b>1,648</b>	<b>1,891</b>	<b>1,656</b>	<b>1,286</b>	<b>1,275</b>
Contested claims	923	1,104	999	886	850
– <i>personal injury</i>	550	554	418	531	562
– <i>other claims</i>	373	550	581	355	288
Uncontested claims	243	162	139	70	94
Proceeds of Crime cases	216	145	148	134	176
Other summons cases	266	480	370	196	155

	2011 <sup>1</sup>	2012 <sup>1</sup>	2013	2014	2015
<b>Possession List</b>					
Filings <sup>2</sup>	3,994	3,259	2,447	1,844	1,600
<b>Disposals</b>	<b>2,239</b>	<b>4,439</b>	<b>3,647</b>	<b>2,641</b>	<b>1,592</b>
<i>Contested</i>	<i>n/a</i>	207	155	136	100
<i>Uncontested</i>	<i>n/a</i>	4,232	3,492	2,505	1,492
<b>Pending cases at 31 December</b>	<b>4,319</b>	<b>2,922</b>	<b>1,711</b>	<b>914</b>	<b>903</b>
<i>Contested</i>	<i>n/a</i>	178	136	92	56
<i>Uncontested</i>	<i>n/a</i>	2,744	1,575	822	847
<b>Professional Negligence List</b>					
Filings	150	161	194	162	127
Disposals	189	138	204	193	191
Pending cases at 31 December	394	409	402	370	301
<b>Miscellaneous applications <sup>3</sup></b>					
Filings	525	458	566	415	454
Disposals	490	465	608	436	435
Pending cases at 31 December	85	77	26	11	32
<b>COMMON LAW DIVISION TOTALS – Civil</b>					
<b>Filings</b>	<b>5,923</b>	<b>5,112</b>	<b>4,573</b>	<b>3,679</b>	<b>3,538</b>
<b>Disposals</b>	<b>4,000</b>	<b>6,257</b>	<b>6,239</b>	<b>4,879</b>	<b>3,590</b>
<b>Pending cases at 31 December</b>	<b>6,768</b>	<b>5,499</b>	<b>3,965</b>	<b>2,771</b>	<b>2,667</b>

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

<sup>2</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>3</sup> These include applications under the *Mutual Recognition Act*, *Trans-Tasman Mutual Recognition Act*, applications for production orders, requests for service within NSW of documents related to civil proceedings being conducted outside NSW, and applications to enforce judgments given outside Australia.



	2011	2012	2013	2014	2015
<b>EQUITY DIVISION <sup>1</sup></b>					
<b>Admiralty List</b>					
Filings	4	2	0	1	4
Disposals	10	10	2	1	1
Pending cases at 31 December	11	3	1	1	4
<b>Adoptions List <sup>2</sup></b>					
Applications	189	234	206	208	160
Orders made	194	203	218	214	168
Pending cases at 31 December	43	74	62	56	48
<b>Commercial List</b>					
Filings	178	148	175	195	155
Disposals	188	178	190	232	166
Pending cases at 31 December	328	283	278	277	282
<b>Commercial Arbitration List</b>					
Filings	7	6	3	3	2
Disposals	5	9	8	4	1
Pending cases at 31 December	8	7	2	1	1
<b>Corporations List</b>					
Filings	1,837	1,648	1,353	1,601	2,126
Disposals <sup>3</sup>	1,767	1,602	1,617	1,714	2,133
Pending cases at 31 December	838	759	465	336	331
<b>Equity General List</b>					
Filings	2,101	2,037	1,994	1,998	2,146
<i>Family provision cases</i>	803	792	790	774	972
<i>Other cases</i>	1,298	1,245	1,204	1,224	1,174
Disposals	1,944	2,089	2,098	2,595	2,207
<i>Family provision cases</i>	738	811	919	855	835
<i>Other cases</i>	1,206	1,278	1,179	1,740	1,372
Pending cases at 31 December	2,410	2,317	2,235	1,629	1,570
<i>Family provision cases</i>	760	649	513	419	554
<i>Other cases <sup>4</sup></i>	1,650	1,668	1,722	1,210	1,016

	2011	2012	2013	2014	2015
<b>Probate (Contentious Matters) List</b>					
Filings	142	137	191	212	207
Disposals	145	116	172	200	187
Pending cases at 31 December	101	122	141	153	173
<b>Protective List <sup>5</sup></b>					
Applications	72	106	95	110	107
Disposals	96	85	99	109	105
Pending applications at 31 December	15	36	32	33	35
<b>Real Property List <sup>6</sup></b>					
Filings	–	–	–	–	150
Disposals	–	–	–	–	37
Pending cases at 31 December	–	–	–	–	141
<b>Revenue List</b>					
Filings	17	45	56	13	22
Disposals	8	15	35	39	8
Pending applications at 31 December	32	54	40	15	29
<b>Technology and Construction List</b>					
Filings	147	137	129	98	89
Disposals	119	115	95	180	114
Pending cases at 31 December	221	244	283	212	200
<b>EQUITY DIVISION TOTALS</b>					
<b>Filings</b>	<b>4,694</b>	<b>4,500</b>	<b>4,202</b>	<b>4,439</b>	<b>5,168</b>
<b>Disposals</b>	<b>4,476</b>	<b>4,422</b>	<b>4,534</b>	<b>5,288</b>	<b>5,127</b>
<b>Pending cases at 31 December</b>	<b>4,007</b>	<b>3,899</b>	<b>3,539</b>	<b>2,713</b>	<b>2,814</b>
<b>PROBATE – Applications lodged for grant of probate etc <sup>7</sup></b>	<b>22,449</b>	<b>23,790</b>	<b>23,607</b>	<b>24,526</b>	<b>26,408</b>

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- <sup>1</sup> The figures reported for 2011 through to 2015 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> Typically, registrars finalise about 90 per cent of Corporations List cases.
  - <sup>4</sup> During 2014 and 2015 a large number of inactive cases in this List were audited and, where appropriate, closed. Accordingly, the disposals figures are aberrantly high.
  - <sup>5</sup> Applications are counted instead of “cases” because cases in this List can be of a perpetual nature. During the period when a person’s affairs or property are managed under the *Protected Estates Act*, it is possible that more than one application will be made in relation to that person. “Disposals” refers to the number of disposed applications.
  - <sup>6</sup> The Real Property List commenced on 1 June 2015. Some cases commenced earlier in the Equity General List have been transferred to this List for case management.
  - <sup>7</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 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, 3</sup>

Number pending (and % of total)	National standard <sup>4</sup>	2011	2012	2013	2014	2015
<b>COURT OF APPEAL</b>						
Total number of cases pending		338	338	330	290	236
Cases within 12 months of age	90%	296 (88%)	307 (91%)	297 (90%)	270 (93%)	214 (91%)
Cases within 24 months of age	100%	323 (96%)	332 (98%)	328 (99%)	288 (99%)	234 (99%)
<b>COURT OF CRIMINAL APPEAL</b>						
Total number of cases pending		222	225	229	226	168
Cases within 12 months of age	90%	205 (92%)	187 (83%)	206 (90%)	194 (86%)	158 (94%)
Cases within 24 months of age	100%	219 (99%)	211 (94%)	220 (96%)	222 (98%)	166 (99%)
<b>COMMON LAW DIVISION – Criminal <sup>5, 6</sup></b>						
Total number of defendants pending		90	143	116	105	115
Cases within 12 months of age	90%	108 (76%)	95 (82%)	85 (81%)	56 (66%)	93 (81%)
Cases within 24 months of age	100%	140 (98%)	114 (98%)	101 (96%)	77 (91%)	109 (95%)
<b>COMMON LAW DIVISION – Civil</b>						
Total number of cases pending		6,768	5,499	3,965	2,771	2,667
Cases within 12 months of age	90%	3,689 (55%)	3,178 (58%)	2,674 (67%)	1,799 (65%)	1,834 (69%)
Cases within 24 months of age	100%	5,938 (88%)	4,474 (81%)	3,365 (85%)	2,299 (83%)	2,242 (84%)
<b>EQUITY DIVISION (excluding uncontested probate matters)</b>						
Total number of cases pending		4,007	3,899	3,539	2,713	2,814
Cases within 12 months of age	90%	2,356 (59%)	2,208 (57%)	2,059 (58%)	1,865 (69%)	2,001 (71%)
Cases within 24 months of age	100%	3,302 (82%)	3,027 (78%)	2,751 (78%)	2,369 (87%)	2,508 (89%)

- <sup>1</sup> For Equity Division cases and the civil cases of the Common Law Division, the information is based on data from the JusticeLink system, which was not fully reliable until the end of 2012 because many finalised cases remained open in the JusticeLink system and were improperly contributing to the data for the age of pending cases. During 2013, 2014 and 2015, with improved JusticeLink reports, the Registry was able to identify inactive cases in these Divisions – those cases were audited and, where appropriate, closed. The changes in percentages for the civil cases in these Divisions during 2013, 2014 and 2015 are, to some extent, affected by those audits.
- <sup>2</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>3</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 or interlocutory appeals, time taken to prepare essential reports, and time occupied by trials that result in a hung jury.
- <sup>4</sup> The national standards are taken from the “backlog” performance indicator within the Courts chapter of the *Report on Government Services* (published by the Productivity Commission). Note that the national standards apply to district/county courts as well as supreme courts; consequently the national standards apply to a large range of indictments, criminality and civil case types. The case-mix of any court can influence that court’s capacity to achieve the standards. This Court’s Criminal List deals with a narrow range of offences, with most indictments presented being for homicide offences; other matters, generally involving the most serious criminality, may be brought but only with the approval of the Chief Justice. In contrast, most other supreme courts in Australia regularly deal with a broader range of offences. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards (see table 7A.21 of the latest *Report on Government Services*).
- <sup>5</sup> The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for re-determination of a life sentence.
- <sup>6</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>

	2011	2012	2013	2014	2015
<b>COURT OF APPEAL</b> <sup>3</sup>	4 months	4 months	4 months	3.8 months	2.3 months
<b>COURT OF CRIMINAL APPEAL</b>	4 months	2.5 months	3 months	3 months	2.5 months
<b>COMMON LAW DIVISION</b>					
Criminal List <sup>4</sup>	5 months	5 months	6.5 months	2.8 months	5.5 months
Civil lists <sup>5</sup>	7 months	9.5 months	5 months	6.8 months	6.0 months
Bails List	2.5 weeks	4 weeks	4 weeks	3 weeks	10.5 weeks
<b>EQUITY DIVISION</b> <sup>6</sup>	2.5 months	2.5 months	3.8 months	2.8 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 2015 it is the position at the start of the 2016 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 significantly shorter for a hearing of a leave application alone.
- <sup>4</sup> This refers to cases requiring at least 3 weeks of hearing time.
- <sup>5</sup> This refers to cases requiring up to 5 days of hearing time.
- <sup>6</sup> This refers to adult applicants receiving public funding. Applications by juveniles are usually heard within 2 weeks.
- <sup>7</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

	2011	2012	2013	2014	2015
<b>Court-annexed mediations listed <sup>1,2</sup></b>					
Total	698	711	671	486 <sup>3</sup>	518 <sup>3</sup>
<i>Common Law Division</i>	57	34	44	28	32
<i>Equity Division – not probate cases</i>	623	660	605	432	447
<i>Equity Division – probate cases</i>	18	16	21	25	39
<i>Court of Appeal</i>	0	1	1	1	0
Percentage settling at mediation <sup>4</sup>	50%	54%	55%	54%	51%
Waiting time after the end of the year <sup>5</sup>	5 weeks	6 weeks	3 weeks	6 weeks	4 weeks
<b>Referrals to mediation generally</b>					
Total referrals recorded <sup>6</sup>	902	1,092	1,088	839 <sup>8</sup>	1,071 <sup>8</sup>
Mediation referral index <sup>7</sup>	19.4%	23.9%	23.7%	19.0% <sup>8</sup>	23.1% <sup>8</sup>
<b>Arbitrations listed</b>					
Common Law Division	0	0	0	0	0

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

<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> Throughout 2014 and 2015, the Court piloted informal settlement conferences for family provision cases where the estate was valued under \$500,000. This pilot has reduced the number of cases being referred to the court-annexed mediation program (an example of this impact was given in the 2014 Annual Review).

<sup>4</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 mediation procedure*. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). In 2015, in addition to the 51% of cases that settled at the close of their court-annexed mediation session, a further 26% of cases were negotiating a settlement. 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 group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2015 it is the position at the start of the 2016 law term). The waiting time will be less if an urgent mediation session is ordered by the Court.

<sup>6</sup> This covers all occasions when the Court refers a case to mediation, regardless of whether the mediation is to be conducted through the court-annexed mediation program or by a private mediator

<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 to be applicable. For the purpose of calculating the mediation referral index, mediation is considered to be applicable for all civil cases types (including appeal cases), but is considered to be inapplicable for proceeds of crime cases, cases that have a high likelihood of proceeding to default judgment or have no defendant element, all cases in the Adoptions List or Protective List, and 90 per cent of cases in the Corporations List. While a case may be of a type for which mediation is considered to be applicable, there may be a particular aspect of that case individually that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

<sup>8</sup> Reduced usage of court-annexed mediation, as a result of the pilot of informal settlement conferences (see footnote 3), impacts these figures.

## 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 2015, except during periods when the Chief Justice was not available or unless the Chief Justice decided not to hold a meeting.

### Members during 2015

The Honourable the Chief Justice Bathurst (Chair)  
The Honourable Justice Beazley AO  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice Bergin  
Ms Linda Murphy, CEO and Principal Registrar (Secretary) (January 2015-September 2015)  
Mr Chris D'Aeth, Chief Executive and Principal Registrar (October 2015-December 2015)

### Adoptions List Users Group

#### Members during 2015

The Honourable Justice Brereton AM RFD (Chair)  
The Honourable Justice Kunc  
Ms Lydia Sianipar, Supreme Court of New South Wales  
Mr Robert Svoronos, Supreme Court New South Wales  
Grace Romeo, A/Director, OOHC Adoptions Team, Family and Community Services  
Evonne Cini, Legal Officer, Community Services, Family and Community Services  
Brooke Bowman, Legal Officer, Community Services, Family and Community Services  
Derek Smith, Assistant Director Care Litigation and Support, Family and Community Services  
Barbara Waterman, Team Leader, OOHC Adoptions Team, Family and Community Services  
Nicola Callander, Solicitor in Charge, Care and Protection, Legal Aid NSW  
Kerri Phillips, Solicitor, Appeals and Complex Litigation Unit, Legal Aid NSW  
Nicole Hailstone, Senior Solicitor, Crown Solicitor's Office  
Shelley Anderson, Senior Solicitor, Crown Solicitor's Office

Jackie Palmer, Principal Officer, Anglicare  
Carmen Fife, Program Manager Adoptions, Anglicare  
Angela Thomas, Local Adoption Program Manager, Anglicare  
Carol O'Brien, Local Adoption Program Manager, Anglicare  
Jodie Mollison, Principal Officer, CatholicCare  
Angharad Candlin, A/Principal Officer, CatholicCare  
Maggie Moss, Caseworker, CatholicCare  
Lisa Vihtonen, Principal Officer, Barnardos Australia  
Melissa Bell, Regional Manager Adoptions, Barnardos Australia  
Lynne Moggach, Executive Specialist Adoption, Barnardos Australia  
Donna Ward, Barrister-at-Law

### 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 2015

The Honourable Justice Ward (Chair)  
The Honourable Justice Hall  
The Honourable Justice Sackar  
The Honourable Justice Hallen  
Ms Linda Murphy, CEO and Principal Registrar (January 2015-September 2015)  
Mr Chris D'Aeth, Executive Director and Principal Registrar (October 2015-December 2015)  
Ms Rebel Kenna, Director & Prothonotary, Supreme Court NSW  
Ms Leonie Walton, Registrar, Equity  
Mr Nicholas Flaskas, Senior Deputy Registrar  
Mr Ian Davidson SC  
Ms Mary Walker  
Ms Caroline Hutchinson

## **Appeal Courts Judgment Writing Committee (NJCA)**

### **Members during 2015**

The Honourable Justice Fraser, Court of Appeal Queensland (Chair)  
The Honourable the Chief Justice Allsop, Federal Court of Australia  
The Honourable the Chief Justice Blow, Supreme Court Tasmania  
The Honourable Justice Ainslie Wallace, Family Court of Australia  
The Honourable Justice Blue, Supreme Court South Australia  
The Honourable Justice Doyle, Supreme Court South Australia (retired)  
The Honourable Justice Frances, Court of Appeal, New Zealand  
The Honourable Justice Jacobson, Federal Court of Australia  
The Honourable Justice Macfarlan  
The Honourable Justice Neave, Court of Appeal Victoria  
The Honourable Justice Pullin, Court of Appeal Western Australia  
The Honourable Justice Southwood, Supreme Court Northern Territory

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

### **Members during 2015**

The Honourable Justice Rothman (Chair)  
The Honourable the Chief Justice Blow, Supreme Court Tasmania  
The Honourable Justice Cavanough, Supreme Court of Victoria  
The Honourable Justice Penfold, Supreme Court of Australian Capital Territory  
The Honourable Justice David Collins, High Court of New Zealand  
The Honourable Justice Jessup, Federal Court of Australia  
The Honourable Justice Jenny Blokland, Supreme Court of Northern Territory  
The Honourable Justice Ann Lyons, Supreme Court of Queensland

The Honourable Justice John Chaney, Supreme Court of Western Australia  
The Honourable Justice Tim Stanley, 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. The Hon Justice Macfarlan is the present nominee.

### **Members during 2015**

Ms Anne Henderson (Chair)  
The Honourable Justice Macfarlan  
The Hon Dr Peter Phelps MLC  
Ms Fiona Chushing  
Dr Rachna Gandhi  
Mr Jeffrey Greenwood  
Mr Scott Nash

## **Building Committee**

The Committee meets approximately every two months to discuss matters affecting the buildings within the Darlinghurst and King Street court complexes, and the Law Courts Building in Phillip Street. The Committee also identifies facilities that are required to support courtroom operations and the needs of Court users.

### **Members during 2015**

The Honourable Justice McDougall (Chair)  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice Brereton AM RFD  
The Honourable Justice Stevenson  
The Honourable Justice Hallen  
Ms Linda Murphy, CEO and Principal Registrar (January 2015-September 2015)  
Mr Chris D'Aeth, Chief Executive and Principal Registrar (October 2015-December 2015)



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 Justice, of the New South Wales Government.

The external service provider which managed and maintained an earlier platform known as Netcat, in operation until January 2015, proved unable to support the service, which needed to be replaced urgently. A team of consultants put together by the Courts & Tribunals Services Portfolio within the Department of Justice developed an entirely new platform for Caselaw.

The development took place throughout 2014 and required extensive consultation with each court and tribunal. Testing, much of which was undertaken by Donna Reece (Library Services) and Maree Harland (Associate to the Chair) allowed for the new platform to be rolled out in January 2015. Although the Committee had only two meetings during the year, members were extensively involved in the direct consultations with the platform developers.

### **Members during 2015**

The Honourable Justice Basten (Chair)  
The Honourable Justice R A Hulme  
The Honourable Justice Adamson  
The Honourable Justice Black  
The Honourable Justice Craig, Land and Environment Court  
The Honourable Judge Berman, District Court  
Her Honour Deputy Chief Magistrate Culver, Local Court  
The Honourable Justice Robertson Wright, New South Wales Civil and Administrative Tribunal  
Ms Linda Murphy, CEO and Principal Registrar (January 2015 – September 2015)

Mr Chris D'Aeth, Chief Executive and Principal Registrar (October 2015 – December 2015)  
Ms Leonie Walton, Registrar, Land and Environment Court  
Ms Sian Leatham, Principal Registrar, New South Wales Civil and Administrative Tribunal  
Ms Rosemary Davidson, Executive Officer, Children's Court  
Ms Vanessa Blackmore, Library Services (Secretariat Support)  
Ms Donna Reece, Caselaw Support Officer, Library Services (Secretariat Support)

### **Civil Bench Book**

#### **Members during 2015**

The Honourable Justice Garling  
The Honourable Justice Kunc

#### **CLE for Registrars**

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

#### **Members during 2015**

The Honourable Justice Schmidt  
The Honourable Justice Hallen

### **College of Law**

#### **Members during 2015**

The Honourable Justice Hallen

### **Commercial List Users Group**

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

### **Members during 2015**

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

### ***Bar Association of New South Wales***

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

### ***Law Society of New South Wales***

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

### **Common Law Civil Users Group**

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

### **Members during 2015**

The Honourable Justice Hoeben  
The Honourable Justice Hall  
The Honourable Justice Garling  
Ms Rebel Kenna, Director, Assistant Principal Registrar and Prothonotary  
Mr Christopher Bradford, Registrar – Common Law  
Mr Peter Deakin QC, Sir James Martin Chambers

Mr Eugene Romaniuk SC, Jack Shand Chambers  
Ms Lorna McFee, New South Wales Bar Association  
Mr Elias Yamine, Law Society New South Wales  
Ms Ramina 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. The Group did not meet in 2015.

### **Members during 2015**

The Honourable Justice Brereton  
The Honourable Justice Black  
Ms Rebel Kenna, Registrar  
Ms Leonie Walton, Registrar  
Ms Jennifer Hedge, Senior Deputy Registrar

### ***Bar Association of New South Wales***

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

### ***Law Society of New South Wales***

Mr Charles Bavin, Hunt & Hunt  
Mr Andrew Carter, Ashurst  
Mr Glen Cussen, Kemp Strang  
Ms Georgina Hayden, ASIC  
Mr Michael Hayter, Gillis Delaney  
Mr Ben Hely, Herbert Smith Freehills  
Mr Luke Hastings, Herbert Smith Freehills  
Mr Michael Hughes, Minter Ellison

Aamena Hussein, Craddock Murray Neumann  
Ms Linda Johnson, Mallesons  
Mr Khaled Metlej, Craddock Murray Neumann  
Mr David McCrostie, Turks Legal  
Mr Alexander Morris, Mallesons  
Mr Michael Murray, Insolvency Practitioners  
of Australia  
Ms Denise North, Insolvency Practitioners  
of Australia  
Ms Maria O'Brien, Baker McKenzie

### **Costs Assessment Users Group**

#### **Members during 2015**

The Honourable Justice Brereton (Chair)  
Her Honour Judge Gibson, District Court of  
New South Wales  
Ms Jennifer Hedge, Manager - Costs Assessment  
Ms Samantha Gulliver (OLSC)  
Mr Gordon Salier  
Mr Michael Robinson  
Ms Geraldine Daley  
Ms Deborah Vine-Hall  
Ms Peta Solomon  
Ms Michelle Castle  
Ms Kerrie Rosati  
Ms Alyson Ashe  
Ms Valerie Higginbotham  
Mr Ross Nicholas

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

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

#### **Members during 2015**

The Honourable Justice Hoeben (Chair)  
The Honourable Justice Johnson  
The Honourable Justice R A Hulme  
Ms Linda Murphy, CEO and Principal Registrar  
(January 2015-September 2015)  
Mr Chris D'Aeth, Chief Executive and Principal  
Registrar (October 2015-December 2015)

Mr Steven Jupp, Manager Court Services &  
Prothonotary (January 2015-September 2015)  
Ms Rebel Kenna, Director, Assistant Principal  
Registrar and Prothonotary (October  
2015-December 2015)  
Mr Michael Crompton, Registrar, Court of Criminal  
Appeal (January 2015-March 2015)  
Ms Alanna Van Der Veen, Registrar, Court of  
Criminal Appeal (March 2015-December 2015)  
Mr Mark Ierace SC, Public Defenders Office  
Ms Penny Musgrave, Director, Criminal Law  
Review Division  
Ms Eunice Walsham, Manager Business Support,  
RSB  
Mr Phillip Ingram SC, Office of the Director of  
Public Prosecutions  
Mr George Galanis, Commonwealth Director of  
Public Prosecutions  
Ms Ellen McKenzie, Commonwealth Director of  
Public Prosecutions  
Ms Janet Witmer, Legal Aid Commission New  
South Wales  
Ms Madeleine Schneider, Legal Aid Commission  
New South Wales  
Ms Clair Wasley, Aboriginal Legal Services New  
South Wales/Australian Capital Territory  
Mr S Odgers SC, New South Wales Bar Association  
Ms Elizabeth Hall, District Court of New South  
Wales  
Mr David Giddy, Law Society New South Wales  
Ms Pam Olsoen, Senior Registrar, Local Courts

### **Criminal Trial Bench Book**

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

### Members during 2015

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

### Education Committee

The Supreme Court Education Committee, in partnership with the Judicial Commission of New South Wales, plans and organises continuing judicial education for judges of the Court. The activities include “Twilight Seminars” dealing with issues of topical importance to the work of the Court. Seminars are regularly attended by judges from the Land and Environment Court. Some seminars are jointly held with Supreme and District Court judges attending.

The principal activity of the Committee involves the planning for the annual Supreme Court conference held in August or September. In 2015, the keynote speaker at the conference was Lord Neuberger of Abbotsbury, President of the UK Supreme Court. Other guests included Justice Mark Weinberg of the Victorian Court of Appeal and two retired judges, the Hon Malcolm McLelland (a former Chief Judge in Equity) and the Hon Michael Kirby AC CMG.

As in the past, all sessions were plenary with one exception, when there were concurrent sessions on criminal law and equity.

Twilight Seminars in the course of 2015 included an introduction to the *Bail Act* 2013 (presented by Justice Johnson and Justice Button), a seminar on stress and vicarious trauma (presented by Adjunct Associate Professor Steven J Woods of Southern Cross University), a seminar on sentencing alternatives (presented by Ms Rosemary Caruana and Mr Luke Grant, Corrective Services NSW) and an administrative update (presented by Justice Leeming and the Chair). Justice RA Hulme provided criminal law updates to complement the

regular session at the annual conference. Although organised by the Judicial Commission, Justice Rothman delivered a paper on the impact of two High Court decisions, *Bugmy and Munda*, on sentencing Aboriginal and other offenders.

The underlying focus of the Committee, in its collaboration with the Judicial Commission, is to maintain, as in past years, a high standard of professional development and training for judges of the Court. As in the past, the Committee and the Court are indebted to the speakers who prepared and presented papers at the various seminars and at the conference.

### Members during 2015

The Honourable Justice Basten (Chair)  
The Honourable Justice Leeming  
The Honourable Justice Hoeben  
The Honourable Justice Johnson  
The Honourable Justice Harrison  
The Honourable Justice Schmidt  
The Honourable Justice Garling  
The Honourable Justice Black  
The Honourable Justice White  
Ms Linda Murphy, CEO and Principal Registrar (January 2015 – September 2015)  
Mr Chris D’Aeth, Chief Executive and Principal Registrar (October 2015 – December 2015)  
Ms Ruth Windeler, Education Director, Judicial Commission of New South Wales (Convenor)  
Ms Ruth Sheard, Manager, Conferences & Communication, Judicial Commission of New South Wales

### Equity Liaison Group

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

### **Members during 2015**

The Honourable Justice Bergin (Chair)  
The Honourable Justice Slattery  
Leonie Walton, Registrar - Equity Division  
Mr CRC Newlinds SC  
Mr RRI Harper SC  
Ms JA Needham SC  
Mr GA Sirtes SC  
Ms V Whittaker  
Mr M Ashhurst SC  
Mr MK Condon SC  
Ms AM Kennedy  
Mr JK Martin  
Mr BJ Miller  
Ms PG Suttor  
Mr C Alexander

### **Examinations Committee**

#### **Members during 2015**

The Honourable Justice Simpson  
The Honourable Justice Hall  
Mr Ross Anderson  
Mr Frank Astill  
Ms Susan Carter  
Mr Michael Christie SC  
Mr John Dobson

### **Harmonisation Committee**

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

The convenor of the Committee is appointed by the Council of Chief Justices. Other members are nominated by the head of each participating jurisdiction for one or more specific subject area projects, for the monitoring of adopted harmonised rules of court or for both. The Committee is supported by a Registrar of the Federal Court, with research and advice from the Australasian Institute of Judicial Administration.

Justice Perram from the Federal Court of Australia was the convenor of the Committee in 2015. Projects continue to include the service of process outside Australia, amendment of the harmonised Corporation Rules to deal with electronic filing as well as amendments to Subpoena Rules and Forms; development of model rules for commercial arbitration, for privilege in connection with subpoenas, harmonisation of forms of orders and harmonisation of discovery rules. Justice Brereton (NSW Supreme Court) is now convening a sub-committee which is considering consistency in the rule-based requirements in corporate and personal insolvencies.

#### **Members during 2015**

The Honourable Justice Perram, Federal Court  
Australia (Chair and Convenor)  
The Honourable Justice Refshauge, Supreme Court  
of Australian Capital Territory  
The Honourable Justice Rein, Supreme Court  
of New South Wales  
The Honourable Justice Brereton, Supreme Court  
of New South Wales  
The Honourable Justice Hammerschlag, Supreme  
Court of New South Wales  
The Honourable Justice Cavanough, Supreme  
Court of Victoria  
The Honourable Justice Robson, Supreme Court  
of Victoria  
The Honourable Justice Croft, Supreme Court  
of Victoria  
The Honourable Justice Douglas, Supreme Court  
of Queensland  
The Honourable Justice Blue, Supreme Court of  
South Australia  
The Honourable Associate Justice Holt, Supreme  
Court of Tasmania

The Honourable Justice Le Miere, Supreme Court of Western Australia  
Master Luppino, Supreme Court of Northern Territory  
The Honourable Justice Strickland, Family Court of Australia  
The Honourable Justice Asher, High Court of New Zealand  
Ms Milla Bursac, Supreme Court of Victoria  
Professor Gregory Reinhardt, Australasian Institute of Judicial Administration  
Mr John Mathieson, Deputy Registrar, Federal Court of Australia (Secretary)

### 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.

In 2015, the Committee undertook a number of projects. These included an audit of courtroom technology in all courtrooms used by the Supreme Court, as well as the technology facilities in jury rooms, an IT upgrade of courtrooms in the Hospital Road complex, an investigation of flexible network access arrangements and the preparation for updating of email software.

The IT Committee met four times in 2015.

### Members during 2015

The Honourable Justice McColl (Chair until 1 March 2015)  
The Honourable Justice Garling (Chair from 1 March 2015)  
The Honourable Justice Gleeson (from 1 April 2015)  
The Honourable Justice McDougall  
The Honourable Justice Sackar  
The Honourable Justice Beech-Jones  
Ms Linda Murphy, CEO and Principal Registrar (January - September 2015)  
Mr Chris D'Aeth, Chief Executive and Principal Registrar (October - December 2015)  
Mr Nick Sanderson-Gough, Manager, Court Operations and Communications

Sam Zilic, Supreme Court Information Technology Coordinator  
Mr Aaron Liu, Director, Information Technology Services  
Mr John Mahon, Information Technology Services  
Ms Kathy Duke, Information Technology Services  
Mr Con Doulergis, Information Technology Services

### Judicial Conference of Australia

#### Members during 2015

Justice Steven Rares, Federal Court of Australia (President)  
Justice Michael Baumann, AM, Federal Circuit Court of Australia (Treasurer)  
Justice Robert Beech-Jones, Supreme Court of New South Wales (Vice President)  
Chief Justice Alan Blow, OAM, Supreme Court of Tasmania  
Justice Wayne Chivell, District Court of South Australia  
Judge Philip Eaton, District Court of Western Australia  
Justice Timothy Ginnane, Supreme Court of Victoria  
Chief Magistrate Graeme Henson, Local Court of New South Wales  
Justice Judith Kelly, Supreme Court of the Northern Territory  
Justice Glenn Martin, AM, Supreme Court of Queensland  
Justice Hilary Penfold, PSM, Supreme Court of the ACT  
Christopher Roper AM, JCA Secretariat (Secretary)  
Magistrate Marc Sargent, Magistrates' Court of Victoria  
Justice Michael Walton, Industrial Court of New South Wales

### Judicial Commission of New South Wales

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

### **Members during 2015**

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

### **Judgment Writing Program Committee (National Judicial College of Australia)**

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

### **Members during 2015**

The Honourable Tom Wodak, County Court of  
Victoria (retired) (Chair)  
The Honourable Justice Schmidt  
Her Honour Magistrate Penny Eldridge,  
Magistrates Court of South Australia  
The Honourable Justice Hollingworth, Supreme  
Court of Victoria  
The Honourable Justice Mullins, Supreme Court  
of Queensland  
The Honourable Justice Murphy, Family Court  
of Australia  
The Honourable Justice Wilson, Supreme Court  
of Queensland  
Mr Ken Grime, CEO NJCA  
Mr John McGinness, NJCA  
Dr Liza Rybak, NJCA  
Ms Julie van den Engel, National Judicial College of  
Australia (Programme manager)

### **JusticeLink**

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

### **Members during 2015**

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

### **Law Admissions Consultative Committee**

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

Justice Emmett is the representative of the Legal Profession Admission Board on LACC and attended meetings of LACC following his appointment in May 2014 as the presiding member of the LPAB. In that time, LACC has been instrumental in the preparation of Uniform Admission Rules following the establishment of the Legal Services Council.

#### **Members during 2015**

Professor Sandford D Clark (Chair)  
The Honourable Justice Emmett

#### **Law Courts Library Advisory Committee**

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

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

#### **Members during 2015**

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

#### **Law Extension Committee (Sydney University)**

##### **Members during 2015**

Her Honour Magistrate Daphne A Kok (Senate nominee) (Chair)  
The Honourable Justice Brereton (Chief Justice's nominee)  
Professor Joellen Riley, Dean, Law School  
Mr Ross Anderson, (Law School nominee)  
Professor Greg Tolhurst (Law School nominee)  
Professor Cameron Stewart (Law School nominee)  
Professor Ann Brewer (Senate nominee)

Professor Roslyn Arnold (Senate nominee)  
Professor Tyrone Carlin (Senate nominee)  
Mr Tony O'Brien (Bar Association of NSW nominee)  
Ms Janet Oakley (Bar Association of NSW nominee)  
Mr John Dobson (Law Society of NSW nominee)  
Ms Heidi Fairhall (Law Society of NSW nominee)  
Ms Belinda Hutchinson AM, Chancellor  
Dr Michael Spence, Vice Chancellor  
Mr Alec Brennan, Deputy Chancellor

#### **Law Reform Commission**

##### **Members during 2015**

Alan Cameron AO (Chair)  
The Honourable Justice Johnson  
The Honourable Harold Sperling QC (retired)

#### **Legal Profession Admission Board**

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

##### **Members during 2015**

The Honourable the Chief Justice Bathurst  
The Honourable Justice Emmett (Presiding Member)  
The Honourable Justice Davies (Deputy Presiding Member)  
The Honourable Justice Lindsay

#### **Bar Association of New South Wales**

Mr Garry McGrath SC  
Ms Margaret Allars SC



### *Law Society of New South Wales*

Mr Charles Cawley  
Mr John Dobson

### *Organisations*

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

### **Legal Qualifications (LPAB)**

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

### **Members during 2015**

The Honourable Justice Adamson (Chair)  
The Honourable Justice Beech-Jones  
The Honourable Justice Robb  
Ms Jenny Eggleton  
Dr Gordon Elkington  
Ms Maxine Evers (from 4 February 2015)  
Mr John Fernon SC  
Ms Susan Leis  
Ms Carolyn Penfold  
Ms Elizabeth Picker  
Professor Peter Radan  
Mr Gregory Ross  
Mr Thomas Spohr  
Ms Pam Suttor  
Mr Peter Underwood  
Mr Mark Warton

### **Media Consultation Group**

The Media Consultation Group was established in 2002 to promote open discussion between key representatives from the courts, legal profession and media. The aim of the Group is to identify issues affecting the reporting of court proceedings by the media. The Group met this year to discuss: the Court's social media presence and how it was assisting the media; non-publication orders and the challenges often faced by the media in complying with them; media access to the Court's e-filing system; and feedback on the broadcasting judgments legislation.

### **Members during 2015**

The Honourable Justice McColl (Chair)  
The Honourable Justice Hoeben  
The Honourable Justice McCallum  
The Honourable Justice Ball  
The Honourable Justice Sackar  
The Honourable Justice Bellew  
The Honourable Justice Hamill  
His Honour the Chief Judge Price, District Court of  
New South Wales  
Mr Lloyd Babb SC, New South Wales Director of  
Public Prosecutions  
Mr Mark Ierace SC, Senior Public Defender  
Ms Lauren Farrow, Australian Associated Press  
Ms Jamelle Wells, Australian Broadcasting  
Corporation  
Ms Amy Dale, Daily Telegraph  
Mr Richard Coleman, Fairfax Legal  
Ms Kelly Fedor, Nine Network  
Mr Paul Bibby, Sydney Morning Herald  
Mr Gil Taylor, Radio 2GB  
Ms Katie Walsh, Australian Financial Review  
Ms Anna Cooper, Office of the Director of Public  
Prosecutions Media Liaison and  
Communications Officer  
Ms Sonya Zadel, Media Manager, Supreme Court  
of New South Wales  
Ms Jo Oakes, Media Manager, Supreme Court of  
New South Wales

### **National Admissions Committee**

#### **Members during 2015**

The Honourable Justice Kyrou, Supreme Court of  
Victoria

### **National Judicial Orientation Programme**

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

### **Members during 2015**

The Honourable Justice Schmidt (Chair)  
The Honourable Justice Martin, Supreme Court of Queensland  
The Honourable Justice James Edelman, Federal Court of Australia  
The Honourable Justice Steven Rares, Federal Court of Australia (Retired from Committee in June 2015)  
His Honour Judge Norrish, District Court of New South Wales (Retired from Committee in June 2015)  
Her Honour Judge Wager, District Court of Western Australia  
The Honourable Justice Tom Altobelli, Federal Circuit Court of Australia  
The Honourable Justice Penny Hock, District Court of New South Wales  
The Honourable Judge Elizabeth Gaynor, County Court of Victoria  
Mr John McGinness, Director, National Judicial College of Australia  
Ms Jenny Green, Academic Director, National Judicial College of Australia  
Professor Greg Reinhardt, Australasian Institute of Judicial Administration  
Mr Ernest Schmatt PSM, Judicial Commission of New South Wales  
Ms Ruth Windeler, Judicial Commission of New South Wales  
Ms Fiona Dea, Judicial College of Victoria  
Ms Annabel Mornement, Judicial College of Victoria  
Mr Ken Grime, CEO NJCA  
Mr John McGinness, NJCA  
Dr Liza Rybak, NJCA  
Ms Julie van den Engel, NJCA (Programme Manager)

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

#### **Members during 2015**

The Honourable Justice Rothman (Chair)  
The Honourable the Chief Justice Allsop AO, Federal Court of Australia

The Honourable Justice Rachel Pepper, Land and Environment Court of New South Wales  
His Honour Judge Andrew Haesler, District Court of New South Wales  
Her Honour Deputy Chief Magistrate Jane Mottley, Local Court of New South Wales  
His Honour Magistrate Doug Dick, Local Court of New South Wales  
Her Honour Magistrate Sue Duncombe, New South Wales Children's Court  
Mr Terry Chenery, CEO, Hunter Aboriginal Children's Services  
Professor Megan Davis, Director, Indigenous Law Centre, Faculty of Law, University of New South Wales  
Mr Ernie Schmatt PSM, Chief Executive, Judicial Commission of New South Wales  
Ms Ruth Windeler, Education Director, Judicial Commission of New South Wales (Convenor)  
Ms Ruth Sheard, Manager, Conferences and Communication, Judicial Commission of New South Wales  
Ms Joanne Selfe, Ngara Yura Program Project Officer

### **Planning Committee for Dialogues on being a Judge (NJCA)**

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

#### **Members during 2015**

The Honourable John Doyle, Formerly Chief Justice of Supreme Court of South Australia  
The Honourable Justice Dowsett, Federal Court of Australia  
The Honourable Justice Monika Schmidt  
Justice Ann Ainslie-Wallace, Family Court of Australia  
Justice Gordon Barrett, District Court of South Australia  
Ms Jenny Green, National Judicial College of Australia

### 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 2015

The Honourable Justice Davies (Chair)  
Mr Christopher Bradford, Registrar, Common Law Division (October 2015-December 2015)  
Mr Steven Jupp, Manager Court Services & Prothonotary  
Ms Rebel Kenna, Registrar, Common Law Division (January 2015-October 2015)  
Mr Milio Cesta-Incani, Manager, Listing Services



### Bar Association of New South Wales

Mr Brendan Burke (Edmund Barton Chambers)

### Law Society of New South Wales

Mr Tim Sherrard, Gadens  
Ms Helen van Ravels, Gadens  
Mr Campbell Hudson, Gadens  
Mr Sam Schroeder, Gadens  
Ms Nora Minassian, Gadens  
Ms Samantha Tang, Gadens  
Ms Chamila Fernando, Gadens  
Mr Rod Cameron, Hicksons  
Mr Scott Stierli, Hicksons  
Mr Sean Cameron, Hicksons  
Ms Danielle Kuti, Dibbs Abbott Stillman  
Ms Emma Hodgman, Dibbs Abbott Stillman  
Ms Alexandra Streltsova, Dibbs Abbott Stillman  
Ms Susan Lever, Herbert Smith Freehills  
Ms Fiona Parker, Henry Davis York  
Ms Azita Doudman, Henry Davis York  
Ms Michelle Glennon, Henry Davis York  
Ms Alison McManus, Norton Rose Fulbright  
Ms Caitlin Watson, Atkinson Vinden  
Mr Michael Connor, DibbsBarker  
Mr Matthew Pike, Kemp Strang  
Ms Kristina Fraser, Kemp Strang  
Ms Addy Pong, Kemp Strang  
Ms Samantha Parsons, Kemp Strang

### Organisations

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

### Probate Users Group

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

### **Members during 2015**

The Honourable Justice Lindsay  
The Honourable Justice Hallen  
Ms Linda Murphy, CEO and Principal Registrar  
(January 2015-September 2015)  
Mr Chris D'Aeth, Chief Executive and Principal  
Registrar (October 2015-December 2015)  
Mr Steven Jupp, Manager, Court Services &  
Prothonotary (January 2015-October 2015)  
Ms Rebel Kenna, Manager, Court Services &  
Prothonotary (October 2015-December 2015)  
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 2015**

The Honourable Justice Harrison (Chair and  
Convenor)

### ***Bar Association of New South Wales***

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

### ***Law Society of New South Wales***

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

### **Rule Committee**

The Rule Committee meets as required to consider proposed changes to the Supreme Court Rules 1970 with a view to increasing the efficiency of the Court's operations, and reducing cost and delay in accordance with the requirements of access to justice. The Committee is a statutory body that has the power to alter, add to, or rescind any of the Rules contained in, or created under, the *Supreme Court Act* 1970. The Committee's membership is defined in Section 123 of the Act, and includes representatives from each Division of the Court and key organisations within the legal profession. Many of the rules that govern civil proceedings are now incorporated in the Uniform Civil Procedure Rules. In these circumstances, fewer meetings of the Rule Committee have been required.

### **Members during 2015**

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

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

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

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

On the recommendation of the Committee, the Judicial Commission adopted the practice of sending an e-Newsletter to judicial officers.

A significant part of the business of the members is their consideration of papers for publication in the *Judicial Review*.

The meetings of the Committee, held two or three times each year, provide a valuable forum for each of the courts to exchange ideas and co-ordinate their plans for educational activities, to make recommendations to the Commission for activities which it may wish to organise and to obtain advice from the Commission as to the Commission's experience in obtaining speakers and conducting the various programs.

#### **Members during 2015**

The Honourable Justice Basten (Chair)  
The Honourable Justice Walton, President, Industrial Relations Commission of New South Wales  
The Honourable Justice Biscoe, Land and Environment Court of New South Wales  
His Honour Judge Lakatos SC, District Court of New South Wales  
Her Honour Deputy Chief Magistrate Chris O'Brien, Local Court of New South Wales  
Ms Ruth Windeler, Judicial Commission of New South Wales  
Ms Kate Lumley, Publishing Manager, Judicial Commission

Ms Pauline Buckland, Senior Editor, Judicial Commission

Ms Ruth Sheard, Conferences and Communications Manager, Judicial Commission

### **Uniform Rules Committee**

The *Civil Procedure Act 2005* (NSW) and the *Uniform Civil Procedure Rules 2005* (NSW) commenced in 2005, consolidating provisions in relation to civil procedure under a single Act. It provides a common set of rules for civil proceedings in the Supreme, District and Local Courts of New South Wales, and, to a limited extent, in the Land and Environment Court of New South Wales and the Industrial Relations Commission of New South Wales. The Uniform Rules Committee was established under Section 8 and Schedule 2 of the Act. The Chief Justice chairs the Committee, with representatives from the Supreme Court and other courts, as well as from the New South Wales Bar Association and the Law Society of New South Wales. The Committee met six times during 2015. As well as considering amendments to the Rules (under section 9 of the Act), the Committee approves forms for use in civil proceedings (under section 17 of the Act).

#### **Members during 2015**

The Honourable the Chief Justice (Chair)  
The Honourable Justice Beazley  
The Honourable Justice Adamson  
The Honourable Justice Lindsay  
The Honourable Justice Walton, President, IRC  
The Honourable Justice Preston, Chief Judge, LEC  
Her Honour Judge Truss, District Court of New South Wales  
His Honour Judge Peter Johnstone, President, New South Wales Children's Court  
Her Honour Magistrate Jennifer Atkinson, Local Court  
His Honour Magistrate Michael O'Brien, Local Court  
Ms Carol Webster SC (New South Wales Bar Association)  
Ms Julia Virgo (Law Society of New South Wales)  
Mr Steven Jupp, Manager Court Services & Prothonotary (January 2015-September 2015) (Secretary)  
Ms Rebel Kenna, Manager Court Services & Prothonotary (October 2015-December 2015) (Secretary)

## APPENDIX (III): OTHER JUDICIAL ACTIVITY

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

#### Conferences:

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07 – 10 Jul 2015	ABA Conference 2015 (Boston, USA)
04 – 05 Sep 2015	Supreme Court Annual Judges' Conference (Bowral, NSW)
06 – 09 Nov 2015	16 <sup>th</sup> Conference of Chief Justices of Asia & the Pacific (Sydney, Australia)
09 Nov 2015	LAWASIA Conference – Judicial Session (Sydney, Australia)
14 – 15 Dec 2015	The Australian Centre of Private Law, two day international conference " <i>Private Law in the Twenty-First Century</i> " (The University of Queensland)

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#### Speaking engagements:

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04 Feb 2015	Address at the Opening of Law Term Dinner " <i>Reformulating Reform: Courts and the Public Good</i> " (Parliament House, Sydney)
10 Feb 2015	Address for the Opening of Law Term Pan-Orthodox Church Service " <i>Opening of Law Term Speech</i> " (Sydney)
18 Feb 2015	Address for the 10 Year Anniversary of the Civil Procedure Act " <i>After the Civil Procedure Act</i> " (Banco Court, Sydney)
13 Mar 2015	Address AIJA Cultural Diversity and the Law " <i>Panel-Court Management and Leadership: Enhancing Public Trust and Confidence in Courts and Tribunals</i> " (Sydney)
20 Apr 2015	Farewell Speech, Farewell ceremony for the Hon Justice Reginald Barrett (Sydney)
30 Apr 2015	Book launch, " <i>Voidable Transactions in Company Insolvency</i> " (Sydney)
06 May 2015	Speech, " <i>Buttered parsnips and a damp squib</i> " Macquarie Group Limited Lunch Event (Sydney)
12 May 2015	Opening speech, " <i>Justice Connect Walk – Opening Speech</i> " (Sydney)
12 Jun 2015	Vote of thanks, " <i>Vote of thanks to Professor Triggs</i> " (Sydney)
13 Jun 2015	Opening speech, " <i>Counting Ceorls and Eorls</i> " Anniversary of the Uniform Evidence Act (Sydney)
18 Jun 2015	Speech, " <i>Valuing Justice: How much justice can we afford</i> " 5 <sup>th</sup> National Access to Justice & Pro Bono Conference (Sydney)
18 Jun 2015	Speech, " <i>What are the Bench and Bar doing about enhancing barristers' advocacy skills? What should they be doing?</i> " Chair of CPD session on Barrister Advocacy ABA (Sydney)
25 Jun 2015	Introduction & Welcome, " <i>Capital Offences: Business Crime in America's Corporate Century</i> " Ross Parsons Lecture in Corporate Law (Sydney)
09 Jul 2015	Speech, " <i>iAdvocate v Rumpole: Who will survive? An analysis of advocates' ongoing relevance in the age of technology</i> " 2015 ABA Conference (Boston, USA)
23 Jul 2015	Speech, <i>Lexisnexis' 10 year celebration of the Civil Procedure Act &amp; Ritchie's Uniform Civil Procedure</i> " (Sydney)
31 Jul 2015	Opening address, " <i>50 Years of Commercial Law</i> " Commercial Law of Australia Conference (Sydney)
07 Aug 2015	Short opening remarks, <i>Newcastle Bar Association Annual Dinner</i> (Newcastle)

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17 Aug 2015	Speech, “ <i>Wesley College Dinner Speaker</i> ” High Table Formal Dinner (Sydney)
04 Sep 2015	Welcome address, “ <i>Supreme Court Corporate Law Conference</i> ” (Sydney)
08 Sep 2015	Session chair, “ <i>Must Directors Maximise Share Value?</i> ” Supreme Court Corporate Law Conference (Sydney)
12 Sep 2015	Keynote address, “ <i>Evidence Law: Keeping or Catching up with Society?</i> ” NSW Young Lawyers (Sydney)
18 Sep 2015	Speech, Judge’s Appellate Conference, title unknown, (Sydney)
23 Sep 2015	Official Welcome, <i>Community Awareness of the Judiciary Program</i> , Community Awareness Program (Sydney)
07 Oct 2015	Speech, “ <i>The Cardoner Project-Speaker Series</i> ” Cardoner project Contemplative Leadership series (Sydney)
19 Oct 2015	Book launch, “ <i>Uniform Evidence in Australia</i> ” (Sydney)
27 Oct 2015	Speech, “ <i>The History of Equity</i> ” Forbes Society Legal History Tutorial (Sydney)
29 Oct 2015	Speech, College of Law Judges’ Series – “ <i>Lawyer – client privilege</i> ” (Sydney)
29 Oct 2015	Speech, “ <i>Silks Bows</i> ” (Sydney)
09 Nov 2015	Welcome and introduction, “ <i>LAWASIA Plenary session: Asia as Law Area</i> ”, (Sydney)
16 Nov 2015	Brief remarks, “ <i>Welcome reception – Cth and Common Law International Family Justice Convention</i> ”, (Coogee, Sydney)
17 Nov 2015	Speech, “ <i>Tipping the scales</i> ”, Bar Association event (Sydney)
24 Nov 2015	Closing address, “ <i>ACICA / CIARB (Aust) BLS Conference</i> ”, (Sydney)
18 Dec 2015	Speech, “ <i>Getting your sold soul back: The limitations and justifications of waiver</i> ” Contracts in Commercial Law Conference (UNSW, Sydney)

**Publications:**

Foreword, 2014 Annual Review of the Supreme Court

Foreword, Ritchie’s Uniform Civil Procedure NSW

“*Counting ceorls and eorls*”, Volume 12, Issue 3 of *The Judicial review* in September 2015

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

Chair of the Judicial Section of LAWASIA

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

**Delegations and international assistance:**

18 Mar 2015 Delegation: Chinese Supreme People’s Court (SPC), Australian – China Human Rights Technical Cooperation Program (HRTC)

13 Apr 2015 Delegation: Harbin City Intermediate People’s Court, PR China, Mr Wang Zhongyi (VP of Harbin City Intermediate People’s Court)

13 May 2015 Official Visit: His Excellency Mr Abdolhossein Vahaji, Ambassador of Iran

15 Jun 2015 Delegation: Kenyan delegation

15 Jun 2015	Delegation: Xinjiang High People's Court, Mr Meng Kai (Vice President)
25 Jun 2015	Official Visit: Her Excellency Ms Unni Klovstad, Ambassador of Norway
25 Jun 2015	Delegation: Jiangsu High People's Court
06 Aug 2015	Official Visit: Her Excellency Mrs Naela Chohan High Commissioner Pakistan
12 Aug 2015	Official Visit: His Excellency Mr Joel Sibusiso Ndebele, High Commissioner to South Africa
14 Sep 2015	Delegation: Shandong Provincial High People's Court, reformation and improvement of Lawsuit System
29 Sep 2015	Official Visit: His Excellency Mr Sumio Kusaka, Ambassador of Japan
14 Oct 2015	Official Visit: His Excellency Mr Viktor Shykh, Ambassador, Embassy of the Republic of Belarus
29 Oct 2015	Delegation: Jiangxi Provincial Higher People's Court, Zhao Jiuchong, Director of Executive Board
02 Nov 2015	Delegation: Anhui High People's Court, Ms Xu Zhiping (VP of Anhui High People's Court)
24 Nov 2015	Official Visit: His Excellency Mr Patrick Cavalot, High Commissioner of the Republic of Mauritius

## THE HONOURABLE JUSTICE BEAZLEY AO, PRESIDENT OF THE COURT OF APPEAL

### Conferences:

24 Jun 2015	Chair, Seminar: Anti-Terrorism, Citizenship and Natural Justice: Where lies the balance? Australian Institute of Administrative Law (NSW) (Sydney)
08 Sep 2015	Chair, Session, Supreme Court of New South Wales, Annual Corporate Law Conference, J Sheahan QC, " <i>Directors and Creditors after Bell Group</i> " (Sydney)
01 Oct 2015	Panel Member, Open Forum/Q & A, Judicial Commission of New South Wales Community Awareness of the Judiciary Program 2015 (Sydney)
04 - 08 Oct 2015	Delegate, Asian, North American and Oceanian Regional Group, 58 <sup>th</sup> Annual Meeting of the International Association of Judges (Barcelona, Spain)
14 - 15 Dec 2015	International Commission of Jurists (ICJ), Forum of Judges and Lawyers (Geneva)

### Speaking engagements:

27 Feb 2015	Paper, Seminar: Judges and the Academy, " <i>Disagreement About Values: Courts, Legislatures and the Reform of Tort Law: A judicial response</i> " (Melbourne)
11 Mar 2015	Speech, Seminar: Introduction to Competitions and Advocacy, Sydney University Law Society, " <i>Oral Advocacy: A Judicial Perspective</i> " (Sydney)
28 Mar 2015	Paper, New South Wales Bar Association CPD Conference, " <i>Appellate Advocacy</i> " (Sydney)
07 Apr 2015	Paper, District Court of New South Wales Annual Conference, " <i>Recurring Issues in the New South Wales Court of Appeal</i> " (Sydney)
08 May 2015	Speech, Guest of Honour, 2015 Bench and Bar Dinner (Sydney)
11 May 2015	Panel Member, Chief Justice's Law Week Seminar, " <i>Social Media and the Law</i> " (Sydney)



23 May 2015	Paper, College of Law Specialist Legal Conference, " <i>Recent judgments in personal injury and litigation</i> " (Blue Mountains)
29 May 2015	Speech, Australian Lebanese Chamber of Commerce Luncheon, " <i>Corporations are people, my friend</i> " (Sydney)
13 Jun 2015	Paper, Symposium to Celebrate the 20 <sup>th</sup> Anniversary of the NSW Evidence Act 1995, " <i>The role of 'similarity' in the admissibility of tendency evidence: Diverging NSW and Victorian approaches</i> " (Sydney)
22 Jun 2015	Speech, Saint Thomas More Society Patronal Feast Day, " <i>The extent to which a judge's personal and moral viewpoint influences the decision making process, and whether it should do so</i> " (Sydney)
01 Jul 2015	Paper, Legal Aid Criminal Law Conference, " <i>Sentence Appeals: The Swing of the Pendulum</i> " (Sydney)
01 Jul 2015	Speech, Muslim Legal Network (NSW) and Law Society of New South Wales Annual Iftar Dinner (Sydney)
17 Jul 2015	Speech, Sydney Boys High School Annual Debating, Rifle Shooting and Volley Ball Assembly. " <i>Human beings: modern day explorers</i> " (Sydney)
05 Aug 2015	Paper, Law Society of New South Wales CPD, " <i>Offers of Compromise: Following, bending and breaking the rules</i> " (Sydney)
08 Aug 2015	Keynote speech, Garling Family Descendants' Bicentennial Gathering (Sydney)
20 Aug 2015	Paper, Seminar to mark the 20 <sup>th</sup> Anniversary of the Victorian Court of Appeal, " <i>Judgment writing in final and intermediate courts of appeal: 'A dalliance on a curiosity'</i> " (Melbourne)
12 Sep 2015	Paper, Annual One Day CLE Seminar: Evidence Act 1995, " <i>The role of 'similarity' in the admissibility of tendency and coincidence evidence: Diverging NSW and Victorian approaches</i> " (Sydney)
29 Oct 2015	Opening address, Judicial Leadership Program 2015, National Judicial College of Australia (Sydney)
29 Oct 2015	Keynote address, NCAT Annual Conference, " <i>Communicating the law: self-represented litigants in the Court of Appeal</i> " (Sydney)
29 Oct 2015	Address, Dinner to mark the 50 <sup>th</sup> Anniversary of the Court of Appeal (Sydney)
17 Nov 2015	Paper, Industrial Court of NSW's President's Forum: Ideas at Work: What is the future role of law in the Australian Workplace? " <i>Future directions in workplace law – bursting the bubble?</i> " (Sydney)
19 Nov 2015	Paper, " <i>More Than</i> " Seminar series, " <i>More than tolerance</i> " (Sydney)
23 Nov 2015	Presentation, Bar Association CPD Series, " <i>Appearing in the Court of Appeal – rule changes, tips and other quirks</i> " (Sydney)
25 Nov 2015	Keynote address, Public Sector Women in Leadership Conference, " <i>Institutional leadership amongst equals</i> " (Sydney)

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**Publications:**

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"Discretion and the rule of law in the criminal justice system", *Australian Law Journal*, Vol 89 No. 3

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M J Beazley, P T Vout and S E Fitzgerald, *Appeals and Appellate Courts in Australia and New Zealand* (LexisNexis Butterworths, 2014)

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*The Judicial Review March 2015*, "The intersection of the Australian law and the Islamic faith: a selection of cases", *Judicial Review* (2015), Vol. 12 No. 2

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

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

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Member of the Board of Governors, Queenwood School for Girls (Sydney)

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Member of the Advisory Board, Centre for Children and Young People, Southern Cross University (Lismore)

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Member of the Advisory Board, Centenary Institute (Sydney)

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Patron, Toongabbie Legal Centre (Toongabbie)

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President, Arts Law Centre of Australia (Sydney)

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Member of the Advisory Board, Affinity Intercultural Foundation (Sydney)

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**Delegations and international assistance:**

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6 Feb 2015 Hosted Professor Xue Ganglin, Deputy Chief Judge, Administrative Division, Supreme People's Court of the People's Republic of China (Beijing) and academics from the China University of Politics and Law (Beijing)

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22 May 2015 Hosted the Hon Mr Justice B Rajendran, Judge, High Court of Madras (Republic of India)

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**THE HONOURABLE JUSTICE MCCOLL AO**

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**Conferences:**

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18 - 19 Dec 2015 Contracts in Commercial Law (Sydney)

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**Speaking engagements:**

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09 Mar 2015 International Women's Day Panel, UNSW, Sydney, Keynote address, Gender Equality Launch.

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14 Mar 2015 Salvos Legal Lecture Series, "Solicitors' liability for negligence and advocates' immunity – the Court of Appeal's recent jurisprudence"

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30 Apr 2015 University of Sydney – Graduation Ceremony. "Conferring of Law Degrees", Occasional address

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25 May 2015 Sancta Sophia College, Academic Formal Dinner, Guest Speaker

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18 – 19 Jun 2015 5<sup>th</sup> National Access to Justice and Pro Bono Conference, Chair "Valuing Justice" session

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10 Dec 2015 Lawyers Weekly Diversity Roundtable discussion, Next Gen Diversity: Flexibility in Gender Roles and Legal Service Delivery

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## THE HONOURABLE JUSTICE BASTEN

### Conferences:

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26 Jun 2015	Judges and the Academy Seminar Series (Melbourne)
04 – 05 Sep 2015	Supreme Court Annual Judges' Conference (Bowral, NSW)
25 Sep 2015	Finn's Law: An Australian Justice Conference (Canberra)

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### Speaking Engagements:

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13 Feb 2015	Gilbert & Tobin Centre of Public Law, Constitutional Law Conference " <i>Constitutional Law in the Federal and State Courts in 2014: The Judiciary and the Legislature</i> " (Sydney)
18 Feb 2015	10 Years of CPA Act " <i>Civil Procedure Act 2005 (NSW) – The Overriding Purpose</i> " (Sydney)
20 Feb 2015	The Principle of Legality in Australian and New Zealand Law Conference " <i>The Principle of Legality – an unhelpful label?</i> " (Melbourne)
17 Apr 2015	" <i>Judging and Community Values</i> " presented to a Judges and the Academy Seminar with Allsop CJ (Melbourne)
29 May 2015	Land and Environment Court Annual Conference " <i>Proportionality and Judicial Review</i> " (Sydney)
13 Jun 2015	20 <sup>th</sup> Anniversary of NSW Evidence Act 1995 Symposium " <i>Reliability of Evidence – Judge or Jury? – A New South Wales View</i> " (Sydney)
24 Jul 2015	Constitutional Law Conference 2015 – Centre for Comparative Studies " <i>Constitutional Dimensions of Statutory Interpretation</i> " (Melbourne)
04 Nov 2015	WA Bar Association Seminar " <i>Modern Judicial Review – An Overview</i> " (Perth)
23 Nov 2015	" <i>Appearing in the Court of Appeal</i> " presented to the NSW Bar Association with Beazley P (Sydney)

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### Publications:

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"*Judicial education on 'gender awareness' in Australia*" 2015 Vol. 22 *International Journal of Legal Profession* pp 151-165

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

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Chair, Judicial Commission of NSW Standing Advisory Committee on Judicial Education
Chair, Supreme Court Education Committee
Member, Editorial Board of <i>The Judicial Review</i> , Journal of the Judicial Commission of NSW
Member, Supreme Court CaseLaw Governance Committee
Member, UNSW Law Faculty Advisory Council
Member, Law Courts Library Advisory Committee
Member, Advisory Committee, G&T Centre of Public Law

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## THE HONOURABLE JUSTICE MACFARLAN

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

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

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Member, Joint Law Courts Library Committee

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## THE HONOURABLE JUSTICE MEAGHER

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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### Speaking Engagements:

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06 – 07 May 2015 Address to the China Australia Human Rights Technical Co-operative Programme Workshop on *Rules over Exclusion of Illegally Obtained Evidence* (Changzhou, Jiangsu Province, China)

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25 – 27 Jun 2015 Address to the China Australia Human Rights Technical Co-operative Programme Workshop on *Rules over Exclusion of Illegally Obtained Evidence (Australian laws and practice)* (Yan Bian, Jilin Province, China)

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

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Member of the NSW Law Reports Liaison Committee at the Supreme Court of NSW

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Member of the Uniform Rules Committee at Supreme Court of NSW

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Member of the Law Advisory Board, University of Notre Dame

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Governor of the University of Notre Dame

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Board Member of the Sydney Symphony Orchestra (SSO)

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Director of the Kincoppal Rose Bay School Board

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### Other:

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12 Apr 2015 Judge of the Grand Final NNSW – Ashurst Australian Private Law Moot (Sydney)

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19 Sep 2015 Judge at the ABA Appellate Advocacy Course (Sydney)

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## THE HONOURABLE JUSTICE HOEBEN AM RFD, CHIEF JUDGE AT COMMON LAW

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Conference (Bowral, NSW)

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**Speaking Engagements:**

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12 May 2015	'Expert Evidence' – Bar Practice Course 2015
10 Sep 2015	'Medical Negligence Update' – Hicksons Health Law Reform
17 Sep 2015	'Evidence Issues' – NSW & Queensland Industrial Relations Commission Joint Conference
08 Oct 2015	Joint Forum – Community Awareness of the Judiciary Program

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

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Committee Member – Royal Humane Society of NSW

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**Delegations and International Assistance:**

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15 Oct 2015          Hosting Justice Cannings – PNG Supreme Court

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**THE HONOURABLE JUSTICE WARD****Conferences:**

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28 Feb 2015	AIJA Council meeting (Sydney)
20 Jun 2015	AIJA Council meeting (Brisbane)
04 – 05 Sep 2015	Supreme Court Annual Judges' Conference (Bowral, NSW)
08 Sep 2015	Supreme Court Corporate Law Conference (Sydney)
13 – 18 Sep 2015	Commonwealth Magistrates & Judges' Association Triennial Conference (Wellington, NZ)
17 Oct 2015	AIJA Council meeting (Melbourne)

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**Speaking engagements:**

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07 Aug 2015	Equitable Compensation and Disgorgement of Profit " <i>Which Equitable Wrongs generate equitable compensation and why?</i> " (University of New South Wales)
23 Sep 2015	Women's Insolvency Network Australia – Great Debate (moderator) (Sydney)
07 Oct 2015	Leadership Alliance of Women – Advancing your career in the public service (panelist) (Sydney)
08 Oct 2015	UNSW Senior Mooting Grand Final (Judge) (Sydney)
16 Oct 2015	Family Court of Australia – Judicial Education Conference , " <i>Oppression Suits</i> " (Melbourne)
02 Nov 2015	Australian Association of Constitutional Law (AACL) – Judicial Appointment Reform, " <i>Revisiting Judicial Appointments Reform in Australia (Comment on Andrew Lynch's paper)</i> " (Federal Court, Sydney)
09 Nov 2015	The 28th Law Asia Conference, " <i>Interaction between the judiciary and the legal profession</i> " (Sydney)
20 Nov 2015	ACE Insurance Ltd - NSW Claims Discussion Christmas Luncheon, " <i>The Year in Review</i> ", Sydney, Opera House Marquee

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

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Chair of the Supreme Court ADR Steering Committee

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Member and Fellow of The Australian Academy of Law

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Member of the AIJA Council

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**Delegations and International Assistance:**

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25 May 2015 Visit by CJ Wallace

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**THE HONOURABLE JUSTICE GLEESON****Conferences:**

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18 Feb 2015 University of New South Wales and University of Sydney *10 Year Anniversary of the Civil Procedure Act* Conference (Sydney)

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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**Speaking engagements:**

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31 Jul 2015 Session 4 – *Damages* – Address at the Commercial Law Association of Australia Conference – *50 Years of Commercial Law* (Sydney)

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11 Sep 2015 Panellist – 2<sup>nd</sup> National Insolvency Conference (Singapore) – *Singapore as a Key Player in Regional and International Insolvency and Restructuring: the Way Forward*

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**Publications:**

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Forward, *Before You Tie the Knot*, Tony Damian and J W Carter (Editors), Herbert Smith Freehills in conjunction with the University of Sydney, Sydney, 2015

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

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Member of Technical Programme Committee of the Tenth Quadrennial Congress of INSOL 2017 (Sydney)

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Casual lecturer, University of Sydney, Faculty of Law, Masters of Law course – “Breach of Contract”

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**THE HONOURABLE JUSTICE LEEMING****Conferences:**

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15 May 2015 The Future of Law Reporting in Australia Forum 2015, Consultative Council of Australian Law Reporting, 35<sup>th</sup> Annual Meeting (Melbourne)

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07 – 08 Aug 2015 Equitable Compensation and Disgorgement of Profit (UNSW)

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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18 – 19 Dec 2015 Contracts in Commercial Law (Sydney)

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**Speaking engagements:**

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13 Feb 2015	“Commercial equity” (Paper presented to Law Summer School, Perth)
27 Feb 2015	“Equity: Ageless in the ‘Age of Statutes’” (Paper presented to “Equity in the Age of Statutes” conference, Melbourne)
01 Apr 2015	“Jurisdictional error” (Seminar to Advanced Administrative Law course, UNSW)
29 May 2015	“Ministerial override certificates and the law/fact distinction – A comparison between Australia and the United Kingdom” (Paper presented to Land and Environment Court Annual Conference, Sydney)
13 June 2015	The Evidence Acts in intermediate appellate courts (Paper presented to Uniform Evidence Act conference, Sydney)
05 – 07 Jul 2015	Advanced Obligations (University of Sydney undergraduate/JD/masters course) (Cambridge, UK)
27 Jul 2015	“The Constitutional Aspects of Commonwealth and State Application Laws (with special attention to ss79 and 80 of the Judiciary Act 1903 (Cth))” (Paper presented to Public Law Section of NSW Bar Association, Sydney)
Jul – Nov 2015	Equity (series of 20 undergraduate lectures, Faculty of Law, University of Sydney)
17 Sep 2015	Closing address to Bar Readers (NSW Bar Association, Sydney)
16 Oct 2015	“Recent decisions of the NSW Court of Appeal” (Paper presented to EPLA Annual Conference, Sydney)
11 Nov 2015	Francis Forbes Annual Lecture (Chair) (Emeritus Professor David Barker)
18 Dec 2015	Contracts in Commercial Law (Chair) (Professors Getzler and Macfarlane)

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**Publications:**

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“Chameleon-hued words’: A note on discretionary trusts” (2015) 89 ALJ 371
“Judicial Review of Vice-Regal Decisions: South Australia v O’Shea, its precursors and its progeny” (2015) 36 Adelaide Law Review 1
“Equity: Ageless in the ‘Age of Statutes’” (2015) 9 Journal of Equity 108
“The subtleties and complexities of the Evidence Acts, and the role of intermediate courts of appeal” (2015) 41 Australian Bar Review 13
“Ministerial Override Certificates and the Law/Fac Distinction – a Comparison between Australia and the United Kingdom” The UK Supreme Court Yearbook 2014-2015, pp 93-117

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

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Challis Lecturer in Equity, University of Sydney
Director, The Federation Press Pty Ltd
Editorial Board member: Australian Bar Review, Journal of Equity

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## THE HONOURABLE JUSTICE SIMPSON

### Conferences:

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13 Jun 2015 Symposium to celebrate the 20<sup>th</sup> Anniversary of the NSW *Evidence Act* 1995 (No 25) (Sydney)

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

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Member of the Legal Profession Admission Board Examinations Committee

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## THE HONOURABLE JUSTICE WHITE

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

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Committee Member – Admissions Committee, Legal Services Council

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## THE HONOURABLE JUSTICE JOHNSON

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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### Publications:

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Joint author with the Hon RN Howie QC of loose-leaf service *Criminal Practice and Procedure (NSW)*

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

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

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## THE HONOURABLE JUSTICE HALL

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

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Member of the Examinations Committee of the Legal Profession Admission Board (Sydney)

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Member of the ADR Steering Committee

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Member of the Common Law Users Group

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## THE HONOURABLE JUSTICE ROTHMAN AM

### Conferences:

10 Feb 2015	NSW Judicial Commission – Twilight Seminar: ‘ <i>The Bail Amendment Act 2014 – An Overview and Some Issues Affecting the Supreme Court</i> ’ [The Hon. Justices Lucy McCallum and Richard Button] (Sydney)
18 Feb 2015	Supreme Court of NSW – Seminar: ‘ <i>Ten Years of the Civil Procedure Act 2005 (NSW) – A decade of Insights and A guide to future Litigation</i> ’ [The Hon. Chief Justice TF BATHURST AC] (Sydney)
22 – 23 Feb 2015	NSW Judicial Commission – Ngara Yura Program: <i>Judicial Visit to St Helliers’ Correctional Centre</i> (Muswellbrook)
22 Apr 2015	Address: ‘ <i>Magna Carta in its Medieval Context</i> ’ [The Hon. James Spigelman AC QC] (Sydney)
29 Apr 2015	NSW Judicial Commission – Seminar: ‘ <i>Cross-jurisdictional Seminar: Procedure for Fitness to be Tried and Mental Illness Cases</i> ’ [Professor Dan Howard SC, President of the Mental Health Review Tribunal; Dr Tobias Mackinnon, Statewide Clinical Director for Forensic Mental Health] (Sydney)
05 May 2015	Forbes Society – Legal History Tutorial: <i>An Introduction to Australian Legal History</i> [Emeritus Professor Bruce Kercher (introduced by the Hon Keith Mason AC, QC)] (Sydney)
12 May 2015	AACL – Indigenous Constitutional Recognition Seminar: ‘ <i>Indigenous Constitutional Recognition -The Constitutional Challenges Underlying the Development of Referendum Proposals</i> ’ [Professor Anne Twomey, Sydney Law School] (Sydney)
13 May 2015	Supreme Court of NSW – Seminar: ‘ <i>Criminal Law Update</i> ’ (Sydney)
18 May 2015	Australian Academy of Law – Patron’s Address: ‘ <i>Magna Carta and the Development of the Common Law</i> ’ [Emeritus Professor Brand, University of Melbourne] (Sydney)
19 May 2015	The Ninth Annual Whitmore Lecture: ‘ <i>Whitmore and the Americans</i> ’ [The Hon. Justice Stephen Gageler] (Sydney)
21 May 2015	Forbes Society – Legal History Tutorial: ‘ <i>An Introduction to Roman Law</i> ’ [The Hon. Justice Arthur Emmett] (Sydney)
02 Jun 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Property Law</i> ’ (The Hon. John Bryson QC] (Sydney)
02 Jun 2015	NSW Judicial Commission – Ngara Yura Program Seminar: ‘ <i>Violence at Home is Everybody’s Business: Legal Responses to Family Violence</i> ’ [Ms Rosie Batty Australian of the Year 2015; Ms Dixie Link Gordon, Rape and Domestic Violence Services Australia; The Hon. Justice Hilary Hannam, Family Court of Australia; Ms Cheryl Orr, Cheryl Orr Family Law] (Sydney)
13 Jun 2015	NSW Judicial Commission – Ngara Yura Program: <i>Judicial Visit to Jibbon Beach Rock Engravings</i> (Sydney)
16 Jun 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Criminal Law</i> ’ [The Hon. Justice Richard Button and Nick Cowdery QC] (Sydney)
26 Aug 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Contract Law</i> ’ [Acting Justice Peter Young] (Sydney)
04 – 05 Sep 2015	Supreme Court Annual Judges’ Conference (Bowral, NSW)

08 Sep 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Tort Law</i> ’ [Judge Nick Manousaridis] (Sydney)
24 Sep 2015	NSW Judicial Commission – Ngara Yura Program Seminar: ‘ <i>Communicating with Aboriginal People in Court</i> ’ [Dr Diana Ead] (Sydney)
07 Oct 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of the Law of Restitution (Quasi Contract)</i> ’ [The Hon. Chief Justice James Allsop] (Sydney)
22 Oct 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Equity</i> ’ The Hon. Chief Justice Tom Bathurst] (Sydney)
04 Nov 2015	Forbes Society – Legal History Tutorial: ‘ <i>The History of Statutory Interpretation</i> ’ [The Hon. Justice Ashley Black] (Sydney)
11 Nov 2015	Forbes Society – Annual Lecture: ‘ <i>The History of Legal Education in Australia</i> ’ [Emeritus Professor David Barker] (Sydney)
17 Nov 2015	Supreme Court of NSW – Seminar: ‘ <i>Celebrating Equality and Diversity</i> ’ [Lt Gen David Morrison AO] (Sydney)

#### **Speaking engagements:**

10 Mar 2015	‘Magna Carta and Minority Rights’ – NSW Society of Jewish Lawyers & Jurists
28 Oct 2015	Introductory Remarks for the Celebration of 50th Anniversary of Nostra Aetate

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

President – The Great Synagogue (Sydney)
Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools
Honorary Life Member; Executive Member – NSW Jewish Board of Deputies
Co-Chair – Australian Council of Jewish Schools
Chair – Organising Committee of the Joint Supreme Court/Federal Court Judges’ Conference
Chair – Ngara Yura Committee of Judicial Commission of NSW
Board Member – International Association of Jewish Lawyers and Jurists

### **THE HONOURABLE JUSTICE BRERETON AM RFD**

#### **Conferences:**

01 – 02 Aug 2015	Law Council of Australia, Business Law Section, Corporations Workshop, (Werribee, Victoria)
10 Nov 2015	National Adoption Awareness Week: Breakfast Briefing by Sir Martin Narey Ministerial Advisor on Adoption and Chair of the National Adoption Leadership Board, (Hilton Hotel, Sydney)

#### **Speaking engagements:**

12 Mar 2015	Opening address, UNSW MCLE/CPD Seminar: Wills & Estates Masterclass, (Grace Hotel, Sydney)
23 Apr 2015	Speaker, Law Society of NSW Gallipoli Campaign Centenary, “ANZAC Lawyers: New South Wales Lawyers at Gallipoli” (Level 2, Law Society, Phillip Street, Sydney)

20 Jun 2015	Costs Assessors Annual Seminar, “Costs Assessment Scheme/Uniform Law”, (Banco Court, Law Courts Building, Sydney)
17 – 18 July	Speaker, Family Law Residential, Qld Law Society “ <i>Breaking precedent: the relevance of previously decided cases in determining the entitlement of parties in property proceedings</i> ”, (RACV Royal Pines Resort, Benowa, Qld)
07 Aug 2015	Opening address: Legal Aid NSW, Family Law Division, Annual Care & Protection Conference, (Teachers Federation, Surry Hills)
27 Aug 2015	Speaker, NSW State Legal Conference, “ <i>Uniform Law – Impact and Implications for Costs Assessment</i> ”
13 Oct 2015	Speaker, UNSW CLE Seminar – Equity Essentials: NSW Equity Practice “ <i>Practice and Procedure Before The Duty Judge In Equity</i> ”, (UNSW CBD Campus, Level 6, 1 O’Connell Street, Sydney)
26 Oct 2015	Panel Member, Ministerial Open Adoption Forum, (Australian Technology Park, Redfern)
05 Nov 2015	Video presentation, Fostering NSW and Association of Children’s Welfare Agencies – Open Adoption Forum
26 Nov 2015	Speaker, College of Law Judges Series, “ <i>Subpoenas, Discovery and Interrogatories</i> ”, (Banco Court, Law Courts Building, Sydney)

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

Chairman of Trustees, Leycester Meares Bequest

Patron, Military History Society of NSW

Patron, RSL Veteran’s Centre, East Sydney

#### **Commissions in Other Courts**

10 Apr 2015 (Darwin) Member, Defence Force Discipline Appeal Tribunal

26 Apr 2015 (Adelaide) Member, Defence Force Discipline Appeal Tribunal

17 Jul 2015 (Brisbane) Member, Defence Force Discipline Appeal Tribunal

### **THE HONOURABLE JUSTICE HAMMERSCHLAG**

#### **Speaking engagements:**

24 Mar 2015	Opening Remarks at the UNSW CLE Seminar on Building Law, (Grace Hotel, Sydney)
12 Jun 2015	Commercial Law Association of Australia Judges Seminar Series (Dixon Room, State Library of New South Wales)
05 Aug 2015	NSW Bar Association Arbitration Workshop, (NSW Law Society)
01 Sep 2015	7 <sup>th</sup> NSW Young Lawyers International Arbitration Moot (Baker & McKenzie, Sydney)
09 Sep 2015	Building Dispute Practitioners Society (Hilton Hotel, Sydney)
22 Oct 2015	NSW AILA Annual General Meeting
25 Nov 2015	Luncheon Seminar – Australian Branch of the International Law Association – Mediation Rooms, 3 Selborne Chambers (Sydney)

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

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Chair – Commercial and Technology & Construction Users Group

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Harmonisation Committee

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**THE HONOURABLE JUSTICE HARRISON**

**Conferences:**

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04 - 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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**Speaking engagements:**

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23 Mar 2015 Cross-examination workshop and mock trial – Presiding Judge – NSW Bar Association – New Barristers' Committee (Sydney)

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28 Mar 2015 Keynote address – NSW Young Lawyers' Civil Litigation and CLE Committees – Civil Litigation Seminar (Sydney)

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23 May 2015 Key Speaker – College of Law – Specialist Legal Conference (Leura, Blue Mountains)

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17 Sep 2015 Key speaker – “Recent developments in medical negligence” – Hicksons – Annual Health Law Forum (Sydney)

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**THE HONOURABLE JUSTICE FULLERTON**

**Speaking engagements:**

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14 Mar 2015 Keynote Address – Annual ‘Criminal Law’ CPD Seminar – NSW Young Lawyers, The Law Society of NSW (Sydney)  
Panel Member – Bail Act Panel

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13 Jun 2015 Oration – Evidence Act Symposium “*Striking the Balance Between Prosecution and Defence – A Judicial Perspective*” (Sydney)

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

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Board Member – City Recital Hall

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**THE HONOURABLE JUSTICE MCCALLUM**

**Conferences:**

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13 – 14 Mar 2015 Chair Cultural Diversity and the Law Conference - Chair (Sydney)

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07 Aug 2015 Grand Final Mooting Competition of Australia’s First Peoples 2015 (Corrs Chambers Westgarth, Sydney)

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04 - 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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07 Oct 2015 Criminal Law Moot (Judge of) – “*Gallant v R*” (NSW Law School, Sydney University)

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**Speaking engagements:**

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10 Feb 2015	Presenter – Bail Amendments Act Seminar (Judicial Commission offices, Sydney)
22 Feb 2015	Presenter – Public Defenders Conference: “ <i>Trial by Judge Alone</i> ” (Taronga Zoo, Sydney)
11 Mar 2015	Opening remarks - “ <i>Media Law Update</i> ” Seminar (Judicial Commission) (Grace Hotel, Sydney)
06 Oct 2015	NSW Bar Association Open Day – Female Law Students Speaker – “ <i>Debunking myths surrounding challenges faced by female barristers</i> ” (NSW Bar Association, Sydney)
18 Nov 2015	UNSW Law’s ‘Look Who’s Talking’ panel – discussion topic “ <i>Women in Leadership</i> ” (Corrs Chambers Westgarth, Sydney)

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**Publications:**

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16 Nov 2015 – contribution to Gazette of Law and Journalism – paper published 06 December 2015: “*Question Time*”

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

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Committee member – Judicial Council on Cultural Diversity

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**THE HONOURABLE JUSTICE RA HULME****Conferences:**

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04 - 05 Sep 2015 Supreme Court Annual Judges’ Conference (Bowral, NSW)

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**Speaking engagements:**

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07 Apr 2015	District Court of New South Wales Annual Conference – <i>Court of Criminal Appeal Review</i>
13 May 2015	Supreme Court Criminal Law Update
01 Jul 2015	Local Court of New South Wales Annual Conference – <i>Criminal Law Update</i>
04 Sep 2015	Supreme Court Annual Conference – <i>Developments in Criminal Law</i>

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**Publications:**

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Co-author *Criminal Law News*, LexisNexis Butterworths

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

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Court of Criminal Appeal List Judge

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Member, Jury Task Force

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Member, Judicial Commission of NSW Criminal Trial Bench Book Committee

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Member, CaseLaw Governance Committee

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Member, JusticeLink Committee

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Member, Court of Criminal Appeal/Crime Users Group

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## THE HONOURABLE JUSTICE SLATTERY

### Conferences:

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07 Feb 2015	Reserve Legal Officers National Heads of Panel Conference – Military Law Centre – Victoria Barracks, Paddington, Sydney
01 – 03 May 2015	New South Wales Navy Reserve Legal Panel Conference – HMAS Creswell – Jervis Bay
22 Aug 2015	Defence Reserves Association National Conference, Novotel, Brighton- le-Sands
04 – 05 Sep 2015	Supreme Court Annual Judges’ Conference (Bowral, NSW)
07 – 09 Oct 2015	Dialogues of Being a Judge Program, Conference at Mount Lofty House, Mount Lofty, South Australia
06 – 08 Nov 2015	Australian Defence Force – Judge Advocate General’s Conference – Canberra

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### Speaking engagements:

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25 Mar 2015	<i>“Ethics and Professional Conduct before Superior Service Tribunals”, JAG Address, NSW Army and Airforce Legal Panel Training Evening</i>
28 Apr 2015	After Dinner Speech – Joint Legal Issues Workshop – Defence Legal National Conference, Fairmont Resort, Leura, <i>“Two lawyers who were WW1 heroes – Percy Storkey VC and Arthur Blackburn VC”</i>
06 May 2015	<i>“The Role of the Judge Advocate General and Reforms to Military Justice”, at the ACT Tri Service Reserve Legal Panel Training Seminar, Australian Defence Force Academy, Canberra</i>
20 Jun 2015	<i>“The Role of the Judge Advocate General and Reforms to Military Justice”, at the Southern Queensland Tri-Service Reserve Legal Panel Training Seminar, Gallipoli Barracks, Brisbane</i>
17 Aug 2015	<i>“What Makes a Good Military Lawyer?”, JAG Address to Legal Officers LTM1 Course, Military Legal Centre, Victoria Barracks, Paddington</i>
22 Aug 2015	<i>“The Capability Reserve Legal Officers Bring to the ADF”, Address to Defence Reserve Association National Conference at the Novotel, Brighton le Sands</i>
29 Sep 2015	<i>“What is Happening in the Judge Advocate General Space – Reforms to Military Justice”, at the Western Australian Tri Service Reserve Legal Training Panel Seminar, Campbell Barracks, Perth Western Australia</i>
06 Oct 2015	<i>“The Judge Advocate General: Ancient Origins, Modern Australian Functions and Future Challenges”, University of Adelaide Law School, Adelaide</i>
07 Oct 2015	<i>“The Work of the Judge Advocate General and Reforms to Military Justice”, at the South Australian Tri Service Reserve Legal Panel Training Seminar, at the Naval and Military Club, Adelaide</i>
11 Nov 2015	<i>“The Work of the Judge Advocate General and Reforms to Military Justice”, the Victorian Tri Service Reserve Legal Panel Training Seminar, Owen Dixon Chambers, Melbourne</i>

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**Publications:**

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Report of the Judge Advocate General of the Australian Defence Force to the Australian Parliament for the period 1 January to 31 December 2014.

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"*The Capability that Reserve Legal Officers Provide the ADF*", The Australian Reservist, Issue 25, October 2015

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

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Acting Judge Advocate General of the Australian Defence Force (up to 14 May 2015) and Judge Advocate General of the Australian Defence Force from 14 May 2015

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Board Member of the Indigenous Barristers Trust – the Mum Shirl Fund

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**THE HONOURABLE JUSTICE DAVIES****Conferences:**

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

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Deputy Presiding Member – Legal Profession Admission Board

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**THE HONOURABLE JUSTICE SCHMIDT****Conferences:**

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10 Feb 2015	Twilight Seminar: The <i>Bail Amendment Act</i> 2014 – An Overview and Some Issues Affecting the Supreme Court (Sydney)
12 Feb 2015	Sir Anthony Mason Lecture " <i>Lord Bryce and the Australian Constitution</i> " (Sydney)
26 Mar 2015	President's Forum " <i>Do twenty-first century Western employers provide decent work?</i> " (Sydney)
22 Apr 2015	" <i>Magna Carta in its Medieval Context</i> ". A lecture delivered by the Honourable J J Spigelman AC QC (Sydney)
29 Apr 2015	Twilight Seminar: <i>Procedure for Fitness to be Tried and Mental Illness Cases</i> (Judicial Commission of NSW) (Sydney)
19 May 2015	The ninth annual Whitmore lecture, " <i>Whitmore and the Americans</i> ", Federal Court (Sydney)
23 Jul 2015	10 year Anniversary of the <i>Civil Procedure Act</i> 2005 and Ritchie's Uniform Civil Procedure NSW (Sydney)
04 - 05 Sep 2015	Supreme Court Annual Judges' Conference (Bowral, NSW)
24 Sep 2015	Ngara Yura Program Seminar: <i>Communicating with Aboriginal People in Court</i> (Sydney)
01 Oct 2015	" <i>Magna Carta: Destiny or Accident?</i> " – an address by the Rt Hon the Lord Judge (Sydney).
20 Oct 2015	Cross-jurisdictional Seminar: The Rise of the Digital Natives: Communicating with Juries (Sydney)
17 Nov 2015	NSW Bar Association : " <i>Tipping the Scales: Equity and Diversity at the Bar</i> " (Sydney)
18 Nov 2015	Cross-jurisdictional Seminar: Giving Juries Written Directions (Sydney)

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**Speaking engagements:**

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17 – 20 Mar 2015	National Judicial College of Australia: Judgment Writing Program (Adelaide, SA)
11 May 2015	Law Week Banco Court: Legal Studies Students and Teachers Interactive Seminar (Sydney)
22 – 26 Jun 2015	National Judicial Orientation Program (Broadbeach, QLD)
14 Sep 2015	UNSW Law Society – "Drinks with the Judiciary" event (Sydney)
17 Sep 2015	Industrial Relations Commission of NSW and Queensland Industrial Relations Commission Joint Conference. Session: " <i>Conciliation and Mediation Panel</i> " (Manly NSW)
23 Sep 2015	Community Awareness of the Judiciary Program 2015. Session 4: " <i>Judicial Conduct Scenarios</i> " (Sydney)
07 – 09 Oct 2015	National Judicial College of Australia – Dialogues on Being a Judge (Adelaide, SA)
08 Dec 2015	Launch of the Australian Neurolaw Database – a research collaboration between Macquarie University and Sydney Law School (Sydney)

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

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Chair of the National Judicial Orientation Program

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

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

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

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Member, Supreme Court Education Committee

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Member, Supreme Court Remuneration Committee

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Member, CLE for Registrars

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**THE HONOURABLE JUSTICE BALL****Conferences:**

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18 Dec 2015	Chair, "Remedies and Defences" panel, Contracts in Commercial Law Conference, (AGNSW, Sydney)
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**Publications:**

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"Principles of Insurance Law", LexisNexis, co-authored with David St L Kelly

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**THE HONOURABLE JUSTICE GARLING RFD****Conferences:**

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10 Feb 2015	Judicial Commission Seminar – Bail Amendment Act – Overview
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12 Feb 2015	Lecture – Lord Bryce and the Australian Constitution
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18 Feb 2015	Ten Years of the <i>Civil Procedure Act</i> 2005 – A Decade of Insights and a Guide to Future Litigation.
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22 Apr 2015	800 <sup>th</sup> Anniversary – Magna Carta Lecture – The Hon JJ Spigelman
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10 Apr 2015	Dr N McWilliam – Alternative Dispute Resolution research
29 Apr 2015	Judicial Commission Seminar – Procedural Fitness to be Tried and Mental Illness Cases
18 Aug 2015	Dr Don Weatherburn – Do Tough on Crime Policies Really Work
07 Aug 2015	NSW Law Society Specialist Accreditation Conference
14 – 16 Sep 2015	Learned Friends Conference (Nuremberg, Germany)

**Speaking engagements:**

18 Feb 2015	Panel Member: Expert Evidence and the <i>Civil Procedure Act 2005</i>
14 May 2015	Law Week – Coffs Harbour Court House – student visit
07 Aug 2015	NSW Law Society Specialist Accreditation Conference – “ <i>Civil Liability</i> ”
15 Sep 2015	Nuremberg Conference: Learned Friends: Criminal Liability for Conduct Affecting Armed Conflicts

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

**Civil Trials Bench Book Committee, Judicial Commission of NSW**

Supreme Court Education Committee

Supreme Court IT Committee

Common Law Users Group

Member Loreto Education Council

Chair NSW Rugby Union Appeals Tribunal

**Delegations and international assistance:**

23 Feb 2015	Professor Tetsuro Hirano (Faculty of Law, Ritsumeikan Uni – Japan) Concurrent Expert Evidence.
<b>21 Apr 2015</b>	Tianjin City Binhai New Area People’s Court: Court Structure and Performance.
06 Aug 2015	Professor Asaka, University of Tokyo: Representatives Actions.

**THE HONOURABLE JUSTICE BLACK**

**Conferences:**

21 - 24 Mar 2015	INSOL International Conference (San Francisco, USA)
04 - 05 Sep 2015	Supreme Court Annual Judges’ Conference (Bowral, NSW)

**Speaking engagements:**

19 Feb 2015	Trusts, Financial Services and Conflicts – Law Council of Australia Conference – 2015 – Superannuation.
21 Mar 2015	INSOL International/UNCITRAL/World Bank Judicial Colloquium on Insolvency – Lessons from recent cases on cross-border insolvency – Australia.
19 Jun 2015	Recent Developments in Corporations Law – Commercial Law Association of Australia.

08 Sep 2015	Insolvency Practice in the Corporations List of the Supreme Court of New South Wales – University of Technology Sydney.
07 Oct 2015	Development of principles of statutory Interpretation – Introduction to Australian Legal History Tutorials
2015	Taught course in financial markets regulation, Semester 1, 2015, University of New South Wales.
2015	Taught course in fiduciary duties and conflicts of interest, Semester 1, 2015, University of Sydney.

**Publications:**

Joint author, *Securities and Financial Services Law*, 8<sup>th</sup> ed, LexisNexis, 2012

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

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

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

Adjunct Professor, Faculty of Law, University of Sydney

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

Fellow, Australian Academy of Law

**THE HONOURABLE JUSTICE ADAMSON**

**Conferences:**

04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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

Member, CaseLaw Governance Committee

Member, Rule Committee

Member, Uniform Rules Committee

Chairperson, Legal Qualifications Committee

Member, NSWLR Liaison Committee

**THE HONOURABLE JUSTICE BELLEW**

**Conferences:**

May 2015 NSW Bar Association Readers Program – Mock trial

04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

Oct 2015 NSW Bar Association Readers Program – Mock Trial

**Speaking engagements:**

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24 Mar 2015	Bar Association Seminar
01 Apr 2015	Chair NSW Bar Association “Sport & Alternative Dispute Resolution”
21 Apr 2015	“Careers in Law” Monte Saint Angelo College
19 May 2015	Notre Dame University
12 Sep 2015	NSW Young Lawyers – Evidence Act
15 Sep 2015	Notre Dame University
19 Sep 2015	Appeal Workshop

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**Publications:**

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Author, <i>Australian Uniform Evidence</i> (LexisNexis)
Co-author, <i>Ritchies Uniform Civil Procedures</i> (LexisNexis)
Editor, <i>Motor Vehicle Reports</i> (LexisNexis)
Contributor, <i>Halsbury’s Laws of Australia</i> (LexisNexis)
Contributor, <i>Court Forms, Precedents and Pleadings</i> (LexisNexis)

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

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04 – 05 Sep 2015	Supreme Court Annual Judges’ Conference (Bowral, NSW)
09 – 11 Oct 2015	Judicial Conference of Australia (JCA ) Colloquium (Adelaide, SA)

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**Speaking engagements:**

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17 Jun 2015	9 <sup>th</sup> Information Governance and eDiscovery Summit (Sydney)
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**THE HONOURABLE JUSTICE BEECH-JONES****Conferences:**

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04 – 05 Sep 2015	Supreme Court Annual Judges’ Conference (Bowral, NSW)
09 – 11 Oct 2015	Judicial Conference of Australia (JCA ) Colloquium (Adelaide, SA)

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

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Vice President of the Judicial Conference of Australia
Member of the Governing Council of the Judicial Conference of Australia
Member of the Executive Committee of the Judicial Conference of Australia
Supreme Court IT Committee
Member of the Legal Qualifications Committee

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## THE HONOURABLE JUSTICE CAMPBELL

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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### Speaking engagements:

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11 Mar 2015 Opening address – Criminal Law Essential Update

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21 Mar 2015 Address – Personal Injury Law Conference – Identifying Risk of Harm s 5B *Civil Liability Act 2002*

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23 May 2015 Address – Blue Mountains – Practising at the Bar

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22 Jun 2015 Speech Henry Park Chambers – Education Committee – Administrative Law for Personal Injury Lawyers

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30 Oct 2015 Paper presentation NCAT Decision Making 21<sup>st</sup> Century

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27 Nov 2015 Paper presentation Workers' Compensation Commission of NSW Workers' Compensation Commission of NSW Primary Decision Making 21<sup>st</sup> Century

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## THE HONOURABLE JUSTICE BUTTON

### Conferences:

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17 – 18 Oct 2015 Judicial Commission Ngara Yura weekend (Bathurst)

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### Speaking engagements:

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10 Feb 2015 Supreme Court – Bail seminar (Sydney)

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12 Feb 2015 District Court – Bail seminar (Sydney)

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28 Feb 2015 Toongabbie Legal Centre Seminar – Advocacy (Sydney)

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29 Apr 2015 ANU Seminar – Legal History (Canberra)

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29 May 2015 Land and Environment Court Lecture – Recent developments in criminal law (Sydney)

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16 Jun 2015 University of Wollongong postgraduate seminar – Advocacy (Wollongong)

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## THE HONOURABLE JUSTICE LINDSAY

### Conferences:

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08 – 11 Jul 2015 22nd British Legal History Conference (Reading, UK)

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12 – 13 Dec 2015 ANZLHS Conference (Adelaide, SA)

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### Speaking engagements:

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17 Feb 2015 College of Law Administration of Estates Seminar, Administration of Estates – Deconstruction and Synthesis in Changing Times: Purposeful Management of Property, People and Relationships.

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25 Mar 2015 UNSW Faculty of Law CLE Seminar, Litigation Master Class Opening Commentary

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09 May 2015 University of Western Sydney Law Students Association Moot Competition (Judge)

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02 Sep 2015 Bar Practice Course (Equity Applications Judge)

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16 Sep 2015	College of Law Advanced Wills & Estates Day, Quo Vadis: Wills and Estates, Law and Practice, in contemporary NSW
19 Sep 2015	University of Western Sydney Law Students Association Moot Competition (Judge)
05 Nov 2015	College of Law 2015 Judges Series of Seminars – Pleadings and Case Management

**Publications:**

Editor, *Australian Bar Review* (Lexis Nexis)

Co-Editor, *NSW Civil Practice & Procedure* (Thomson Reuters)

Consultant Editor, *NSW Conveyancing Law & Practice* (CCH)

Foreword to JP Hamilton's "*Adjudication on Australian Goldfields*" (Federation Press)

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

Secretary, Francis Forbes Society for Australian Legal History (Retired as Secretary; continuing as Councillor)

NSW Law Reporting Liaison Committee

**THE HONOURABLE JUSTICE HALLEN**

**Conferences:**

04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

**Speaking engagements:**

26 Mar 2015 UNSW Wills and Inheritance Disputes

06 May 2015 NSW Bar Association Practice Course – Application before a Judge of the Supreme Court

26 May 2015 Law Society of NSW and NSW Bar Association Series Tutorial

09 Jun 2015 Law Society of NSW and NSW Bar Association Series Tutorial - Probate, Protective and Family Provision Jurisdictions

18 Aug 2015 Law Society of NSW and NSW Bar Association Series Tutorial

02 Sep 2015 NSW Bar Association Practice Course – Application before a Judge of the Supreme Court

14 Oct 2015 Law Society CPD Seminar – One Hundred Years of Family Provision - Have we gone too far?

**THE HONOURABLE JUSTICE KUNC**

**Conferences:**

09 Jan 2015 The Australian Accountants Lawyers & Company Directors Conference (Aspen, Colorado, USA)

24 Feb 2015 AIJA Conference – Cultural Diversity and the Law

04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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**Speaking engagements:**

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09 Jan 2015	The Australian Accountants Lawyers & Company Directors Conference, Aspen, Colorado, Keynote Address – ‘Company Directors: Decisions, duties and dilemmas’
24 Feb 2015	College of Law Breakfast Seminars – ‘Dealing with unrepresented litigants’
08 Apr 2015	Keynote address - Introductory University of Technology Sydney’s Speakers Series Launch “A façade of freedom: is there such a thing as free speech?”, Queen Victoria Building Tea Room, Sydney, 8 April 2015

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**Publications:**

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*Foreword to Native Title and Land Law – The Laws of Australia*, Justin Carter, Thomson Reuters, (2009)

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

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Member, Editorial Board, Journal of Equity

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Chairperson, Palestrina Foundation

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Chairperson, Layne Beachley Aim for the Stars Foundation

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Director, Opera Australia Capital Fund

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**THE HONOURABLE JUSTICE ROBB****Conferences:**

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04 – 05 Sep 2015 Supreme Court Annual Judges’ Conference (Bowral, NSW)

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**Speaking engagements:**

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24 Nov 2015 Keynote address: College of Law – Advanced Property Law Day “A Review of Significant Property Cases in the Last 12 Months” (Sydney)

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

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Committee Member, Legal Qualifications Committee, Legal Profession Admission Board

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**THE HONOURABLE JUSTICE WRIGHT****Conferences:**

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04 – 05 May 2015 COAT Conference – Dreams & Realities, the evolution of tribunals, retrospective and prospective

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21 – 22 May 2015 AIJA Conference – Justice Without Barriers, Greater Access to Justice

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29 Jul 2015 Civil Justice Forum

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28 Aug 2015 COAT NSW Annual Conference

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04 – 05 Sep 2015 Supreme Court Annual Conference

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29 Oct 2015 NCAT Member Conference

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**Speaking engagements:**

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03 Mar 2015	College of Law Breakfast Series – Overview of NCAT
07 May 2015	Informal Seminar to Registrars of Supreme Court – NCAT Appeal Process
29 May 2015	Land and Environment Court Annual Conference – NCAT Practice and Procedure
04 – 05 May 2015	COAT Conference – Dreams & Realities, the evolution of tribunals, retrospective and prospective
10 Jun 2015	District Court Judges' Twilight Seminar – NCAT Overview
17 Jul 2015	Legal Profession Admission Board – Occasional address
29 Oct 2015	NCAT Member Conference

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**Delegations and international assistance:**

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06 Feb 2015	Visiting delegation – Judge/Prof Gang Lin and others from The Law School of China University of Political Science and Law
30 Jul 2015	Visiting delegation – Shannon Salter, Chair of British Columbia Civil Resolution Tribunal
28 Oct 2015	Visiting delegation – Singaporean Judges (Bala Reddy J, Principal Director Community Justice & Tribunals; Samuel Chua, District Court Judge Community Justice & Tribunals; Jasbendar Kaur, Deputy Registrar)

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**THE HONOURABLE JUSTICE HAMILL****Conferences:**

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21 – 26 Jun 2015	National Judicial College of Australia, Judicial Orientation (Gold Coast)
04 – 05 Sep 2015	Supreme Court Annual Judges' Conference (Bowral, NSW)

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**Speaking engagements:**

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28 Mar 2015	Reasonable Cause Criminal Law CLE Conference, Speech, " <i>Media Frenzy and the Law</i> " (Sydney)
13 May 2015	Law Week Seminar, Legal Studies Students in NSW (Sydney)
31 Aug 2015	New South Wales Criminal Defence Lawyers Association Dinner, Keynote Speaker, (Sydney)
13 Sep 2015	Learned Friends Conference, Speech, " <i>Is it Murder? The Ethics and Legality of Drone Strikes</i> " (Nuremberg, Germany)
14 Nov 2015	ALS Sailesh Rajan Trial Training Conference, Speech, " <i>Connecting with Juries</i> " (Sydney)

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**THE HONOURABLE JUSTICE WILSON****Speaking engagements:**

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20 Jul 2015	Judicial Q and A, NSW Bar Association (Sydney)
20 Aug 2015	District Court Judicial Orientation Program (Sydney)

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## THE HONOURABLE ASSOCIATE JUSTICE HARRISON

### Conferences:

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04 – 05 Sep 2015 Supreme Court Annual Judges' Conference (Bowral, NSW)

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### Speaking engagements:

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28 Jun 2015 Reflections on Ramadan – The Annual Friendship & Dialogue Ramadan Iftar Dinner  
(Parliament House, Sydney)

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## Supreme Court of New South Wales

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Australia

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