

2020

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 present the 2020 Annual Review of the Supreme Court of New South Wales. This Review, as always, is essential for maintaining public confidence in the Court. It provides an open and transparent view of the Court's internal workings, which is of fundamental significance to the proper administration of justice in this State.

In particular, this Review presents an overview of the Court's operations in 2020. This includes information about decision makers, caseload management and court operations, as well as education programs and the Court's broader work. These facts and figures are more than mere statistics, as they help the Court to remain accountable to the public, which places its trust in the Court's proper and just functioning. However, there is also much that can simply not be measured in words or numbers.

This year presented the Supreme Court with one of its greatest challenges to date. The COVID-19 pandemic has been a major disruption and uncertainty for all, and the Court was no exception. In a short period of time, the Court was required to adapt to the changing situation and roll out a virtual courtroom system so that it could continue to operate, even if parties were not physically present. Other restrictions were put in place to ensure the safety of court staff and court users. Because of this, the Court was able to continue its functions remarkably well. I would like to personally acknowledge the strain and stress that this situation placed on many. I am grateful to the lawyers, court staff and judicial officers who worked hard to ensure the Court could run as smoothly as possible.

One particular difficulty the Court faced was in relation to criminal trials. Regrettably, jury trials were suspended during times of lockdown. Fourteen trials were vacated between March and June as a direct result of COVID-19. By the end of 2020, there was a 22% increase in the number of defendants with cases pending in the Criminal List when compared with 2019. However, the number of judge-alone trials in suitable cases increased in 2020 to 41% of trials completed, compared with 27% in 2019. Despite the challenges, the listing delay for criminal trials decreased.

The Court continued civil hearings at all times throughout the year, which was a significant achievement. Nine Common Law Division civil hearings were vacated due to COVID-19. Between March and June 2020, all civil hearings were conducted by Audio Visual Link (AVL) alone. Despite some teething problems with the technology, the Court and practitioners adjusted to the new AVL system. Civil hearing delays decreased over 2020, however were still longer than desired. Over 2020, the number of matters referred to mediation decreased by 25% from 2019.

Unfortunately, judicial education was impacted by the uncertainty of the COVID-19 pandemic, due to cancelled in-person sessions. However, there were various online resources available for judges, including webinars held throughout the year. One particular positive outcome has been an increased use of flexible modes of delivery for education programs.

In 2020 we welcomed Justice Kate Williams as a Judge of the Equity Division of the Supreme Court of New South Wales. We also farewelled Justice Michael Pembroke as a Judge of the Court.

Finally, I again would like to extend my sincere thanks to all judges, court staff, and members of the legal profession for their tireless work in keeping the Court afloat during a very difficult time. It simply would not have been possible to keep the wheels of justice turning without everything that they did to minimise disruptions and assist the running of the Court.



The Hon T F Bathurst AC
Chief Justice of New South Wales

AN UNPRECEDENTED YEAR: REFLECTING UPON THE IMPACT OF THE COVID-19 PANDEMIC

In a year that began with the most devastating bushfires in the State's history, it was hard to imagine that 2020 could be characterised by yet more trauma, disruption and uncertainty. However, once the floods extinguished the fires, there was only a brief period of respite before the impact of the global COVID-19 pandemic was felt by the people of greater Sydney and NSW.

The arrival of COVID-19 necessitated major changes to the court's operations to minimise reliance on physical interaction in the conduct of court proceedings and the provision of services. To comply with essential public health orders seeking to limit transmission events through social distancing and restricted travel, the Court had to rely on digital services and technology to ensure the majority of criminal trials and civil litigation could continue to progress. Some of the impacts on key aspects of the Court's work during the height of the pandemic are summarised below. These impacts are explored in greater detail in Chapter 3, *Court Operations*.

On 14 December 2020, the Chief Justice also took the opportunity to contemporaneously document his feelings on the unprecedentedly year in his Honour's media statement entitled, "*Chief Justice's Reflections on 2020*", which is reproduced in this Review for posterity as a unique insight into the challenges faced and overcome by the Court, its staff and the legal profession.

Impact of COVID-19 on the Court of Appeal and Court of Criminal Appeal

The pandemic had a negligible direct impact on the capacity of the appellate courts to run cases.

Notably, there was a 29% increase in lodgments to the Court of Criminal Appeal during 2020, compared with 2019. However, this increase was most likely attributable to the growth in appeals from decisions in the District Court rather than an impact of the pandemic.

Impact of COVID-19 on criminal trials

From 16 March to 29 June 2020, the hearing of jury trials was suspended. Criminal trials continued to be listed for hearing into 2020 and 2021. The Court actively canvassed the option of judge-alone trials in suitable cases and this resulted in increased use of judge-alone trials. When the Court was resumed jury trials, at least two courtrooms (in most instances) were allocated to each trial to comply with distancing requirements.

During 2020:

- 14 trials were vacated as a direct result of coronavirus (these were vacated between March and June).
- 41 trials (jury trials, judge-alone trials and special hearings) were concluded by verdict, plea or reserved judgment
- 41% of the trials completed in 2020 were by heard by judge-alone, compared with 27% of the trials completed in 2019.

By the end of 2020 there were 76 trials on hand that had yet to start or complete their hearing, compared with 58 at the end of 2019. The number of trials without a start date for a hearing grew to 28 during the year but by the end of 2020 it was reduced to 19, the same number as at the end of 2019.

Importantly, over that same time the listing delay from criminal trials was brought down, from 5.0 months to 4.2 months for the 'standard' 4-week trial. The low number of collapsed trials and the focus on providing judges for criminal trials (even though more courtrooms had to be allocated than would ordinarily be required for the number of trials) helped achieve the delay reduction despite the challenging circumstances.

The efficacy of the Court's approach to managing criminal trials during the pandemic were recognised in the broader Asia Pacific region and the Honourable Justice Beech-Jones was invited to share his insights with judges of the Supreme Court of Indonesia.

Impact on the Bails List

There was a spike in Bails List filings in April 2020, when 239 applications were lodged (compared with average of 163 applications per month over the other 11 months of 2020). Because the volume of lodgments in the Bails List has been fluctuating since the commencement of a new Practice Note in June 2019, it is difficult to identify any further impact with confidence.

Impact of COVID-19 civil hearings

From 24 March to 1 June 2020 face-to-face hearings were suspended; hearings were conducted by AVL only. From 1 June 2020, some cases in the Equity Division and Common Law Division were permitted to have face-to-face hearings, all other listed civil hearings, and the judges' and registrars' lists, continued to be heard by AVL.

Common Law Division civil hearings

- The direct impact of the pandemic was minimal for the operational statistics. Between 1 January and 31 December 2020 there were 1,097 common law civil hearings listed to start; this was only 10 fewer than the number in 2019 (1,107). Of the 1,097 cases in 2020:
 - 9 were vacated due to coronavirus (these occurred between March and June)
 - 106 were vacated for other reasons, which was lower than the number in 2019 (161)
 - 982 were heard or settled, which was higher than the number in 2019 (941).

The listing delay for 'standard' civil hearings (hearings of up to 5 days in the Common Law Division, and hearings of up to 2 days in the Equity Division) improved slightly during 2020. For Common Law Division 'standard' hearings the delay was 10.3 months by the start of law term 2021, improved from 12.0 months one year earlier; for Equity Division 'standard' hearings the delay had improved to 6.3 months, from 6.7 months one year earlier. These delays are nevertheless regarded as still significantly longer than ideal.





CHIEF JUSTICE'S REFLECTIONS ON 2020
THE SUPREME COURT OF NEW SOUTH WALES
THE HON T F BATHURST AC
CHIEF JUSTICE OF NEW SOUTH WALES

As the Law Term of 2020 draws to a close, I wish to review the major developments in the operations of the Supreme Court of New South Wales during this challenging year.

Response to the COVID-19 pandemic

The Supreme Court did not close at any time this year. In response to the COVID-19 pandemic, the Court moved rapidly to a system of virtual courtrooms to ensure that the wheels of justice continued to turn. From 24 March until 1 June, all proceedings were conducted through the use of virtual courtrooms with no personal appearances in any matters. Proceedings across the Supreme Court, Court of Appeal and Court of Criminal Appeal were and continue to be held virtually through the use of the Court's video-conference and teleconference facilities, Microsoft Teams or external providers. The principle of open justice remains a paramount consideration. Members of the public and media are able to observe virtual proceedings in virtual courtrooms.

Remarkably, despite the move to virtual courts, the Court continued to operate essentially at its normal capacity. During the period when all proceedings were heard through virtual courtrooms between 24 March until 1 June, 3968 listings were disposed of by judges and a further 3980 listings by registrars. All judge-alone criminal trials were disposed of. However, jury trials remain unsuitable for a virtual courtroom setting. As a result, there has been an inevitable backlog in criminal jury trials following the suspension of new jury trials from 16 March until 29 June and thereafter from the need to use at least two courtrooms for each trial to accommodate physical distancing requirements.

The use of virtual courtroom technology has brought significant benefits and will undoubtedly be indispensable to the future of the Court. The number of matters being live-streamed, including on YouTube, has greatly improved the accessibility and visibility of the Court to the public. For example, more than 1800 people watched the YouTube live stream of a Supreme Court hearing relating to a challenge to a protest in support of the Black Lives Matter movement. I also note that the entirety of the proceedings at first instance and in the Court of Appeal were heard and determined within 24 hours.

The judges of the Court unanimously resolved to forego any potential salary increase this year in light of the devastating effects of the pandemic for many members of the community.



I am proud of what has been achieved. Although other courts may have equalled what we have done, I do not believe any have bettered it.

The success the Court had in coping with the problems that arose in 2020 is due to a significant extent to the enthusiasm, dedication and good humour with which the judges and their staff have confronted a whole new set of circumstances. I am deeply grateful to all of them and to the registry staff who particularly dealt with technological and listing difficulties arising from the changes.

Improvements in digital infrastructure

The digital infrastructure of the Court has undergone significant improvements during the year. These improvements have enabled the Court to rectify many of the technical difficulties that emerged during the rapid transition to virtual courtrooms and conduct a greater number of proceedings virtually without impairing the quality of the virtual connection.

Resumption of face-to-face hearings

Following the easing of government restrictions, face-to-face civil hearings resumed on 1 June and criminal jury trials resumed from 29 June. The health and wellbeing of all court users – litigants, the legal profession, judges, judicial and registry staff, and members of the public and media – remains the paramount consideration for the Court.

The Court continues to take all reasonable steps and precautions to reduce the risk of transmission of COVID-19. The Court adopted a staged approach to return to in-court hearings. The Court has also implemented staggered courtroom start and finish times and limited the number of proceedings on each floor of the Court. The Court has also placed visual guidance in courtrooms and elevators to ensure physical distancing requirements, implemented hand sanitiser stations and increased cleaning and disinfecting. I express my appreciation to the Court staff and members of the public who have attended the Court for their co-operation with these requirements.

To ensure compliance with physical distancing requirements, jury trials have resumed through the use of at least two courtrooms and changes to the juror empanelment process.

Looking towards the future, the Court will continue with a hybrid model where some proceedings will be conducted entirely through in-person appearances, some will be a mixture of in-person and virtual courtroom methods, and others will continue to be conducted entirely by virtual courtroom methods. I envisage that once the impacts of the pandemic have passed, the Court will continue to use virtual courtrooms to harness the many benefits they offer.

Inappropriate Workplace Conduct Policy

The Court recognises the importance of fairness, dignity and respect for others in the workplace and that each person has a safe and secure place in which to work. The Court has



zero tolerance towards inappropriate workplace behaviour, which includes bullying, harassment, sexual harassment, and other forms of unlawful discrimination, vilification and violence. Any such behaviour is entirely unacceptable in any workplace but particularly in a Court in which the highest standards of integrity and probity are essential.

On 2 July the Court issued its *Inappropriate Workplace Conduct Policy*. Following wide-spread consultation by myself, the Executive of the Court and an external consultant with judicial staff, the Policy was reviewed and subsequently amended on 19 October. The Policy defines clear standards of appropriate behaviour and provides a safe and secure method by which any person can raise a matter in confidence. The Policy sets out the framework within which any concerns will be addressed, including a mechanism for complaints to be made to an independent external consultant who can, with the consent of the complainant, raise the matter anonymously and confidentially for review. The Policy is publicly available on the website of the Supreme Court.

In addition to the release of the Policy, the Judicial Commission of New South Wales is separately preparing education material for judges on workplace conduct. The National Judicial College of Australia has also been requested to include sessions on this issue in their induction programme for new judges.

Admission of new lawyers to the profession

The Supreme Court has conducted ceremonies to admit new lawyers to the profession since 1824. In August, the Supreme Court live-streamed the first virtual admission celebration on YouTube to welcome newly admitted lawyers. Since then, admission celebrations have been live-streamed on YouTube monthly. The ceremonies held between August and November have been viewed by over 12,000 people.

The Supreme Court will return to in-person admission ceremonies in February 2021. The number of ceremonies will be sufficiently expanded to ensure that all admittees can have a traditional ceremony. I am conscious of the significance new admittees and their family and friends attach to these ceremonies.

Gratitude and best wishes to the community

I would finally like to thank and express my gratitude to the legal profession and community more broadly for their continued commitment to the administration of justice in New South Wales during this year. The resilience and flexibility of many have not gone unnoticed. I wish you all the best for the festive season and for the Law Term of 2021.

A handwritten signature in blue ink, appearing to read 'J. R. Spence'.

14 December 2020

1 COURT PROFILE

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

THE COURT'S JURISDICTION AND DIVISIONS

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

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

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

- Court of Appeal
- Court of Criminal Appeal.

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

- Common Law Division
- Equity Division.

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

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

The Land and Environment Court of New South Wales is a specialist court of statutory jurisdiction. The Judges of this court have the status of Supreme Court Judges.

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

The NSW Civil and Administrative Tribunal (NCAT) was established by the Civil and Administrative Tribunal Act 2013. The NCAT is the single point of access for specialist tribunal services in NSW, consolidating the work of 22 former tribunals. There are 4 divisions of the NCAT: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Guardianship Division and the Occupational Division.

Figures 1.1 and 1.2 illustrate the court hierarchy in New South Wales and the gateways to appeal in the criminal and civil jurisdictions.

Court of Appeal

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

Court of Criminal Appeal

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

Sittings of the Court of Criminal Appeal are organised on a roster basis, taking into account the other regular judicial duties and commitments of the Judges who form the Court's bench. The Judges who sit in the Court of Criminal Appeal are the Chief Justice, the President, the Judges of the Court of Appeal, the Chief Judge at Common Law and Judges of the Common Law Division. During 2020, most benches in the Court of Criminal Appeal comprised at least two Common Law Judges, with the presiding Judge being the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

The Court of Criminal Appeal List Judge throughout 2020 was Justice Hulme.

Common Law Division

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

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

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

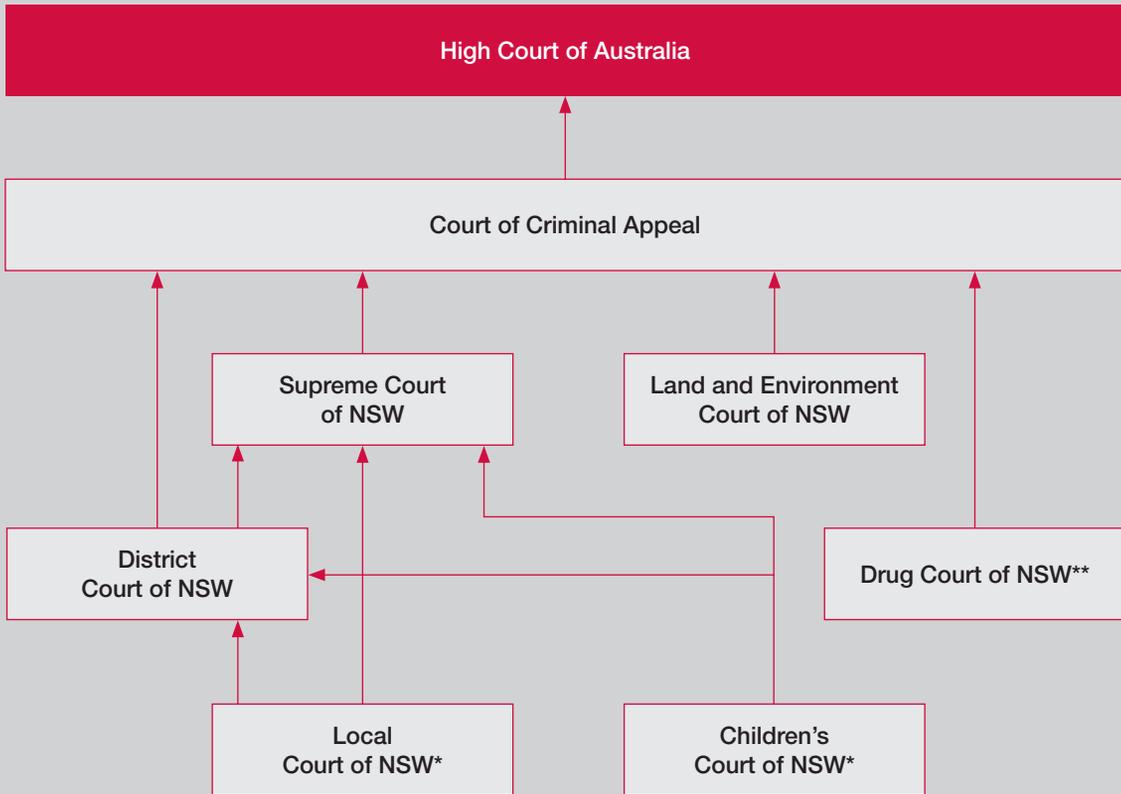
Equity Division

The Equity Division exercises the traditional equity jurisdiction, dealing with claims for remedies other than damages and recovery of debts. The Division's work includes cases arising from contractual actions or rights of property, and disputes relating to partnerships, trusts or deceased estates.

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



Figure 1.1 NSW COURT SYSTEM CRIMINAL JURISDICTION

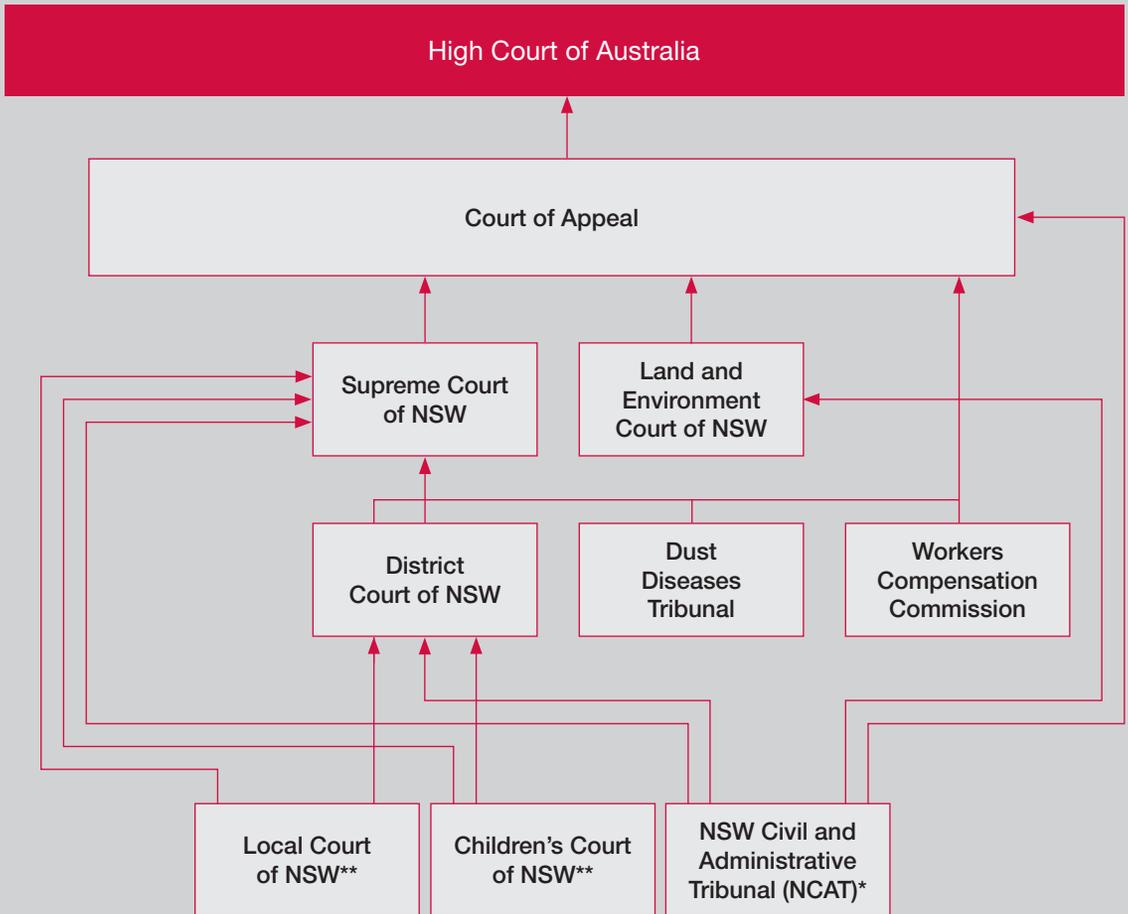


Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

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

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

Figure 1.2 NSW COURT SYSTEM CIVIL JURISDICTION



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

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

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

WHO MAKES THE DECISIONS?

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

The Judges

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

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

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

The *Supreme Court Act 1970* also provides that the Chief Justice may appoint Judges to administer a specific list within the Common Law or Equity Divisions. Details of the Judges assigned to these lists in 2019 can be found in Chapter 3.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2020.

Chief Justice

The Honourable Thomas Frederick Bathurst AC

President

The Honourable Justice Andrew Scott Bell



Judges of Appeal

The Honourable Justice John Basten
The Honourable Justice Robert Bruce Scott 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 Fabian Gleeson
The Honourable Justice Mark James Leeming
The Honourable Justice Anthony James Payne
The Honourable Justice Richard Weeks White
The Honourable Justice Paul Le Gay Brereton AM RFD
The Honourable Justice Lucy McCallum

Chief Judge at Common Law

The Honourable Justice Clifton Ralph Russell Hoeben
AM RFD

Chief Judge in Equity

The Honourable Justice Julie Kathryn Ward

Judges

The Honourable Justice Michael John Walton
The Honourable Justice Peter Anthony Johnson
The Honourable Justice Stephen Craig Rothman AM
The Honourable Justice Derek Michael Price AO
The Honourable Justice David Jacob Hammerschlag
The Honourable Justice Ian Gordon Harrison
The Honourable Justice Elizabeth Lillian Fullerton
The Honourable Justice Nigel Geoffrey Rein
The Honourable Justice Robert Allan Hulme
The Honourable Justice Michael John Slattery AM RAN
The Honourable Justice David Lloyd Davies
The Honourable Justice Michael Lee Ball
The Honourable Justice Peter Richard Garling RFD
The Honourable Justice John Robertson Sackar
The Honourable Justice Ashley John Black
The Honourable Justice Christine Elizabeth Adamson
The Honourable Justice Geoffrey John Bellew
The Honourable Justice James William John
Stevenson
The Honourable Justice 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 Peter John David Hamill
The Honourable Justice Helen McLeod Wilson
The Honourable Justice Desmond John Fagan
The Honourable Justice Natalie Jane Adams
The Honourable Justice Julie Lily-Ann Lonergan
The Honourable Justice Thomas Guy Radcliffe Parker
The Honourable Justice Kelly Anne Rees
The Honourable Justice Lea Caroline Armstrong
The Honourable Justice Patricia Anne Henry
The Honourable Justice Mark Joseph Ierace
The Honourable Justice Richard Austin Cavanagh
The Honourable Justice Katrina Jane Williams

The Acting Judges

Set out below are details of those persons who held commissions as Acting Judges during the 2020 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 2020 is also indicated.

Acting Judges of Appeal (in alphabetical order)

- The Honourable Reginald Ian Barrett, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective until 30 June 2020, acted as a Judge and Judge of Appeal for 2 days)
- The Honourable Arthur Robert Emmett 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 219 days).
- The Honourable Carolyn Chalmers Simpson AO, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 209 days).

Acting Judges

- The Honourable Peter John Hidden AM QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 107 days).
- The Honourable Monika Schmidt AM, former Judge of the Supreme Court of New South Wales (commission effective from 3 February 2020, acted as a Judge for 91 days).

Appointments

The following Judges were appointed in 2020 (in chronological order):

- Katrina Jane Williams SC was appointed a Judge of the Supreme Court of New South Wales on 15 April 2020.

Retirements

The following Judges retired in 2020 (in chronological order):

- The Honourable Justice Michael Andrew Pembroke retired as a Judge of the Supreme Court of New South Wales on 12 April 2020.

The Associate Judges

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

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

Applications that arise before trial include:

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

As at 31 December 2020, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

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

The Registrars

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

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

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

The work of the Registrars commonly includes:

- defended applications in relation to security for costs, discovery, interrogatories, provision of particulars, and subpoenas
- costs disputes if the amount in question is unlikely to exceed \$20,000
- unopposed applications for the transfer of cases to or from the District Court
- conducting examinations under various Acts, including the Corporations Act 2001 (Cth), the Proceeds of Crime Act 1987 (Cth), and the Criminal Assets Recovery Act 1990 (NSW)
- dealing with applications for orders under many of the provisions of the Corporations Act 2001 (Cth), such as the winding up of companies
- hearing applications as referred to them by an Associate Judge
- issuing court orders and writs of execution, and
- entering default judgments.

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

The Registrars may also be called upon to mediate cases. During 2020, 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 person, or by email or telephone. They also attend to the issue of court orders, writs of execution and other miscellaneous matters.

Set out below are the Registrars of the Court, as at 31 December 2020:

Executive Director and Principal Registrar

Chris D'Aeth

Director, Assistant Principal Registrar and Prothonotary

Rebel Kenna

Registrar, Court of Appeal

Jerry Riznyczok

Registrar, Court of Criminal Appeal

George Galanis

Registrar, Common Law Case Management

Karen Jones

Registrar in Equity

Leonie Walton

Registrar, Corporations List

Leonie Walton

Senior Deputy Registrars

Brendan Bellach

Nicholas Flaskas

Jennifer Hedge

Irina Hoskinson

Sarah Milligan

Deputy Registrars

Sivashna Chetty

Stephanie Chia

Lynda Gerritsen

Suzin Yoo

Assistant Deputy Registrars

Anita Chang

SUPPORTING THE COURT: THE REGISTRY

The work of the Registry

The Registry provides administrative and clerical support to the Court.

In civil matters, the Registry is responsible for:

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

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

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

Management of the Registry

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

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

2 CASEFLOW MANAGEMENT

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

OVERVIEW BY JURISDICTION

Introduction

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

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

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

Court of Appeal

New appeal cases are reviewed for competency and, if necessary, referred 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 of the Court of Appeal once a notice of appeal is filed. At that callover, the appeal may be listed for hearing if the appellant has filed written submissions and the red appeal book.

Further case management may be ordered with respect to lengthy or complex appeals.

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

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

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

Court of Criminal Appeal

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

Case management begins when an appeal or application for leave to appeal is filed in the registry. The appeal or leave application is listed for callover 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 a bench of more than three judges hears an appeal or leave application, particularly in matters involving an important issue of law. In some circumstances, the Chief Justice may direct that two judges hear an appeal against sentence. Single judges hear sentence appeals from the Drug Court of New South Wales, and also deal with bail applications and other interlocutory applications in the Court.

The Court of Criminal Appeal List Judge during 2020 was Justice Hulme.

Common Law Division

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

Common Law List Judge

The Common Law List Judge allocates cases listed for hearing to specific judges. When deciding which judge will hear a matter, the List Judge considers the type of case, its estimated hearing length, and whether the judge has other court commitments.

The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. The Common Law List Judge during 2020 was Justice Hoeben, Chief Judge at Common Law.

Common Law Duty Judge

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

The Duty Judge also conducts an applications list each Monday. The applications in this list include appeals from the Local Court under the *Crimes (Local Courts Appeal and Review) Act 2001*, applications for restraining orders, applications for declaratory relief, and applications to dispense with a jury. These matters cannot be determined by the associate judge or a registrar. Matters are initially listed at 9:00 am before a registrar to determine whether the application is ready to be referred to the Duty Judge, who may specially fix applications that cannot be heard on the Monday to a later time or date.

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

Associate Judge

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

Matters allocated to the Associate Judge are case managed by a Registrar daily at 9:00 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 2020.

Specialised case management List	Judge managing List in 2020
Administrative and Industrial Law List	Justice Adamson
Criminal List	Justice Fullerton
Defamation List	Justice Sackar
High Risk Offender List	Justice Bellow
Possession List	Justice Davies
Professional Negligence List	Justice Harrison

Administrative and Industrial Law List

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

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

Bails List

Applications for bail or to review bail determinations can be made to the Supreme Court under the *Bail Act 2013* in respect of any person accused of any offence, even if the trial will not be heard in the Supreme Court. After an application is accepted for filing, it is listed for a callover or, at the Court's discretion, listed by the Registrar in chambers.

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

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

Criminal List

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

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

The Criminal List Judge in 2020 was Justice Hulme.

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

Defamation List

Matters filed in this List are managed in accordance with the provisions of the *Defamation Act 2005*. Matters are first listed before a Judge for directions and legal argument. The parties may also ask the Judge to consider whether the dispute should be tried before a jury. If the Judge grants an application

for trial by a jury, the matter will be set down for hearing. The jury will determine if the material in question is defamatory and if there is any lawful defence for publishing the material. If the jury finds that the plaintiff has been defamed without any lawful defence being established, the Judge will then determine any damages payable and resolve any outstanding issues in dispute.

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

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

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

The procedures associated with the running of this List are set out in Practice Note SC CL 1.

High Risk Offender List

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

Possession List

The Possession List deals with all proceedings claiming possession of land. All matters in this List requiring case management are managed in the Online Court, unless the Court otherwise orders. Early resolution of cases is encouraged through mediation, other alternative dispute resolution processes or settlement. Case management is also used to clarify the real issues in dispute.

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

Professional Negligence List

Claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers are allocated to the Professional Negligence List.

Specialised case management encourages parties to focus on the real issues in dispute in these types of claims. A Registrar conducts early case management hearings. The Professional Negligence List Judge hears also applications and makes directions, according to the specific needs of each matter.

Practice Note SC CL 7 applies to this List.

Equity Division

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

Equity Duty Judge

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

Expedition Judge

Cases are expedited when sufficient urgency is shown. Applications for expedition are made to the Expedition Judge on Fridays. The Expedition Judge case manages all expedited cases and hears those cases when they are ready for trial. During 2020, the Expedition Judge was Justice Sackar.

General List

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

Family provision applications are managed in accordance with Practice Note SC Eq 7 by the Succession Judge, who also sets the cases down for hearing. Other cases in the General List are managed by the Registrar in Equity in accordance with Practice Note SC Eq 1 (Case Management) and Eq 14 (Online Court Protocol).

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

Specialised Lists of the Equity Division

The Equity Division's caseload is also managed by allocating certain matters to specific Lists according to the nature of the claims. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2020.

Specialised case management List	Judge managing the List in 2020
Admiralty List	Justice Rein
Adoptions List	Justice Sackar
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Black
Family Provision List	Justice Hallen (the Succession Judge)
Probate List	Justice Hallen (the Succession Judge)
Protective List	Justice Lindsay
Real Property List	Justice Darke
Revenue List	Justice Ward, Chief Judge in Equity
Technology and Construction List	Justice Hammerschlag

Admiralty List

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

Adoptions List

The Adoptions List deals with applications for adoption orders and declarations of the validity of foreign adoptions under the *Adoptions Act 2000*.

Most applications are unopposed. Once all supporting affidavits are filed, a Judge will deal with the application in the absence of the public, and without the attendance of the applicants or their lawyers. Unopposed applications require close attention for compliance with formal requirements, but there is little delay.

A small number of contentious hearings take place in court in the absence of the public. Most of these relate to dispensing with consent to adoption.

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

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

Commercial List

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

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

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

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

Commercial Arbitration List

Disputes entered into the Commercial Arbitration List arise from the context of arbitral proceedings in which the Court has prescribed jurisdiction in the

Commercial Arbitration Act 2010, or by virtue of a provision within an arbitration agreement, or otherwise.

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

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

Corporations List

A Registrar sits 4 days a week to hear most applications and hearings under the *Corporations Act 2001* (Cth) and related legislation. The Registrar may refer applications to the Judge on a Monday.

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

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

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

Family Provision List

All applications under the *Family Provision Act 1982* and Chapter 3 of the *Succession Act 2006* are entered into this List. It is managed by the Succession Judge, who simultaneously manages contentious matters in the Probate List. The Succession Judge manages family provision applications from the first directions date through to hearing, if required. Many disputes in the List are settled without a contested hearing as all parties are required to attempt to resolve their issues through mediation before seeking a hearing date.

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

Probate List

The work performed by the Succession Judge (who oversees both the Family Provision and Probate Lists) and the Registrars comprises both contentious and non-contentious cases. The Registrars deal with the majority of non-contentious cases. This includes the granting of common form probate where applications are in order and are unopposed.

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

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

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

Contentious matters are monitored by a Judge. Contentious matters commonly include disputes as to a testator's last valid will.

Protective List

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

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

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

Real Property List

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

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

Revenue List

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

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

Technology and Construction List

Cases involving complex technological issues and disputes arising out of building or engineering contracts are allocated to the Technology and Construction List. This List is managed by the same Judge and in the same manner as the Commercial List as set out in Practice Note SC Eq 3.

REGIONAL SITTINGS OF THE COURT

In 2020 criminal trials were conducted at Albury, Coffs Harbour, Newcastle, Nowra, Orange, Queanbeyan, and Wagga Wagga. There were no civil hearings conducted outside Sydney in 2020 in order to minimise non-essential travel in cases where the use of a virtual courtroom was an effective alternative.

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

ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution is a broad term that refers to the means by which parties can resolve their dispute with the assistance of a neutral person without the need for a conventional contested hearing before a Judge. Mediation is the most commonly used alternative dispute resolution method in Supreme Court cases.

Mediation

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

The role of the mediator is to assist parties in resolving their dispute by alerting them to possible solutions, while allowing the parties to choose which option is the most agreeable. The mediator does not impose a solution on the parties. Eight qualified Registrars were certified to conduct mediations throughout 2020. Alternatively, parties could choose to use private mediators.

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



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

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

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





3 COURT OPERATIONS

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

OVERVIEW OF OPERATIONS BY JURISDICTION *

*to be read in conjunction with Appendix (I)

Court of Appeal

There were 346 net new cases lodged in the Court of Appeal in 2020. This is 5% lower than in 2019 and the lowest level seen in the past 10 years.

The sources of the new cases in 2020 were: Supreme Court (209), District Court (85), Land and Environment Court (10), NSW Civil and Administrative Tribunal (30) and other sources (12).

Of the 346 new cases, 170 were commenced by notice of appeal, 132 by summons seeking leave to appeal, and 44 by summons for the Court of Appeal to exercise its original jurisdiction.

There were 382 final disposals in 2020, which is 13% higher than the number in 2019.

Final disposals occurred by the following methods during 2020:

- judgment following hearing of either an appeal, an original jurisdiction summons or a concurrent hearing (a concurrent hearing enables the application for leave to appeal and, where leave is granted, the consequent appeal to be determined in a single hearing) – 64%
- refusal, striking out or other final disposal of an application for leave to appeal – 19%
- settlement of the appeal, original jurisdiction summons or leave application, or else non-progression to an appeal following a grant of leave to appeal – 9%
- striking out or other final disposal of either an appeal or an original jurisdiction summons – 7%.

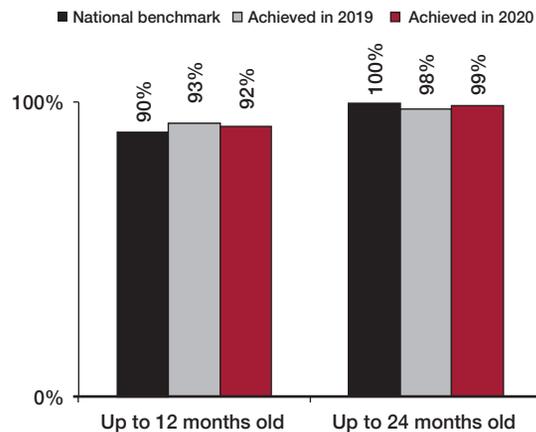
The overall Court of Appeal pending caseload at the end of 2020 was 169 cases, an 18% decrease from the end of 2019. Of the 169 pending cases, 46 (27%) were cases for which the question of leave to appeal had yet to be determined.

The age profile of the Court of Appeal's pending caseload remained at a good level during 2020 (see Figure 3.1). At the end of the year, 92% of pending cases were within 12 months of age (with the number of cases older than 12 months decreasing slightly, from 14 to 13), which remains better than the national benchmark (90%) for that age group.

Two cases were older than 24 months: both are appeals that are awaiting outcomes in cases proceeding in courts other than the Court of Appeal.

The listing delay during most of 2020 ranged between 1.8 and 4.1 months for hearing of non-urgent substantive appeals and concurrent hearings. It settled at 2.0 months for the start of the 2021 law term. Hearings for leave applications alone are listed more quickly, and the listing delay for these was less than 1.7 months throughout most of 2020, settling at 1.0 month for the start of the 2021 law term.

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



Court of Criminal Appeal

There were 455 new cases lodged in the Court of Criminal Appeal in 2020. This was 29% higher than in 2019 and the highest level seen in the past 15 years.

The sources of criminal appeals in 2020 were: District Court (399), Supreme Court (36), Land and Environment Court (7) and other sources (13).

Of the 455 new cases, 289 were appeals against severity of sentence (of which 33 were appeals by the Crown), 126 were appeals against conviction, 23 were appeals against interlocutory judgments and 17 were cases of other types (this year there were no cases returned from the High Court for re-hearing).

Conviction appeals made up 28% of new cases in 2020, compared with 29% in 2019 and 27% in 2018. Conviction appeals are more complex and typically require longer hearings than appeals against severity of sentence only. Conviction appeal hearings are usually twice the length of hearings on sentence severity only and can extend to a whole day or longer.

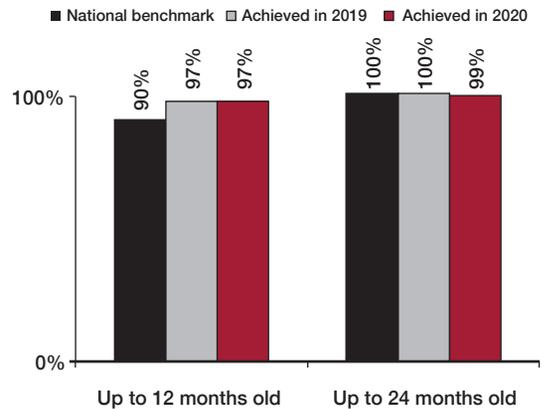
There were 416 disposals in 2020. This was 13% higher than the number in 2019. Of the 416 disposals, 360 were following a substantive hearing, 30 were by the appellant abandoning or withdrawing the appeal prior to a hearing, 4 were by refusal of leave to appeal and 22 were by other methods.

Over the year, even though there was a higher disposal rate, the high rate of lodgment of new cases has led to a 25% increase in the pending caseload, from 155 to 194 cases.

The age profile of the Court of Criminal Appeal's pending caseload remained at a good level during 2020. At the end of the year, it either nearly met or well exceeded the national benchmarks (see Figure 3.2), with only 6 cases older than 12 months. All cases were less than 17 months old, except for the Xie appeal (which was 25 months old at the end of 2020 and finalised by judgment early in 2021).

During 2020 the listing delay for non-urgent hearing of criminal appeals ranged between 2.5 and 6.3 months. The listing delay settled at 5.4 months for the start of the 2021 law term. Interlocutory appeals are listed more quickly than other appeals, according to their urgency.

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



Common Law Division criminal cases

In 2020 there were 112 new cases (defendants) registered in the Criminal List, compared with 103 during 2019 and 93 during 2018. Of the 112 new cases, 101 were prosecutions brought by the NSW Office of the Director of Public Prosecutions (93 of these involving homicide charges) and 11 by the Office of the Commonwealth Director of Public Prosecutions.

After entry into the Criminal List, the next step usually is arraignment. The majority of defendants enter a plea of 'not guilty' at arraignment, and the arraignment concludes with those cases being listed for trial. Nearly all trials are conducted with a jury; however, during the pandemic the option for trial by judge-alone was canvassed and taken up more frequently (by 14 defendants in 2020, compared with 9 in 2019 and 8 in 2018).

At arraignments during 2020:

- 84 defendants were given listings for trials (14 being for judge-alone trials), with the trials set to start in either 2020 or 2021
- 6 defendants were listed for fitness hearings (to deal with the question of the defendant's capacity to stand trial)
- 19 defendants entered a plea of 'guilty' at arraignment, compared with 20 during 2019 and 23 during 2018.

Some defendants change their plea to 'guilty' after being given a trial date – sometimes the change occurs as late as the start of, or during, the trial. During 2020, there were 7 defendants who entered a plea of 'guilty' after arraignment, of which 3 were either after the start of the trial or during the month in which the trial was scheduled to start. When the plea is changed at such a late stage it is usually impossible to re-assign that trial-time to another defendant.

In total, 26 pleas of 'guilty' were taken in 2020, compared with 33 during 2019 and 41 during 2018. The number and timing of the pleas of 'guilty' are factors that significantly affect the operation of the Criminal List: fewer pleas of 'guilty' entered at arraignment lead to more cases queuing for trials and, consequently, increases in listing delays and finalisation times for cases.

For criminal trials listed to start during 2020, the hearing estimates given to the Court ranged from 1 day to 4 months. From March until the end of June, due to the pandemic and the need to ensure compliance with health directives, the Court did not start any jury trials. Judge-alone trials, however, continued to run through the entire year. At the end of each month during 2020, the average hearing estimate for the trials on hand (either not started or not concluded) was between 4.9 and 6.6 weeks.

Since November 2016, the standard reference for measuring listing delay for criminal trials has been the 4-week trial. At the first arraignments of the 2021 law term, the listing delay was 4.2 months for criminal trials requiring at least 4 weeks of trial time. This is an improved position in comparison to the start of the 2019 and 2020 law .The listing delay for criminal trials can vary during the year, especially when several long trials are listed simultaneously, or when long trials must be vacated and re-listed, or when defendants plead 'guilty' after their trial has been set or started.

Trials for 57 defendants were listed to start during 2020. This unusually low number is attributable to the pandemic: the running of jury trials was suspended for 4 months and, for trials that did run, most needed to have more than one courtroom allocated to meet the directives for

physical distancing. For 7 of those 57 defendants the trial either collapsed or was adjourned (this happened for 19 defendants during 2019 and for 16 defendants during 2018). The need to re-start or re-list trials following collapse or adjournment reduces the Court's capacity to deal with its backlog of cases.

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

A total of 88 defendants' cases were finalised during 2020, compared with 106 during 2019. The Court's achievement of finalising 88 cases is creditable given that jury trials could not be run for over one-third of the law term. The Court prepared and handed down 52 sentences during 2020, compared with 67 during 2019.

By the end of 2020 there were 134 defendants with cases pending in the Criminal List, an increase of 22% from the position at the end of 2019 (110 defendants). Note that a relatively small number of cases can cause appreciable changes (on a percentage basis) in the pending caseload from year to year.

With the relatively low number of cases in this resource-intensive list, the age profile for pending cases can also show some volatility. The age profile for Criminal List pending cases worsened during 2020 (see Figure 3.3) with respect to the 12-month benchmark, and the number of cases older than 12 months rose from 36 to 52; however, the number of cases older than 24 months rose only slightly, from 13 to 15. Of the 15 cases older than 24 months at the end of 2020, 11 had been delayed at least once by the need to either re-start or re-list the defendant's trial (arising from hung juries,

collapsed trials or successful applications to vacate scheduled trial dates), and a further 3 cases cannot proceed to sentencing until the separate trials of their respective co-accused have been completed. Access to acting judges is invaluable in maintaining an acceptable age profile for the Criminal List, as the only alternative would be to take permanently appointed judges away from other areas of work.

When evaluating the Court's performance against the national benchmarks it is important to note that almost all indictments presented to this Court are for offences of murder or manslaughter, or have the potential for a life sentence to be imposed. In contrast, the criminal lists of most other Australian supreme courts deal routinely with a broader range of charges that includes shorter maximum sentences. The national timeliness benchmark of 12 months from committal to sentencing is therefore a challenging target for this Court. Also, when making comparison to the national benchmark, note that the relatively small size of the List allows just a few cases to make statistically significant changes to percentage-based results.

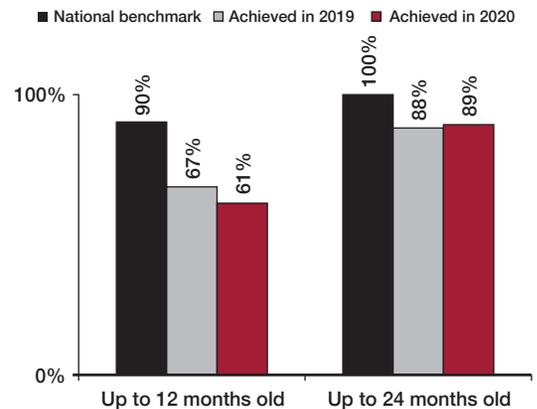
This year was the first full year of the Bails List operating under its new Practice Note, which commenced in June 2019. A total of 2,037 applications were lodged in the Bails List during 2020, a decrease of 23% from the number in 2019 (2,648), and 55% lower than the number in 2018 (4,545). Release applications were 97% of the applications lodged in 2020.

There were 2,001 Bails List applications disposed of during 2020, a decrease of 42% from the number in 2019 (3,433) and 54% lower than the number in 2018 (4,353). During 2020 only 19% of disposals were as a result of the applicant withdrawing the application before or at the scheduled hearing; in contrast, during the same period in 2018 the withdrawal rate was 68%. For cases that finalised by a determinative outcome (bail granted, refused or varied) during 2020, 85% were finalised within 32 days of lodging the application.

The Bails List pending caseload has slightly increased from 122 at the end of 2019 to 159 at the end of 2020.

The listing delay for 30-minute hearings of adults' bail applications settled at 3.0 weeks for the start of the 2021 law term, up from 2.0 weeks a year earlier. Juveniles' applications are given priority and are nearly always listed within 2 weeks of lodgment.

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



Common Law Division civil cases

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

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

Overall, there were 2,780 civil filings in the Division during 2020, a decrease of 27% from the number in 2019 (3,826). This extremely large decrease is overwhelmingly influenced by the decreased filings in the Possession List as a result of many banks suspending legal action on mortgage defaults during the pandemic. The only areas of work showing appreciably increased filings were the Professional Negligence List and the personal injury cases within the Common Law General List.

The disposal rate during 2020 was 10% lower than in 2019. There were decreased disposals in every List except the Professional Negligence List and Common Law General List. The total of 3,131 disposals included 1,591 contested cases (up from 1,513 last year), of which 450 had been listed for at least one hearing. The remaining 1,540 disposals were uncontested cases: There were 666 uncontested cases dismissed for inactivity, 213 cases finalised by default judgment, 401 disposals of miscellaneous applications and 260 other disposals. During 2020 the registry received a total of 323 applications for default judgment, of which 99% were either granted or requisitioned within 5 working days.

The number of pending cases in the Common Law Division decreased by 11% during 2020 (see Figure 3.4). The contested caseload increased again this year, this time by 6%, from 2,410 to 2,272, and this is expected to increase the demand for case management directions and hearings in 2021 and 2022. The uncontested caseload dropped sharply by 44%, from 1,124 to 628, principally as a result of the reduced workloads in the Possession List (where most cases proceed as uncontested cases) and, to a lesser extent, among the uncontested cases of the Common Law General List.

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.5). The national benchmarks are set by the Productivity Commission's *Report on Government Services*. Within the Division's civil caseload, the proportion within 12 months of age decreased during 2020 from 68% to 56% (this significant reduction is principally attributable to the changes in the Possession List), and the proportion within 24 months of age decreased from 86% to 84%. Over the year, the number of cases on hand and older than 24 months increased from 471 to 526.

The listing delay for non-urgent hearing of Common Law Division civil cases that required 5 days of hearing time fluctuated during 2020 between 7.5 and 12.0 months (excluding any time in the court vacation). By the start of the 2021 law term, the listing delay had reached 10.3 months for 5-day hearings; it was 4.6 months for 2-day hearings and 10.6 months for 10-day hearings.

There were 1,097 matters listed during 2020 for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 3.6). Of those listed matters, 587 proceeded to hearing, 395 settled after being listed for hearing and 115 successfully applied 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' (a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing). None of the Division's listed hearings was 'not reached' during 2020 (the same result as in 2019 and 2018). Since 2007 the Division has maintained a 'not reached' rate of 1% or less for its listed civil hearings.

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

Figure 3.4 Common Law Division pending civil caseloads at 31 December

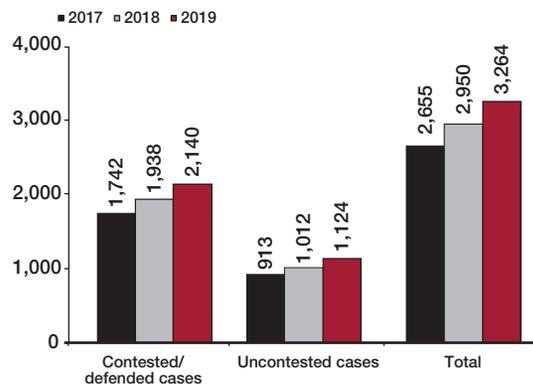


Figure 3.5 Common Law Division civil lists – achievements against national benchmarks for age of pending cases

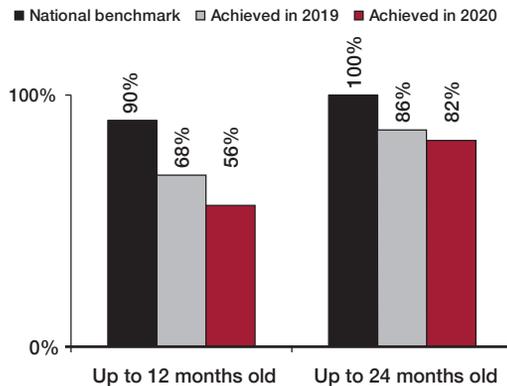
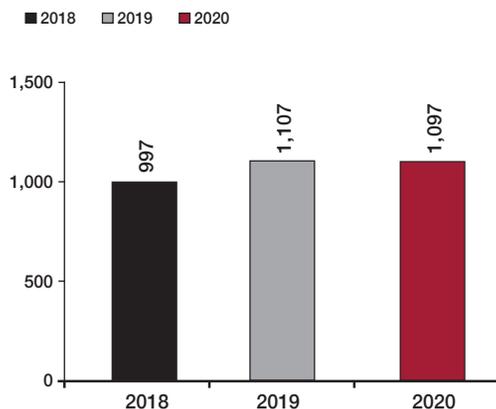


Figure 3.6 Listings for hearing – Common Law Division civil hearings



Equity Division

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

There were 3,804 filings in the Division during 2020, a decrease of 11% over the number in 2019 (4,253). A substantial filing decrease occurred in the Corporations List: in 2020 there were only 651 filings in the Corporations list (compared with 1,211 in 2019), with only 64% of these being in the Registrar's list (usually around 80% of Corporations List cases are commenced in the Registrar's List). This significant change stems from the *Coronavirus Economic Response Package Omnibus Act 2020*, which amended section 459 of the *Corporations Act* and the Corporations regulations so that, from 25 March 2020 to 1 January 2021, the monetary threshold to issue a statutory demand was increased from a \$2,000 debt to a debt of more than \$20,000, and the time limit to respond to a statutory demand was extended from 21 days to 6 months. Increases in filings occurred in the Equity General List, Technology and Construction List and Commercial List and Real Property List.

The disposal rate for the Division was 11% lower in 2020 than in 2019, decreasing from 4,278 to 3,822. Disposals increased significantly in the Probate List (for contested cases), and to a lesser degree in the Commercial List; all other lists showed reduced disposals, particularly the Corporations List (due to the substantially reduced filing rate this year). The 3,822 disposals in 2020 included 522 cases that had a least one listing for hearing.

Overall, the number of pending cases in the Equity Division increased by only 8 cases during 2020 (see Figure 3.7). There was a large increase in the Technology and Construction List, principally through the high filing rate. Significant decreases occurred in the Corporations List (influenced by decreased filings) and the Probate (Contentious Matters) List (influenced by increased disposals).

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.8). The national benchmarks are set by the Productivity Commission's *Report on Government Services*. The age profile of Equity Division cases at the end of December 2020 is shown at Figure 3.8. Within the Division's caseload, the proportion within 12 months of age reduced slightly during 2020 from 65% to

64%, and the proportion within 24 months of age reduced from 86% to 84%. Over the year, the number of cases on hand and older than 24 months increased from 399 to 465.

The listing delay ranged between 1.8 and 8.8 months (excluding any time in the court vacation) during 2020 for 2-day hearings of non-urgent General List or Probate List cases. By the start of the 2021 law term the listing delay for these cases had settled at 6.3 months for 2-day hearings; for 5-day and 10-day hearings it was 6.9 months. Some judges of the Equity Division have been assigned for short periods to hear cases in other areas of the Court so that listing delays are managed across all areas of work.

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

The Equity Division does not have a general practice of over-listing matters. Running lists occur one week per month for family provision cases; these cases are given a specific hearing date within that week, and a pre-trial directions hearing is held around 4 weeks before the allocated hearing date.

Uncontested probate applications are handled by the Court's registrars. These are the applications for grants of probate or letters of administration, or for reseal of probate grants made outside NSW. A total of 26,661 applications were filed during 2020 (a decrease of 3% from the number filed during 2019), being:

- 23,885 for grants of probate
- 2,457 for grants of letters of administration
- 319 for reseals of probate granted elsewhere.

If an application meets all procedural requirements when lodged, a grant will be made on initial processing. The waiting time ranged between 5 and 16 working days during 2020 for initial processing of grant applications, settling at 6 working days by the start of the 2021 law term.

Figure 3.7 Equity Division pending civil caseloads at 31 December

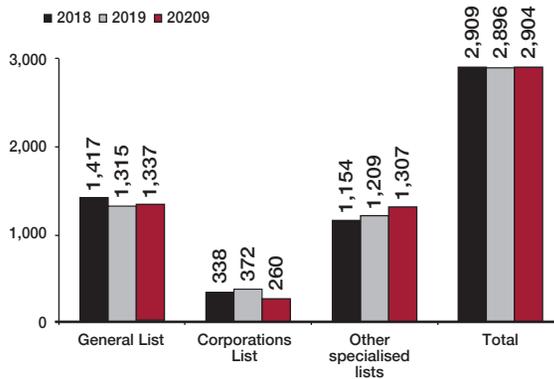
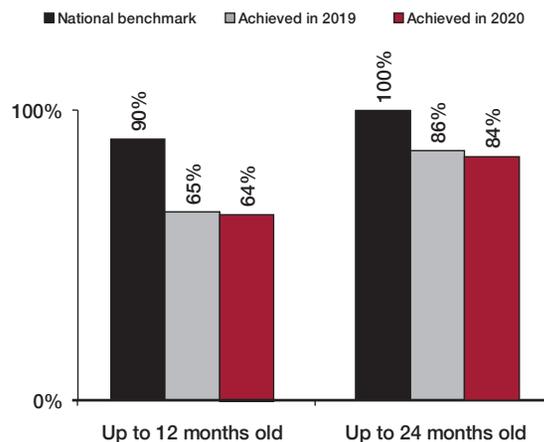


Figure 3.8 Equity Division – achievements against national benchmarks for age of pending cases



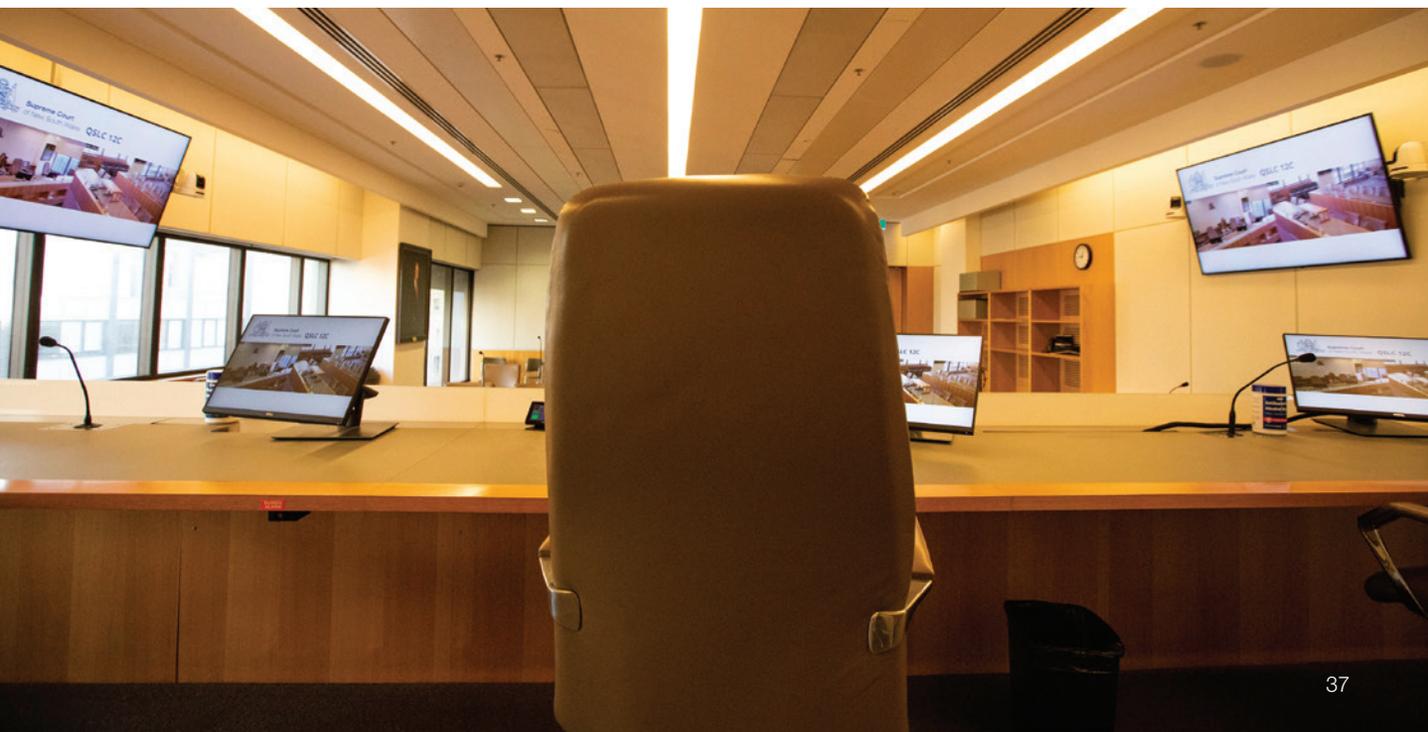
TIMELINESS

Measurement against benchmarks

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

Courts and other organisations may use different methods to measure the age of cases or the timeliness of case handling, and this can produce statistics that are not necessarily comparable. 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. Unless noted otherwise, the information in Appendix (I) concerning age of pending cases uses the same definitions of commencement and finalisation as are used by Productivity Commission in its *Report on Government Services*.

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 with the method used by the Productivity Commission's *Report on Government Services*, except where cases are diverted to the Mental Health Review Tribunal. For the Court of Appeal, the reporting method aligns with the methods used by the Productivity Commission but is confined to those cases lodged in the Court of Appeal (whereas the Productivity Commission's figures cover all civil cases that are appellate in nature, not just those lodged in the Court of Appeal). For civil cases in the Common Law and Equity Divisions, the Court's reporting differs from the Productivity Commission's methods in three ways: firstly, the Court reports separately for each Division; secondly, for cases that are appellate in nature but heard in the Common Law or Equity Division, the Court reports those cases within the appropriate Division and not in combination with Court of Appeal cases; and thirdly, the Court reports all pending cases, whereas the Productivity Commission's counting rules allow for exclusion of some particular case types and of pending cases that have been inactive for at least 12 months.



Appendix (I) allows comparison of the Court's position with the national benchmarks for 'backlogs' as set by the Productivity Commission. Those benchmarks are applicable to Australia's supreme courts and district/county courts, regardless of the case-mix of those courts. With regard to criminal non-appeal cases, the range of charges routinely brought in criminal lists of supreme courts varies across the country. This Court 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 civil non-appeal cases, it is worth noting that every supreme court in the country has difficulty meeting the backlog benchmarks (see Table 7A.21 of the latest *Report on Government Services* published by the Productivity Commission).

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

Listing delays

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

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

This standardised measurement of listing delays, in contrast to measurement of the age of pending cases or case finalisation times, focuses on the Court's management of its own resources to deliver timely hearings. It is distinct from other factors that lengthen case finalisation time, such as delays in serving court documents, delays caused by the need to join additional parties to proceedings, time taken up with interlocutory issues or appeals, time needed for parties to prepare their evidence, time that elapses while parties attempt mediation, and the delays caused when parties request a trial date that is later than the first available.

For the representative hearing lengths described in Appendix (I), over the 12 months leading up to the start of the 2021 law term:

- Court of Appeal hearing delays increased slightly to 2.0 months but remain within an optimal range
- Court of Criminal Appeal hearing delays for conviction appeals increased from 3.4 to 5.4 months, which is longer than desired
- criminal trial listing delays decreased from 5.0 to 4.2 months
- Bails List hearing delays were 3.0 weeks at the start of 2021 law term, having remained consistently within the target timeframe (indicated in the Bails List Practice Note) throughout 2020, apart from the few weeks during law vacation when there is less hearing capacity
- Common Law Division civil hearing delays have improved from 12.0 to 10.3 months, which is still longer than desired
- Equity Division civil hearing delays decreased slightly from 6.7 to 6.3 months, which is still longer than desired.

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

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

USE OF ALTERNATIVE DISPUTE RESOLUTION

The Supreme Court supports mediation as a method of alternative dispute resolution for Supreme Court civil proceedings. Litigants in any contested civil case (including appeals) can consider using mediation. Mediation is generally inapplicable for cases where no defendant contests the claim and in applications for an uncontested grant of probate, for adoption of children, for winding-up of companies, for recovery of proceeds of crime or under the *Crimes (High Risk Offenders) Act 2006*, and for the miscellaneous applications where only administrative processing is required. For other civil cases mediation is considered generally applicable, although individual cases may have circumstances that make mediation inadvisable or inappropriate.

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

During 2020 the number of court-annexed mediation listings (which are conducted by the Court's registrars) decreased by 30%. There were 331 listings for court-annexed mediation in 2020, compared with 474 in 2019 to 331. Overall, the registry recorded a total number of 1,055 referrals to mediation (court-annexed or private), which was a 25% decrease from the 2019 total of 1,407 referrals. It is possible that the total number of referrals does not fully include the use of private mediation because it is not essential for litigants to obtain a formal referral for mediation to use private mediation, nor (where no referral order has been made) to disclose to the Court that private mediation has been used.

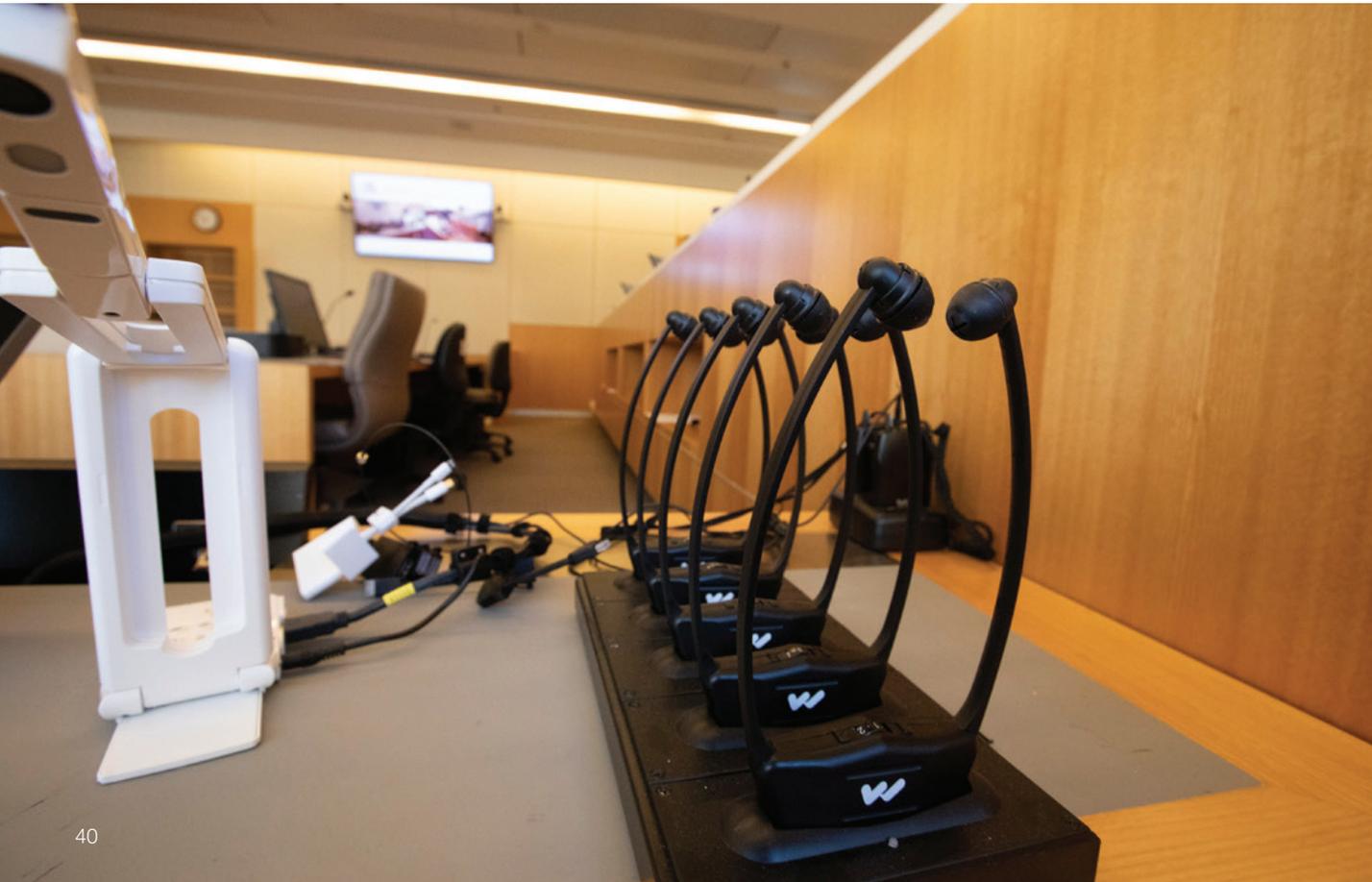
During 2020 an estimated 4,758 civil cases were filed that were of types for which mediation was considered generally applicable. This is an increase of 2% from the estimated 4,646 cases filed during 2019.

The 'mediation referral index' is the total number of cases referred for mediation in a given year, expressed as a percentage of the total number of cases (of types where mediation is considered to be generally applicable) commenced in that year. Compared to the previous year, the mediation referral index dropped from 30.3% to 22.2%; this is a result of the 25% lower referral rate, despite the 2% increase in filings of cases for which mediation might be applicable.

Court-annexed mediations are conducted by those Supreme Court registrars who are additionally qualified as mediators. Of the 331 cases listed for court-annexed mediation during the year, 17 cases did not proceed to their allotted mediation session. Of the 314 cases that did proceed to a court-annexed mediation session, the settlement rate was 39%. The Court has a stringent convention for recording cases as "settled at mediation": the parties must have agreed to finalising orders (or have drafted heads of agreement) by the close of the mediation procedure. In addition to the cases noted as 'settled at mediation', a further 29% of cases were recorded as 'still negotiating' at the close of the mediation session, and many of those are likely to have settled subsequently. If parties agree to settle their dispute at any time after the close of the mediation session, those settlements are not recorded as 'settled at mediation' even though the mediation procedure may have been fundamental to the parties eventually reaching settlement. The statistics for the court-annexed mediation program are collated independently of the JusticeLink system, which is not sufficiently reliable for that purpose. There are no statistics on settlement rates for cases referred to private mediators.

The waiting time ranged between 2 and 10 weeks during 2020 for non-urgent court-annexed mediation sessions. The waiting time settled at 4 weeks for the start of the 2021 law term. Where the Court orders an expedited court-annexed mediation, the waiting time does not apply. The waiting time can change during the year, and updated information is published daily in the court list.

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



4 EDUCATION AND PUBLIC INFORMATION

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

JUDICIAL OFFICER EDUCATION

Each year, many judicial officers update and develop their skills and knowledge during the year by attending conferences, seminars and workshops. Unfortunately, judicial education in 2020 was heavily impacted by the COVID -19 pandemic which heavily restricted the ability to gather in-person. However, judges embraced opportunities to learn through new medium such as webinars and the growth of this form of delivery has been a very positive outcome of this disruptive period.

An overview of some of the educational activities completed during 2020 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

Domestic judicial education activities undertaken in 2020

Participants are asked to rate the practical value of each education event to their role as a judge. Although the program was curtailed by impact of the pandemic, the overall rating in 2020 reveals that 95% of judges found the Supreme Court's education program relevant and a useful source of knowledge and ideas.

In August 2020, the Court's Annual Conference was to be held in the Blue Mountains. Unfortunately, the conference had to be postponed to 2021 due to COVID, in compliance with health and safety orders.

In March 2020, immediately prior to the suspension of in-person programming, a seminar for justices of the Supreme Court entitled "*Terrorism Trials and Sentencing*" was attended by 15 judges. A panel comprising Justices Johnson, Adamson and Bellew considered a number of pretrial, trial and sentencing issues arising in terrorism and foreign fighter prosecutions.

Throughout the year, judges also had the opportunity to attend a series of cross-jurisdictional webinars. These programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. Four judges attended a webinar in June on *Unconscious Judicial Prejudice: the neurobiology of "prejudice" (or "bias") in legal decision making* presented by Dr Hayley Bennett.

In July, one judge attended "*An introduction to the Bugmy Bar Book Project*", presented by Mr Richard Wilson SC, and Mr Peter McGrath SC of the Bugmy Bar Book Project Committee.

In response to a specific issue that arose in 2020, in December, Ms Kate Jenkins, Sex Discrimination Commissioner, presented a webinar to the NSW judiciary on "*Sexual harassment prevention and response in the workplace – a new approach*". This was chaired by Chief Justice Tom Bathurst AC and six judges attended.

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

- In February, a joint seminar with the NSW Bar Association was held. The Bugmy Bar Book Committee together with Jonathan Rudin presented "*Addressing Indigenous Over-Representation in Canada: Legislation, Litigation and Mobilization*". Well-known international presenter, Mr Jonathan Rudin, discussed the development, preparation and use of Gladue reports and how these relate to the sentencing of Indigenous offenders in Canada. One judge attended.
- In September, one judge attended a virtual tour of the Linear Exhibition, in conjunction with the MAAS. This provided a unique tour of the exhibition, and the first time that the Judicial Commission hosted a virtual exhibition.
- In October, two judges participated in a webinar "*Implicit Bias against Indigenous Australians: Implicit Association Test results for Australia*". Mr Siddharth Shirodkar, ANU Centre for Aboriginal Economic Policy and Research, presented his research evidencing the solid invisible barrier that Indigenous people face in society.
- In November, a Ngara Yura webinar on "*Making the Past Visible: The Colonial Frontier Massacre Map Project and the Legacies of Frontier massacres*" saw two judges in attendance. In this webinar, Professor Ryan addressed a number of important questions by drawing on the digital online map of frontier massacres across Australia 1788-1930, produced by a research team at the University of Newcastle.

One Supreme Court judge attended the National Judicial Orientation Program in Manly, Sydney in February 2020. 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 Court also continued to work with the Judicial Commission to ensure the *Criminal Trials Courts Bench Book*, *Sentencing Bench Book* and the *Civil Trials Bench Book* were regularly updated by judges to reflect developments in the law and sentencing practice.

In addition, there are a number of online resources permanently available to judges of the Supreme Court. Bench books and other research tools are available online via the JIRS database and are updated regularly. Where possible, Supreme Court judges are also able to view and participate in programs remotely either via the live streaming of certain programs or viewing a number of programs that have been recorded. The move to this more flexible mode of delivery has been a positive outcome of the limitations imposed by COVID.



THE ROLE OF THE MEDIA MANAGER

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

During 2020, the Media Manager completed 6,843 requests for information, up from 5,666 the previous year. This was a 21 per cent increase in demand – the most ever recorded. Of these:

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

Sydney metropolitan journalists from major newspapers and radio and TV stations remained the major users of Media Manager services, accounting for around 68 per cent of requests. Just over 11 per cent of users were from NSW regional newspapers, radio and TV stations, and less than two per cent was from suburban Sydney newspapers. The remaining 19 per cent of inquiries were from interstate or overseas journalists, writers for specialist/trade publications, authors, lawyers, students or members of the public. During the reporting year, the Media Manager received six media applications to film final decisions under the broadcasting judgments legislation, which includes a presumption in favour of permitting recording and broadcast of judgment remarks that determine proceedings. Five were granted and one was refused due to related criminal proceedings. These requests dropped by more than 50 per cent on the previous year as some criminal trials were delayed due to COVID-19. In contrast, 1,039 requests for remote access were received as the Court moved to online hearings as a result of the pandemic.

In addition to reactive work, the Media Manager undertook proactive tasks such as promoting the Court's successful COVID-19 response and its launch of the *Inappropriate Workplace Conduct Policy*.

5 OTHER ASPECTS OF THE COURT'S WORK

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

UNIFORM CIVIL PROCEDURE RULES

The *Civil Procedure Act 2005* and Uniform Civil Procedure Rules 2005 commenced operation in 2005. The Uniform Rules Committee was established under section 8 and Schedule 2 of the Act. The Chief Justice (who acts as chair) and the President of the Court of Appeal are ex officio members of the Committee. The other Supreme Court representatives on the Committee during 2020 were Justice Adamson and Justice Lindsay. As well as considering amendments to the Rules the Uniform Rules Committee approves forms for use in civil proceedings under section 17 of the Act.

LAW COURTS LIBRARY

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

Legal authorities and accurate information are provided to support the timely and effective decision-making of the courts. In 2020, librarians answered 855 requests from the Supreme Court, and over 2,200 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.



In addition, 2,606 Supreme Court (including Court of Appeal and Court of Criminal Appeal) decisions were published during 2020 on the NSW Caselaw website, which is managed and supported by the Library.

The experiences of the Law Courts Library during the 2020 Covid 19 lockdown and restrictions have highlighted both how important online legal publications can be, and clearly illustrated that not all legal publications required by judges are available online. Court libraries across the country supported each other by supplying scans of print only material to locked down colleagues interstate. Law Courts Library staff working from home continued providing the research service to judges and court staff remotely.

Further service adaptations and innovations were born out of necessity in 2020 and included the launch of online induction sessions for new court staff offered by MS Teams. Additional eBook titles were purchased and made more accessible via the library catalogue, intranet and on iPads. Extra support and training were offered to promote the use of eBooks. Over 2,000 electronic judgments were created with links to the full text scanned documents, increasing digital access to decisions of the Supreme and Compensation Courts.

The NSW Department of Communities and 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 2020, the Supreme Court representatives on the Advisory Committee were Justice Basten, Justice Macfarlan and Acting Justice Emmett AO.

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 providers 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 2020, the members of the Board were:

- The Honourable the Chief Justice Bathurst
- The Honourable Acting Justice Emmett AO (Presiding Member)
- The Honourable Justice Payne
- The Honourable Justice Lindsay
- Mr Julian Sexton SC
- Ms Margaret Allars SC
- Mr Wen-Ts'ai Lim
- Mr John Dobson
- Professor Lesley Hitchens
- Professor Michael Quinlan
- Ms Phillipa Hetherington

As a result of the social distancing measures brought about by the COVID-19 pandemic, the Chief Justice issued a direction that dispensed with the requirement for admittees to personally attend a ceremony at the Supreme Court. Admission ceremonies in Banco Court were subsequently suspended in March 2020. To meet the need of applicants requiring to be admitted, the Supreme Court and the LPAB worked together to implement

ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

a means by which applicants could be admitted remotely. Instead of attending a ceremony, applicants signed an oath or affirmation of office on paper before an authorised witness and submitted it to the Office of the LPAB, after which their admission was confirmed. The Office of the LPAB made special effort throughout 2020 to ensure that, despite the COVID-19 pandemic, every approved applicant was admitted without delay on the date of their choice.

Aware of the disappointment felt by admittees at not being able to attend an admission ceremony, the Supreme Court introduced live stream video events in August 2020 to welcome newly admitted lawyers to the legal profession.

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

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 2020, 34 New Zealand practitioners were enrolled under the *Trans-Tasman Mutual Recognition Act*. In comparison, there were 71 Trans-Tasman admissions in 2019 and 66 in 2018.

The number of Australian legal practitioners enrolled under the *Mutual Recognition Act 1992* remains negligible after legislative changes to allow most lawyers to practise seamlessly throughout Australia.



ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

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

The Chief Justice appoints independent Costs Assessors to determine applications for costs assessment and review. All costs assessors are legally qualified and must have been a practising Australian lawyer for at least 5 years to be considered eligible for appointment.

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

During 2020, 1,347 costs assessment applications were lodged. Of these, 550 (41%) related to costs between parties to costs orders; 190 (14%) were brought by clients against practitioners, and 429 (32%) were brought by practitioners to recover against clients. There were 178 reviews (13%).

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

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

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

PRO BONO SCHEME

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

The Scheme operates in accordance with Part 7 Division 9 of the Uniform Civil Procedure Rules 2005 and enables unrepresented litigants to be

referred to a barrister and/or solicitor once the Court determines they are deserving of assistance.

During 2020, the Court made 22 referrals under the Scheme: two referrals were made in Court of Appeal cases and 20 were made in cases from either the Common Law or Equity Division. The Scheme's success depends upon the continued goodwill of barristers and solicitors who have indicated a willingness to participate in the Scheme. The Court gratefully acknowledges and extends its sincere thanks to those who support the Scheme by volunteering their services.

JUDICIAL ASSISTANCE PROGRAM

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



6 APPENDICES

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

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

(to be read in conjunction with Chapter 3)

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

Filings, disposals and pending cases

NOTES:

The figures for pending cases exclude cases that have been re-opened after judgment.

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

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

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

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

“-” – item not applicable

“0” – zero count

	2016	2017	2018	2019	2020
COURT OF APPEAL ^{1,2}					
Filings (net new cases) ³	397	354	355	366	346
<i>Filings of appeals / applications for relief</i>	261	241	228	235	214
<i>Filings of applications for leave to appeal</i> ⁴	144	121	139	135	133
Disposals (final disposals) ⁵	423	380	361	339	382
<i>Disposals of appeals / applications for relief</i>	277	257	249	213	233
<i>Disposals of applications for leave to appeal</i>	154	131	124	130	150
Pending cases at 31 December	210	184	178	205	169
<i>Appeals / applications for relief</i>	157	141	120	142	123
<i>Applications for leave to appeal</i>	53	43	58	63	46

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

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

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

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

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

	2016	2017	2018	2019	2020
COURT OF CRIMINAL APPEAL ¹					
Filings	363	380	407	352	455
Disposals	386	395	366	368	416
Pending cases at 31 December	145	130	171	155	194

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 8, 2, 0, 2 and 1 applications lodged in the Court of Criminal Appeal for the years 2016 to 2020, respectively, for review of Parole Board decisions.

	2016	2017	2018	2019	2020
COMMON LAW DIVISION – Criminal ^{1,2}					
Criminal List					
Filings (registrations) ³	102	112	93	103	112
Disposals ⁴	105	105	99	106	88
Pending cases at 31 December	112	119	113	110	134

Bails List ^{5,6}

Filings (applicants)	3,996	3,953	4,545	2,648	2,037
Disposals (applicants)	3,991	3,984	4,353	3,433	2,001
Pending applicants at 31 December	742	707	893	122	159

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

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

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

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

⁵ The figures for Bails List cases now count the number of applicants, not the number of applications. At a Bails List hearing, the Court may deal concurrently with multiple applications for any one applicant. From 2016 onwards, new reports have been used which extract data from the JusticeLink system – it is possible that these do not take into account some data entered retrospectively.

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

	2016	2017	2018	2019	2020
COMMON LAW DIVISION – Civil					
Administrative Law List					
Filings	127	121	152	115	97
Disposals	149	114	132	141	129
Pending cases at 31 December	70	79	100	78	46
Defamation List					
Filings	69	54	39	11	14
Disposals	52	56	61	53	24
Pending cases at 31 December	84	85	65	24	14
Common Law General List (formerly the General Case Management List)					
Filings	1,105	1,109	1,231	1,431	1,298
Contested claims	449	442	542	692	722
– <i>personal injury</i>	291	347	427	533	586
– <i>other claims</i>	158	95	155	159	136
Uncontested claims	185	194	214	237	113
Proceeds of Crime cases	93	108	123	146	124
Other summons cases	378	365	352	356	339
Disposals	1,134	1,057	1,102	1,169	1,208
Contested claims	495	509	475	552	603
– <i>personal injury</i>	291	317	323	392	439
– <i>other claims</i>	204	192	152	160	164
Uncontested claims	154	114	151	177	121
Proceeds of Crime cases	97	85	110	108	112
Other summons cases	388	349	366	332	372
Pending cases at 31 December	1,247	1,274	1,362	1,600	1,677
Contested claims	865	819	913	1,083	1,254
– <i>personal injury</i>	575	575	677	828	979
– <i>other claims</i>	290	244	236	255	275
Uncontested claims	69	99	105	112	40
Proceeds of Crime cases	173	200	215	255	267
Other summons cases	140	156	129	150	116

	2016	2017	2018	2019	2020
Possession List					
Filings ¹	1,312	1,218	1,235	1,501	616
Disposals	1,376	1,250	1,207	1,292	1,088
<i>Contested</i>	61	76	46	68	70
<i>Uncontested</i>	1,315	1,174	1,161	1,224	1,018
Pending cases at 31 December	838	820	847	1,046	574
<i>Contested</i>	60	39	67	83	78
<i>Uncontested</i>	778	781	780	963	496
Professional Negligence List					
Filings	150	180	214	214	263
Disposals	153	131	173	199	244
Pending cases at 31 December	301	364	420	445	465
High Risk Offender List ²					
Filings	-	-	48	54	47
Disposals	-	-	36	60	37
Pending cases at 31 December	-	-	29	22	32
Miscellaneous applications ³					
Filings	453	481	633	500	445
Disposals	437	503	540	564	401
Pending cases at 31 December	52	33	127	49	92
COMMON LAW DIVISION TOTALS – Civil					
Filings	3,216	3,163	3,552	3,826	2,780
Disposals	3,301	3,111	3,251	3,478	3,131
Pending cases at 31 December	2,592	2,655	2,950	3,264	2,900

¹ 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.

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

³ These include applications under the *Mutual Recognition (New South Wales) Act 1992* or *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*, applications for production orders, requests for service within NSW of documents related to civil proceedings being conducted outside NSW, and applications to enforce judgments given outside Australia.

2016 2017 2018 2019 2020

EQUITY DIVISION ¹

Admiralty List

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

Adoptions List ²

Applications	198	222	242	224	185
Orders made	179	195	273	226	178
Pending cases at 31 December	67	94	63	60	67

Commercial List

Filings	147	155	196	171	213
Disposals	224	182	184	180	189
Pending cases at 31 December	223	200	222	221	248

Commercial Arbitration List

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

Corporations List

Filings	1,097	952	860	1,211	651
<i>Judges' list</i>	137	185	172	205	232
<i>Registrar's list</i>	960	767	688	1,006	419
Disposals	1,071	958	883	1,188	759
<i>Judges' list</i>	138	191	184	251	231
<i>Registrar's list</i>	933	767	699	937	528
Pending cases at 31 December	357	358	338	372	260
<i>Judges' list</i>	96	128	154	148	171
<i>Registrar's list</i>	261	230	184	224	89

	2016	2017	2018	2019	2020
Equity General List					
Filings	1,915	1,856	1,815	1,636	1,711
<i>Family provision cases</i>	1,018	973	962	878	880
<i>Other cases</i>	897	883	853	758	831
Disposals	2,058	1,774	1,910	1,724	1,719
<i>Family provision cases</i>	1,068	928	1,044	914	886
<i>Other cases</i>	990	846	866	810	833
Pending cases at 31 December	1,409	1,494	1,417	1,315	1,337
<i>Family provision cases</i>	492	544	470	417	412
<i>Other cases</i>	917	950	947	898	925
Probate (Contentious Matters) List					
Filings	265	294	316	310	291
Disposals	244	246	300	308	374
Pending cases at 31 December	194	241	257	257	174
Protective List ³					
Applications	83	110	102	123	87
Disposals	93	90	101	116	96
Pending applications at 31 December	25	45	46	51	42
Real Property List					
Filings	394	406	409	382	404
Disposals	248	357	388	366	356
Pending cases at 31 December	292	310	310	333	369
Revenue List					
Filings	26	8	24	14	10
Disposals	18	18	27	22	16
Pending applications at 31 December	36	27	26	18	14
Technology and Construction List					
Filings	108	138	163	178	249
Disposals	139	125	130	145	134
Pending cases at 31 December	174	195	229	266	388

	2016	2017	2018	2019	2020
EQUITY DIVISION TOTALS					
Filings	4,234	4,147	4,128	4,253	3,804
Disposals	4,280	3,947	4,204	4,278	3,822
Pending cases at 31 December	2,777	2,970	2,909	2,896	2,904
PROBATE – Applications lodged for grant of probate etc.⁴	26,243	27,294	26,538	27,438	26,661

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

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

³ In this List, applications are counted instead of 'cases' because cases in this List can be of a perpetual nature. During the period when a person's affairs or property are managed under the *NSW Trustee and Guardian Act 2009*, it is possible that more than one application will be made in relation to that person. 'Disposals' refers to the number of disposed applications.

⁴ This includes all probate applications that are lodged as uncontested applications for a grant of probate or letters of administration, or for reseal of a probate grant. Registrars deal with uncontested applications. Only a small proportion of these applications become contested. Contested applications are transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include other probate-related matters handled by the registry, such as probate accounts matters, caveats, deposited wills, and elections to administer estates.

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

Number pending (and % of total)	National standard ³	2016	2017	2018	2019	2020
COURT OF APPEAL						
Total number of cases pending		210	184	178	205	169
Cases within 12 months of age	90%	192 (91%)	176 (96%)	167 (94%)	191 (93%)	156 (92%)
Cases within 24 months of age	100%	210 (100%)	183 (99%)	177 (99%)	201 (98%)	167 (99%)
COURT OF CRIMINAL APPEAL						
Total number of cases pending		145	130	171	155	194
Cases within 12 months of age	90%	144 (99%)	127 (98%)	167 (98%)	150 (97%)	188 (97%)
Cases within 24 months of age	100%	145 (100%)	130 (100%)	171 (100%)	155 (100%)	193 (99%)
COMMON LAW DIVISION – Criminal ^{4,5}						
Total number of defendants pending		112	119	113	110	134
Cases within 12 months of age	90%	80 (71%)	89 (75%)	61 (54%)	74 (67%)	82 (61%)
Cases within 24 months of age	100%	107 (96%)	109 (92%)	107 (95%)	97 (88%)	119 (89%)
COMMON LAW DIVISION – Civil						
Total number of cases pending		2,592	2,655	2,950	3,264	2,900
Cases within 12 months of age	90%	1,766 (68%)	1,783 (67%)	2,055 (70%)	2,218 (68%)	1,638 (56%)
Cases within 24 months of age	100%	2,204 (85%)	2,243 (84%)	2,549 (86%)	2,793 (86%)	2,374 (82%)
EQUITY DIVISION (excluding uncontested probate matters)						
Total number of cases pending		2,777	2,970	2,909	2,896	2,904
Cases within 12 months of age	90%	1,975 (71%)	2,055 (69%)	1,950 (67%)	1,871 (65%)	1,855 (64%)
Cases within 24 months of age	100%	2,471 (89%)	2,629 (89%)	2,531 (87%)	2,497 (86%)	2,439 (84%)

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

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

	2016	2017	2018	2019	2020
COURT OF APPEAL ³	1 month	2.2 months	1.7 months	1.8 months	2.0 months
COURT OF CRIMINAL APPEAL ⁴	1.5 months	1.2 months	3.0 months	3.4 months	5.4 months
COMMON LAW DIVISION					
Criminal List ⁵	7.3 months	5.5 months	6.5 months	5.0 months	4.2 months
Civil lists ⁶	7.3 months	7.0 months	6.0 months	12.0 months	10.3 months
Bails List ⁷	9 weeks	7 weeks	2 weeks	2 weeks	3.0 weeks
EQUITY DIVISION ⁸	5.3 months	4.5 months	6.0 months	6.7 months	6.3 months

- ¹ This is the time between the establishment of readiness for hearing and the first group of available hearing dates that the Court offers for criminal and civil trial cases, criminal and civil appeals and Bails List cases. These delays do not apply if the Court orders an expedited hearing.
- ² The listing delays show the position at the start of the new law term (for example, for 2020 it is the position at the start of the 2021 law term). This removes the end-of-year impact of the law vacation.
- ³ This refers to substantive appeals (including those heard concurrently with a leave application). The listing delay is usually shorter for a hearing of a leave application alone.
- ⁴ This refers to appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.
- ⁵ This refers to cases requiring at least 4 weeks of trial time.
- ⁶ This refers to cases requiring up to 5 days of hearing time.
- ⁷ This is the time between lodging of an application and the first group of available hearing dates. Prior to 2019, this referred to applications by adults receiving public funding. From June 2019, it refers to all applications by adults for a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.
- ⁸ 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

	2016	2017	2018	2019	2020
Court-annexed mediations listed ^{1,2}					
Total	615	571	428	474	331
<i>Common Law Division</i>	38	51	29	27	26
<i>Equity Division – not probate cases</i>	528	455	344	366	269
<i>Equity Division – probate cases</i>	48	64	55	80	36
<i>Court of Appeal</i>	1	1	0	1	0
Percentage settling at mediation ^{3,4}	51%	46%	47%	42%	42%
Waiting time after the end of the year ⁵	5 weeks	2 weeks	5 weeks	6 weeks	4 weeks
Referrals to mediation generally					
Total referrals recorded ⁶	806	943	1,169	1,407	1,055
Mediation referral index ⁷	17.3%	20.8%	24.7%	30.3%	22.2%
Arbitrations listed ⁸					
Total	0	0	0	0	0

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

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

³ This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement *by the close of the court-annexed mediation session*. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). In 2020, for example, in addition to the 42% of cases that settled at the close of their court-annexed mediation session, a further 29% of cases were continuing settlement negotiations.

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

⁵ This is the waiting time to the first-available extensive group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2020 it is the position at the start of the 2021 law term). Earlier sessions are often sporadically available. Urgent mediation sessions are provided without delay when ordered by the Court.

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

⁷ The 'mediation referral index' is the number of cases referred to mediation during the year, divided by the number of cases lodged (in that year) that are of a type for which mediation is considered applicable. For the purpose of calculating the mediation referral index, mediation is considered to be applicable for all civil cases types (including appeal cases), except for proceeds of crime cases, cases that have a high likelihood of proceeding to default judgment or have no defendant element, all cases in the Adoptions List, High Risk Offender List or Protective List, and 90% of cases in the Corporations List. While a case may be of a type for which mediation is considered to be applicable, there may be a particular aspect of that case individually that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any individual cases on that basis.

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

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

Chief Justice's Executive Committee

The Chief Justice's Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational strategic issues. The Committee met weekly throughout 2020, except during periods when the Chief Justice was not available to hold a meeting.

Members during 2020

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

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

Members during 2020

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

Adoptions List Users Group

Members during 2020

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

Alternative Dispute Resolution Steering Committee

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

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

Members during 2020

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

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

Members during 2020

The Honourable Justice Judith Kelly, Supreme Court of the Northern Territory (President; until December)
The Honourable Justice Glenn Martin, Supreme Court of Queensland (President; from December)
The Honourable Justice Walton (Vice President; from December)
Mr Christopher Roper (until December)
Ms Lillian Lesuer (from December)

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

Members during 2020

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

Board of State Records Authority of New South Wales

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

Members during 2020

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

Building Committee

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

Members during 2020

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

Caselaw Governance Committee

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

Members during 2020

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

Ms Cathy Szczygielski, Principal Registrar, New South Wales Civil and Administrative Tribunal
Ms Elizabeth King, Research Associate, NSW Children's Court
Ms Sue King, Registrar - Dust Diseases Tribunal of NSW

Civil Bench Book

Members during 2020

The Honourable Justice Garling RFD
The Honourable Justice Kunc

College of Law

Members during 2020

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 2020

The Honourable Justice Hammerschlag J (List Judge; Chair)
The Honourable Justice Ward
The Honourable Justice Parker
The Honourable Justice Ball
The Honourable Justice Stevenson
Mr Mark Ashhurst SC, University Chambers
Mr Ziv Ben-Arie, Mills Oakley
Mr Tim Breakspear – Banco Chambers
Mr Graeme Johnson, Herbert Smith Freehills (Law Society rep)
Mr Malcolm Stephens, Allens (Law Society rep)
Mr Francis Hicks, Blackstone Chambers
Dr Ruth Higgins, Banco Chambers
Ms Elisa Holmes, Eleven Wentworth
Mr David Jury, HWL Ebsworth Lawyers
Mr Nick Kidd SC, 7 Went Selb Chambers
Mr Duncan Miller SC, 7 Went Selb Chambers
Mr Robert Newlinds SC, Banco Chambers

Mr Peter Pether, King & Wood Mallesons
Ms Georgia Quick, Ashurst
Ms Nuala Simpson, 7 Wentworth Chambers
Dr Kristina Stern SC, 6 Selborne Chambers
Mr David Sulan, Banco Chambers
Ms Vanessa Whittaker, Banco Chambers

Common Law Civil Users Group

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

Members during 2020

The Honourable Justice Hoeben AM RFD
The Honourable Justice Garling RFD
The Honourable Justice Fagan
Mr Chris D'Aeth, Executive Director and Principal Registrar
Ms Karen Jones, Common Law Case Management Registrar
Mr Peter Deakin QC, Sir James Martin Chambers
Mr Eugene Romaniuk SC, Jack Shand Chambers
Ms Lorna McFee, New South Wales Bar Association
Ms Kathleen Harris, Law Society New South Wales
Ms Ramina Kambar, Law Society New South Wales

Corporations List Users Group

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

Members during 2020

The Honourable Justice Black
The Honourable Justice Rees
Ms Rebel Kenna, Director & Prothonotary
Ms Leonie Walton, Registrar, Equity
Mr Damian Allen (8 Windeyer Chambers)
Mr Charles Bavin (Hunt & Hunt)
Mr Andrew Carter (Ashurst)
Mr Miles K Condon SC (16th Floor Wardell Chambers)
Mr Doran Cook SC (Blackstone Chambers)
Mr Glen Cussen (Kemp Strang)
Mr Steven Golledge (3 St James Hall Chambers)

Ms Georgina Hayden (ASIC)
 Mr Michael Hayter (Gillis Delaney)
 Mr Ben Hely, Herbert Smith Freehills
 Mr Luke Hastings, Herbert Smith Freehills
 Mr Michael Hughes (Minter Ellison)
 Aamena Hussein (Craddock Murray Neumann)
 Mr Jim Johnson (Frederick Jordan Chambers)
 Mr Roger D Marshall SC (Ground Floor Wentworth Chambers)
 Mr Khaled Metlej (Craddock Murray Neumann)
 Mr David McCrostie (Turks Legal)
 Mr Alexander Morris (Mallesons)
 Mr Michael Murray (Insolvency Practitioners of Australia)
 Mr Robert Newlinds SC (Banco Chambers)
 Ms Denise North (Insolvency Practitioners of Australia)
 Mr Malcolm Oakes SC (Tenth Floor Chambers)
 Ms Maria O'Brien (Baker McKenzie)
 Mr David Pritchard SC (3 St James Hall Chambers)
 Mr David Stack (Blackstone Chambers)
 Mr Jim Thomson (13 Wentworth Selborne Chambers)

Costs Assessment Rules Committee

Members during 2020

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

Court of Criminal Appeal/Crime Users Group

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

Members during 2020

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

Criminal Trial Bench Book

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

Members during 2020

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

Criminal Appeal Review Committee

Members during 2020

The Honourable T F Bathurst AC, Chief Justice
The Honourable Justice Johnson
The Honourable Justice R A Hulme
Ms Rebel Kenna, Director & Prothonotary
Mr George Galanis Registrar, CCA
Mr John Ledda (Parliamentary Counsel's Office)
Ms Caterina Kim (Parliamentary Counsel's Office)
Ms Sophie Goodwin (Parliamentary Counsel's Office)

Defamation Working Group

Members during 2020

The Honourable Justice McCallum
Mr Paul McKnight, Executive Director, Policy,
Reform & Legislation, Department of
Communities and Justice
Professor David Rolph, University of Sydney
Law School
Ms Sandy Dawson SC, Banco Chambers

Education Committee

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

Members during 2020

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

Equity Liaison Group

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

Members during 2020

The Honourable Justice Ward (Chair)
The Honourable Justice Slattery AM RAN
Ms Leonie Walton, Registrar, Equity
Mr C R C Newlinds SC
Mr Greg A Sirtes SC
Ms Vanessa Whittaker SC
Mr M Ashhurst SC
Mr M K Condon SC
Ms A M Kennedy
Mr J K Martin
Mr B J Miller
Ms P G Suttor
Mr Charles Alexander (Queens Square Chambers)
Mr Scott Baxter, Thompson Eslick Slrs
(Law Society rep)
Ms Sylvia Fernandez, Thomson Geer
(Law Society rep)

Harmonisation Committee

The Harmonisation of Rules Committee is a
committee of the Council of Chief Justices. It has
representatives of the Federal Court of Australia,
the Family Court of Australia, each of the Supreme
Courts of Australia and the High Court of New
Zealand. The goals of the Committee are the
harmonisation of rules of court and, as appropriate,
practice in specific subject areas, either as identified
by references from the Council of Chief Justices or,
with the endorsement of the Council, by consensus
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 area projects, for the monitoring adopted harmonised rules of court or for both.

Members during 2020

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

Information Technology

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

Members during 2020

The Honourable Justice Garling RFD (Chair)
The Honourable Justice Gleeson
The Honourable Justice Sackar
The Honourable Justice Beech-Jones
Mr Chris D'Aeth, Executive Director and Principal Registrar
Mr Nick Sanderson-Gough, Manager, Court Operations & Communications
Ms Jane Mathison, Information & Digital Services
Mr Jay Huntley, Information & Digital Services
Mr Peter Xenos, Information & Digital Services
Mr Paul Falconer, Information & Digital Services

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

Members during 2020

The Honourable Justice Mullins, Supreme Court of Queensland (Chair)
The Honourable Justice Fagan
The Honourable Justice Pepper, Land and Environment Court of NSW
His Honour Judge Norrish, District Court of NSW
Her Honour Judge Cohen, County Court of Victoria
Chief Magistrate Heath, Magistrates Court of WA
Magistrate Horrigan, Children's Court of WA
Chief Judge Muecke, District Court of South Australia
Justice Murphy, Family Court of Australia (Brisbane)
The Honourable Justice Refshauge, Supreme Court of the ACT
Ms Amy Begley, ANU College of Law
A/Professor Mark Nolan, ANU College of Law
Dr Anthony Hopkins, ANU College of Law, ANU
Ms Lillian Lesueur, Chief Executive Officer, NJCA
Ms Karen Sloan, Program Manager, NJCA

Judges' Handbook Committee

Members during 2020

The Honourable Justice Ward
The Honourable Justice Stevenson
The Honourable Justice Darke
The Honourable Justice Lonergan
The Honourable Acting Justice Schmidt AM

Judicial Commission of New South Wales

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

Members during 2020

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

Judicial Remuneration Committee

Members during 2020

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

Law Admissions Consultative Committee

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

Members during 2020

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

Law Courts Library Advisory Committee

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

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

Members during 2020

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

Law Extension Committee (Sydney University)

Members during 2020

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

Law Reform Commission

Members during 2020

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

Legal Profession Admission Board

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

Members during 2020

The Honourable T F Bathurst AC, Chief Justice
The Honourable Acting Justice Emmett AO
(Presiding Member)

The Honourable Justice Payne
The Honourable Justice Lindsay
Ms Margaret Allars SC (NSW Bar Council rep)
Mr Julian Sexton (NSW Bar Council rep)
Mr John Dobson (Law Society of NSW)
Mr Wen-Ts-ai Lim (Law Society of NSW)
Professor Lesley Hitchens (Dean of Law School)
Professor Michael Quinlan (Dean of Law School)
Ms Phillippa Hetherington (Department of Communities and Justice)
Mr Chris Banks (Secretary)

Legal Profession Admission Board Examinations Committee

Members during 2020

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

Legal Profession Admission Board Legal Qualifications Committee

Members during 2020

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

Legal Services Council Admissions Committee

Members during 2020

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

Media Court Committee

Members during 2020

The Honourable Justice Payne (Chair)
The Honourable Justice Lonergan
The Honourable Justice Rees
Ms Sonya Zadel (Media Manager)
Ms Lisa Miller (Media Manager)

National Admissions Committee

Members during 2020

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

National Judicial Orientation Program Committee

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

Members during 2020

The Honourable Justice Harrison (Chair)
The Honourable Justice Ainslie-Wallace, Family Court of Australia (Deputy Chair)
The Honourable Justice Gleeson, Federal Court of Australia
The Honourable Justice Martin AM, Supreme Court of Queensland
Her Honour Judge Huggett, District Court NSW
Her Honour Judge McIntyre, District Court SA

His Honour Judge Staude, District Court WA
His Honour Judge Cole, Federal Circuit of Australia
Mr E Schmatt AM PSM, Judicial Commission of NSW
Ms U Doyle, Judicial Commission of NSW
Ms L Leseuer, CEO, National Judicial College of Australia
Ms K Sloan, Program Manager, National Judicial College of Australia

Ngara Yura (Judicial Commission Aboriginal Liaison Committee)

Members during 2020

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

NSW Law Reporting Liaison Committee

Members during 2020

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

Parliamentary Counsel's Consultative Group

Members during 2020

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

Possession List Users Group

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

Members during 2020

The Honourable Justice Davies,
Ms Rebel Kenna, Prothonotary and Director & Assistant Principal Registrar
Ms Karen Jones, Common Law Case Management Registrar
Ms Naomi Ubrihien, Manager Client Services
Mr Milio Cesta-Incani, Manager Listings
Mr Tim Sherrard, Dentons Australia
Mr Campbell Hudson, Dentons Australia
Mr Richard Lewin, Dentons Australia
Ms Danielle Kuti, Dentons Australia
Ms Emma Hodgman, Dentons Australia
Mr Gary Koning, Dentons Australia
Mr Rod Cameron, Hicksons
Mr Marc Rossi, Hicksons
Ms Alexandra Kelly, Financial Rights Legal Centre
Ms Amy Knox, Financial Rights Legal Centre
Ms Alice Lin, Financial Rights Legal Centre
Ms Lara Song, Financial Rights Legal Centre

Ms Nerida Walker, Legal Aid NSW
Ms Clarissa Mirarchi, Legal Aid NSW
Ms Sera Erikozu, Norton Rose Fulbright Australia
Ms Kate Cooper, Bransgroves
Mr Matthew Bransgrove, Bransgroves
Ms Sarah Elbarhoun, Bransgroves
Ms Christina Jabbour, Bransgroves
Ms Erin Couper, Bransgroves
Ms Vivienne Zheng, Bransgroves
Ms Caitilin Watson, Atkinson Vinden
Ms Nora Minassian, Thomson Geer
Ms Kimberley Wells, Thomson Geer
Ms Pip Nagam, Thomson Geer
Ms Lauren Hatton, Thomson Geer
Ms Khoterra Shaw, Thomson Geer
Ms Angela Gallichan, Hall & Wilcox
Ms Kathryn Brann, Summer Lawyers
Ms Debra Sweikert, Summer Lawyers
Mr Andrew Hack, Summer Lawyers
Ms Elisabeth McGready, Summer Lawyers
Ms Elizabeth Mead, Summer Lawyers
Ms Buse Harper, Summer Lawyers
Ms Sana Wais, Summer Lawyers
Ms Samantha Parsons, Summer Lawyers
Ms Zanne Lau, Summer Lawyers
Mr Nicholas Chrisp, Summer Lawyers
Mr Rhys Graham, Summer Lawyers
Mr Michael Rose, 9th Floor Wentworth Chambers
Ms Samantha Tang, Galilee Solicitors
Mr Simon Duke, Galilee Solicitors
Ms Katherine Joy, Galilee Solicitors
Ms Narmin Audish, Legalstream
Mr Matthew Pike, HWL Ebsworth
Ms Julie Talakovski, HWL Ebsworth
Mr Adam Young, HWL Ebsworth

Probate Users Group

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

Members during 2020

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

Professional Negligence List Users Group

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

Members during 2020

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

Programs Advisory Committee (National Judicial College of Australia)

Members during 2020

The Honourable Justice Glenn Martin AM, Supreme
Court of Queensland (Chair)
The Honourable Justice Harrison
The Honourable Justice Stevenson
The Honourable Murray Kellam AO, formerly Court
of Appeal Supreme Court Victoria
Her Honour Judge Liz Boyle, Federal Circuit Court
of Australia
Her Honour Judge Martine Marich, County Court
of Victoria
Her Honour Judge Julie McIntyre, District Court
of South Australia
Magistrate Alison Adair, Magistrates Court of
South Australia
Magistrate Andrée Horrigan, Children's Court
of Western Australia
Ms Lillian Lesueur, National Judicial College
of Australia
Mr Johan Revalk, National Judicial College
of Australia
Professor Heather Roberts, ANU College of Law
Professor Sally Wheeler OBE, ANU College of Law

Standing Advisory Committee of the Judicial Commission on Judicial Education

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

Members during 2020

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

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

Members during 2020

The Honourable Justice Hammerschlag

Supreme Court Rules Committee

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

Members during 2020

The Honourable T F Bathurst AC, Chief Justice (Chair)
The Honourable Justice Bell
The Honourable Justice Meagher
The Honourable Justice Adamson
The Honourable Justice Lindsay
The Honourable Justice Darke
The Honourable Justice Wright

Ms Rebel Kenna, Director and Prothonotary (Secretary)
Ms Carol Webster SC (NSW Bar Association representative)
Mr Mark Walsh SC (alternate NSW Bar Association representative)
Ms Sylvia Fernandez, Law Society of New South Wales
Mr David Hing (alternate Law Society of New South Wales)

Supreme Court Bicentenary Planning Committee

Members during 2020

The Honourable Justice Ward
The Honourable Justice Bell
The Honourable Justice Leeming
The Honourable Justice Kunc
The Honourable Justice McCallum

Sydney Institute of Criminology Advisory Committee

Members during 2020

The Honourable T F Bathurst AC, Chief Justice

Uniform Rules Committee

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

Members during 2020

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

The Honourable Justice Bell

The Honourable Justice Adamson

The Honourable Justice Lindsay

The Honourable Justice Preston, Chief Judge,
NSW Land and Environment Court

The Honourable Justice Price AO, Chief Judge
of the District Court of NSW

His Honour Judge Henson AM, Chief Magistrate
of the Local Court

Her Honour Magistrate Jennifer Atkinson,
Local Court

Ms Carol Webster SC (New South Wales Bar
Association)

Mr David Hing (Law Society of NSW)

Mr Jon Prowse (Law Society of NSW alternate
representative)

Mr Chris D'Aeth, Executive Director and
Principal Registrar

Ms Rebel Kenna, Director and Prothonotary
(Secretary)

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

The Planning Committee for Judgment Writing
has been developed for the Australian judiciary.

The program is designed to enhance participants'
judgment writing skills through analysis, discussions
and rewriting of judgments in small groups, assisted
by professional writers and senior judges.

Members during 2020

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

The Honourable Justice Stevenson

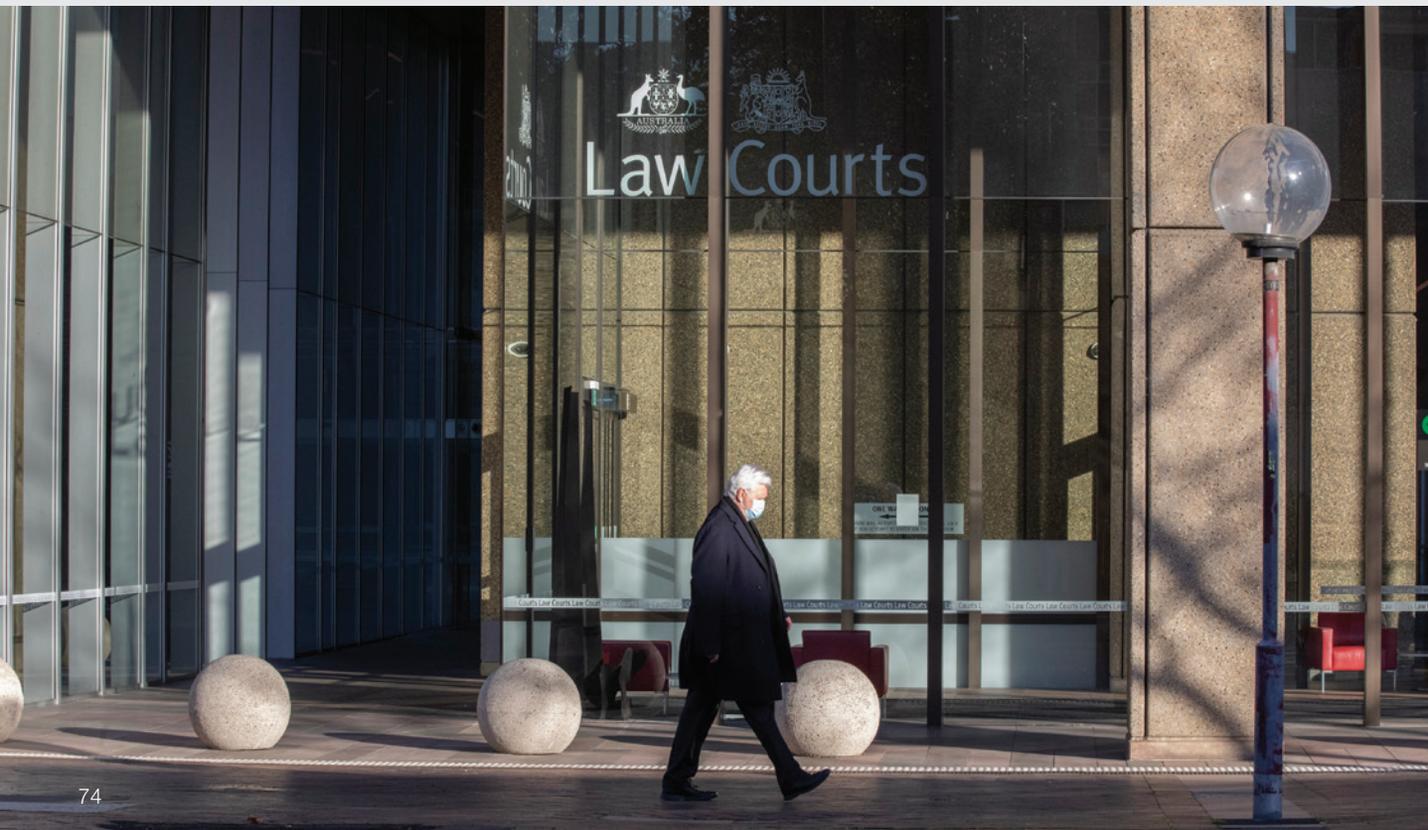
The Honourable Acting Justice Schmidt AM

The Honourable Justice Craig Colvin, Federal Court
of Australia

The Honourable Justice Debra Mullins AO, Supreme
Court of Queensland

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

Ms Kate Latimer, CEO, National Judicial College
of Australia



APPENDIX (III): OTHER JUDICIAL ACTIVITY

In addition to hearing and determining cases, the Court's judicial officers actively contribute to the ongoing professional development of the legal community domestically and abroad. Their contributions encompass activities such as presenting papers and speeches at conferences and seminars, submitting articles for publication, giving occasional lectures at educational institutions, meeting judicial officers from courts around the world and hosting delegations. Many judicial officers are also appointed to boards, commissions and committees for a wide range of legal, cultural and benevolent organisations. The Judges' and Associate Judge's activities during 2020 are summarised below in chronological order.

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

While grants of financial assistance were awarded for overseas travel during 2020, travel restrictions combined with the postponement of many events due to the covid-19 pandemic, meant that none of the planned overseas trips occurred. Consequently, there was no public expenditure on overseas travel during this reporting period.

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

Conferences:

4 Jun 2020	12 Wentworth and Selborne Chambers Adaptation and Mitigation: Arbitrating During and After Covid-19 Webinar (Sydney,online)
16 Jul 2020	Centre for Commercial Law and Regulatory Studies (CLARS) Law and Business Seminar Series Corporations and Climate Change (Sydney, online)

Speaking engagements:

3 Feb 2020	Panel Discussion – National Judicial Orientation Program “ <i>Judicial Conduct and Ethics Out of Court</i> ” (Sydney)
5 Feb 2020	Opening Address – NSW Law Society Opening of Law Term Dinner ‘ <i>Law as a Reflection of the “Moral Conscience” of Society</i> ’ (Sydney)
11 Feb 2020	Reception Speech – Opening of Law Term Greek Orthodox Service (Sydney)
12 Feb 2020	Reception Speech – Opening of Law Term Great Synagogue Service (Sydney)
26 Feb 2020	Presentation – The College of Law 2020 Judges' Series “ <i>Lawyer-Client Privilege in Litigation</i> ” (Sydney)
27 Feb 2020	Adjudicating - Australian Insurance Law Association Mock Trial (Sydney)
7 Mar 2020	Presentation - Bar Association of Queensland and Australia Bar Association Annual Conference 2020 “ <i>Ethics – Judicial Conduct</i> ” (Brisbane)
28 Mar 2020	Speech – Toongabbie Legal Centre Seminar “ <i>Don't Be Court Out: The Basis Of Court Etiquette</i> ” (Sydney)
18 Aug 2020	Speech – Admission Ceremony (Banco Court, Sydney)
8 Oct 2020	Speech – Francis Forbes Lecture “ <i>The History of Defamation Law: Unjumbling a Tangled Web</i> ” (Banco Court, Sydney)
12 Oct 2020	Welcome Address – ACICA and CIArb International Arbitration Conference (Sydney)
13-14 Oct 2020	Speech – Silk Bows (Sydney)
18 Oct 2020	Adjudicating – 15th LAWASIA International Moot Competition 2020

17 Nov 2020	Moderator – Bar Association’s Education Committee Seminar on “ <i>Advanced Legal Writing</i> ”
10 Dec 2020	Introduction – The Judicial Commission of New South Wales Twilight Webinar “ <i>Sexual Harassment Prevention and Response in the Workplace – A New Approach</i> ”

Delegations and international assistance:

12 Feb 2020	Official visit from Justice Yuko Miyazaki, Justice of the Supreme Court of Japan
3 Mar 2020	Official visit from High Commissioner of South Africa
19 Nov 2020	Official visit from His Excellency Mahesh Raj Dahal Ambassador of Nepal and Mr Deepak Kumar Khadka Honorary Consul-General of Nepal
9 Dec 2020	Official visit from His Excellency Mr Jeong-sik Kang, Ambassador of the Republic of Korea.

THE HONOURABLE JUSTICE ANDREW SCOTT BELL, PRESIDENT OF THE COURT OF APPEAL

Conferences:

5 Feb 2020	Law Society of New South Wales Opening of Law Term Dinner (Parliament House, Sydney)
28 Feb 2020	Women Lawyers Association - ‘ <i>Celebrating Women in the Judiciary</i> ’ cocktail event, guest speaker the Hon. Justice Virginia Bell AC. (Union, Universities & Schools Club Sydney)
6 Mar 2020	Book launch, Law, Politics and Intelligence: A life of Robert Hope launched by Her Excellency the Honourable Margaret Beazley AC QC, Governor of New South Wales (Supreme Court, Sydney)
19 May 2020	Francis Forbes Society for Australian Legal History Lecture, ‘Lawyers’ uses of history, from <i>Entick v Carrington</i> to <i>Smethurst v Commissioner of Police</i> ’, delivered by the Hon. Justice Mark Leeming. (Banco Court, Sydney)
20 Oct 2020	Ceremonial sitting to honour the life of His Honour Judge Guy Andrews (Federal Circuit Court via Zoom)
22 Oct 2020	Australian Academy of Law 2020 Patron’s Address, ‘ <i>Aboriginal Australians and the Common Law</i> ’, delivered by Her Excellency the Honourable Margaret Beazley AC QC, Governor of New South Wales (via MS Teams)
27 Oct 2020	The 2020 Sir Maurice Byers Lecture, ‘ <i>Maurice Byers - Legal advice in the constitutional maelstrom of the Whitlam era</i> ’, delivered by Professor Anne Twomey (Banco Court, Sydney)
12 Nov 2020	2020 Spigelman Oration, ‘ <i>Supervising the Legal Boundaries of Executive Powers</i> ’, delivered by the Hon. Alan Robertson SC (Banco Court, Sydney)
24 Nov 2020	Francis Forbes Society for Australian Legal History, Ninth Annual Plunkett Lecture, ‘ <i>John Hubert Plunkett: An Irish Lawyer in Australia</i> ’, delivered by Dr John McLaughlin AM (Banco Court, Sydney)

Speaking engagements:

21 Feb 2020	Guest Speaker, Gilbert + Tobin Centre of Public Law 2020 Constitutional Law Conference, <i>'The Federal and State Courts on Constitutional Law: The 2019 Term'</i> (Art Gallery of NSW)
2 Jun 2020	College of Law Litigation Masterclass, <i>'Written Advocacy'</i> , (Supreme Court, Sydney via Zoom)
16 Jun 2020	Guest speaker, The Commercial Law Association of Australia Judges' Seminar Series, <i>'Gambling and the Law in the 21st Century'</i> (Supreme Court, Sydney)
18 Sep 2020	Administrator, Investiture Ceremony (Government House, Sydney)
24 Sep 2020	Closing Address, Bar Practice Course (NSW Bar Association Common Room via Zoom)
12 Oct 2020	Chair, 2020 International Arbitration Conference – <i>'Around the Globe in 60 Minutes: Hot Topics in International Arbitration'</i> (Supreme Court, Sydney and via Zoom)
15 Oct 2020	Keynote address, Australian Disputes Centre Third Annual Supreme Court ADR Address, <i>'The rise of the anti-arbitration injunction'</i> , (Banco Court, Sydney and via YouTube)
17 Nov 2020	NSW Bar Association's CPD Seminar, <i>'Advanced Legal Writing'</i> , co- presented with Justin Gleeson SC and moderated by the Hon. T F Bathurst AC, Chief Justice (Banco Court, Sydney and via YouTube)

Publications:

'An Australian International Commercial Court – Not a Bad Idea or What a Bad Idea' (2020) 94 ALJR 24

'The Court of Appeal and the Coronavirus', *Bar News* (Winter Edition 2020)

Appointments to legal, cultural or benevolent organisations:

Member of the Chief Justice's Executive Committee

Official Member of the Judicial Commission of NSW

Member of the Supreme Court Rules Committee

Member of the Uniform Rules Committee

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

THE HONOURABLE JUSTICE MACFARLAN**Speaking Engagements:**

30 Oct 2020	Speech – Environment and Planning Law Association (NSW) 2020 Conference <i>"Court of Appeal Update"</i> (Virtually on Zoom)
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THE HONOURABLE JUSTICE WARD, CHIEF JUDGE IN EQUITY

Conferences:

18-22 Jan 2020	Supreme & Federal Courts Judges' Conference (Canberra)
22 Feb 2020	AIJA Council meeting (Sydney)

Appointments to legal, cultural or benevolent organisations:

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

THE HONOURABLE JUSTICE LEEMING

Speaking engagements:

20 May 2020	Forbes Lecture, " <i>Lawyers' uses of history, from Entick v Carrington to Smethurst v Commissioner of Police</i> "
24 Sep 2020	William Gummow Equity Moot, judge
5 Nov 2020	Allens UNSW Moot Grand final, judge
16 Dec 2020	Launch of J Sackar, <i>Lord Devlin</i> (Hart Publishing 2020)

Publications:

<i>Authority to Decide: The Law of Jurisdiction in Australia</i> (2 nd ed) (Federation Press)
Book review of <i>A History of Australian Tort Law 1901–1945: England 1945: England's Obedient Servant?</i> 48 Aust Bar Rev 243
" <i>Six Differences between trustees and company directors</i> " 94 ALJ 254
" <i>Lawyers' uses of history, from Entick v Carrington to Smethurst v Commissioner of Police</i> ", Australian Bar Review (2020) 49 Aust Bar Rev 199

Appointments to Legal, Cultural or Benevolent Organisations:

Challis Lecturer in Equity, University of Sydney
Advisory Committee, Francis Forbes Society
Director, The Federation Press Pty Ltd
Editorial Board member: Australian Bar Review, Journal of Equity
Member of Panel of Referees, Journal of the Malaysian Judiciary
Trustee, Sydney Grammar School

THE HONOURABLE JUSTICE PAYNE

Appointments to legal, cultural or benevolent organisations:

Appointee of the Chief Justice to the Legal Profession Admission Board

THE HONOURABLE JUSTICE BRERETON AM RFD

Speaking engagements:

17 Mar 2020	Judges' Series - Subpoenas, Discovery and Interrogatories (Video Presentation), Law Courts Building, Sydney.
16 Jun 2020	Commercial Law Association (Video Conference) " <i>Relief Against Forfeiture in the Commercial Context</i> ", Law Courts Building, Sydney.
1 Dec 2020	Professional Development Presentation to NCAT Members, " <i>Aspects of Health Profession Proceedings in NCAT</i> ", John Maddison Tower, Sydney

Publications:

Inspector General of the Australian Defence Force - Afghanistan Inquiry Report, November 2020

Co-Author, Davies, Bell, Brereton, Douglas, "*Nygh's Conflict of Laws in Australia*" (10th edition), LexisNexis Butterworths

Appointments to legal, cultural or benevolent organisations:

Deputy Chair, NSW Law Reform Commission

Chair, Costs Assessment Rules Committee

Chair, Costs Assessment User Group

Member, Harmonisation of Rules Committee

Assistant Inspector-General, Australian Defence Force

Deputy President, Defence Force Discipline Appeal Tribunal

THE HONOURABLE JUSTICE WALTON

Speaking engagements:

18 Aug 2020	Lecturer, Masterclass for Sydney Business School University of Wollongong: A Work Odyssey (conducted virtually)
26 Sep 2020	Final Mock Trial – NSW Bar Practice Course

Appointments to legal, cultural or benevolent organisations:

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

Vice President, Judicial Conference of Australia

Executive Committee, Judicial Conference of Australia

Governing Counsel, Judicial Conference of Australia

Editorial Committee, Australian Journal of Labour Law

Chair, Clubs Advisory Committee, University of Sydney

THE HONOURABLE JUSTICE JOHNSON

Speaking engagements:

10 Mar 2020	Presentation of paper at seminar at the Supreme Court organised by the Judicial Commission of NSW, together with Justice Christine Adamson and Justice Geoffrey Bellew - <i>“Some Issues Arising from Terrorism Trials and Sentencing”</i>
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Publications:

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

THE HONOURABLE JUSTICE ROTHMAN AM

Conferences:

10 Mar 2020	NSW Judicial Commission Twilight Seminar: <i>“Terrorism Trials and Sentencing”</i> [Johnson, Adamson and Bellew JJ] (Sydney)
24 Jun 2020	NSW Judicial Commission Webinar: <i>“Prejudice in Judicial Decision-Making from a Neurobiological Perspective”</i> [Dr Hayley Bennett] (Sydney)
14 Oct 2020	NSW Judicial Commission Webinar: <i>“Implicit Bias against Indigenous Australians: Implicit Association Test results for Australia”</i> [Mr Siddharth Shirodkar] (Sydney)
27 Oct 2020	Maurice Byers Lecture Series: <i>“Legal advice in the constitutional maelstrom of the Whitlam era”</i> [Professor Anne Twomey] (Sydney)
28 Oct 2020	Law Council Webinar: <i>“Closing the Justice Gap: Implementing the Australian Law Reform Commission’s Pathways to Justice Roadmap”</i> [Dr Hannah McGlade, Ms Cheryl Axleby, Dr Tracey McIntosh and Mr Tony McAvoy SC, moderated by Law Council President, Ms Pauline Wright] (Sydney)
5 Nov 2020	Ngara Yura Program Webinar: <i>“Making the Past Visible: The Colonial Frontier Massacre Map Project and the Legacies of Frontier massacres”</i> [Professor Lyndall Ryan AM FAHA] (Sydney)
27 Nov 2020	International Bar Association Webinar: <i>“The Judiciary at Risk – a case study”</i> [Hon Justice Michael Kirby AC CMG] (Sydney)
27 Nov 2020	International Bar Association Webinar: <i>“Rule of Law Symposium: Rule of Law in the time of Covid-19”</i> [Baroness Helena Kennedy QC, Mr Stephen Macliver, Mr Jon Snow] (Sydney)
10 Dec 2020	NSW Judicial Commission Cross-jurisdictional Twilight Webinar: <i>“Sexual harassment prevention and prevention in the workplace – a new approach”</i> [Commissioner Kate Jenkins] (Sydney)

Speaking engagements:

5 Jul 2020	Panel Discussion: <i>“Enshrining a Powerful First Nations Voice in the Constitution”</i> Emanuel Synagogue Webinar, In Conversation with Rabbi Jeffrey Kamins, Ms Teela Reid and Mr Thomas Mayor (Sydney)
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Appointments to legal, cultural or benevolent organisations:

President – The Great Synagogue (Sydney) (*retired September 2020*)

Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools

Co-Chair – Australian Council of Jewish Schools

Board Member – International Association of Jewish Lawyers and Jurists

Member – National Indigenous Awareness Committee of the National Judicial College of Australia

Advisory Committee Member – Australian Law Reform Commission Inquiry into the Religious Exemptions in Anti-Discrimination Law

Life Governor – Moriah War Memorial College

Honorary Life Member; Executive Member – NSW Jewish Board of Deputies

THE HONOURABLE JUSTICE FULLERTON**Speaking engagements:**

26 Sep 2020 Judge – Final Mock Trial, Bar Practice Course (Sydney)

29 Sep 2020 Judge – Baker McKenzie National Women’s Moot Semi-Final (Sydney)

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

Member of the Rules Harmonisation Committee

THE HONOURABLE JUSTICE HULME**Conferences:**

10 Mar 2020 Judicial Commission of NSW – “*Terrorism Trials and Sentencing*”

Speaking engagements:

4 – 5 Feb 2020 National Judicial College of Australia – Manly – National Judicial Orientation Program – *Court Craft – The Trial from Hell*

15 Mar 2020 Public Defenders – “*Appellate Practice in the Court of Criminal Appeal*”

Publications:

Co-author Criminal Law News, LexisNexis Butterworths

Annual Criminal Appeal Review 2020

Appointments to legal, cultural or benevolent organisations:

Court of Criminal Appeal List Judge

Criminal List Judge

Chair, Criminal Trial Courts Bench Book Committee

Member, Court of Criminal Appeal and Crime Users Groups

Member, Criminal Appeal Rules Committee

THE HONOURABLE JUSTICE SLATTERY AM RAN

Conferences:

7 Nov 2020 JAG Conference (Canberra, via audio-visual link)

Speaking engagements:

3 Apr 2020 ADF Legal Training Module 1 (LTM1) on Military Discipline Law, “*What Makes a Good Military Lawyer?*” (The Military Law Centre, Victoria Barracks Sydney, via audio-visual link)

16 Oct 2020 ADF Legal Training Module 1 (LTM1) on Military Discipline Law, “*What Makes a Good Military Lawyer?*” (The Military Law Centre, Victoria Barracks Sydney, via audio-visual link)

Publications:

Report of the Judge Advocate General of the Australian Defence Force to the Australian Parliament for the period 1 January to 31 December 2019.

Appointments to legal, cultural or benevolent organisations:

Judge Advocate General of the Australian Defence Force from 14 May 2015

Trustee of the Indigenous Barristers Trust – The Mum Shirl Fund since 2006

THE HONOURABLE JUSTICE BALL

Publications:

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

THE HONOURABLE JUSTICE GARLING RFD

Appointments to legal, cultural or benevolent organisations:

Honorary Patron: CanRevive Inc

Chair: Loreto Ministries Ltd (*until February 2020*)

THE HONOURABLE JUSTICE BLACK

Speaking engagements:

20 Feb 2020 Conflict of Interest Regulation after the Royal Commission into Misconduct in the Banking Superannuation and Financial Sector, paper presented at the Faculty of Law, University of Oxford.

6 Mar 2020 Fiduciary Duties in a Commercial law context: comparing English and Australian approaches; paper presented at the Faculty of Law, University of Oxford.

Publications:

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

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

“*Fiduciary duties in a commercial law context: comparing English and Australian approaches*” (2020) *Lloyd's Maritime & Commercial Law Quarterly* 401.

Appointments to legal, cultural or benevolent organisations:

Adjunct Professor, Faculty of Law, University of Sydney

Fellow, Australian Academy of Law

Visiting Academic, University of Oxford, January-February 2020

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

Member, Supreme Court Rules Committee

Member, Uniform Rules Committee

THE HONOURABLE JUSTICE BELLEW**Conferences:**

10 Mar 2020 Seminar - Terrorism Trials on Sentence, Judicial Commission – co-presenter of paper

14 Mar 2020 Common Law and Personal Injury Conference, NSW Bar Association – presenter of paper

14 Mar 2020 Toongabbie Legal Centre – presenter of paper

Speaking engagements:

18 May 2020 Judge - Junior Moot grand final – University of Notre Dame, Sydney

23 Jul 2020 Law Day Out – Video presentation for The Rule of Law Institute

6 Aug 2020 DPP Parramatta – Presenter of paper on evidence

24 Aug 2020 Judge - Witness examination grand final – University of Notre Dame, Sydney

26 Sep 2020 Judge - Final mock trial – NSW Bar Association

17 Dec 2020 Judge - Sydney University Moot

THE HONOURABLE JUSTICE LINDSAY**Conferences:**

11-13 Sep 2020 Blue Mountains Law Society Succession Law Conference

Speaking engagements:

4 Mar 2020 Speech – “*Pleadings and Case Management*”, College of Law (Banco court)

12 Mar 2020 Speech – “*The Probate and Protective Lists – A Judge’s Perspective*” (UNSW CBD Campus)

3 Jun 2020 Speech – “*The Family Provision Jurisdiction in Historical Perspective*” (via zoom)

12 Sep 2020 Speech – “*Accountability: The Universal problem in the administration of estates affected by incapacity or death*” (Blue Mountains)

Appointments to legal, cultural or benevolent organisations:

Member of Legal Profession Admission Board of NSW

Member, State Archives and Records Authority of New South Wales

Council Member, Francis Forbes Society

THE HONOURABLE JUSTICE HALLEN

Conferences:

19 Feb 2020	STEP NSW Lecture – Speech on Testamentary Capacity (Sydney)
11 Mar 2020	Wills and Estates: Practice and Procedure – Opening Address. College of Law (Sydney)
14 Mar 2020	Succession Law Conference CPD – Opening Address (Bowral)

Appointments to legal, cultural or benevolent organisations:

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

THE HONOURABLE JUSTICE KUNC

Conferences:

18-22 Jan 2020	Supreme & Federal Court Judges Conference, Canberra
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Speaking engagements:

29 Feb 2020	NSW Bar Association North Coast CPD Conference 29 Feb 2020 “ <i>Working with interpreters – the new rules and standards</i> ”
5 Mar 2020	NSW Bar Association CPD Sydney 5 March 2020 “ <i>Working with interpreters – the new rules and standards</i> ”
9 Sep 2020	Bar Practice Course - Applications before a Judge of the Equity Division
14 – 18 Sep 2020	Judge in Residence Program – Byron Bay <ul style="list-style-type: none">• Participate in School of Law and Justice (SLJ) Researcher’s Debrief – SLJ staff and postgraduate students• Participate in Black Lives Matter SCU working group meeting• Deliver SLJ research seminar to SCU staff, students and members of the profession and community “<i>When Judges change the law – Speculations about judicial reasoning</i>”• Meetings with SLJ students
23 Sep 2020	Moot Judge – Sydney University v Australian Catholic University - Zoom
26 Sep 2020	Bar Practice Course – Mock Trial – Court 8A

Appointments to legal, cultural or benevolent organisations:

Adjunct Professor, School of Law and Justice, Southern Cross University
Deputy Chair, Law Advisory Committee, School of Law and Justice, Southern Cross University
Member. Dean’s Advisory Group, Sydney University Law School
General Editor, The Australian Law Journal
Member Editorial Board, Journal of Equity
Director, Opera Australia Capital Fund

THE HONOURABLE JUSTICE DARKE

Publications:

General Editor of the Butterworth Property Reports

Appointments to legal, cultural or benevolent organisations:

Member of the Legal Profession Admissions Board Examinations Committee

Member of the Judicial Commission Civil Bench Book Committee

THE HONOURABLE JUSTICE WRIGHT

Appointments to legal, cultural or benevolent organisations:

AIJA Council and Research Committee

THE HONOURABLE JUSTICE HAMILL

Conferences:

14-15 Mar 2020 Public Defender's Conference (Sydney)

Speaking engagements:

4 Mar 2020 Speech – Western Aboriginal Legal Service Development Conference 2020
“*Trial Advocacy at the ALC*” (Blue Mountains, NSW)

14 Mar 2020 Keynote address – Public Defender's Conference 2020 “*Mental Illness in the Legal Profession*” (Sydney)

Appointments to legal, cultural or benevolent organisations:

Member, Cultural Diversity Justice Network

Co-Chair, LPAB Exams Committee

THE HONOURABLE JUSTICE NATALIE ADAMS

Speaking engagements:

29 Feb-1 Mar 2020 Presenter “*It's too late now to say sorry: Sentencing for contempt of court*” with Belinda Baker, NSW Crown Prosecutor, 2020 Sentencing Conference held by the National Judicial College of Australia and the Australian National University College of Law (Canberra, ACT)

29 Oct 2020 NSW Bar Association's New Barrister's Committee “*Judicial Q&A*” – part of the judicial panel

Appointments to legal, cultural or benevolent organisations:

Committee Member – ADR Steering Committee

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

THE HONOURABLE ASSOCIATE JUSTICE HENRY

Speaking engagements:

9 Sep 2020	Bar Readers Course – Application before a Judge of the Equity Division
10-12 Feb 2020	National Judicial College – writing better judgements program

Appointments to legal, cultural or benevolent organisations:

Member, Admissions Committee, Legal Services Council
Member, Law Admissions Consultative Committee, Legal Services Council
Member, Foreign Lawyers Working Group, Legal Services Council

THE HONOURABLE JUSTICE RICHARD CAVANAGH

Conferences:

2 - 6 Feb 2020	National Judicial Orientation Program (Novotel Sydney, Manly)
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Appointments to legal, cultural or benevolent organisations:

City Link Mentor Program
Legal Qualifications Committee (Legal Profession Admission Board)

THE HONOURABLE JUSTICE KATE WILLIAMS

Conferences:

28 Oct 2020	2020 Maurice Byers Lecture, " <i>Maurice Byers – Legal advice in the constitutional maelstrom of the Whitlam era</i> ", Webinar, (Banco Court, Sydney)
30 Oct 2020	National Judicial Orientation Program " <i>Judgments - Written and Oral</i> ", Webinar, (Sydney)

Speaking engagements:

4 Aug 2020	'Q & A' at the Female Law Students Open Day, (Sydney)
9 Sep 2020	Bar Practice Course Session at the New South Wales Bar Practice Course, September 2020 " <i>Application before a Judge of the Equity Division</i> " (Sydney)

Appointments to legal, cultural or benevolent organisations:

Committee Member, Legal Qualifications Committee, Legal Profession Admission Board (Sydney) (1 July 2020 – 6 October 2020)

THE HONOURABLE ACTING JUSTICE SCHMIDT

Conferences:

9-12 Feb 2020	Writing Better Judgments Conference, (Sydney) - National Judicial College of Australia
26 Jun 2020	Issues Based Judgments (Judge Alone Criminal Trials) – ½ day Conference (Webinar) – National Judicial College of Australia
6 Nov 2020	Oral Decision Making – Judicial Development Committee South Australia – (Webinar)

Speaking engagements:

9-12 Feb 2020	Writing Better Judgments Conference, Sydney. Co-Presenter - National Judicial College of Australia
Mar 2020	Judge in Residence, Australian National University, Canberra
26 Jun 2020	<i>"Why an issues-based approach to Judgments in Judge alone criminal trials?"</i> Co-Presenter, Conference Webinar – National Judicial College of Australia
15 Oct 2020	The 2020 Sir Ninian Stephen lecture <i>"Courts and technology – pivoting from chaos to the unknown"</i> University of Newcastle
6 Nov 2020	<i>"Oral Decision Making"</i> Co-Presenter – Judicial Development Committee South Australia – Webinar

Appointments to legal, cultural or benevolent organisations:

Office of the Parliamentary Remuneration Tribunal

Chair of the National Judicial College's Refresher Judgment Writing Program

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

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

Member, Supreme Court Remuneration Committee



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DX 829 Sydney

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