



**Supreme Court**  
of New South Wales

# 2012

**ANNUAL REVIEW**



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## FOREWORD BY CHIEF JUSTICE OF NSW

This Review contains a summary of the activities of the Court in 2012. It outlines the manner in which the Court fulfills its constitutional obligations as the superior court in NSW and uses the resources made available to it. It provides a general indication of the Court's diverse responsibilities and a snapshot of the efficiency and effectiveness of its operations.

This can, of course, be no more than an overview. To truly understand the breadth and complexity of the work undertaken by the judiciary and supported by the registry and other Court staff, one would need to refer to the innumerable pages of judgments and transcript produced by the Court each year. One would also need to take account of the quality of justice delivered, the openness of process, and the role of the Court in upholding the rule of law and access to justice in this State. These are things that cannot be quantitatively measured.

2012 has been a significant year for the Supreme Court. The completion of the refurbishment of the Courtrooms and Registry has been vital in ensuring that the Court has the necessary physical infrastructure to continue to fulfill its functions efficiently and meet the community's need for accessible justice in years to come. Can I express my thanks to all the judges and Court staff for their patience and dedication during the inevitable upheavals associated with the refurbishment. I would particularly like to thank the Registry staff, who have continued to provide outstanding support to the judges of the Court, under difficult conditions.

The Court has also continued to make technological improvements, including in the development of the electronic filing system. Such improvements are essential to the Court's continual efforts to improve its efficiency and to lessen the cost burden of litigation on parties. As the Review points out, other measures to improve efficiency, including the publication of a new Practice Note concerning discovery in the Equity Division, have also been introduced.

There have been several judicial retirements and new appointments over the past year. I am extremely pleased that the Court has continued to maintain both a sufficient number of judges to perform its functions and the outstanding quality of our judicial officers. Doing so is essential to the Court's operation, and to the maintenance of community confidence in the administration of justice.

I am confident that the Court has fulfilled its responsibility to administer the rule of law justly, efficiently and with impartiality and integrity over the past year. Can I express my appreciation to all the judicial officers and staff who have made this possible. I trust that this Review will provide an informative insight into the work which they undertake.



The Hon TF Bathurst  
Chief Justice of NSW





## 2012: AN OVERVIEW

- The refurbishment of the Banco Court
- The centenary celebration of the Court of Criminal Appeal
- New Practice Note governing disclosure in the Equity Division
- Court operations
- The refurbishment of the Registry

### The refurbishment of the Banco Court

The Banco Court was re-opened on 3 December 2012, following its refurbishment over a period of approximately 12 months.

The broad aim of the refurbishment was to modernise and improve the existing space by introducing contemporary design concepts and functionality, whilst also retaining some of the prominent features of the 1977 design of Banco when it moved from its original location in St James Road to Level 13 of the Law Courts Building. The vision for the design was to introduce natural light and remove the separation of the courtroom from the outside world, thus promoting transparency and openness to the process. In keeping with that design concept, the Banco Court is now flooded with natural light.

A new feature of Banco is the specially commissioned Coat of Arms installed behind the Bench. The Coat of Arms was designed and produced for the Court by artist, Janet Laurence, and designer, Jisuk Hahn. The design transforms a historic, heraldic, sculptural Coat of Arms, which was published in the 1906 Gazette, into a contemporary artwork that reflects variations in light and movement. The imagery in the artwork

is contained within a series of painted glazes into transparent, negative photographic layers mounted onto acrylic panels, with the ground layer being a mirror. The NSW Bar Association and the Law Society of NSW made very generous contributions to the cost of the Coat of Arms, for which the Court extends its sincere gratitude and thanks.

The refurbishment of Banco continues to allow for the display of the Court's unique collection of portraits of every Chief Justice to have served in the office in New South Wales. Another original and prominent feature of the 1977 design which has been retained is the cedar panelling installed behind and on the benches.

The main entry into Banco has been altered so that, for the first time, people with impaired mobility can access the courtroom directly from the entry hall. Other enhancements to the facilities available in the courtroom include digital accessibility and the projection of material onto screens, which enables appearances by audiovisual link.

The Court believes that the newly refurbished Banco Court provides it with a fittingly impressive and functional ceremonial Court, which is in keeping with the needs of the community for accessible justice with openness and transparency.





## The centenary celebration of the Court of Criminal Appeal

On 3 December 2012, a ceremonial sitting of the Court was convened in the Banco Court to mark and celebrate the centenary of the Court of Criminal Appeal.

At the ceremonial sitting, the Honorable TF Bathurst, Chief Justice, noted that the establishment of the Court of Criminal Appeal and its ongoing work over the last 100 years have been matters of intense public interest. His Honour noted that the Court of Criminal Appeal is a forum where the importance of the rule of law, due process and the protection of individual rights become starkly apparent. His Honour also noted that whilst history hung heavily over the Court of Criminal Appeal, citing as an example the discovery of a hangman's noose in a filing cabinet in the Sheriff's office in King Street prior to the move to the Law Courts Building in the late 1970's, the Court has also made history. In particular, his Honour noted that in April 1999, Justices Beazley, Simpson and Bell sat as the first all female Appeal Bench in the common law world. His Honour stated as follows in relation to the centenary celebration of the Court of Criminal Appeal:

*"Today is a day of celebration. It is a time to commemorate the important contribution that the Court of Criminal Appeal and, in particular, the Judges of the Common Law Division, have made to the administration of justice in New South Wales over the past century. It is, however, appropriate that as we acknowledge the In history of both the Banco Court and Court of Criminal Appeal we also reflect the vast spectrum of human stories that make up the history. This Court has borne witness to stories of violence, death, grief, dignity, survival, redemption and justice. In this room, closure has been brought to victims and their families, and wrongs have been accounted for.*

*The history of Banco and the Court of Criminal Appeal are testament to the importance of the courts, both in the broad sweep of history and progress and in individuals' lives. I can think of no better testimony to the continuing significance and resonance of the rule of law in this State than the history we are marking today".*

## New Practice Note governing disclosure in the Equity Division

On 22 March 2012, the Honourable TF Bathurst, Chief Justice, issued Practice Note SC Eq 11, which made significant changes to the disclosure of documents in litigation conducted in the Equity Division.

Pursuant to the new Practice Note, parties are now required to serve their evidence before the Court will make any orders for disclosure. In addition, the Court will now not make an order for disclosure unless it is shown to be necessary for the resolution of the real issues in dispute in the case. Previously, parties commonly elected to defer the exchange of evidence until after the completion of a comprehensive and potentially expensive discovery process.

The aim of the new Practice Note is to significantly reduce the financial burden on litigants, particularly in commercial litigation. It is the Court's view that the new Practice Note will better enable the parties to identify the issues in dispute and determine whether there is any necessity for disclosure of any documents additional to those that form part of the parties' exchanged evidence.

On 30 April 2012, a forum was hosted at the Court by the Honourable Chief Justice, the Honourable Justice Bergin, Chief Judge in Equity, the Honourable Justice Brereton and the Honourable Justice Hammerschlag, for members of the legal profession to obtain a unique insight into the following:

- why the Court felt this aspect of litigation was due for reform
- how the Court developed the practices enshrined in the new Practice Note
- how the Court anticipated the new practices will promote efficient and less costly resolution of disputes, and
- how the Court expected the legal profession to respond to the new Practice Note by re-considering traditional approaches to disclosure.

Due to demand, a second Forum was subsequently conducted in the common room of the Bar Association of New South Wales.

## Court Operations

As foreshadowed in the Court's 2010 and 2011 Annual Review, the Court obtained, for the first time since 2009, operational reports containing data extracted from the Court's case management system, JusticeLink, that enabled the Court to better able to identify inactive civil cases. This has been a positive development for the Court as it resulted in the Court closing more than 2,200 inactive Possession List cases that would otherwise have remained open. Further caseload audits are planned for 2013, which the Court is confident will lead to a more accurate presentation of the size and age profile of the Court's caseload by the end of 2013.

2012 had varied results for the Court. The listing delays at the close of 2012 did not change across most of the areas of the Court's work. The exceptions were the improved position for the Court of Criminal Appeal and the lengthier delays in the Bails List and for civil hearings in the Common Law Division. The listing delays in the Common Law Division arose out of the complex balancing and re-balancing of the allocation of Common Law Division Judges to hear the four areas of work involving those Judges, namely, criminal trials, civil hearings, bail applications and Court of Criminal Appeal cases.

The age profile of the cases pending before the Court of Appeal further improved during 2012. The proportion of pending cases less than 12 months old improved from 88% to 91%, and the proportion of pending cases less than 24 months old improved from 96% to 98%. At the end of 2012, the number of cases older than 24 months had decreased from 15 to 6. Of particular note in the Court of Appeal was that the listing delay for the hearing of leave applications was one month at the start of the 2013 law term. This was held at that low level or better for most of 2012. The listing delay for the hearing of substantive appeals fluctuated between 4 months to 6.5 months during the year, returning to 4 months at the start of the 2013 law term.

The Court of Criminal Appeal experienced a 12% decline in the number of new cases coming to the

Court than in 2011. Notwithstanding this decline, the workload for the Court of Criminal Appeal was not reduced. The reason for this is the clear change in the mix of cases coming to the Court: conviction appeals, which made up only 21% to 22% of filings during 2008 to 2010, made up 26% to 27% of filings during the last 2 years. Conviction appeals are more complex and typically require longer hearings than sentence only appeals. The age profile of the Court of Criminal Appeal caseload declined during 2012.

With respect to the Court's first instance criminal cases, the Court prepared and handed down 120 sentences during 2012, compared with 51 during 2011, and 79 during 2010. The age profile for pending cases in the criminal list improved during 2012. There were 21 cases older than 12 months at the end of 2012, compared to 35 at the end of 2011. The number of cases older than 24 months had been reduced from 3 to 2. Factors such as interlocutory appeals, the need to accommodate long trials, and the collapse of previously listed trials, are all factors which impact the age profile of the Court's pending criminal cases.

The disposal rate of civil cases in the Common Law Division was 56% higher than in 2011. This was principally due to the audit that resulted in the closure of more than 2,200 inactive Possession List cases. The Court wishes to highlight that the reported pending caseload still contains a large number of inactive cases which are likely to be the subject of review in 2013.

The rate of filing in the Equity Division decreased by 4% in 2012. At the close of 2012, the listing delay in the Equity Division was 2.5 months for the General List and Probate cases that require up to 2 days' hearing time. The listing delay was held at 3 months or less during most of the year.

A detailed analysis of the Court's caseload and its particular achievements against time standards are found in Chapter 4 of this Review. Chapter 4 should be read in conjunction with the comprehensive statistical data in Appendix (I).



### The refurbishment of the Registry

In January 2012, the Court's Registry was re-located in stages to temporary accommodation on Level 14 of the Law Courts Building during its refurbishment.

The "new" Registry re-opened in August 2012. It is now a joint civil and criminal Registry with vastly enhanced facilities for clients, staff and visitors to the Court. The aim of the design included providing additional light and space throughout the whole of Level 5, the upgrade of the client waiting area to a light filled section of the floor with vastly improved client amenities, relocating the Court's records to the basement to enable staff to be more strategically located on the Registry's floors, and the upgrade of consultation and file viewing facilities for clients and visitors.

The principal level of the Registry remains Level 5. This level has the service counter for lodgment of documents in all Divisions of the Court. The Court's Duty Registrar service is also located on this level, along with the duty Justice of the Peace and the mortgage stress solicitor.

Level 4 has been converted to a dedicated file access and document viewing level. Whereas previously clients would be seated at large tables in a small section of the Registry to view files and documents, clients now have available on Level 4 purpose built viewing rooms with access to copying facilities.

The Court is confident that the refurbished Registry provides superior amenities and facilities that meet the needs and expectations of its clients and visitors.





## 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, and
- Court of Criminal Appeal

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

- Common Law Division, and
- Equity Division

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

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

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

The District Court of New South Wales is an intermediate court whose jurisdiction is determined by statute. The Local Court sits at the bottom of the hierarchy of New South Wales courts, and has broad criminal and civil jurisdictions. There are also tribunals and commissions in New South Wales with statutory powers similar to the District and Local Courts.

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

### **Court of Appeal**

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

### **Court of Criminal Appeal**

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

Sittings of the Court of Criminal Appeal are organised on a roster basis whilst 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 2012, the Court of Criminal Appeal benches comprised at least two Common Law judges, with the presiding judge being the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

## Common Law Division

The Common Law Division hears both criminal and civil matters. The criminal matters heard 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, and
- appeals from Local Courts.

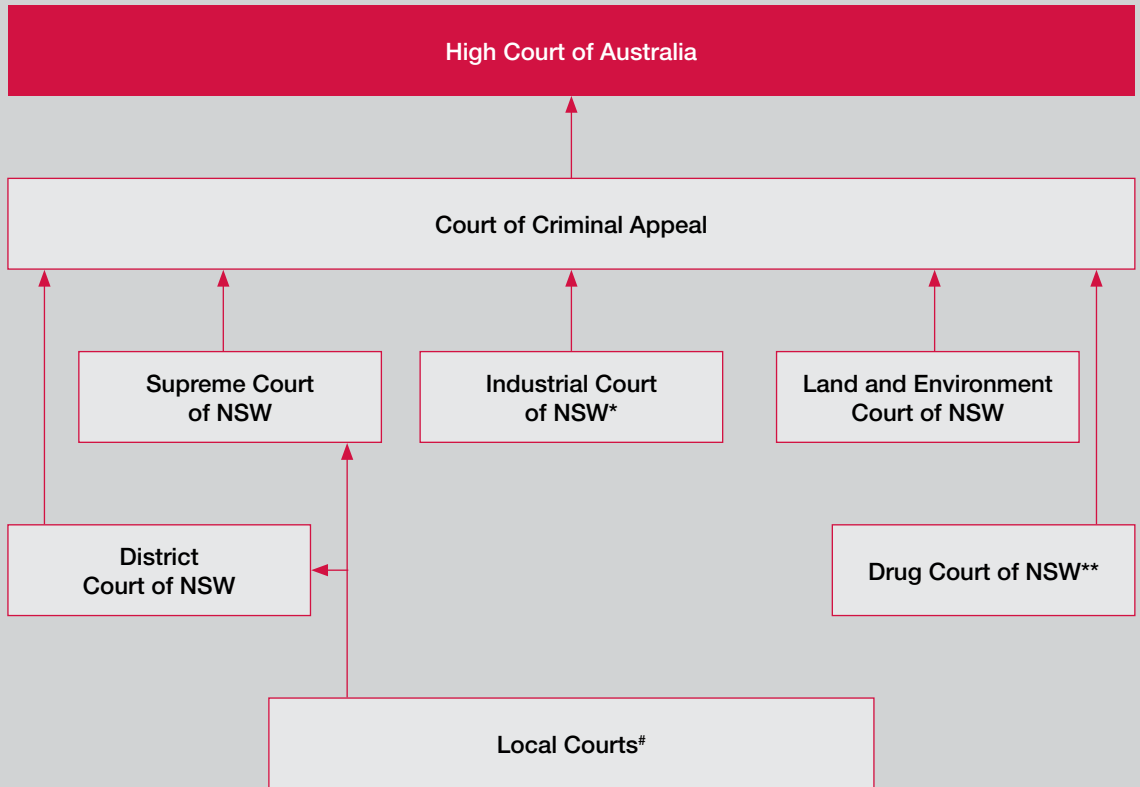
## Equity Division

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

The Division hears applications brought under numerous statutes, including the *Corporations Act 2001 (Cth)*, the *Succession Act 2006*, and the *Property (Relationships) Act 1984*. The Division also handles a diverse range of applications in the areas of Admiralty law, Commercial law, Technology and Construction, Probate and the Court's Adoption and Protective jurisdictions.



Figure 2.1 NSW Court system – criminal jurisdiction



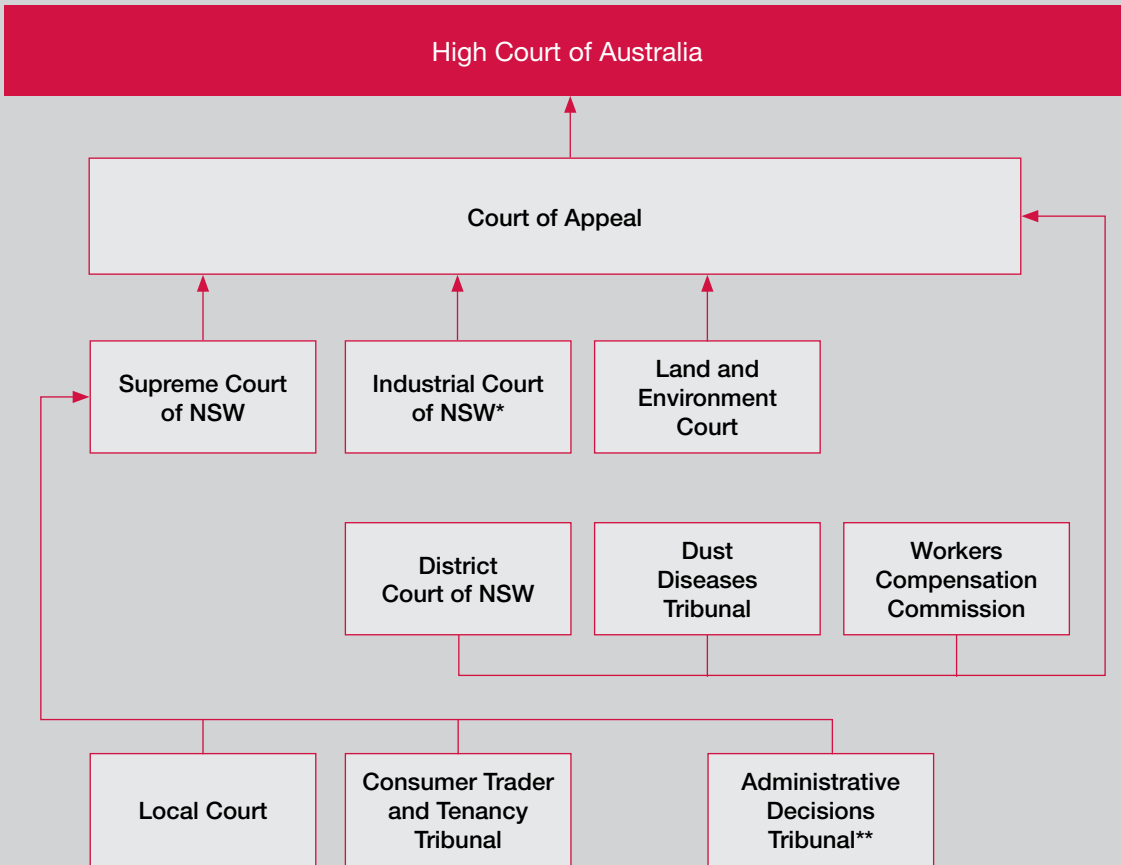
Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

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

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

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

Figure 2.2 NSW Court system – civil jurisdiction



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

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

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

## WHO MAKES THE DECISIONS?

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

### The Judges

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

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

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

The *Supreme Court Act 1970* also provides that the Chief Justice may appoint Judges to administer a specific list within the Common Law or Equity Divisions. Details of the Judges assigned to these lists in 2012 can be found in the chapter titled: *Caseflow Management*.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2012.

### Chief Justice

The Honourable Thomas Frederick Bathurst

### President

The Honourable Justice James Bain Allsop

### Judges of Appeal

The Honourable Justice Margaret Joan Beazley AO

The Honourable Justice Ruth Stephanie McColl AO

The Honourable Justice John Basten

The Honourable Justice Robert Bruce Macfarlan

The Honourable Justice Anthony John Meagher

The Honourable Justice Reginald Ian Barrett

The Honourable Justice Clifton Ralph Russell

Hoeben AM RFD

The Honourable Justice Julie Kathryn Ward

### Chief Judge at Common Law

The Honourable Justice Peter David McClellan AM

### Chief Judge in Equity

The Honourable Justice Patricia Anne Bergin

### Judges

The Honourable Justice Carolyn Chalmers Simpson

The Honourable Justice Peter John Hidden AM

The Honourable Justice Michael Frederick Adams

The Honourable Justice Ian Vitaly Gzell

The Honourable Justice William Henric Nicholas

The Honourable Justice Robert Calder McDougall

The Honourable Justice John David Hislop

The Honourable Justice Richard Weeks White

The Honourable Justice Peter Anthony Johnson

The Honourable Justice Peter Michael Hall

The Honourable Justice Megan Fay Latham

The Honourable Justice Stephen Rothman AM

The Honourable Justice Paul Le Gay Brereton AM  
RFD

The Honourable Justice Derek Michael Price AM

The Honourable Justice David Jacob

Hammerschlag

The Honourable Justice Ian Gordon Harrison

The Honourable Justice Elizabeth Lillian Fullerton

The Honourable Justice Lucy McCallum

The Honourable Justice Nigel Geoffrey Rein

The Honourable Justice Robert Allan Hulme  
 The Honourable Justice Michael John Slattery  
 The Honourable Justice David Lloyd Davies  
 The Honourable Justice Monika Schmidt  
 The Honourable Justice Michael Andrew Pembroke  
 The Honourable Justice Michael Lee Ball  
 The Honourable Justice Peter Richard Garling RFD  
 The Honourable Justice John Robertson Sackar  
 The Honourable Justice Ashley John Black  
 The Honourable Justice Christine Elizabeth Adamson  
 The Honourable Justice Geoffrey John Bellew  
 The Honourable Justice James William John Stevenson  
 The Honourable Justice Robert Thomas Beech-Jones  
 The Honourable Justice Stephen Gerard Campbell  
 The Honourable Justice Richard James Button  
 The Honourable Justice Geoffrey Charles Lindsay  
 The Honourable Justice Philip Hallen

### Acting Judges

Set out below are details of those persons who held commissions as Acting Judges during the 2012 calendar year. Unless otherwise indicated in brackets, 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 2012 is also detailed in brackets.

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

- The Honourable Kenneth Robert Handley AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 1 January and 11 January; acted as a Judge and Judge of Appeal for 33 days).
- The Honourable Ronald Sackville AO QC, former Judge of the Federal Court of Australia (acted as a Judge and Judge of Appeal for 193 days).
- The Honourable Murray Herbert Tobias AM RFD QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 154 days).

- The Honourable Peter Wolstenholme Young AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective between 1 May and 31 December; acted as a Judge and Judge of Appeal for 57 days).

### Acting Judges (in alphabetical order)

- The Honourable Graham Russell Barr QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 149 days).
- The Honourable David James Freeman, former Judge of the District Court of New South Wales (commission effective between 4 June and 29 June 2012, acted as a judge for 22 days)
- The Honourable Michael Brian Grove QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 118 days).
- The Honourable Jane Hamilton Mathews AO, former Judge of the Federal Court of Australia (acted as a Judge for 19 days).
- The Honourable William Victor Windeyer AM RFD ED, former judge of the Supreme Court of New South Wales (commissions effective between 13 April and 22 June and 22 October and 30 November; acted as a Judge for 71 days).

### Appointments

The following Judges were appointed in 2012:

- The Honourable Justice Reginald Ian Barrett was appointed a Judge of Appeal on 25 January 2012
- The Honourable Justice Clifton Ralph Russell Hoeben AM RFD was appointed a Judge of Appeal on 23 April 2012
- The Honourable Justice Julie Kathryn Ward was appointed a Judge of Appeal on 12 November 2012
- The Honourable Associate Justice Philip Hallen was appointed a Judge of the Supreme Court on 12 November 2012
- Geoffrey John Bellew SC was appointed a Judge of the Supreme Court on 31 January 2012
- James William John Stevenson SC was appointed a Judge of the Supreme Court on 1 February 2012



- Robert Thomas Beech-Jones SC was appointed a Judge of the Supreme Court on 12 March 2012
- Stephen Gerard Campbell SC was appointed a Judge of the Supreme Court on 30 April 2012
- Richard James Button SC was appointed a Judge of the Supreme Court on 12 June 2012, and
- Geoffrey Charles Lindsay SC was appointed a Judge of the Supreme Court on 6 August 2012.

### Retirements

The following Judges retired in 2012:

- The Honourable Justice Terence Lionel Buddin retired on 16 March 2012
- The Honourable Mr Justice Peter Wolstenholme Young AO retired on 23 April 2012
- The Honourable Justice Clifford Roy Einstein retired on 3 May 2012
- The Honourable Mr Justice Robert Shallcross Hulme retired on 6 June 2012
- The Honourable Justice Anthony Gerard Joseph Whealy retired on 29 June 2012, and
- The Honourable Justice Joseph Charles Campbell retired on 19 December 2012.

### 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 the Associate Judges 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 them.

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, and
- applications for the review of decisions of Registrars.

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 to them by the Court of Appeal or a Judge, in addition to appeals from the Local Court and various tribunals.

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

As at 31 December 2012, the Associate Judges were:

- The Honourable Associate Justice Richard Hugh Macready, (Equity) Division, and
- The Honourable Associate Justice Joanne Ruth Harrison (Common Law Division).

### The Registrars

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

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

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

The work of the Registrars commonly includes:

- defended applications in relation to security for costs, discovery, interrogatories, provision of particulars and subpoenas
- costs disputes if the amount in question is unlikely to exceed \$20,000

- unopposed applications for the removal of cases to, or from, the District Court
- conducting examinations under various Acts, including the Corporations Act 2001 (Cth) and the Proceeds of Crime Act 1987 (Cth)
- dealing with applications for orders under many of the provisions of the Corporations Act 2001 (Cth), such as the winding up of companies
- handling applications as referred to them by an Associate Judge
- issuing court orders and writs of execution, and
- entering default judgments.

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

The Registrars may also be called upon to mediate cases. During 2012, 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 provide procedural assistance to court users in the Registry, or by email or by telephone each day. 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 2012:

**Chief Executive Officer and Principal Registrar**

Linda Murphy

**Manager, Court Services and Prothonotary**

Steven Jupp

**Registrar, Court of Appeal**

Jerry Riznyczok

**Registrar, Court of Criminal Appeal**

Michael Crompton

**Registrar, Common Law Case Management**

Christopher Bradford

**Acting Registrar in Equity**

Andrew Musgrave

**Registrar, Corporations List**

Andrew Musgrave

**Senior Deputy Registrars**

Paul Studdert

Nicholas Flaskas

Rebel Kenna (from 21 May 2012)

**Deputy Registrars**

Emoke Durkin

Bhaskari Siva

Suzin Yoo

Brendan Bellach

Rebel Kenna (to 18 May 2012)

## SUPPORTING THE COURT: THE REGISTRY

### The Work of the Registry

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

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

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

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

### Management of the Registry

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

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

of Registry services. The Chief Executive Officer undertakes these duties in close consultation with the Chief Justice, other judicial officers, the Department, representatives from key professional bodies and Court users.

As highlighted earlier in this Review, the refurbishment of the Registry was completed in August 2012. Following its refurbishment, the Registry became a joint civil and criminal Registry with enhanced and additional consultation rooms provided for the Court's clients and visitors. The Registry continues to occupy two levels of the Law Courts Building, Levels 4 and 5. Level 4 is dedicated to file access and public viewing rooms for Court files and documents produced under subpoena. Level 5 is the principal floor of the Registry, providing services to the Court's clients in all civil and criminal matters. The Duty Registrar, a mortgage stress solicitor and a Justice of the Peace are located on Level 5 and provide guidance and assistance as appropriate at no cost to clients. All documents to be filed with the Court are lodged at the counter or in specialist list or division drop boxes located on Level 5.

In 2012, the Court introduced new Rules and Practice Notes which significantly improved client service in the Registry by: reducing the number of copy documents to be sealed and the number of stamps to be applied to each document; and changing the manner in which subpoenaed records are received and handled in the Registry by requiring, where possible, the production of documents in electronic form only and by mandating the destruction of documents after specified time periods.



## CASEFLOW MANAGEMENT

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

## OVERVIEW BY JURISDICTION

### Introduction

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

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

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

### Court of Appeal

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

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

The Registrar manages and lists most appeal cases and applications for leave to appeal, although some cases may be referred to a Judge of Appeal for special case management. Urgent cases are expedited and can be heard at short notice, if appropriate. The Registrar in the Court of Appeal also deals with most interlocutory applications, except contested applications to stay judgments pending an appeal, and applications for expedited hearing.

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).

For more detailed information about case management practices in the Court of Appeal, please refer to 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 actual appeal.

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

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

### Common Law Division

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

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

### Common Law List Judge

The List Judge allocates cases listed for hearing to specific judges. When deciding which judge will hear a matter, the List Judge considers the type of cases, its estimated hearing length, and whether the judge has other Court commitments. The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. Justice Garling was the Common Law List Judge during 2012.

### Common Law Duty Judge

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

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

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

### Associate Judge's List

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

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

### Lists of the Common Law Division

In addition to the above, the work of the Division is also distributed amongst a number of specialised Lists. The Chief Justice appoints a specific Judge to be responsible for the management of a List throughout the year. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2012.

<b>Specialist Case Management List</b>	<b>Judge appointed to the List in 2012</b>
Administrative Law List	Justice Hall
Bails List	Justice Latham
Criminal List	Justice Latham
Defamation List	Justice Nicholas
General Case Management List	Justice Hoeben
Possession List	Justice Davies
Professional Negligence List	Justice Hislop

### **Administrative Law List**

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

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

### **Bails List**

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

### **Criminal List**

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

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

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

### **Defamation List**

Matters filed in this List after 1 January 2006 are managed in accordance with the provisions of the *Defamation Act 2005*. Matters are first listed before a Registrar for directions. Once the Registrar is satisfied that the initiating process is in order, he or she will refer the matter to a Judge for further

directions and legal argument. The parties may also ask the Judge to consider if the dispute should be tried before a jury. If the judge grants an application for trial by a jury, the matter will be set down for hearing. The jury will determine if the material in question is defamatory and if there is any lawful defence for publishing the material. If the jury finds that the plaintiff has been defamed without any lawful defence being established, the Judge will then determine any damages payable and resolve any outstanding issues under dispute.

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

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

### **General Case Management List**

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

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

### Possession List

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

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

### Professional Negligence List

Claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers are allocated to the Professional Negligence List. Specialisation in the List allows parties to focus on the real issues under dispute in these types of claims. A Registrar monitors cases at regular conference hearings. Conference hearings provide an opportunity for parties to discuss outstanding issues in the case, and provide a forum for mediation between the parties. The Professional Negligence List Judge hears applications and makes directions according to the specific needs of each matter.

Practice Note SC CL 7 applies to this List.

### Equity Division

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

### Expedition List

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 2012, the Expedition Judges were Justice Bergin, Justice Gzell and Justice Pembroke.

### Equity Duty Judge List

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

### General List

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

Cases in the General list are case managed by the Registrar in Equity in accordance with Practice Notes SC Eq 1 and SC Eq 7. The Registrar sets cases down for hearing before the Judges of the Division. During 2012, the Registrar offered parties a hearing date within two to three months of the final directions hearing. The Registrar consults with the Chief Judge in Equity in relation to long and/or complex matters.

### Associate Judge's List

The work of the Equity Division Associate Judge includes dealing with contested procedural applications conducting inquiries as directed by Judges and hearing most applications under the *Succession Act 2006*, the *Property (Relationships) Act 1984*, and certain provisions of the *Corporations Act 2001 (Cth)*. The Associate Judge handles weekly referrals from the Registrar, determining those that can be dealt with immediately, and adjourning the balance. The Registrar only refers cases where the hearing time is not expected to exceed an hour. More complex cases are listed for hearing in the Associate Judge's list at a later date. Urgent referrals, such as the extension of a caveat, may be made at any time.



### 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 identity of the Judge appointed to manage each list in 2012.

<b>Specialist Case Management List</b>	<b>Judge appointed to the List in 2012</b>
Admiralty List	Justice Rein
Adoptions List	Justice Brereton
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Brereton
Probate List	Justice White
Protective List	Justice White
Revenue List	Justice Gzell
Technology and Construction List	Justice Hammerschlag

#### Admiralty List

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

#### Adoptions List

This List deals with applications for adoption orders and declarations of the validity of foreign adoptions under the *Adoptions Act 2000*. Most applications are unopposed. Once all supporting affidavits are filed, a Judge will deal with the application in the absence of the public, and without the attendance of the applicants or their lawyers. Unopposed applications require close attention for compliance with formal requirements, but there is little delay. A small number of contentious hearings take place in court in the absence of the public. Most of these relate to dispensing with consent to adoption. The Registrar in Equity deals with requests for information under the *Adoptions Act 2000*.

### Commercial List

The Commercial List is concerned with cases arising out of transactions in trade or commerce. The caseflow 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, and
- intense monitoring of the preparation of every case.

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

#### Commercial Arbitration List

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

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

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

#### Corporations List

A Judge sits each day of the week to hear most applications and hearings under the *Corporations Act 2001 (Cth)* and related legislation. The Registrar may refer applications to the Judge on a Monday. The Registrar determines routine applications to wind-up companies, applications for leave to proceed against companies in liquidation (limited to personal injury actions) and applications to reinstate companies.

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

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

### **Probate List**

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

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

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

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

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

### **Protective List**

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

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

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

### **Revenue List**

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

### **Technology and Construction List**

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

## REGIONAL SITTINGS OF THE COURT

In 2012, the Court conducted criminal trials at Albury, Port Macquarie, Lismore, Tamworth and Newcastle. All criminal cases are managed from Sydney irrespective of where the proceedings were commenced or the ultimate venue for hearing.

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

## ALTERNATIVE DISPUTE RESOLUTION

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

### Mediation

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

The role of the mediator is to assist parties in resolving their dispute by alerting them to possible solutions, while allowing the parties to choose which option is the most agreeable. The mediator does not impose a solution on the parties. Eight qualified Registrars and Deputy Registrars were certified to conduct mediations throughout 2012 at specified times each week. Alternatively, parties may use private mediators.

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

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

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

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



# 4

## COURT OPERATIONS

- Overview of operations by jurisdiction
- Timeliness
  - Time standards
  - Listing delays
- Use of Alternative Dispute Resolution

## OVERVIEW OF OPERATIONS BY JURISDICTION \*

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

### Court of Appeal

The net number of new cases coming to the Court of Appeal was 493 this year. The net filing rate for new cases has remained relatively stable over the last four years.

The net number of disposals was 493 this year, which was 8 per cent lower than last year but 9 per cent higher than in 2010. Overall, 26 per cent of case disposals this year were by either settlement or non-progression of the appeal following a grant of leave to appeal, compared with 19 per cent last year and 24 per cent in 2010.

In 2012, 76 per cent of the disposals were by way of a judgment in an appeal or original jurisdiction matter, refusal of leave to appeal, or an order that the case be struck out. This compares with 78 per cent in 2011 and 75 per cent in 2010. These figures include cases finalised by a concurrent hearing. A concurrent hearing enables the leave application and consequent appeal, where leave is granted, to be determined in a single hearing.

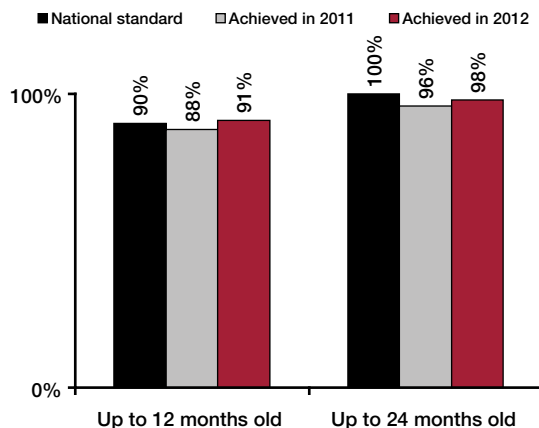
Because the net disposal rate equalled the net filing rate, the overall Court of Appeal caseload at the end of 2012 was 338 cases, the same as at the end of 2011. However, the composition of the pending caseload had changed: there were fewer pending applications for leave to appeal (86, compared with 101 last year) and more pending appeals and original jurisdiction cases (252, compared with 237 last year).

The age profile of the Court of Appeal's pending caseload has further improved during 2012. The proportion of pending cases less than 12 months old improved from 88 per cent to 91 per cent, and the proportion of pending cases less than 24 months old improved from 96 per cent to 98 per cent (see Figure 4.1). At the end of 2012, the number of cases older than 24 months had decreased from 15 to 6. Those six oldest cases either have a judgment reserved or are set for hearing early in 2013.

The listing delay for hearing of substantive appeals and for concurrent hearings increased from 4 months to 6.5 months during the first half of 2012, but was steadily returned to 4 months for the

start of the 2013 law term. For hearing of leave applications only, the listing delay was 1 month at the start of the 2013 law term and had been held at that low level or better for most of 2012.

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



### Court of Criminal Appeal

The number of new cases coming to the Court of Criminal Appeal was 339 this year, 12 per cent below than the number in 2011. A trend of slight reduction in filings had been apparent up to 2011, with an overall 15 per cent reduction over the five-year period 2006-2011. The reduction in filings in 2012 is stronger than the prior trend.

Although there has been a reduction in the number of filings, this has not reduced the workload for the Court of Criminal Appeal. This is because there is a clear change in the mix of cases coming to the Court: conviction appeals, which made up only 21 to 22 per cent of filings during 2008 to 2010, made up 26 to 27 per cent of filings during the last two years. Conviction appeals are more complex and typically require longer hearings than sentence-only appeals. Conviction appeal hearings are usually at least double the length of sentence-only appeal hearings, and often to a whole day or longer. Because at least 90 per cent of criminal appeals progress to a hearing, there is an increase to the average hearing time per appeal as a result of this case-mix change.

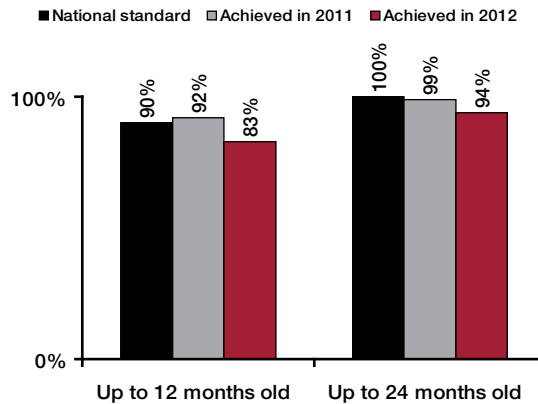
The number of disposals was 336 this year, only 1 per cent lower than the number last year. These are lower rates than were seen in 2010 and earlier, and result directly from the change in case mix mentioned above, combined with the reduced filing rate; the sitting time allocated to the Court of Criminal Appeal has not changed. Of the 336 disposals this year, 90 per cent were finalised by substantive hearing and judgment and 7 per cent were finalised by the appellant abandoning the proceedings or withdrawing the appeal.

The number of disposals closely matched the number of filings, so the pending caseload increased only slightly during 2012, from 222 to 225 cases.

The age profile of the Court of Criminal Appeal's caseload has declined during 2012, and for the first time in eight years is below the national standard for pending cases within 12 months of age (see Figure 4.2). The number of cases older than 12 months has increased from 17 to 28, and the number of cases older than 24 months increased from 3 to 14. Several of the oldest cases have been delayed by the need to vacate and re-set hearing dates (in some cases more than once), self-representation of appellants, health issues of an appellant, and an application to the High Court of Australia.

The listing delay for criminal appeals continued at 4 to 5 months during most of 2012, but improved to 2 to 3 months for the start of the 2013 law term.

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



### Common Law Division criminal cases

During 2012, 130 defendants entered the Criminal List, compared with 138 during 2011 and 112 during 2010. Of the 130 cases, 93 involved homicide charges. After entering the List, the next step usually is arraignment. The majority of defendants enter a plea of “not guilty” at arraignment, and those cases are then listed for trial. Nearly all trials are conducted with a jury.

At arraignments held during 2012, a total of 121 trial or fitness hearing listings were given to defendants and 28 pleas of “guilty” were taken. The trial listings were for trials starting in either 2012 or 2013.

Some defendants change their plea after being given a trial date (sometimes as late as the start of or during the trial). During 2012, a total of 62 pleas of “guilty” were taken, compared with 34 during 2011.

For criminal trials that require at least three weeks of hearing time the listing delay during 2012 fluctuated between 4 months and 7 months, but returned to 5 months for the start of the 2013 law term, the same as at the start of 2012. Fluctuations in the listing delay can occur when several long trials are listed simultaneously, when long trials are vacated and re-listed, or when defendants plead guilty after their trial has been set or started.

For criminal trials arraigned during the year the hearing estimates given to the Court ranged from one day to 13 weeks. For trials (unfinished or not started) on hand at the end of each month, the average hearing estimate was between 4 and 5 weeks.

During 2012, trials for 101 defendants were listed to start. For 11 of those defendants the trial either collapsed or was adjourned. In 2011, 21 defendants had collapsed or adjourned trials. The collapse or adjournment of trials reduces the Court's capacity to deal with its backlog of cases.

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

During 2012, a total of 157 defendants' cases were finalised, compared with 85 during 2011 and 106 during 2010. The Court prepared and handed down 120 sentences during 2012, compared with 51 during 2011 and 79 during 2010.

By the end of 2012, there were 116 defendants with cases pending in the Criminal List, a decrease of 19 per cent from the position at the end of 2011 (143 defendants). The degree of fluctuation in the number of filings and the number of disposals from year to year contributes to large changes in the pending caseload from year to year.

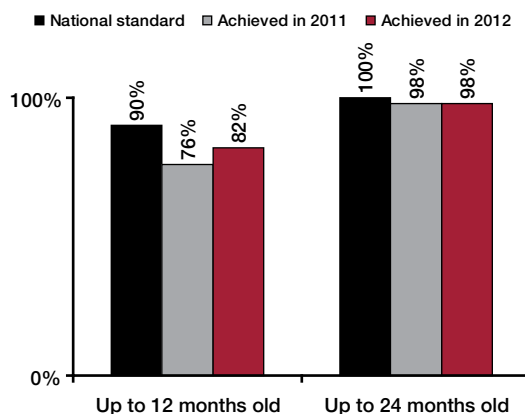
The age profile for pending cases in this List improved during 2012 (see Figure 4.3). At the end of the year there were 21 cases older than 12 months, reduced from 35 at the end of 2011, and the number of cases older than 24 months had been reduced from 3 to 2. Many of the oldest cases in

the Criminal List have been delayed by factors such as interlocutory appeals, the need to accommodate long trials (of up to five months), and the collapse of previously listed trials.

When evaluating the Court's performance against the national time standards it is important to note that almost all indictments presented to this Court are for offences of murder or manslaughter, or otherwise have the potential for a life sentence to be imposed. In contrast, the criminal lists of most other Australian supreme courts deal routinely with a range of charges that is broader and includes lesser maximum sentences. The national time standard of 12 months from committal to sentencing is therefore a challenging target for this Court. Additionally, the volume of cases in the Court's Criminal List is relatively low, so there is potential for a small number of cases to make a large change to the percentages that are then compared to the national standards. Without access to acting judges, it would be unlikely that the Court could maintain an acceptable age profile for the Criminal List except by withdrawing judges from other areas of work.

The caseload and performance statistics for the years 2005 and onwards are not directly comparable with statistics for previous years because the Court applied new counting rules from 1 January 2005.

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



### Common Law Division civil cases

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

The Division's civil filing rate decreased by 4 per cent in 2012, following an increase of 10 per cent in 2011. Filings in the Possession List fell by 735 cases in 2012. Filing rates increased in the Professional Negligence List (an increase of 7 per cent) and the Administrative Law List (an increase of 13 per cent, although this may not reliably represent the situation for that List). The filing rates for the Administrative Law List and the Common Law General List, since implementation of the JusticeLink system at the end of 2009, should be viewed with caution as there is some question as to whether the administrative law descriptor is being used in error. When the filing rates for both of these Lists are viewed as one group, there is little change for the group over the last three years. In December 2012, a new set of claim-type descriptors was implemented and this is expected to reduce the occurrence of errors that cause over-representation of filings in the Administrative Law List.

Overall, the disposal rate was 56 per cent higher in 2012 than in 2011. This was principally attributable to a caseload audit that resulted in the closure of more than 2,200 inactive cases that had accumulated in the Possession List. The Registry will continue auditing the caseload through 2013, and unusually high disposal levels are likely to also occur in that year.

The number of pending cases in the Common Law Division decreased by 19 per cent during 2012 (see Figure 4.4), largely as a result of the audit of inactive Possession List cases. The decrease in pending cases that has been recorded for the Administrative Law List arises mostly from transfer of cases to more appropriate lists, not from case finalisation. The growth of the pending caseload for the Common Law General List is at least partly related to accumulation of inactive cases, and audits in

2013 are planned for this List. When all inactive cases have been reviewed, the Court will have a much clearer picture of the work on hand.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.5). Looking at the present results, it must be noted that the reported pending caseload still contains a large number of inactive cases that the Court plans to review in 2013.

During 2012, the listing delay for Common Law Division civil cases that required five days of hearing time had increased from 7 months to 9.5 months. For cases requiring 2 days of hearing time, the listing delay was 2 months at the end of 2012. Civil hearings comprise just one area of work covered by the Judges of the Common Law Division (see the section: "Listing Delay" later in this chapter) and the task of satisfying the judicial sitting time requirements of all areas is challenging.

During the year, 844 matters were listed for hearing (see Figure 4.6), of which 66 per cent proceeded to a hearing and 23 per cent settled after being listed for hearing. This information is collated independently of the JusticeLink system.

So that available judicial time is used optimally, the Common Law Division's civil hearings are over-listed. This carries a risk that some cases may not be reached. In 2012, no hearings were not reached, compared with 9 hearings in 2011 and one hearing in 2010.

Figure 4.4 Common Law Division pending civil caseloads at 31 December 2012

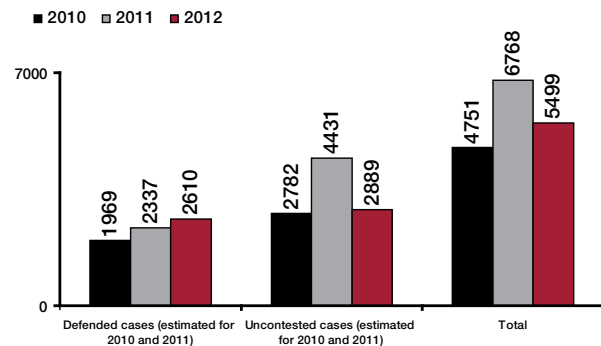




Figure 4.5 Common Law Division civil lists - achievements against time standards

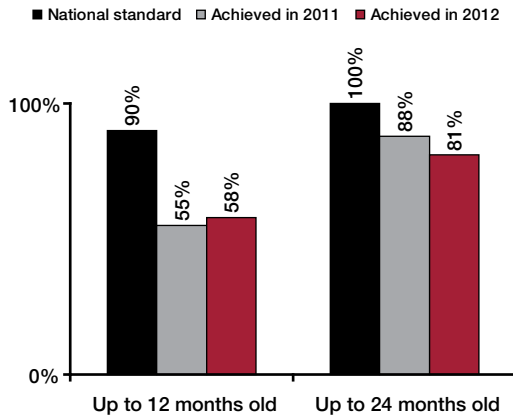
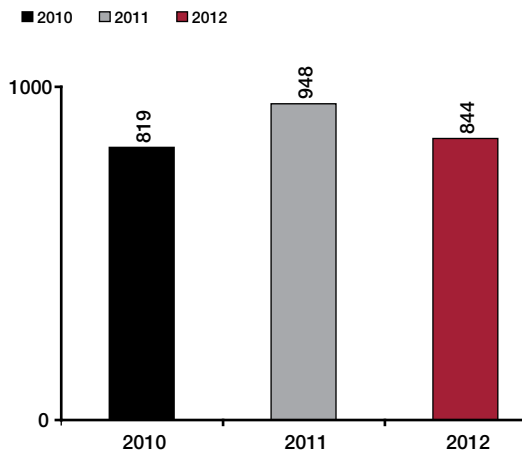


Figure 4.6 Listings for hearing – common law civil hearings



### Equity Division

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

The rate of filing in the Equity Division decreased by 4 per cent in 2012, following a 9 per cent decrease in 2011. This decrease reflects the

clear trend for filings in the Corporations List. A significant decrease in filings also occurred in the Commercial List. Filings increased in the Adoptions List and Protective List. The increase of filings in the Revenue List is unreliable, and is likely to result from wrong allocation of some cases. The filing rates in other lists were largely unchanged.

Overall, the disposal rate this year was similar to that in 2011.

The number of pending cases in the Division increased by 3 per cent during 2012 (see Figure 4.7). Principally, this occurred within Family Provision cases, the Corporations List and the Commercial List.

The JusticeLink system is used to report the age of pending civil cases (see Figure 4.8). Looking at the present results, it must be noted that the reported pending caseload still contains a number of inactive cases that the Court plans to review in 2013.

At the close of 2012 the listing delay was 2.5 months for General List and Probate List cases that require up to two days of hearing time. The listing delay was held at 3 months or less during most of the year.

The JusticeLink system does not yet provide reports regarding the outcomes of cases that are listed for hearing; hearing rates and settlement rates are therefore not known for 2012. The Equity Division does not routinely over-list cases for hearing. Accordingly, all cases are reached in the Equity Division.

Uncontested applications for probate are handled by the Court's registrars. During 2012, a total of 23,790 applications were filed. The processing time for applications for a grant of probate, letters of administration or a re-seal (of a probate grant), providing the initial applications met all procedural requirements, was within 1.5 to 3 weeks throughout 2012, except for April and December when it increased to 4 and 5 weeks, respectively. The longer processing times were related to a lower complement of registrars for probate work as a result of illness and other staffing issues.

## TIMELINESS

Figure 4.7 Equity Division pending civil caseloads at 31 December 2012

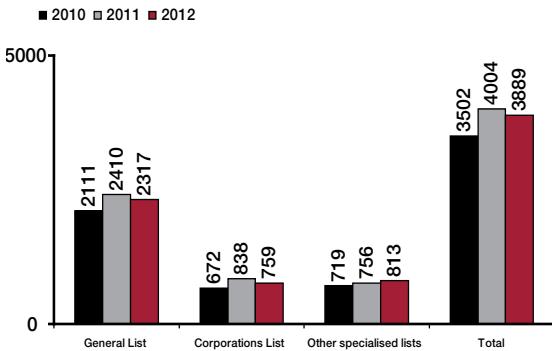
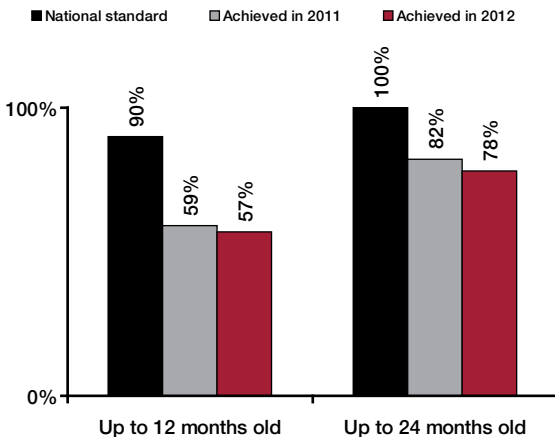


Figure 4.8 Equity Division - achievements against time standards



### Time standards

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

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

Appendix II) shows the position this Court reached at 31 December 2012 with regard to the age of its pending caseload. For criminal matters (including criminal appeals) the method of measurement aligns fully with the method used by the Productivity Commission in its annual Report on Government Services. For the Court of Appeal, the reporting here is also aligned with the methods used by the Productivity Commission but is confined to those cases lodged in the Court of Appeal (whereas the Productivity Commission's figures cover all civil cases that are appellate in nature, not just those lodged in the Court of Appeal). For civil cases in the Common Law and Equity Divisions, the Court's reporting differs from the Productivity Commission's methods: the Court reports separately for each Division; for cases that are appellate in nature but heard in the Common Law or Equity Division, the Court reports those cases within the appropriate Division and not in combination with Court of Appeal cases; the Court's reports do not include any pending case, whereas the Productivity Commission's counting rules allow for exclusion of pending cases that have been inactive for at least 12 months.

Appendix (II) (Chapter 7) allows comparison of the Court's position with the national standards set by the Productivity Commission. Those standards are applicable to Australia's supreme courts and district/county courts, regardless of the case-mix of those courts. With regard to criminal non-appeal cases, the range of charges routinely brought in criminal lists of supreme courts varies across the country. This Court hears only criminal cases involving charges of murder or manslaughter or where there is otherwise the potential for a life sentence to be imposed; for such cases, a 12-month timeframe from committal to sentencing is challenging. With regard to civil non-appeal cases, it is worth noting that every supreme court in the country has difficulty meeting the standards (see Table 7A.18 of the latest Report on Government Services published by the Productivity Commission).

This is the third year of reporting the size and age profile of the Supreme Court's civil cases in the Common Law and Equity Divisions using data extracted from the NSW courts' case information system, JusticeLink. The extraction of data from JusticeLink has continued to be refined. During 2012, the Court obtained reports that were better able to identify inactive civil cases. Many inactive cases were subsequently reviewed and were either closed, listed for further management or issued with a notice under rule 12.8 of the Uniform Civil Procedure Rules (advising the Court's intention to dismiss the case). This resulted in the Court closing more than 2,200 inactive Possession List cases that would otherwise have remained open. This indicates the size of the problem that has arisen through delayed access to important operational information. In December 2012, further improved reports were released, which will be used for further caseload audits during 2013. After all aged, inactive cases have been reviewed, a more accurate presentation of the size and age profile of the Court's civil caseload will be possible.

### Listing delays

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

The table of listing delays in Appendix (II) (Chapter 7) shows the listing delays that will apply at the start of the new law term following the close of the reporting year. The listing delays refer to hearing-time requirements that are considered representative or typical of the various areas of the Court, as explained in the footnotes to the table. The various listing delays can change during the year, and updated information is published daily in the court list.

The listing delays at the close of 2012 did not change across most of the nominated areas of the Court's work. The exceptions were the improved position for the Court of Criminal Appeal, and the lengthier delays for the Bails List and the civil hearings for the Common Law Division. The listing delay for standard criminal trials (which remains at 5 months) and the listing delay for standard civil hearings in the Common Law Division (which has increased from 7 months to 9.5 months) continue to be of particular concern.

In 2012, the Common Law Division was able to list its criminal and civil trials without any case becoming "not reached" a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing). This followed nine civil hearings becoming "not reached" in 2011. The Judges of the Common Law Division hear not only the criminal and civil trials of the Division, but also preside over the Bails List and form the principal judicial resource for hearings in the Court of Criminal Appeal. The task of appropriately balancing and re-balancing the allocation of Common Law Division Judges to those four areas of work is challenging. Without access to acting judges, the listing delays across the Common Law

## USE OF ALTERNATIVE DISPUTE RESOLUTION

Division would have been more difficult to balance, and would most likely have resulted in even longer delays for civil hearings.

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

### Mediation

Mediation is the most popular form of alternative dispute resolution for Supreme Court proceedings. During 2012, the Registry recorded 1,092 referrals to mediation, of which approximately 65 per cent were referrals to court-annexed mediation conducted by the Court's registrars. During 2010, 902 referrals to mediation were recorded, of which approximately 77 per cent were referrals to court-annexed mediation.

Litigants in any contested civil case (including appeals) can consider using mediation. Mediation is generally inapplicable for cases where no defendant contests the claim, routine probate applications, applications for adoption of children, applications to wind up companies, applications for recovery of proceeds of crime and applications that require administrative processing only. For other civil cases, while mediation is considered generally applicable, individual cases may have circumstances that make mediation inadvisable or inappropriate.

During 2012, approximately 4,570 civil cases were filed for which mediation was considered generally applicable. During 2011, the number was approximately 4,640.

The "mediation referral index" relates the number of cases referred for mediation with the number of cases filed that are of types where mediation is considered to be generally applicable. For 2012, the mediation referral index was 23.9 per cent. The index has been held at this level since 2009, except for 2011 when it dropped to 19.4 per cent. The present level is a significant improvement from the levels in 2005 and 2006, which were 10.4 per cent and 10.0 per cent, respectively.

Within the court-annexed mediation program, the settlement rate was 54 per cent in 2012, which is higher than the rate in the previous three years. The Court has a stringent convention for recording cases as "settled at mediation" – the parties must

have agreed to finalising orders by the close of the mediation procedure or have drafted heads of agreement. If parties agree to settle their dispute at any time after the close of the mediation session, those settlements are not recorded as “settled at mediation” even though the mediation procedure may have helped the parties to eventually reach that settlement. The Court is aiming to eventually obtain reports from the JusticeLink system that show settlement rates after mediation. There are no statistics on settlement rates for cases referred to private mediators.

The listing delay for court-annexed mediation sessions ranged between 1 and 12 weeks during 2012. For most months of the year it was 6 weeks or less. The listing delay can change during the year, and updated information is published daily in the court list.

### **Arbitration**

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



# 5

## EDUCATION AND PUBLIC INFORMATION

- Judicial officer education
- Public education programme
- The role of the Public Information Officer

## JUDICIAL OFFICER EDUCATION

Many judicial officers updated and developed their skills and knowledge during the year by attending conferences, seminars and workshops. Some of the programmes are tailored specifically to the Court's needs, while others target the international legal community. An overview of some of the educational activities completed during 2012 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

### **Domestic judicial education activities undertaken in 2012**

In May 2012, 17 judges attended a Twilight Seminar on Australian Consumer Law presented by Mr Russell Miller AM. This presentation outlined the substantive changes brought about by the Australian Consumer Law and provided a practical overview and guide for judges, which was intended to assist when dealing with these matters in court.

Also in May, 4 judges attended the National Judicial Orientation Program held in Glenelg, South Australia.

In July 2012, 16 judges attended a Twilight Seminar on The Court Suppression and Non-Publication Orders Act 2010 One Year On, presented by Justice Johnson, Judge Lakatos and Deputy Chief Magistrate Jane Culver. The seminar provided an overview of the legislation and its impact on the work of judicial officers.

Also in July, 6 judges attended a cross-jurisdictional seminar on Judgment Writing presented by Professor Brian Garner. The seminar focused on the unique writing problems that judicial officers face, as well as techniques on how issues can be framed better and editing tips.

In September 2012, 45 judges, 3 Associate Judges and two Acting Judges attended the three-day Annual Supreme Court Judges' Conference In the Blue Mountains. The Keynote Address was given by Judge Diane Wood, United States Court of Appeals for the Seventh Circuit who spoke on Adrift in a Sea of Information: How Courts Grapple with

Electronically Stored Information. Professor Anne Twomey spoke on The Application of the Implied Freedom of Political Communication to State Constitutional and Electoral Laws which considered whether the freedom of political communication implied from the Commonwealth Constitution applies to State constitutional and electoral laws, and if not, whether an equivalent implication can be drawn from the NSW Constitution. Lord Robert Walker of Gestingthorpe spoke on Toxic Torts and Epidemiological Evidence which focused on proof of causation in tort, particularly in the context of asbestos-related diseases including mesothelioma and asbestosis. Justice Robert A Hulme in his A Chat about Criminal Law session provided an update on significant decisions and developments in the criminal law over the preceding 12 months. The Honourable Justice James Edelman, Supreme Court of Western Australia presented on Two Fundamental Questions for the Law of Trusts focusing on what is a trust and when trusts arise. Professor Brian Fitzgerald gave a very relevant talk on Social Networking Technologies and the Courts and considered the impact social media has on court procedure. Air Commodore Paul Cronan AM gave an interesting presentation on The Application of International Law to the Military, specifically international humanitarian law, as it applies to the Australian Defence Force. Finally, Professor June Ross gave a fascinating talk about Kimberley Rock Art, particularly on dating the arrival of the first Australians and the role that the production of rock art has played in mediating dynamic changes in both social and environmental conditions.

Also in September 2012, 1 judge and one Associate Judge attended a two day cross-jurisdictional workshop on Judgment Writing, conducted by Professor James Raymond. Through analysing and discussing their own writing, the judges worked on developing their judgment writing skills and the ability to write clear, concise, well-structured judgments.

## PUBLIC EDUCATION PROGRAMME

In October 2012, a further 3 judges attended the National Judicial Orientation Program held in Broadbeach, Queensland.

In November 2012, 10 judges together with a number of District Court judges attended a Twilight Seminar on Developments in Jury Directions/ Question Trails with Justice Rob Chambers, Supreme Court of NZ, Justice Schmidt and Chief Judge Blanch AM comprising the panel. The panel led a discussion about the use of jury questions in New South Wales and their advantages and potential challenges if adopted.

The Ngara Yura Committee presented various seminars and community visits throughout the year. Three judges attended a community visit to Redfern in February and one judge attended a seminar on Indigenous People in International Law presented by Professor Megan Davis in March. Eight judges attended an afternoon on The Tribal Warrior boat where there was the opportunity to enjoy a cultural presentation and learn about the Aboriginal meanings of significant landmarks of pre-white settlement in Sydney Harbour.

Each week the Court's Registrars address secondary school students and community groups regarding the Court's jurisdiction and daily operations. After the lecture, the group is taken to an appropriate courtroom to observe a Supreme Court trial. The Court offers this service at no cost to the attendees, and demand for these group talks remains high, particularly amongst secondary school Legal Studies students. More than 1,400 students and members of the public attended these lectures in 2012. The majority of these visits were from high schools. However, there were also tours given for TAFE and University students, legal secretaries and summer clerks.



## THE ROLE OF THE PUBLIC INFORMATION OFFICER

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

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

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

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

During 2012, the PIO handled 4,754 requests for information. Of these:

- 66 per cent related to Supreme Court matters
- 29 per cent related to District Court matters, and
- 5 per cent related to other courts, including the industrial Relations Commission and the Land and Environment Court.

Sydney metropolitan journalists from major newspapers and radio and TV stations remain the major users of PIO services, accounting for 72 per cent of requests in 2012. Fifteen per cent were from NSW regional newspapers, radio and TV stations, and 3 per cent were from suburban Sydney newspapers. The remaining enquiries were from interstate or overseas journalists, writers for specialist/trade publications, book authors, lawyers, students or members of the public.



## 6

### OTHER ASPECTS OF THE COURT'S WORK

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

This aim was substantially achieved through the commencement in 2005 of the Civil Procedure Act 2005 and Uniform Civil Procedure Rules 2005. A Uniform Rules Committee was established under sections 8, 17 and Schedule 2 of the Act. The Committee is chaired by the Chief Justice. The President of the Court of Appeal, Justice Hoeben and Justice Rein also represented the Court on the Committee throughout 2012.

## JUSTICELINK AND ELECTRONIC SERVICES

Since mid December 2009, JusticeLink has been utilised in the management of the entire Court's caseload. The Court was actively involved in the NSW Department of Attorney General and Justice's JusticeLink and Legal eServices projects during 2012, particularly through the Judicial Electronic Case Management Steering Committee.

The Committee is an initiative of the Department and includes representatives from the Supreme, District and Local Courts. It aims to ensure the JusticeLink system meets the needs of courts and other justice agencies in the Department. The following Supreme Court judicial officers and registry staff served on the Committee in 2012:

- The Honourable Justice Gzell
- The Honourable Justice Latham
- The Honourable Associate Justice Macready, and
- Ms Linda Murphy, CEO and Principal Registrar.

In April 2011, the Court received its first integrated electronic services product with the launch of the Online Court List. This product allows court users to search for a particular case by name, case number, location, date, jurisdiction, title of presiding officer and type of listing (for example, directions, hearing, judgment and so on). Court users can search for cases listed up to two weeks in advance, and for previous listings that have occurred in the last seven days.

## LAW COURTS LIBRARY

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

Legal authorities and accurate information are provided to support the timely and effective decision making of the courts. In 2012, librarians answered more than 2,000 requests from the Supreme Court, and 9,000 legal resources were borrowed. Law Courts Library reader services librarians introduced iPads to support court use of online resources and e- publications on mobile devices.

In 2012, 2,504 Supreme Court decisions were published on the NSW Caselaw website, which is managed and supported by the Library.

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

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

During 2012, the Supreme Court representatives on the Advisory Committee were:

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

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

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

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

During 2012, the members of the Legal Profession Admission Board were:

The Honourable the Chief Justice  
The Honourable Justice Slattery (Presiding Member)  
The Honourable Justice Davies (Deputy Presiding Member)  
The Honourable Justice Sackar (to 15 August 12)  
The Honourable Justice Lindsay (from 16 August 12)  
Mr J Gormly SC  
Mr G McGrath SC  
Mr C Cawley  
Mr J Dobson  
Professor S Colbran

Professor L McNamara (to 31 October 12)  
Professor M Adams (from 16 November 12) and  
Ms Maureen Tangney (NSW Department of Attorney  
General and Justice).  
Executive Officer and Secretary: Ms R Szabo

### **The Board's work during 2012**

In 2012 the Board met on seven occasions to exercise its statutory functions which includes the determination of admission, readmission and early suitability applications, applications for public notary appointments, student-at-law applications for the Board's Diploma in Law course, accreditation and re-accreditation of academic law courses and practical legal training courses, requests for reviews of Committee decisions and other applications such as requests for exemptions from undertaking certain courses or training by experienced practitioners. The Board also provides advice and makes recommendations to LACC and other Australian admitting authorities. The Presiding Member, the Honourable Justice Slattery represents the NSW Board on LACC and attends LACC meetings.

The impact of National Legal Profession Reforms still remains uncertain, as several jurisdictions have withdrawn their support for the new system of regulation. NSW and Victoria have continued to progress a new version of the proposed uniform law that incorporates feedback obtained following the release of the last version in late 2011. A simpler scheme is proposed and functions that were to be centralised such as admissions and accreditation of academic and practical legal training courses will continue to be performed at a local level under uniform rules and guidelines. It will be necessary for the NSW Board to have a close involvement with the drafting of the rules and guidelines, which are likely to include components of the current NSW and Victorian rules and procedures.

The Board has taken an active role in reviewing and responding to numerous proposals put forward by the Law Admissions Consultative Committee (LACC) and has highlighted issues arising from its annual review and accreditation of law degrees and practical legal training courses. The advice of the NSW Board, its Committees and LPAB staff is

also often sought by other authorities in respect to matters of admission and the assessment of overseas qualifications.

The Tertiary Education Quality and Standards Agency Act 2011 ("the TEQSA Act") established the TEQSA Agency to register and evaluate the performance of all higher education providers against a new Higher Education Standards Framework. The uncertainty of the TEQSA legislation's impact on the Board and its Diploma in Law course required the Board to seek independent legal advice and to engage in a close consultation process with TEQSA. On 27 July 2012, the Board wrote to the Chief Commissioner of TEQSA advancing contentions as to why the NSW LPAB does not fall within the definition of a regulated entity as defined in the TEQSA Act. TEQSA advised the Board by letter dated 14 September 2012 of its determination that the NSW LPAB is not a regulated entity for the purposes of the TEQSA Act. TEQSA later sought the nomination of experts from the Board to assist with assessment of an application to TEQSA for a new LLB degree.

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

provide the necessary administrative support and assistance to Board and Committee Members.

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

**Table 6.1: Summary and comparison of the Legal Profession Admission Board's workload**

	2012	2011	2010
Lawyer admissions approved by the Board	2047	1793	1830
Certificates of Current Admission produced by the Board	204	315	326
Public Notaries appointed by the Board	61	50	61
Student-at-Law registrations	621	517	555

(Note: admissions under Mutual Recognition Acts are not included. Please refer to the section below titled *Admission Under Mutual Recognition Acts*)

### Legal Qualifications Committee

The Legal Qualifications Committee (LQC) is constituted under the Legal Profession Admission Rules 2005 to superintend the qualification of candidates for admission and to advise the Board in relation to the accreditation of academic and practical training courses in New South Wales. The LQC and its Sub-Committees provide expert advice and comment to the Board and LACC in relation to matters pertaining to the assessment of the qualifications of overseas applicants or practitioners who seek entry to the Australian legal profession and on any proposals for change circulated by LACC. The Committee performs its work largely through its sub-committees and reviews decisions of these sub-committees at the request of aggrieved applicants. In addition to appeals from sub-committee decisions and requests for extensions of the periods of validity

of academic and practical training exemptions, it considers applications from students-at-law who seek approval under rule 97(9) to apply for exemptions on the basis of studies undertaken at other institutions after registration as a student-at-law with the Board.

During 2012, the members of the Legal Qualifications Committee were:

- The Honourable Justice White (Chairperson) (to 30 June 12)
- The Honourable Justice Davies (Chairperson from 1 July 12)
- The Honourable Justice Adamson (from 1 July 12)
- The Honourable Justice Hallen (appointed Judge of the Supreme Court on 12 November 12)
- Mr J Fernon SC
- Ms S Leis
- Ms E Picker
- Ms M Macken
- Mr C Cawley
- Mr J Dobson (to 30 June 12)
- Mr S Westgarth (from 1 July 12)
- Mr G Ross
- Mr R Harris (to 30 June 12)
- Professor P Radan (from 1 July 12)
- Mr P Underwood
- Ms J Eggleton
- Professor A Lamb AM (to 30 June 12)
- Professor C Penfold (from 1 July 12)
- Dr G Elkington
- Executive Officer and Secretary: Ms R Szabo

### Work during 2012

The Committee met on seven occasions to perform the tasks allocated to it under the Board's Rules. The Committee and its Sub-Committees have regard to the Uniform Principles in exercising their functions under Rules 97 and 98 of the Legal Profession Admission Rules 2005 to assess applicants from overseas who seek entry to the legal profession in Australia. The Committee works closely with the Board to resolve issues that arise and in particular makes recommendations on changes or procedures proposed by the Law Admissions Consultative Committee (LACC). It has also provided preliminary advice to LACC and

suggested changes that LACC has since adopted. The Committee performs its work largely through its sub-committees and reviews sub-committee decisions at the request of aggrieved applicants. In addition to requests for review and extensions of the period of validity of academic and practical training exemptions, it considers applications from students-at-law who seek approval under rule 97(9) to apply for exemptions on the basis of studies undertaken elsewhere after registration as a student-at-law with the Board. The expertise and assistance of sub-committee members is often sought by other Australian Admitting Authorities.

In 2012, the LQC and its Sub-Committees made recommendations to the Board on a number of LACC proposals including the duration of legal studies and interpretation of the "equivalent of 3 years full-time study of law" which continues to generate ongoing discussion. The Committee provided advice to the Board about the practice of some Australian law schools to grant credit for academic courses completed in overseas institutions, under what is often referred to as "twinning arrangements". Recommendations were also made about LACC proposals: not to assess the qualifications of UK and Irish applicants who had completed the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL) but who had not proceeded to admission in their jurisdiction; and another proposal to permit UK and Irish applicants, who have completed a Legal Practice Course (LPC) or the Bar Professional Training Course (BPTC) or equivalent but who have not been admitted, to apply for practical legal training exemptions.

The Committee has also assisted the Board by reviewing and providing comment on the National Competency Standards for Entry-Level Lawyers, proposed Standards for PLT Courses and Providers, which were developed by the Victorian Council of Legal Education, to bring about a uniform approach to reviewing courses and providers and the teaching of Statutory interpretation as a separate, compulsory subject in Australian law degrees.

Committee members Dr Gordon Elkington and Mr Peter Underwood were nominated as expert advisers to assist TEQSA with an application for accreditation of a new law degree.

At the request of the Chairperson, the Hon Justice Davies, the Committee's most common published policies and practices, used when assessing applications for review of decisions of the sub-committees, were collated. The document 'Guidelines when assessing review applications and miscellaneous applications was created and is now used a convenient summary of these published policies and practices.

The Accreditation Sub-Committee met in August 2012, when all existing law degrees and practical training courses were accredited under Rules 44 and 45(B) respectively. The University of Western Sydney and University of Wollongong advised that their practical training courses would not be offered after January 2013 and 30 June 2013, respectively.

**Table 6.2: Applications considered by the Legal Qualifications Committee**

	2012	2011	2010
Applications for Academic Exemptions	460	397	428
Applications for Practical Training Exemptions	107	122	99

### Examinations Committee

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

During 2012, the members of the Examinations Committee were:

The Honourable Justice Simpson (Chairperson)  
The Honourable Justice Hall  
Mr M Christie SC  
Mr J Dobson  
Mr F Astill  
Ms S Carter  
Mr R Anderson  
Executive Officer and Secretary: Ms R Szabo

### Work during 2012

In 2012, the Examinations Committee proceeded with course-related tasks, including appointing Examiners and Revising Examiners, determining applications and reviewing Sub-Committee determinations. The Committee also continued to monitor and develop ways to improve and enhance the Boards' Diploma-in-Law course. With Members' agreement, several of the Committee's seven meetings this year were held electronically.

In March 2012, flooding caused some disruption at the Sydney examination venue. To ensure a process is in place to address any future unexpected events, a proposed Contingency Policy was approved by the Committee and referred to the Board.

On 11 May 2012, the Board's Diploma in Law Orientation day was held at the University of Sydney. The Presiding Member gave a welcome address to the new students and the Board's Executive Officer, Ms Robin Szabo and LEC Director, Mr Frank Astill delivered presentations to guide students through their candidature in the course.

On 13 July 2012, the Honourable Justice Allsop gave the occasional address at the Board's Diploma in Law Graduation Ceremony at the University of Sydney's Great Hall.

The Committee was kept apprised of ongoing research and consultation into the impact of the Tertiary Education Quality and Standards Act 2011 (Cth) on the Board's Diploma in Law course.

The Committee endorsed a proposal to make the elective subject of Understanding Legal Language and Legislation a compulsory subject. The Board adopted the proposal, which reduces the number of elective subjects to two so that the total subject requirement for the Board's course would remain at twenty. The Director, Law Extension Committee (LEC), is in the process of working with the Executive Officer of the Board in finalising implementation and transitional issues.

In September 2012, LPAB and LEC staff participated in the Reinvent your Career Expo to provide information and advice to attendees about the Board's Diploma in Law course. This event was held at Darling Harbour and attracted approximately 5000 visitors.

The Committee considered allegations of academic misconduct. Advances in technology, in particular internet based research tools, have become common methods used by students in submitting assignment questions. However with such advances problems have recently arisen with academic misconduct. The internet was used by one student to place an advertisement seeking assistance, with remuneration, for the completion of an assignment. This conduct is a breach of the students Code of Conduct and was dealt with by the LEC, with the LEC's recommended penalty endorsed by the Committee. The student's assignment was not marked and the student was not eligible to sit the examination. The Committee further resolved to direct the LEC to issue a warning to other students that such behaviour will not be tolerated.

Another form of academic misconduct that arose during the year was the improvement to scripts, which were typed out by students. Where a student's handwriting is illegible the student is offered an opportunity to transcribe an answer in typed format. However, any amendment or improvement to the script in this process is found to be a misrepresentation. The Committee was presented with a student who committed a breach in this regard. The student received a nil mark as the original handwritten script was accepted as the student's answer to the examination question.



## ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

The Committee considered the issue of re-used or recycled examination questions. As a result a policy was established whereby Examiners are informed that by contract, they are required to set examinations with a sufficient level of originality. This policy is now set out in a memorandum of responsibilities sent to Examiners as well as being included in each examiner's contract.

The Committee approved a new document delineating Examiner responsibilities, titled "Memorandum for Examiners". The document provides a thorough set of guidelines for Examiners and Revising Examiners to comply with in the performance of their duties. Topics covered include setting examination papers, preparation of marking guides, as well as administration matters such as the deadlines for supplying and marking exam scripts. A new marking spreadsheet was also created for Examiners to complete, in the ongoing effort to improve the marking process.

Table 6.3: **Three-year comparison of the Examinations Committee's workload**

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

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

In 2012, 101 New Zealand practitioners were enrolled under the Trans Tasman Mutual Recognition Act. In comparison, there were 90 Trans-Tasman admissions in 2011, and 43 in 2010.

The number of Australian legal practitioners enrolled under the Mutual Recognition Act 1992 remains negligible after each State and Territory except South Australia enacted legislation that allows interstate practitioners to practise seamlessly throughout Australia. There have been only five enrolments recorded under the Mutual Recognition Act in New South Wales since January 2007.

## ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

The Costs Assessment Scheme commenced on 1 July 1994. It is the process by which clients and practitioners determine the amount of costs to be paid in two principal areas: between practitioners and their clients and party/party costs. Party/party costs are costs to be paid when an order is made from a Court (or Tribunal) for unspecified costs. The Costs Assessment section of the Registry undertakes the day-to-day administration of the Costs Assessment Scheme.

The Costs Assessment Scheme is the exclusive method of assessment of legal costs for most jurisdictions. Applications under the Scheme are determined by external assessors appointed by the Chief Justice. All assessors are members of the legal profession. The Chief Justice also appoints costs assessors to the Costs Assessment Rules Committee. Mr Gordon Salier AM, solicitor, was the Chair of the Costs Assessment Rules Committee during 2012. There were no meetings of the Costs Assessment Rules Committee in 2012.

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

In 2012, 1,573 applications were lodged. Of these, 783 (50 per cent) related to costs between parties; 240 (15 per cent) were brought by clients against practitioners; and 550 (35 per cent) were brought by practitioners.

The review process, which is relatively informal in nature, is carried out by two senior assessors of appropriate experience and expertise and is conducted along similar lines to that used in the original assessment process. The review panel can vary the original assessment and is required to provide a short statement of its reasons. In 2012, Court received 169 applications for review of costs assessment determinations.

There is still provision to appeal the review panel's decision to the Court, as of right on questions of law and otherwise by leave. However, following a legislative change on 1 September 2008, these appeals are heard in the District Court, not the Supreme Court, unless in the case of a party/party application a party seeks leave to appeal to the court or tribunal that made the costs order.

In September 2011, the Chief Justice of New South Wales announced that the Court would undertake the first ever Review into the operation of the Costs Assessment Scheme. The overarching aim of the Review was to evaluate the extent to which the Scheme's existing structure and operations support the just, quick and cheap resolution of costs disputes.

In response to the Chief Justice's public invitation for submissions to the Review, the Court received more than 30 submissions from a wide range of interested parties including peak professional bodies, current and retired costs assessors, costs consultants, commercial and government lawyers and self-represented litigants. These submissions were referred for review and analysis to a Review Committee, chaired by the Honourable Justice Brereton. The Review Committee was constituted by the following members:

His Honour Judge Peter Johnstone, District Court of New South Wales

Mr Steven Mark, Legal Services Commissioner

Mr Mark Brabazon SC, NSW Bar Association

Mr Stuart Westgarth, Law Society of New South Wales

Mr Gordon Salier, Cost Assessors Rules Committee

Ms Deborah Vine-Hall, Costs Consultant User Group

Ms Linda Murphy, CEO, Supreme Court of New South Wales, and

Mr James Howard, later Ms Jennifer Hedge, Manager, Costs Assessment.

The Review Committee is preparing a Report of the Review for the Chief Justice.

## PRO BONO SCHEME

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

The Scheme operates in accordance with Part 7 Division 9 of the Uniform Civil Procedure Rules 2005 and enables unrepresented litigants to be referred to a barrister and/or solicitor once the Court determines they are deserving of assistance. During 2012, the Court made 43 referrals under the Scheme: 10 referrals were made in Court of Appeal cases, and 33 referrals were made by Judges across the Common Law and Equity Divisions. The Scheme's success depends upon the continued goodwill of barristers and solicitors who have indicated a willingness to participate in the Scheme. The Court gratefully acknowledges and extends its sincere thanks to those who support the scheme by volunteering their services.

## JUDICIAL ASSISTANCE PROGRAM

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



# 7

## APPENDICES

- I Court Statistics – Comprehensive Table of Statistics
- II The Court’s Committees and User Groups
- III Other judicial activity: Conferences, Speaking, Engagements, Publications, Appointments to Legal and Cultural Organisations, Delegations and International Assistance and commissions in Overseas Courts

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

### STATISTICS APPENDIX

(to be read in conjunction with Chapter 4)

- Filings, disposals and pending cases
- Timeliness
  - Age of pending cases at 31 December 2012
  - Listing delays
- Alternative dispute resolution

#### Filings, disposals and pending cases

NOTES:

The figures for pending cases for each list can include cases that have been re-opened after judgment, and cases referred from other case management lists. For this reason, pending caseload figures do not always reconcile with associated filing and disposal figures.

The statistics for 2010, 2011 and 2012 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system. The JusticeLink statistical and operational reporting functions are still under development.

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

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

"–" – item not applicable

"0" – zero count

	2008	2009	2010	2011	2012
<b>COURT OF APPEAL <sup>1</sup></b>					
Filings					
<i>Appeals and applications for relief</i>	361	339	353	320	333
<i>Applications for leave to appeal <sup>2</sup></i>	185	172	166	182	169
<i>Net new cases <sup>3</sup></i>	530	496	501	490	493
Disposals					
<i>Appeals and applications for relief</i>	380	368	313	365	319
<i>Applications for leave to appeal</i>	196	192	156	177	184
<i>Net disposals <sup>4</sup></i>	560	545	451	533	493
Pending cases at 31 December					
<i>Appeals and applications for relief</i>	273	241	285	237	252
<i>Applications for leave to appeal</i>	106	88	99	101	86
<i>Total</i>	379	329	384	338	338

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

<sup>2</sup> This item also includes applications where parties have elected to have a concurrent hearing of both the application for leave to appeal and the appeal (if leave is granted).

<sup>3</sup> For reporting the *net new cases*, if a Court of Appeal case is commenced by a summons for leave to appeal and then a notice of appeal is filed pursuant to a grant of leave, this is counted as one continuous appeal case (not two separate cases).

<sup>4</sup> For reporting the *net disposals*, where an appeal has been preceded by a grant of leave, this is counted as one continuous case and a disposal is counted only when the substantive appeal is finalised.

	2008	2009	2010	2011	2012
<b>COURT OF CRIMINAL APPEAL <sup>1</sup></b>					
Filings	422	389	414	382	339
Disposals	414	391	417	340	336
Pending cases at 31 December	185	183	180	222	225

<sup>1</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority. For the years 2008 to 2012, there were 13, 5, 1, 4 and 2 applications lodged for review of Parole Board decisions, respectively.

	2008	2009	2010	2011	2012
<b>COMMON LAW DIVISION – Criminal <sup>1,2</sup></b>					
<b>Criminal List</b>					
Filings <sup>3</sup>	101	106	112	138	130
Disposals <sup>4</sup>	122	112	106	85	157
Pending cases at 31 December	90	84	90	143	116

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

Filings (applications)	2,822	2,826	2,678	3,317	4,554
Disposals (applications) <sup>6</sup>	2,490	2,016	2,115	2,343	4,164
Pending applicants at 31 December	243	304	279	372	339

#### **Summary jurisdiction cases <sup>7</sup>**

Filings	237	0	-	-	-
Disposals	0	248	-	-	-
Pending cases at 31 December	248	0	-	-	-

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

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

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

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

<sup>5</sup> The figures for pending Bails List cases do not reconcile with the figures for filings and disposals. This is because the figures for filings and disposals are counts of applications, while the figures for pending cases are counts of applicants. The Court can deal concurrently with multiple applications for an applicant.

<sup>6</sup> The counts for disposals under-represent the number of bail applications that have been heard and determined. While correct orders were recorded on the JusticeLink system, for a significant number of cases the method of entering the court result did not record a disposal for the bail application.

<sup>7</sup> Normally, the few summary jurisdiction cases that come to the Court are included with civil cases within the Summons List of the Common Law Division, where they are managed. During 2007 and 2008, a total of 248 related prosecutions under the *Food Act 2003* (against one company and its two directors) were lodged. These have been separately reported to prevent skewing of the statistics in the Summons List for those years. Note that the 248 cases reported here were reported to the Productivity Commission as 9 cases only, in accordance with the national counting rules.

**COMMON LAW DIVISION – Civil**

**Administrative Law List**

Filings	150	125	186	183	206
Disposals	191	110	218	156	119
Pending cases at 31 December	52	74	180	222	110

**Defamation List**

Filings	73	73	72	59	46
Disposals	74	89	65	63	55
Pending cases at 31 December	99	88	99	100	90

**Common Law General List (formerly the General Case Management List) <sup>3</sup>**

Filings	1,096	1,072	939	1,012	982
Contested claims	317	402	472	462	496
– <i>personal injury</i>	213	272	275	230	251
– <i>other claims</i>	104	130	197	232	245
Uncontested claims	208	173	65	100	52
Proceeds of Crime cases	119	127	114	125	93
Other summons cases	452	370	288	325	341
Disposals	1,033	1,073	778	863	1,041
Contested claims	383	414	337	422	533
– <i>personal injury</i>	194	232	219	188	248
– <i>other</i>	189	182	118	234	285
Uncontested claims	85	120	135	105	32
Proceeds of Crime cases	153	127	95	74	97
Other summons cases	412	412	211	262	379
Pending cases at 31 December	1,127	1,168	1,342	1,648	1,891
Contested claims	680	770	843	923	1,104
– <i>personal injury</i>	391	443	483	550	554
– <i>other</i>	289	327	360	373	550
Uncontested claims	107	105	192	243	162
Proceeds of Crime cases	153	156	157	216	145
Other summons cases	187	137	150	266	480

#### Possession List <sup>4</sup>

Filings	5,472	4,610	3,658	3,994	3,259
<i>Contested</i>	282	286	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
<i>Uncontested</i>	5,190	4,324	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
Disposals	5,296	5,431	2,827	2,239	4,439
<i>Contested</i>	224	286	<i>n/a</i>	<i>n/a</i>	207
<i>Uncontested</i>	5,072	5,145	<i>n/a</i>	<i>n/a</i>	4,232
Pending cases at 31 December	2,741	2,007	2,679	4,319	2,922
<i>Contested</i>	243	220	<i>n/a</i>	<i>n/a</i>	178
<i>Uncontested</i>	2,498	1,787	<i>n/a</i>	<i>n/a</i>	2,744

#### Professional Negligence List

Filings	211	172	202	150	161
Disposals	182	185	167	189	138
Pending cases at 31 December	418	419	406	394	409

#### Miscellaneous applications <sup>5</sup>

Filings	314	261	339	525	458
Disposals	130	491	319	490	465
Pending cases at 31 December	369	50	45	85	77

#### COMMON LAW DIVISION TOTALS – Civil

<b>Filings</b>	<b>7,316</b>	<b>6,313</b>	<b>5,396</b>	<b>5,923</b>	<b>5,112</b>
<b>Disposals</b>	<b>6,955</b>	<b>7,395</b>	<b>4,374</b>	<b>4,000</b>	<b>6,257</b>
<b>Pending cases at 31 December</b>	<b>4,806</b>	<b>3,806</b>	<b>4,751</b>	<b>6,768</b>	<b>5,499</b>

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

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

3 For 2007, 2008 and 2009, the figures exclude 248 summons cases that comprised a group of related prosecutions under the *Food Act 2003* – those cases are reported under the heading “Summary jurisdiction cases” within the criminal workload of this Division.

4 The statistics from the JusticeLink system for 2010 and 2011 did not reliably identify cases in the Possession List that become contested. Based on historical data, approximately 5 per cent of Possession List cases become contested.

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



	2008	2009 <sup>1</sup>	2010	2011	2012
<b>EQUITY DIVISION <sup>2</sup></b>					
<b>Admiralty List</b>					
Filings	4	22	11	4	2
Disposals	4	4	16	10	10
Pending cases at 31 December	3	21	17	11	3
<b>Adoptions List <sup>3</sup></b>					
Applications	203	220	212	189	234
Orders made	204	204	199	194	203
Pending cases at 31 December	19	35	48	43	74
<b>Commercial List</b>					
Filings	264	212	172	178	148
Disposals	246	240	173	188	178
Pending cases at 31 December	298	283	308	328	283
<b>Commercial Arbitration List</b>					
Filings	-	-	5	7	6
Disposals	-	-	3	5	9
Pending cases at 31 December	-	-	3	8	7
<b>Corporations List</b>					
Filings	3,150	2,764	2,149	1,837	1,648
Disposals <sup>4</sup>	2,223	2,201	2,198	1,767	1,602
Pending cases at 31 December	858	686	672	838	759
<b>Equity General List <sup>5</sup></b>					
Filings	2,228	1,993	2,250	2,101	2,037
– family provision cases	641	512	858	803	792
– other	1,587	1,481	1,392	1,298	1,245
Disposals <sup>6</sup>	3,615	3,098	2,031	1,944	2,089
– family provision cases	781	605	719	738	811
– other	2,834	2,493	1,312	1,206	1,278
Pending cases at 31 December	2,037	1,856	2,111	2,410	2,317
– family provision cases	551	459	646	760	649
– other <sup>6</sup>	1,486	1,397	1,465	1,650	1,668
<b>Probate (Contentious Matters) List</b>					
Filings	150	125	172	138	130
Disposals	152	123	160	145	116
Pending cases at 31 December	89	92	104	97	111

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**Protective List <sup>7</sup>**

Applications	91	75	80	72	106
Disposals	104	73	58	95	85
Pending applications at 31 December	15	17	39	16	37

**Revenue List <sup>8</sup>**

Filings	-	-	21	17	45
Disposals	-	-	3	8	15
Pending applications at 31 December	-	-	22	32	54

**Technology and Construction List**

Filings	114	115	100	147	137
Disposals	109	109	91	119	115
Pending cases at 31 December	150	163	178	221	244

**EQUITY DIVISION TOTALS**

<b>Filings</b>	<b>6,205</b>	<b>5,526</b>	<b>5,172</b>	<b>4,690</b>	<b>4,493</b>
<b>Disposals <sup>9</sup></b>	<b>6,655</b>	<b>6,052</b>	<b>4,932</b>	<b>4,475</b>	<b>4,422</b>
<b>Pending cases at 31 December</b>	<b>3,472</b>	<b>3,153</b>	<b>3,502</b>	<b>4,004</b>	<b>3,889</b>

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>PROBATE – Applications for grant of probate etc <sup>10</sup></b>	<b>22,421</b>	<b>21,580</b>	<b>22,324</b>	<b>22,449</b>	<b>23,790</b>

<sup>1</sup> Between 17 and 21 December 2009 the Court changed to a new case information and management system – JusticeLink. The data for 2009 was taken at 17 December 2012 the exceptions are the Adoptions List, Protective List and Probate (Contentious Matters) List, for which the data were taken at 31 December 2012.

<sup>2</sup> The figures reported for 2010, 2011 and 2012 have been extracted from the JusticeLink system, except for the figures for the Adoptions List, Probate (Contentious Matters) List and Protective List (the data for those lists are obtained from manually collated data).

<sup>3</sup> In this List, all applications types are counted, including information applications. As a result of audits, the 2008 figures were revised in 2009.

<sup>4</sup> For 2009 and earlier, these are registrars' disposals only, with disposals by judges and associate judges being included in the total for the Equity General List. For 2010 and onwards, all disposals in this List are recorded. Typically, registrars finalise about 90 per cent of Corporations List cases.

<sup>5</sup> The Equity General List figures for 2009 and earlier include Revenue List cases.

<sup>6</sup> The disposals in this List for 2009 and earlier also include cases disposed from the Corporations List by a judge or associate judge.

<sup>7</sup> Applications are counted instead of "cases" because cases in this List can be of a perpetual nature. During the period when a person's affairs or property are managed under the *Protected Estates Act*, it is possible that more than one application will be made in relation to that person. "Disposals" refers to the number of disposed applications. Following an audit in 2009, the figures for 2008 were revised.

<sup>8</sup> For 2009 and earlier, the Revenue List cases were included within the Equity General List.

<sup>9</sup> For 2009 and earlier, the counts of disposals for the Equity Division should be considered with caution because, for the Equity General List and Corporations List (the two largest lists), a significant number of cases may have more than one disposal recorded per case. This is because many cases are re-opened but not counted as fresh filings. Consequently, such matters (which have been recorded only once as a filing) may have more than one disposal recorded against them.

<sup>10</sup> This includes all probate applications that are lodged as uncontested applications for a grant of probate or letters of administration, or for reseal of a probate grant. Registrars deal with uncontested applications. Only a small proportion of these applications become contested. Contested applications are then transferred to the Probate (Contentious Matters) List and are counted additionally as filings there.

<sup>11</sup> These are counts of applications for grant of various forms of probate or letters of administration, or for reseal of probate grants. There is no longer any separate counting of probate-related matters handled by the registry – for example, probate accounts matters, caveats, deposited wills, and elections to administer estates.

TIMELINESS – AGE OF PENDING CASES AT 31 DECEMBER <sup>1, 2, 3</sup>

Number pending (and % of total)	National standard <sup>4</sup>	2008	2009	2010	2011	2012
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**COURT OF APPEAL**

Total number of cases pending		379	329	384	338	338
Cases within 12 months of age	90%	328 (87%)	295 (90%)	328 (85%)	296 (88%)	307 (91%)
Cases within 24 months of age	100%	373 (98%)	320 (97%)	373 (97%)	323 (96%)	332 (98%)

**COURT OF CRIMINAL APPEAL**

Total number of cases pending		185	183	180	222	225
Cases within 12 months of age	90%	174 (94%)	167 (91%)	170 (94%)	205 (92%)	187 (83%)
Cases within 24 months of age	100%	184 (99%)	175 (96%)	176 (98%)	219 (99%)	211 (94%)

**COMMON LAW DIVISION – Criminal <sup>5, 6</sup>**

Total number of defendants pending		90	84	90	143	116
Cases within 12 months of age	90%	73 (81%)	68 (81%)	81 (90%)	108 (76%)	95 (82%)
Cases within 24 months of age	100%	85 (94%)	78 (93%)	90 (100%)	140 (98%)	114 (98%)

**COMMON LAW DIVISION – Civil**

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

**EQUITY DIVISION (excluding uncontested probate matters)**

Total number of cases pending		3,472	3,153	3,502	4,004	3,889
Cases within 12 months of age	90%	-	-	2,340 (67%)	2,356 (59%)	2,208 (57%)
Cases within 24 months of age	100%	-	-	2,960 (85%)	3,302 (82%)	3,027 (78%)

- <sup>1</sup> Equity Division cases and the civil cases of the Common Law Division have been included in this table since 2010 only and the information is based on data from the JusticeLink system. Until the end of 2012, the available reports from JusticeLink have not been fully reliable for identifying inactive cases. This has allowed many inactive cases to remain in the pending caseload, consequently reducing the percentage of young cases within the pending caseload. Auditing commenced in 2012 to remove inactive cases and will continue into 2013. For the Court of Appeal, the Court of Criminal Appeal and Criminal list cases the information comes from manually collated data.
- <sup>2</sup> For cases in the Court of Appeal and the Court of Criminal Appeal, the age of cases includes time taken to deal with any associated application for leave to appeal.
- <sup>3</sup> These figures include the effect of factors outside the control of the Court, such as the time taken to complete relevant cases in other courts, interlocutory appeals, time taken to prepare essential reports, and time occupied by trials that result in a hung jury.
- <sup>4</sup> The national standards are taken from the “backlog” performance indicator within the Courts chapter of the *Report on Government Services* (published by the Productivity Commission). Note that the national standards apply to district/county courts as well as supreme courts; consequently the national standards apply to a large range of indictments, criminality and civil case types. The case-mix of any court can influence that court’s capacity to achieve the standards. Most indictments presented in the Criminal List in this Court are for homicide offences. Other matters may be brought before this Court only with the approval of the Chief Justice and generally involve the most serious criminality. Most other supreme courts in Australia usually deal with a broader range of criminal cases. All supreme courts in Australia continue to have difficulty achieving the national standards in relation to their civil non-appeal cases (see table 7A.18 of the latest *Report on Government Services*).
- <sup>5</sup> The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for re-determination of a life sentence.
- <sup>6</sup> The figures are comparable from year to year: the counting unit is defendants. Cases are considered to be pending until the time of sentence/acquittal or other final disposal. Where a trial collapses and a new trial is ordered, the counting of the age of the case is calculated from the date of committal (not from the date of the order for the new trial).

## TIMELINESS – LISTING DELAYS AT THE END OF THE YEAR <sup>1, 2</sup>

	2008	2009	2010	2011	2012
<b>COURT OF APPEAL <sup>3</sup></b>	3.5 months	1.5 months	3 months	4 months	4 months
<b>COURT OF CRIMINAL APPEAL</b>	3 months	2.5 months	2 months	4 months	2.5 months
<b>COMMON LAW DIVISION</b>					
<b>Criminal List <sup>4</sup></b>	2.5 months	3 months	1.5 months	5 months	5 months
<b>Civil lists <sup>5</sup></b>	2.5 months	3 months	1.5 months	7 months	9.5 months
<b>Bails List</b>	6 weeks	3 weeks	4 weeks	2.5 weeks	4 weeks
<b>EQUITY DIVISION <sup>6</sup></b>	5 months	2.5 months	3.3 months	2.5 months	2.5 months

<sup>1</sup> This is the time between the establishment of readiness for hearing and the first group of available hearing dates that the Court offers for criminal and civil trial cases, criminal and civil appeals and Bails List cases. These delays do not apply if the Court orders an expedited hearing.

<sup>2</sup> The listing delays show the position at the start of the new law term (for example, for 2012 it is the position at the start of the 2013 law term). This removes the end-of-year impact of the law vacation.

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

<sup>4</sup> This refers to cases requiring at least 3 weeks of hearing time.

<sup>5</sup> This refers to cases requiring up to 5 days of hearing time.

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

## ALTERNATIVE DISPUTE RESOLUTION

	2008	2009	2010	2011	2012
<b>Court-annexed mediations listed <sup>1, 2</sup></b>					
Total	568	666	719	698	711
– Common Law Division	37	68	55	57	34
– Equity Division – not probate cases	518	553	651	623	660
– Equity Division – probate cases	12	36	12	18	16
– Court of Appeal	1	9	1	0	1
Percentage of cases settling at mediation <sup>3</sup>	59%	49%	51%	50%	54%
Listing delay <sup>4</sup>	6 weeks	5 weeks	7-8 weeks	5 weeks	6 weeks
<b>Referrals to mediation generally</b>					
Total referrals recorded <sup>5</sup>	868	1,111	1,144	902	1,092
Mediation referral index <sup>6</sup>	17.1%	23.9%	23.5%	19.4%	23.9%
<b>Arbitrations listed</b>					
Common Law Division	0	0	0	0	0

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

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

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

<sup>4</sup> This is the delay until the first available group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2012 it is the position at the start of the 2013 law term). Earlier mediation sessions are arranged, if ordered by the Court.

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

<sup>6</sup> The “mediation referral index” is the number of cases referred to mediation during the year, divided by the number of cases lodged (in that year) that are of a type for which mediation is considered to be applicable. For the purpose of calculating the mediation referral index, mediation is considered to be applicable for all civil cases types (including appeal cases) except for proceeds of crime cases, cases that have a high likelihood of proceeding to default judgment or have no defendant element, all cases in the Adoptions List or Protective List, and 90 per cent of cases in the Corporations List. While a case may be of a type for which mediation is considered to be applicable, there may be particular aspects of that case that make it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

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

### Chief Justice's Executive Committee

The Chief Justice's Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational strategic issues. The Committee met weekly throughout 2012, except during periods when the Chief Justice was not available or unless the Chief Justice decided not to hold a meeting.

#### Members during 2012

The Honourable the Chief Justice (Chair)  
The Honourable the President  
The Honourable Justice Beazley AO  
The Honourable Justice McClellan  
The Honourable Justice Bergin  
Ms L Murphy (CEO and Principal Registrar)  
(Secretary)

### Supreme Court Rules Committee

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

The Supreme Court Rules Committee met on five occasions in 2012.

#### Members during 2012

The Honourable the Chief Justice (Chair)  
The Honourable the President  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice Meagher  
The Honourable Justice White

The Honourable Justice Hall  
The Honourable Justice Rein  
The Honourable Justice Adamson  
The Honourable Justice Lindsay (from 6 August 2012)  
Ms C Webster NSW Bar Association)  
Ms S Fernandez (Law Society of NSW)  
Mr S Jupp (Secretary)  
Senior Deputy Registrar Flaskas (Advising Officer)

### Education Committee

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

The Committee also develops the program for an annual Supreme Court Conference attended by all available Judges from the Court. The program is designed to cover issues of broad importance to the administration of justice and the development of the law. It is current practice to have a distinguished overseas judicial officer and often a distinguished Australian judge or retired judge from another jurisdiction address the conference. The conference also includes a session on topics of interest not directly related to the daily work of the Court, provided by experts in the chosen field.

In addition, the Committee plans visits to correctional centres and other facilities in order to further understanding of the practical operation of other arms of government involved in the administration of justice. More generally, with the assistance of the Judicial Commission, the Committee seeks to maintain a high standard of professional development and training for judges on the Court.

The Committee is comprised of a number of Supreme Court Judges selected by the Chief Justice together with the Education Director and

the Manager, Conferences and Communication, from the Judicial Commission. The Chair of the Committee is also the Chair of the Judicial Commission's Standing Advisory Committee on Judicial Education.

### **Members during 2012**

The Honourable Justice Beazley AO  
The Honourable Justice Basten (Chair)  
The Honourable Justice JC Campbell (until 19 December 2012)  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice Nicholas  
The Honourable Justice Hislop  
The Honourable Justice Johnson  
The Honourable Justice Harrison  
The Honourable Justice Fullerton  
The Honourable Justice Schmidt  
The Honourable Justice Garling RFD  
Ms L Murphy, CEO and Principal Registrar  
Ms Ruth Windeler (Convenor), Education Director, Judicial Commission of NSW  
Ms Ruth Sheard, Manager, Conferences and Communication, Judicial Commission of NSW

### **Building Committee**

The Committee meets approximately every two months to discuss matters affecting the buildings within the Darlinghurst and King Street court complexes, and the Law Courts Building in Phillip Street. The Committee also identifies facilities that are required to support courtroom operations and the needs of Court users. The refurbishment of the Law Courts Building and the ongoing refurbishment of the King Street and St James Road Court Complex remained the Committee's primary focus during 2012.

### **Members during 2012**

The Honourable Justice McDougall (Chair)  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice McClellan AM  
The Honourable Justice Brereton AM RFD  
The Honourable Justice Price AM  
The Honourable Justice McCallum  
The Honourable Justice Hallen

Ms L Murphy  
Mr N Sanderson-Gough  
Mr K Marshall (Asset Management Branch, Department of Attorney General & Justice)  
Mr M Levy (Asset Management Branch, Department of Attorney General & Justice)  
Mr J Grant (Secretary)

### **Information Technology Committee**

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

### **Members during 2012**

The Honourable Justice Gzell (Chair)  
The Honourable Justice McColl AO  
The Honourable Justice Einstein (to 3 May 2012)  
The Honourable Justice Latham  
The Honourable Associate Justice Macready  
Ms L Murphy, CEO and Principal Registrar  
Mr N Sanderson-Gough  
Mr J Mahon (Information Services Branch, Department of Attorney General & Justice)  
Ms K Duke (Information Services Branch, Department of Attorney General & Justice)  
Ms L Fairbairn (Law Courts Library)  
Ms E Walsham (Reporting Services Branch, Department of Attorney General and Justice)

### **Alternative Dispute Resolution Steering Committee**

The Alternative Dispute Resolution (ADR) Steering Committee 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 solving 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 2012**

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

### **Jury Task Force**

The Task Force was formed by the Chief Justice in 1992 to examine and report on matters relating to the welfare and wellbeing of jurors. The Task Force meets every month to discuss issues affecting juries and jury service referred to it by the Chief Justice, a head of jurisdiction, or the Attorney General. It monitors areas of policy concerning jurors with disabilities, the Sheriff's power to disclose the identity of a juror in the event of jury tampering, and exemptions from jury service.

### **Members during 2012**

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

### **Court of Appeal Users' Group**

The Group was established in 1999 and consists of representatives from the legal profession nominated by the Bar Association and the Law Society. The Group did not meet in 2012.

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

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

### **Members during 2012**

The Honourable Justice McClellan AM (Chair)  
Ms L Murphy  
Mr S Jupp  
Mr M Crompton  
Mr M Ierace SC  
Ms P Musgrave  
Mr P Ingram SC  
Mr G Galanis  
Ms E McKenzie  
Ms M Schneider  
Mr S Doumit  
Mr I Rodgers  
Mr S Odgers SC (NSW Bar Association)  
Mr D Giddy (Law Society of NSW)  
Ms P Olsoen (District Court of NSW)  
Ms R Giurastante (to June 2012)  
Ms E Hall  
Ms J Witmer

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

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



### **Members during 2012**

The Honourable Justice McClellan AM (Chair)  
The Honourable Justice Hoeben AM RFD  
The Honourable Justice Hall  
Mr C Bradford  
Mr P Deakin QC (Sir James Martin Chambers)  
Ms L McFee (NSW Bar Association)  
Mr E Romaniuk (Jack Shand Chambers)  
Mr E Yamine (Law Society of NSW)  
Mr R Kamar (Law Society NSW)

### **Professional Negligence List User Group**

The Group meets as required to discuss issues relevant to the administration and operation of the List. The Group did not meet in 2012.

### **Members during 2012**

The Honourable Justice Hislop (Chair)  
Mr I Butcher  
Mr D Munro  
Mr T Stern  
Ms A Walsh  
Ms J Tully

### **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. The Group met twice in 2012.

### **Members during 2012**

The Honourable Justice Bergin (Chair)  
The Honourable Justice Slattery  
Mr A Musgrave, Acting Registrar in Equity  
Mr C R C Newlinds SC  
Mr R R I Harper SC  
Ms J A Needham SC  
Mr G A Sirtes SC  
Ms V Whittaker  
Mr M Ashhurst

Mr M K Condon  
Ms A M Kennedy  
Mr J K Martin  
Mr B J Miller  
Ms P G Suttor  
Mr S D Westgarth (to 12 October 2012)

### **Corporations List Users' Group**

The Group promotes open and regular discussion between judicial officers and legal practitioners regarding the Corporations List, and assists in ensuring that the List is conducted in a fair and efficient manner. The Group met three times during 2012 to consider and discuss various issues concerning the Court's work in corporations matters including Court procedures, listing arrangements, and application of the Corporations Rules.

### **Members during 2012**

The Honourable Justice White  
The Honourable Justice Ward  
The Honourable Associate Justice Macready  
Mr A Musgrave, Acting Registrar in Equity  
Mr C R C Newlinds SC  
Mr M B Oakes SC  
Mr S Gollidge  
Mr G Cussen  
Mr M Hayter  
Mr J Johnson  
Ms L Johnson  
Mr D McCrostie  
Ms M O'Brien  
Mr J Thomson  
Mr M Hughes  
Mr S Colledge  
Mr D McCrostie  
Ms D North  
Ms G Hayden (Australian Securities and Investments Commission)  
Ms D North (Insolvency Practitioners Association of Australia)  
Mr M Murray (Insolvency Practitioners' Association of Australia)

### Commercial List Users' Group

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

#### Members during 2012

The Honourable Justice Einstein (until 3 May 2012)  
The Honourable Justice McDougall  
The Honourable Justice Hammerschlag (List Judge)  
The Honourable Justice Lindsay  
Mr M A Ashhurst  
Ms E A Collins  
Mr F C Corsaro SC  
Mr L V Gyles  
Mr N C Hutley SC  
Mr J C Kelly SC  
Mr G T Miller QC  
Mr C R C Newlinds SC  
Ms E M Olsson SC  
Mr S D Robb QC  
Mr M G Rudge SC  
Mr R M Smith SC  
Mr R J Drinnan  
MR L B Hastings  
Mr R K Heinrich  
Ms L E Johnson  
Mr R G Johnston  
Mr P J Keel  
Mr B P Kermond  
Mr S H Klotz  
Mr S A McDonald  
Mr J K Marshall  
Ms M A Pavey  
Mr L M Powers  
Mr M W Watson  
Mr S D Westgarth (to 12 October 2012)

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

#### Members during 2012

The Honourable Justice Davies (Chair)  
The Honourable Justice McCallum  
Mr S Jupp  
Mr C Bradford  
Mr M Cesta-Incani  
Ms K Andrews (Norton Rose)  
Mr B Burke (Hicksons)  
Mr R Cameron (Hicksons)  
Mr M Collins (Gadens)  
Ms K Cooper (Bransgroves)  
Ms R Daher (Bransgroves)  
Ms R Doran (Legal Aid NSW)  
Ms L Eldridge (Bransgroves)  
Mr G Fletcher (Bransgroves)  
Mr C Hudson (Gadens)  
Ms A Kelly (Consumer Credit Legal Centre)  
Ms K Lane (Consumer Credit Legal Centre)  
Ms S Lever (Henry Davis York)  
Mr D McMillan (Legal Aid NSW)  
Mr J Moratelli (Legal Aid NSW)  
Ms F Parker (Henry Davis York)  
Ms N Petrou (Redfern Legal Centre)  
Ms J Pike (Dibbs Abbott Stillman)  
Mr T Sherrard (Gadens)

Mr S Stierli (Hicksons)  
Ms H Van Ravels (Gadens)  
Ms C Wallace (Dibbs Barker)  
Ms K White (NAB Legal) (from May)  
Ms S Winfield (Consumer Credit Legal Centre)  
Ms N Minassian (Gadens)  
Ms A Doudman (Henry Davis York)  
Mr M Suliman (Norton Rose)  
Ms C Watson (Bransgroves)  
Ms H Baxter (NAB Legal)  
Mr M Connor (Dibbs Barker)  
Mr R Iaconis (Dibbs Barker)  
Mr M Pike (Kemp Strang)  
Mr A Pong (Kemp Strang)

### **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 Rule Committee when appropriate. The Group also discusses specific issues pertinent to probate matters and deceased estates generally.

### **Members during 2012**

The Honourable Justice White (Probate List Judge)  
Ms L Murphy  
Mr S Jupp  
Professor R Croucher (Macquarie University, representing NSW law schools)  
Ms P Vines (University of NSW)  
Mr R Neal (Law Society of NSW)  
Ms P Suttor (Law Society of NSW)  
Ms R Pollard (NSW Trustee & Guardian)  
Mr P Whitehead (representing trustee companies)  
Mr M Willmott (NSW Bar Association)  
Mr P Studdert (Secretary)

### **Media Consultation Group**

The Media Consultation Group was established in 2002 to promote open discussion between key representatives from the courts, legal profession and media. The aim of the Group is to identify issues affecting the reporting of court proceedings by the media. The Group met once in 2012.

### **Members during 2012**

The Honourable Justice McColl AO (Chair)  
The Honourable Justice McClellan AM  
The Honourable Justice Nicholas  
Ms S Zadel (Public Information Officer, NSW superior courts)  
Ms K Douglass (Public Information Officer, NSW superior courts)  
Mr N Cowdery QC (NSW Director of Public Prosecutions)  
Mr L Lamprati SC (Acting NSW Director of Public Prosecutions)  
Mr M Ierace SC (Senior Public Defender)  
Ms M Scheikowski (Australian Associated Press)  
Ms J Wells (Australian Broadcasting Corporation)  
Ms J Wells (Australian Financial Review)  
Ms A Dale (Daily Telegraph)  
Mr R Coleman (Fairfax Legal)  
Ms E Southwood (Network Ten)  
Ms G Jacobsen (Sydney Morning Herald)  
Mr G Taylor (Radio 2GB)  
Ms A Cooper (ODPP Media Liaison and Communications Officer)

### **Judges' JusticeLink Committee**

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

### **Members during 2012**

The Honourable Justice Gzell (Chair)  
The Honourable Justice Latham  
The Honourable Justice Rein  
The Honourable Associate Justice Macready  
Ms L Murphy  
Mr S Jupp  
Ms N Ubrihien

### **Civil Registry Consultation Group**

This Group was established in August 2011 with the aim of encouraging feedback regarding the civil registry's ability to meet the ongoing and future needs of the legal profession. The Group met monthly throughout 2012.

#### **Members during 2012**

Ms L Murphy

Mr S Jupp

Mr R Drinnan (Allens Arthur Robinson)

Mr A McMurrin (Heidtmans)

Mr G Ulman (Minter Ellison)

Ms J Virgo (Clayton Utz)

Mr B Bellach and Ms R Kenna (Secretaries)

### **Access to Court Documents Working Group**

The Working Group was established to review current arrangements for access to court documents and make recommendations for change, as appropriate.

The Group did not meet in 2012

#### **Members during 2012**

The Honourable Justice Ruth McColl AO (Chair)

The Honourable Justice Johnson

The Honourable Justice Harrison

The Honourable Justice Rein

Ms L Murphy

Ms S Zadel

Ms J Oakes (to July 2012)

Ms K Douglass (from July 2012)

Ms L McGregor (to March 2012)

## APPENDIX (III): OTHER JUDICIAL ACTIVITY

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

The Judges' and Associate Judges' activities during 2012 are summarised below in chronological order.

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

#### Conferences:

27 & 29 Feb 2012	Australian Centre for International Commercial Arbitration Conference (Mumbai and New Delhi, India)
1 Mar 2012	Inter Pacific Bar Association Conference (New Delhi, India)
21 Apr 2012	Commonwealth Law Association Regional Conference (Sydney)
7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
13 – 14 Sep 2012	Australasian Institute of Judicial Administration Appellate Judges' Conference (Brisbane)
6 – 8 Nov 2012	20th Pacific Judicial Conference (Solomon Islands)

#### Speaking Engagements:

30 Jan 2012	Address at the Opening of Law Term Dinner, " <i>Community Participation in Criminal Justice</i> " (Sydney)
31 Jan 2012	Address at the Swearing in Ceremony of The Honourable Justice G Bellew (Sydney)
1 Feb 2012	Address at the Swearing in Ceremony of The Honourable Justice J Stevenson (Sydney)
10 Feb 2012	Address at the Law Shabbat Dinner, Great Synagogue (Sydney)
27 & 29 Feb 2012	Address to Australian Centre for International Commercial Arbitration forum " <i>The Australian Arbitration Option</i> " (Mumbai and New Delhi)
1 Mar 2012	Address to the Inter Pacific Bar Association " <i>Detailing Accessible Justice, Legal Trends, Thoughts and Times</i> " (New Delh-i)
12 Mar 2012	Address at the Swearing in Ceremony of The Honourable Justice R Beech-Jones (Sydney)
14 Mar 2012	Address to Commonwealth Secretariat Pacific Judges' Regional Forum " <i>Corruption and Other Financial Crimes</i> " (Sydney)
24 Mar 2012	Welcoming address – Francis Forbes Society for Australian Legal History Symposium " <i>The Legal Profession and the Defence Forces: Historical Connections</i> " (Sydney)
21 Apr 2012	Address to the Commonwealth Law Association Regional Conference, " <i>Commercialisation of Legal Practice: Conflict Ab Initio; Conflict Futuro</i> " (Sydney)
23 Apr 2012	Address on the Retirement of The Honourable P W Young AO (Sydney)

1 May 2012	Guest speaker – Ravenswood School for Girls, Gordon (Sydney)
2 May 2012	Address at the Swearing in Ceremony of The Honourable Justice S G Campbell (Sydney)
4 May 2012	Address at the New South Wales Bar Association Bench and Bar Dinner (Sydney)
7 Jun 2012	Panel discussion – “Commercial Dispute Resolution – The 2020 Vision” (Sydney)
12 Jun 2012	Address at the Swearing in Ceremony of The Honourable Justice R Button (Sydney)
20 Jul 2012	Panel discussion – Law Society of New South Wales Thought Leadership 2012 – Rule of Law series (Sydney)
26 Jul 2012	Address at the Annual Dinner of the Diploma In International Commercial Arbitration, “ <i>Justice For Hire: Have Gavel, Will Travel (Or, Arbitrators and the Judicial Duty)</i> ”, Law Society of NSW (Sydney)
1 Aug 2012	Keynote address to the Legal Aid Criminal Law Conference, “ <i>Beyond the Stocks – A Community Approach to Crime</i> ” (Sydney)
6 Aug 2012	Address at the Swearing in Ceremony of the Honourable Justice G C Lindsay (Sydney)
21 Aug 2012	Opening remarks – Annual Supreme Court Corporate Law Conference (Sydney)
4 Sep 2012	Guest speaker – ‘Hot Potato Shop’ St Ignatius College, Riverview (Sydney)
6 Sep 2012	Address at the official opening of new ADR suites in Supreme Court King Street building (Sydney)
9 Sep 2012	Opening remarks – Supreme Court Annual Judges’ Conference (Leura)
27 Sep 2012	Adjudicator – University of New South Wales Law Society Ashurst Mooting Grand Finals (Sydney)
10 Oct 2012	Welcoming address at the Community Awareness of the Judiciary Program, Judicial Commission of New South Wales (Sydney)
13 Oct 2012	Address at the Annual Family Law Conference, “ <i>Director’s, Trustees’ and Fiduciary Duties in the Context of Domestic Corporate Arrangements</i> ” (Hobart)
24 Oct 2012	Address at the Henry Davis York Bench and Bar Evening, “ <i>Federalism and the National Legal Profession Reforms</i> ” (Sydney)
31 Oct 2012	Introductory remarks – New South Wales Bar Association 2012 Forbes Lecture (Sydney)
12 Nov 2012	Address at the Swearing in Ceremony of the Honourable Justice P Hallen (Sydney)
15 Nov 2012	Address at 40th Anniversary of the Foundation of Macquarie Law School, “ <i>Legal Education – Does It Make Good Lawyers?</i> ”, Macquarie University (Sydney)
21 Nov 2012	Warrane Lecture: “Social Media: The End of Civilization?”, University of New South Wales (Sydney)
3 Dec 2012	Address at the Formal Ceremony in Honour of the Re-opening of Banco Court and 100 Year Anniversary of the Court of Criminal Appeal
14 Dec 2012	Address on the Retirement of The Honourable J C Campbell, Banco Court (Sydney)

## **Publications:**

Foreword, *Transitions In the Court: Ceremonial Speeches by Chief Justice Spigelman 1998-2011*, New South Wales Bar Association, 2012

Beyond the Stocks: a Community Approach to Crime (2012) 11(2) *The Judicial Review* 165

Foreword, *Juries in the 21st Century*, by Jacqueline Horan, Federation Press, 2012

Foreword, *Commercial Arbitration Law and Practice* (vol 1C), by Marcus Jacobs, Thomson Lawbook Co, 2012

Community Participation in Criminal Justice (2012) Autumn *Bar News* 45

Commercialisation of Legal Practice: Conflict Ab Initio; Conflict futuro (2012) 21(2) *The Commonwealth Lawyer: Journal of the Commonwealth Lawyers Association*

Justice for Hire: Have Gavel, will travel (2012) 50(8) *Law Society Journal* 57

The Role of Courts in the Changing Dispute Resolution Landscape (2012) 18(2) *UNSW Law Journal Forum* 4

## **Delegations and International Assistance:**

21 Feb 2012	Delegation led by Madame Kayoko Okabe, Justice of the Supreme Court of Japan
16 Mar 2012	Delegation led by the Hon Justice E O Ayoola, Chairman, Performance Evaluation Committee, National Judicial Council, Nigeria
8 Aug 2012	The Honourable Mr Justice Geoffrey Ma, Chief Justice of the Court of Final Appeal of Hong Kong
31 Aug 2012	Judge Shinpei Takazakura, Tokyo District Court, Japan
6 Sep 2012	Delegation led by Ms Chen Jingfang, Director, Education Division, Jiangsu High Court, China
19 Sep 2012	Delegation led by Mr Cao Xuhai, Senior Judge, Hainan Higher People's Court, China
21 Sep 2012	Delegation from Hubei High People's Court led by Mr Hou Wangfa, Vice President of Wuhan Maritime Court, China
25 Sep 2012	Delegation led by Mr Hou Jianjun, Senior Judge and Vice President, Shandong High People's Court, China
27 Sep 2012	Delegation led by Mr Li Zhangjun, Senior Judge, Ningbo Intermediate People's Court, China
24 Oct 2012	Delegation led by Ms Ping Li, Judge of Tianjin Higher People's Court, China
25 Oct 2012	Delegation led by Ms Yu-Chen Kuo, Judge of Taiwan High Court, Taiwan
5 Dec 2012	Delegation led by Mr Lin Weili, Vice President, Higher People's Court of Fujian Province, China

## THE HONOURABLE JUSTICE MJ BEAZLEY AO

### Conferences:

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21 – 25 Jan 2012	Supreme and Federal Court Judges' Conference (Melbourne) Paper: <i>Causation and Statutory Determinism</i>
7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
14 – 15 Sep 2012	ALJA Appellate Judges Conference (Brisbane)

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### Speaking Engagements:

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14 Mar 2012	Paper: <i>CLE: The complete rule 42 – Ethics and Professional Responsibility</i> UNSW Faculty of Law Centre for Continuing Legal Education, Sydney
15 Mar 2012	Speech: <i>Advocacy</i> Sydney University Law Society, University of Sydney, Sydney
31 Mar 2012	Paper: <i>Ethical duties and obligations of legal practitioners</i> Windsor Law Society, Sydney
10 Apr 2012	Paper: <i>Topics of Interest for the District Court of New South Wales</i> District Court of New South Wales Annual Conference, Magenta Shores
8 May 2012	Speech: Women's Night of Spirituality, The Rose Bay Dover Heights Catholics, Sydney
9 May 2012	Speech: <i>Law as a Career – Coming to the Bar</i> Women Lawyers Association of NSW and Women's Legal Services NSW, Martin Place Chambers, Sydney
11 May 2012	Speech: <i>Keynote Address</i> Middletons Women's Information Network Luncheon, Sydney
25 May 2012	Paper: <i>Negligence: Donoghue v Stevenson – 80 years on</i> College of Law Seminar, Sydney
30 May 2012	Paper: <i>Advocates' Immunity: Ethics and The Law</i> Warrane College, University of New South Wales, Sydney
20 Jun 2012	Paper: <i>Proper construction of the Motor Accidents Compensation Act</i> Motor Accidents Authority, Sydney
26 Jun 2012	Address: North Metropolitan Law Society Dinner
6 Sep 2012	Paper: <i>Advocacy: A view from the bench</i> Legalwise Seminars, Commercial litigation: The essential toolkit, Sydney
11 Sep 2012	Paper: <i>How to Balance Ethical Duties to the Court and Client Expectations</i> Litigation and Dispute Management Forum, Canberra
19 Sep 2012	Speech: <i>Opening Address</i> Middletons Sydney Office Opening, Sydney
26 Sep 2012	Paper: <i>Calderbank offers 2</i> NSW Young Lawyers Civil Litigation Committee Seminar, Sydney
2 Oct 2012	Keynote Speech National Interservice Women's Mooting Tournament 2012, Grand Final Moot, Sydney

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

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Chair, NSW Chapter, Australian Institute Administrative Law

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Member, Board of Governors, Queensland School for Girls

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

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Member, Advisory Board, Centenary Institute

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Patron, Toongabbie Legal Centre

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President, Arts Law Centre of Australia

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Member, Advisory Board, University of Notre Dame

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

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21 – 25 Jan 2012 Supreme and Federal Court Judges' Conference (Melbourne)

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17 Feb 2012 2012 Constitutional Law Conference (Sydney)

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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14 – 15 Sep 2012 ALJA Appellate Judges Conference (Brisbane)

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**Speaking Engagements:**

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24 Jan 2012 Paper: *Judicial Review After Kirk: Has it a Future?* – Supreme and Federal Court Judges Conference, Melbourne

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28 Mar 2012 Faculty of Law – UNSW: Judicial Review Lecture

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17 May 2012 Paper: *Jurisdictional Error after Kirk: Has it a Future?* – Land and Environment Court Annual Conference

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**Publications:**

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Foreword – *Property Law in New South Wales* (Gray et al) (Published June 2012)

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Foreword – *Disqualification for Bias* – Prof John Tarrant

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“Jurisdictional Error after Kirk: Has it a Future?” – Public Law Review Article

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

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

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Chair, Judicial Commission of NSW Supreme Court Education Committee

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Member, UNSW Law Advisory Council

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Member, Advisory Committee, Gilbert & Tobin Centre of Public Law

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Member, *Civil Procedure Act 2005* Statutory Review Committee

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## THE HONOURABLE JUSTICE ROBERT MACFARLAN

### Conferences:

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7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
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### Appointments to Legal, Cultural or Benevolent Organisations:

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Member of the Board of the State Records Authority of New South Wales
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Member of the Appeal Courts Judgment Writing Committee of the National Judicial College of Australia
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## THE HONOURABLE JUSTICE ANTHONY MEAGHER

### Conferences:

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21 – 25 Jan 2012	Supreme and Federal Court Judges' Conference (Melbourne)
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22 May 2012	Maritime Law Dinner (Sydney)
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5 Sep 2012	Attended John Lehane Memorial Lecture (Sydney)
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7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
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### Speaking Engagements:

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1 Mar 2012	Riverview Debate
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22 Mar 2012	Minter Ellison Book Launch
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21 Jun 2012	2012 Judicial Q&A, New South Wales Bar Association
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2 Aug 2012	Presentation at Future of Law Reporting In Australia Forum, Brisbane
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6 Oct 2012	Participated In ABA Appellate Advocacy Course
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22 Oct 2012	Participated In Sydney University Law Society Witness Examination Competition
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27 Oct 2012	Participated In New South Wales Bar Association Mock Trial
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31 Oct 2012	Council of Law Reporting meeting
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### Appointments to Legal, Cultural or Benevolent Organisations:

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31 Nov 2012	Made Life Member of the New South Wales Bar Association
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## THE HONOURABLE JUSTICE BARRETT

### Conferences:

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21 – 23 May 2012	INSOL Annual Regional Conference for the Americas, Miami USA
4 Aug 2012	Supreme Court of Queensland Seminar - Brisbane
7 – 9 Sep 2012	Supreme Court of New South Wales Annual Conference 2012 Fairmont Resort, Blue Mountains

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### Speaking Engagements:

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22 May 2012	INSOL Annual Regional Conference for the Americas <i>Bench Views: Things that work and things that don't</i>
10 July 2012	Book Launch, F Assaf, <i>Statutory Demands and Winding Up In Insolvency</i>
11 Sep 2012	Law Society of New South Wales Elder Law and Succession Committee, <i>Listen to the Judges Series</i>

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### Publications:

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General Editor, <i>Robson's Annotated Corporation Legislation</i>
Foreword, F Assaf, <i>Statutory Demands and Winding Up In Insolvency</i>
<i>Towards Harmonised Company Legislation - Are We There Yet?</i> (2012) 40 Federal Law Review 141

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

### Conferences:

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7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
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### Speaking Engagements:

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28 Mar 2012	Speaker at Bar Association <i>Concurrent Evidence</i> CPD Seminar
14 May 2012	Addressing 2012 Bar Practice Course <i>Expert Witnesses – The New Rules</i>
15 Oct 2012	Addressing 2012 Bar Practice Course <i>Expert Witnesses – The New Rules</i>
21 Nov 2012	Member of Panel for public forum – <i>Community Awareness of the Judiciary</i> conducted by Judicial Commission
22 Nov 2012	Occasional Speaker – 10th Anniversary of Founding of Law Firm Lee and Lyons
10 Dec 2012	Speech to Students from Singapore Management University – <i>An Introduction to the Australian Legal System</i>

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### Delegations and International Assistance:

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10 Dec 2012	Visit by students from Singapore Management University
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### Appointments to Legal, Cultural or Benevolent Organisations:

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Councillor Royal Humane Society of NSW
Member of Regimental Council for Sydney University Regiment
Member of Regimental Council for University of NSW Regiment

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## THE HONOURABLE JUSTICE JULIE WARD

### Conferences:

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21 – 25 Jan 2012	Supreme Court/Federal Court Judges' Conference (Melbourne)
2 – 5 May 2012	International Association of Women Judges Biennial Conference (London)
7 – 9 Sep 2012	Supreme Court Annual Conference (Leura)
11 – 14 Oct 2012	Community Awareness of Policing Programme (Richmond)

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### Speaking Engagements:

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12 Feb 2012	University of Wollongong Symposium – Commercial Arbitration Panel discussion
24 Mar 2012	NSW Young Lawyers Annual One Day Civil Litigation Seminar – <i>Costs Principles</i>
10 Jul 2012	Law Society of New South Wales, Elder Law & Succession Committee – <i>A Potpourri of Issues</i>
4 Aug 2012	NSW Bar Association and ACICA – ADR Workshop – <i>Mediation In the Supreme Court</i>
8 Aug 2012	NSW Young Lawyers Wills, Probate & Estate Law Subcommittee – <i>Practical Issues In Relation to Questions of Capacity/Undue Influence</i>
16 Aug 2012	Australasian Women In Business Law Awards 2012 – Keynote address
21 Aug 2012	Supreme Court Corporations Law Seminar – Introduction to speaker
23 Aug 2012	Sydney University Women's Mentoring Programme and Launch of Yemaya – Keynote address
26 Sep 2012	NSW Young Lawyers Human Rights Committee Women's Networking Event – Keynote address
6 Dec 2012	<i>Constructive Trusts and Equitable Proprietary Relief: Insights from Estoppel</i> – Principles of Proprietary Remedies Workshop, Melbourne Law School (presented In absentia)

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### Publications:

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Foreword *Yemaya*, Sydney University Women's Mentoring Journal

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

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Supreme Court ADR Steering Committee

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Member and Fellow of The Australian Academy of Law

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## THE HONOURABLE JUSTICE PETER MCCLELLAN AM

### Conferences:

29 Mar 2012	Rule of Law Institute of Australia – 2012 NSW Legal Studies Association Conference – Novotel Hotel (Rosehill, Sydney)
10 Apr 2012	Crown Prosecutors Annual Conference (Pokolbin, NSW)
31 May 2012	OECD Working Group in Bribery – International Review Team – Australian Classification Board (Surry Hills, Sydney)
17 Oct 2012	Community Awareness of the Judiciary Session 2 on Judicial Conduct in and out of court – Judicial Commission of NSW, District Court (Sydney)
29 Nov 2012	Twilight seminar – Developments in Question trials – Judicial Commission of NSW, District Court (Sydney)
6 Dec 2012	18th Annual Public Sector Fraud and Corruption conference (Melbourne)

### Speaking Engagements:

22 Mar 2012	Keynote address and Chair the Seminar on Science of Memory – Maurice Byers Chambers, Sydney
27 Mar 2012	Opening Commentary – Litigation Master Class – UNSW Centre for Continuing Legal Education – Grace Hotel, Sydney
28 Mar 2012	Continuing Professional Development – Concurrent Expert Evidence Seminar in conjunction with NSW Bar Association and Law Society of NSW – Bar Association Common Room, Sydney
29 Mar 2012	Opening address – to present the Inaugural Awards for Excellence in Legal Studies Teaching In NSW High Schools
10 Apr 2012	Address – <i>Sentencing in the 21st Century</i> – Crown Prosecutor’s Conference, Pokolbin
3 Dec 2012	<i>Matter of Fact: The Origins of the Court of Criminal Appeal</i> – Centenary of the Court of Criminal Appeal Dinner
6 Dec 2012	Keynote address: “ <i>Corruption: A Problem for the Public and Private Sector?</i> ” Panel discussion “Interaction between public and private sector – dealing with external agencies, Novotel Hotel, Melbourne

### Publications:

“*The Future Role of the Judge: Umpire, Manager, Mediator or Service Provider*” Malaysian Bar

### Delegations and International Assistance:

16 Mar 2012	Nigerian Judges
25 Oct 2012	Taiwanese judges from Taiwan’s Judicial Yuan

## THE HONOURABLE JUSTICE SIMPSON

### Conferences:

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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

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Member of the Legal Profession Admission Board Examinations Committee

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## THE HONOURABLE JUSTICE PETER HIDDEN AM

### Conferences:

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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### Speaking Engagements:

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31 Aug 2012 Seminar for post-graduate students (Faculty of Law, University of Wollongong)

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14 Dec 2012 Interview In chambers with Kate Fitzgibbon, 'Operation of Provocation as a Partial Defence to Murder'

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

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12 Sept 2012 Investiture Ceremony (Government House, Sydney)

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### Delegations and International Assistance:

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27 Mar 2012 Visit by Prof Jane Goodman-Delahunty of Charles Sturt University, 'Juries and Expert Evidence Project'

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## THE HONOURABLE JUSTICE WHITE

### Conferences:

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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### Speaking Engagements:

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6 Jun 2012 Judges' Series – Pleadings and Case Management

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12 Nov 2012 Wills & Estates Accredited Specialists' Dinner

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

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Chair, Legal Qualifications Committee (to 31 Jul 2012)

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## THE HONOURABLE JUSTICE JOHNSON

### Conferences:

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11 – 12 Feb 2012 “*Current Issues in Federal Crime and Sentencing*” – Seminar hosted jointly by National Judicial College of Australia and Australian National University (Canberra)

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### Speaking Engagements:

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11 – 12 Feb 2012 “*Consistency in Sentencing for Federal Offenders – Challenges for Sentencing Courts in an Evolving Landscape*”, Seminar hosted jointly by National Judicial College of Australia and Australian National University (Canberra)

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17 May 2012 “*Criminal Law Update*” – Land and Environment Court Annual Conference (Coogee) (Presenter)

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25 Jul 2012 “*The Court Suppression and Non-Publication Orders Act 2010 – One Year On – Some Legal and Practical Issues*” – (Sydney) (Co-Presenter with Judge Lakatos SC and Deputy Chief Magistrate Culver) – Seminar organised by Judicial Commissions of New South Wales

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### Publications:

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Joint author with the Hon RN Howie QC of Criminal Practice and Procedure (NSW)

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

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Part-time Commissioner, New South Wales Law Reform Commission

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## THE HONOURABLE JUSTICE MEGAN LATHAM

### Conferences:

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21 – 25 Jan 2012 Supreme Court/Federal Court Judges’ Conference (Melbourne)

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31 Aug 2012 Jury management Program – Federal Court (National Judicial College)

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7 – 9 Sep 2012 Supreme Court Annual Judges’ Conference (Leura)

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### Speaking Engagements:

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7 Mar 2012 International Women’s Day Celebration – DPP

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31 Aug 2012 Welcome Remarks “Jury Management Program” – Federal Court (National Judicial College)

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### Participation Working Groups/Committees:

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Chair – NSW Supreme Court JusticeLink Committee

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Member – NSW Supreme Court IT Committee

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Member – Trial Efficiency Working Group

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Member – Media Consultation Group

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Member – ADR Steering Committee

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## THE HONOURABLE JUSTICE STEPHEN ROTHMAN AM

### Conferences:

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21 – 25 Jan 2012	Supreme Court/Federal Court Judges' Conference (Melbourne)
10 Mar 2012	Ngara Yura visit to Redfern (Sydney)
28 Mar 2012	Ngara Yura – Twilight Seminar: “ <i>Indigenous Peoples in International Law</i> ” [Dr Megan Davis] (Sydney)
31 Mar 2012	Meeting of the Organising Committee of the Joint Supreme Court/Federal Court Judges' Conference (Sydney)
10 Apr 2012	District Court Annual Conference (Central Coast)
10 May 2012	Sydney University Career Mentoring Program Function (Sydney)
1 Aug 2012	The Anglo-Australasian Lawyers Society – Seminar (Sydney)
11 Sep 2012	Forbes Society Public Lecture: The Inaugural J.H. Plunkett Lecture (Sydney)
13 Sep 2012	Australian Association of Constitutional Law – Seminar: “ <i>The Intersection Between Arbitration Law And Constitutional Principles</i> ” [Mr Justin T Gleeson SC (Banco Chambers) and Mr Jonathon A Redwood (Banco Chambers)] (Sydney)
17 – 19 Oct 2012	Industrial Relations Commission of New South Wales Annual Conference (Port Stephens)
4 – 5 Oct 2012	Supreme Court of Queensland Conference (Brisbane)
29 Nov 2012	Judicial Commission Twilight Seminar: “ <i>Developments in Question Trails</i> ” (Sydney)
30 Nov 2012	The Anglo-Australasian Lawyers Society – Seminar: “ <i>An update on the United Kingdom – Australian relationship</i> ” (Sydney)

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### Speaking Engagements:

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10 Apr 2012	District Court of New South Wales – Conference: “ <i>Workcover Prosecutions</i> ” (Central Coast)
10 Oct 2012	Herbert Smith Freehills Client Interviewing & Trial Advocacy Competition Grand Final 2012 – Judge (Sydney)
18 Oct 2012	Industrial Relations Commission of New South Wales Annual – Conference: “ <i>Good Faith, Mutual Trust and Confidence: How far have we come; and where are we heading?</i> ” (Port Stephens)
27 Oct 2012	NSW Bar Association – Final Mock Trial (Sydney)

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### Delegations and International Assistance:

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27 Sep 2012	Peoples Court Judges from Ningbo PR China
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### Appointments to Legal, Cultural or Benevolent Organisations:

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Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools
Honorary Life Member; Executive Member – NSW Jewish Board of Deputies
Co-Chair – Australian Council of Jewish Schools
Chair – Organising Committee of the Joint Supreme Court/Federal Court Judges' Conference
Chair – Workplace Research Centre Advisory Board (Faculty of Economics and Business, The University of Sydney)

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Chair – Ngara Yura Committee

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Member – NAB Yachad Scholarship Fund NSW Advisory Board

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Chair of the Board – “Fighting Chance” – Charity providing employment and employment training to disabled

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Vice President – The Great Synagogue (Sydney)

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## THE HONOURABLE PLG BRERETON AM RFD

### Speaking Engagements:

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15 Feb 2012	Speaker, Joint European Commission and Hague Conference on Private International Law: Access to Foreign Law in Civil & Commercial Matters; <i>“A Perspective from Australia – The NSW MOU Framework”</i>
1 Mar 2012	UNSW Seminar on Elder Law, Grace Hotel Sydney, <i>“Acting for the Incapable”</i>
24 Mar 2012	UTS Conference, Historical Connections – Legal Profession and Defence Forces, <i>“Not So Strange Bedfellows, the Professions of Law &amp; of Arms”</i>
30 Apr 2012	University of Sydney, <i>“Directors’ Duties”</i>
30 Apr & 2 May 2012	NSW Bar Association, Practice Note Briefings, Disclosure in the Equity Division
8 May 2012	Law Society – Family Provisions & Costs Symposium
27 Jun 2012	College of Law Judges Series: <i>Subpoenas, Discoveries &amp; Interrogatories</i>
19 Jul 2012	Law Society President’s Charity CLE, <i>“Acting for the Incapable”</i>
18 Sep 2012	NSW Young Lawyers CLE, <i>“Acting for the Incapable”</i>
10 Oct 2012	NSW Dept of Transport, Roads & Maritime Services, Marine Investigators Workshop, <i>“Criminal Negligence &amp; the Maritime Safety Act”</i>
14 – 17 Oct 2012	National Family Law Conference, Hobart, <i>“Remedies &amp; Rectification of Financial Agreements”</i>

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### Publications:

*Australian Bar Review*, April 2012, *“Acting for the incapable – a delicate balance”*

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### Delegations and International Assistance:

5 – 9 Nov 2012 Visiting Fellow University of Sydney, Judge Shinpei Takazakura, and Judge Mitsuyoshi Shindo of the Tokyo District Court

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

Trustee, Leycester Meares Bequest, Kidsafe

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Chair, Corporations List Users Group

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Chair, Costs Assessment Users Group

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Member, Law Extension Committee, University of Sydney

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### Commissions in Overseas Courts:

20 – 28 Nov 2012 Royal Courts of Justice, Queens Bench Division, London, United Kingdom

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## THE HONOURABLE JUSTICE DAVID HAMMERSCHLAG

### Conferences:

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23 Mar 2012	AIJA and National Judicial College of Australia “Discovery Seminar” – Monash University Law Chambers (Melbourne)
30 Apr 2012	Forum on Disclosure Practice Note – Supreme Court (Sydney)
2 May 2012	Second session Forum – Practice Note – NSW Bar Association (Sydney)
16 Jul 2012	International Commercial Arbitration Diploma Dinner – Law Society of New South Wales (Sydney)

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### Speaking Engagements:

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15 Mar 2012	UNSW CLE Seminar – Building and Construction Law – Grace Hotel, Sydney
21 Jun 2012	New South Wales Bar Association /New Barristers Committee – “A Judicial Q&A”
4 Jul 2012	College of Law Judges Series 2012 – “Lawyer-Client Privilege in Litigation” – Federal Court
11 Jul 2012	Australian Insurance Law Association – “Practical Aspects of Dispute Resolution” – Minter Ellison
19 Jul 2012	Ron Shorter Memorial Award – Professionalism in Public Speaking – Colin Biggers & Paisley

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### Delegations and International Assistance:

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8 Aug 2012	Lunch with Chief Justice of Hong Kong
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## THE HONOURABLE JUSTICE IAN HARRISON

### Conferences:

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14 Aug 2012	District Court Mental Health Provisions Seminar (Sydney)
7 – 9 Sep 2012	Supreme Court Annual Judges’ Conference (Leura)

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### Speaking Engagements:

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13 Feb 2012	Presentation to the New South Wales Bar Association Readers’ Practice Course (“Practical Considerations for Appearing in Court”)
12 May 2012	Judging the Intervarsity Witness Examination Competition, University of Western Sydney Law Students’ Association
1 Sep 2012	Presentation to NSW Young Lawyers Advocacy Conference
31 Oct 2012	Launching the NSW Young Lawyers Criminal Law Careers Guide

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### Publications:

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Foreword, 2012 Criminal Law Careers Guide, NSW Young Lawyers
Foreword, ‘Courtroom Etiquette Guide’, written by Fouad Kalouche

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## THE HONOURABLE JUSTICE ELIZABETH FULLERTON

### Conferences:

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21 – 25 Jan 2012 Supreme Court/Federal Court Judges' Conference (Melbourne)

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## THE HONOURABLE JUSTICE LUCY MCCALLUM

### Conferences:

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10 Mar 2012 Ngara Yura Program, The Block (Redfern)

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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### Speaking Engagements:

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8 Jun 2012 Presenter of the College of Law Advocacy DVD "Court Etiquette"

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21 Jul 2012 "Principles of Defamation – Fundamentals", Law Society of NSW Young Lawyers Programme

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15 Sep 2012 "Recent Decisions from the NSW Criminal Court of Appeal" "Reasonable Cause", Criminal CLE/CPD Charity Fundraiser, DPP Offices, 175 Liverpool St Sydney

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15 Sep 2012 *Recent Decisions from the NSW Criminal Court of Appeal* (paper published), 15 September 2013, NSW Young Lawyers October CLE Seminar series

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## THE HONOURABLE JUSTICE REIN

### Conferences:

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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

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Uniform Civil Procedure Rules Committee

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NSW Supreme Court Rules Committee

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Harmonisation Committee

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## THE HONOURABLE JUSTICE ROBERT ALLAN HULME

### Conferences:

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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### Speaking Engagements:

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25 Feb 2012 The Law Society of New South Wales – Young Lawyers Annual Criminal Law Seminar – *Criminal Law Update*

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11 Apr 2012 District Court of New South Wales Annual Conference – *Court of Criminal Appeal Review*

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1 Aug 2012 Local Court of New South Wales Annual Conference – *Criminal Law Update*

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8 Sep 2012 Supreme Court Annual Conference – *Criminal Law Update*

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**Publications:**

Co-author *Criminal Law News*, LexisNexis Butterworths

“After Muldrock – sentencing for standard non-parole period offences In NSW” (2012) 24 *Judicial Officers’ Bulletin* 81

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**Participation Working Groups/Committees:**

Member, Jury Task Force

Member, Judicial Commission of NSW Criminal Trial Bench Book Committee

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**THE HONOURABLE JUSTICE SLATTERY****Conferences:**

21 – 25 Jan 2012 Supreme Court/Federal Court Judges’ Conference (Melbourne)

23 Feb 2012 The Law Admissions Consultative Committee (“LACC”) Conference (Melbourne)

16 Mar 2012 National Symposium – Internationalising the Australian law curriculum for enhanced global legal education and practice (National Portrait Gallery, Canberra)

24 Mar 2012 Military Legal History Conference

25 – 27 May 2012 NSW Navy Reserve Panel Legal Conference at HMAS Creswell

21 Jun 2012 LACC Conference (Melbourne)

7 – 9 Sep 2012 Supreme Court Annual Judges’ Conference (Leura)

21 – 23 Sep 2012 ADF Judge Advocate General’s Legal Conference at HMAS Creswell

11 Oct 2012 LACC Conference (Melbourne)

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**Speaking Engagements:**

16 Mar 2012 Internationalising The Australian Law Curriculum Conference Speech – “The Priestley Eleven and International Legal Practice”

24 Mar 2012 Military Legal History Conference – “Rear Admiral H Farncomb, Commander and Barrister”

26 May 2012 NSW Navy Reserve Legal Panel Speech “Rear Admiral H. Farncomb, Commander and Barrister”

2 Jul 2012 Australian Law Teachers Association Conference Sydney University – “Legal Education for the Global Community”

13 Jul 2012 Welcome Speech to graduates at Legal Profession Admission Board (LPAB) Diploma in Law Graduation Ceremony

9 Oct 2012 St Paul’s College University of Sydney, Law Faculty Dinner – “A Career In Law”

12 Oct 2012 Welcome to new students LPAB Orientation Day Speech

16 Oct 2012 NSW Law Society Elder Law & Succession Committee Speech “Recent Family Provision Cases”

18 Oct 2012 The Australian Academy of Law Animal Welfare Law Conference Closing Function Speech, the Mint Building, Macquarie St, Sydney

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## THE HONOURABLE JUSTICE DAVIES

### Conferences:

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7 – 9 Sep 2012	Supreme Court Annual Judges' Conference (Leura)
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### Speaking Engagements:

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6 Nov 2012	Welcome speech for new students undertaking Legal Profession Admission Board course (Sydney University)
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### Appointments to Legal, Cultural or Benevolent Organisations:

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Deputy Chair, Legal Profession Admission Board
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Chair, Legal Qualifications Committee
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## THE HONOURABLE JUSTICE MONIKA SCHMIDT

### Conferences:

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21 – 25 Jan 2012	Supreme Court/Federal Court Judges' Conference (Melbourne)
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5 Mar 2012	Seminar on Judicial Pensions (Federal Court, Sydney)
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26 Apr 2012	Judgment Writing Review Workshop – Judicial Commission of NSW (Melbourne)
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1 May 2012	Twilight Seminar – Supreme Court of NSW: Australian Consumer Law, Mr Russell Miller AM (Sydney)
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25 Jul 2012	Twilight Seminar – Supreme Court of NSW Seminar: The Court Suppression and Non-Publication Orders Act 2010 One Year On – Some Legal and Practical Issues (Sydney)
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31 Aug – 1 Sep 2012	NJCA Jury Management Program (Federal Court, Sydney)
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7 – 9 Sep 2012	Annual Supreme Court Judges Conference (Leura)
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13 Oct 2012	Ngara Yura Program Community Visit: Cultural Cruise on the Tribal Warrior (Sydney)
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30 Oct 2012	Academy's Inaugural Patron's Address – Judges and the Academy: Dialogue of the Hard of Hearing (Sydney)
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29 Nov 2012	Twilight Seminar – Supreme Court of NSW Seminar: Developments in Jury Directions – Question Trails (Sydney)
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### Speaking Engagements:

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13 Mar 2012	CPD Seminar – Judicial Recusal (Chair)
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18 May 2012	Witness Assessment Program – NJCA
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30 Jul 2012	Twilight Seminar – Cross-jurisdictional Seminar: Advanced Judicial Writing, Judicial Commission of NSW (Chair) (Sydney)
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6 Sep 2012	Book Launch – The Modern Contract of Employment
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17 – 18 Sep 2012	Cross-Jurisdictional Judgment Writing Workshop, Judicial Commission of NSW Session – “Dealing with Issues”
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10 – 13 Oct 2012	Judicial College of Australia Seminar – “Dialogues on being a Judge”
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### **Appointments to Legal, Cultural or Benevolent Organisations:**

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Trustee Director and Chairman of the Julian Small Foundation

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

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

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

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Member, Supreme Court Education Committee

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Member, Supreme Court Remuneration Committee

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### **THE HONOURABLE JUSTICE MICHAEL BALL**

#### **Conferences:**

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7 – 9 Sep 2012 Supreme Court Annual Judges' Conference (Leura)

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#### **Publications:**

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

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### **THE HONOURABLE JUSTICE PETER GARLING RFD**

#### **Conferences:**

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21 – 25 Jan 2012 Supreme Court/Federal Court Judges' Conference (Melbourne)

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1 May 2012 Supreme Court Education Committee Seminar: Competition Issues – Recent Developments (Sydney)

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25 Jul 2012 Supreme Court Education Committee Seminar: Court Suppression and Non-Publication Orders Act 2010 – Seminar Legal and Practical Issues (Sydney)

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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20 Sep 2012 NSW Bar Association Seminar – "Malign Influence of Asbestos on English Law"

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5 – 7 Oct 2012 Judicial Conference of Australia Colloquium (Fremantle)

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#### **Speaking Engagements:**

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23 Feb 2012 Administrative Appeals Tribunal – Professional Development Seminar – Concurrent Evidence

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3 Mar 2012 NSW Bar Association – Personal Injury Conference – Civil Liability Act 2002 – 10 years on

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14 Mar 2012 Medico Legal Society of NSW – Expert Witness Immunity

---

28 Mar 2012 NSW Bar Association CPD – Concurrent Evidence

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17 May 2012 NSW Land and Environment Court Annual Conference – Concurrent Evidence

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24 May 2012 Australian Lawyer Alliance Breakfast Seminar – Civil Liability Act – Recent Developments

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30 May 2012 Court Etiquette – DLA Piper

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

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Member Governing Council and Executive Committee – Judicial Conference of Australia

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Member Civil Trials Bench Book Committee – Judicial Commission of NSW

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Member Supreme Court Education Committee

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Member Loreto Education Council

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**Delegations and International Assistance:**

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Feb 2012                      Judicial Co-Operation with Japan – Judge Inoue – Osaka High Court; Judge Sonoda – Tokyo District Court

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16 Mar 2012                Delegation from the National Judicial Council of Nigeria

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31 Oct 2012                Community Awareness of the Judiciary – Visit to Bails Court: Judicial Commission of NSW

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**THE HONOURABLE JUSTICE JOHN SACKAR****Speaking Engagements:**

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May 2013                    Litigation Seminar, University of Oxford (U.K.)

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May 2013                    Information Governance & e-Disclosure Summit 2013 (London, U.K.)

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**Publications:**

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“Should Judges be Mediators” – Information Governance & e-Disclosure Summit 2013 (London, U.K.)

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Electronic Discovery – The Practice of the Equity Division pursuant to SC Eq 11 in the Supreme Court of New South Wales

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

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7 – 9 Sep 2012            Annual Supreme Court Judges Conference (Leura)

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19 – 21 Oct 2012        Law Council of Australia – Corporate Law Workshop (Adelaide, South Australia)

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**Speaking Engagements:**

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24 Feb 2012                “Understanding the Impact of Recent Cases on Directors Duties”, Presentation at Law Council of Australia, Simply Super 2012 Conference.

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2012                         Taught courses in financial markets regulation, Semester 1, 2012, University of Sydney and University of New South Wales.

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**Publications:**

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Joint author, Securities and Financial Services Law, 8th ed, LexisNexis, 2012

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

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

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

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Adjunct Professor, Faculty of Law, University of Sydney

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

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Fellow, Australian Academy of Law.

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

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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**Publications:**

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Ritchies Uniform Civil Procedure NSW (Lexis Nexis Publishing) – Co-author

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Motor Vehicle Reports (Lexis Nexis Publishing) – Consulting Editor

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Court Forms, Precedents and Pleadings NSW (Lexis Nexis Publishing) – Contributor

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Federal Civil Litigation Precedents (Lexis Nexis Publishing) – Contributor

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

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24 Mar 2012 Civil Litigation Seminar (Sydney)

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1 May 2012 Australian Consumer Law Seminar presented by Mr Russell Miller AM (Sydney)

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21 – 24 May 2012 National Judicial Orientation program (Glenelg, South Australia)

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12 Jun 2012 CPD Seminar on the proportionate liability provisions of the *Civil Liability Act 2002* (NSW) (Sydney)

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25 Jul 2012 Seminar on the *Court Suppression and Non-Publication Orders Act 2010* (Sydney)

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30 Jul 2012 Judgment Writing seminar (Sydney)

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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17 – 18 Sep 2012 Cross-jurisdictional Judgment Writing Workshop (Sydney)

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5 – 7 Oct 2012 Judicial Conference of Australia 2012 (Fremantle)

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**Delegations and International Assistance:**

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19 Sep 2012 Chinese delegation, Hainan Province Judges

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## THE HONOURABLE JUSTICE BEECH-JONES

### Conferences:

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20 – 25 May 2012 National Judicial Orientation Program (Adelaide)

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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

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Governing Council, Judicial Conference of Australia

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Supreme Court IT Committee

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Executive Committee, Judicial Conference of Australia.

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### Delegations and International Assistance:

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Feb 2013 Delegation of Judges from China visited the Court – shared hosting with President Allsop.

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## THE HONOURABLE JUSTICE STEPHEN CAMPBELL

### Conferences:

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28 Oct – 2nd Nov 2012 National Judicial Orientation Program (Gold Coast)

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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### Speaking Engagements:

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2nd May 2012 Swearing in speech

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8 Oct 2012 Speech at Murwillumbah Court House re. first sitting of Supreme Court of NSW

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## THE HONOURABLE JUSTICE RICHARD BUTTON

### Conferences:

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25 Jul 2012	Seminar: "The Court Suppression and Non-Publication Orders Act 2010 One Year On – Some Legal and Practical Issues" (Sydney, Judicial Commission)
13 Aug 2012	Attended Tribal Warrior Cruise, Ngara Yura Program (Sydney, Judicial Commission)
7 – 9 Sep 2012	Annual Supreme Court Judges Conference (Leura)
28 Oct – 2 Nov 2012	National Judicial Orientation Program (Gold Coast)
29 Nov 2012	Seminar: Supreme Court Twilight for Supreme & District Court judges on Developments in Jury Directions/Question Trails with Justice Schmidt, Justice Rob Chambers (NZ) with Blanch J as chair (Sydney, Judicial Commission)

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### Publications:

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Written response following request by NSWLRC – on NSWLRC Draft Report on Jury Directions

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### Delegations and International Assistance:

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Dec 2012	Court visit with his Honour Judge Seah of the Subordinate Courts of Singapore, (Singapore)
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## THE HONOURABLE JUSTICE GC LINDSAY

### Conferences:

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7 – 9 Sep 2012	Annual Supreme Court Judges Conference (Leura)
28 Oct – 2 Nov 2012	National Judicial Orientation Program (Gold Coast)

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### Speaking Engagements:

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10 Oct 2012	Participation – NSW Bar Association Bar Practice Course (Equity Applications)
11 – 12 Dec 2012	Australia & New Zealand Legal History Society Legal History Conference

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### Publications:

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Editor, Australian Bar Review

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Co-Editor, NSW Civil Procedure Handbook (Thomson Reuters)

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

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Francis Forbes Society for Australian Legal History (Secretary)

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### Delegations and International Assistance:

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13 Sep 2012	Deputised for Chief Justice at NSW Government House Investiture Ceremony
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## THE HONOURABLE JUSTICE HALLEN

### Conferences:

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30 – 31 Mar 2012 QLS 50th Anniversary Symposium (Brisbane)

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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26 Oct 2012 Law Society Rural Issues Conference (Sydney)

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15 – 17 Nov 2012 Succession Law Conference (Adelaide)

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### Speaking Engagements:

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7 Mar 2012 UNSW Wills & Estates Seminar

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8 May 2012 Law Society Family Provision & Costs Symposium 2012

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9 May 2012 Young Lawyers Seminar – General Matters In Equity

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## THE HONOURABLE ASSOCIATE JUSTICE JOANNE HARRISON

### Conferences:

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7 – 9 Sep 2012 Annual Supreme Court Judges Conference (Leura)

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17 – 18 Sep 2012 Judicial Commission of NSW – Cross-Jurisdiction Judgment Writing Workshop (Sydney)

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5 – 7 Oct 2012 Judicial Conference of Australia (JCA) – 2012 Colloquium (Perth, WA)

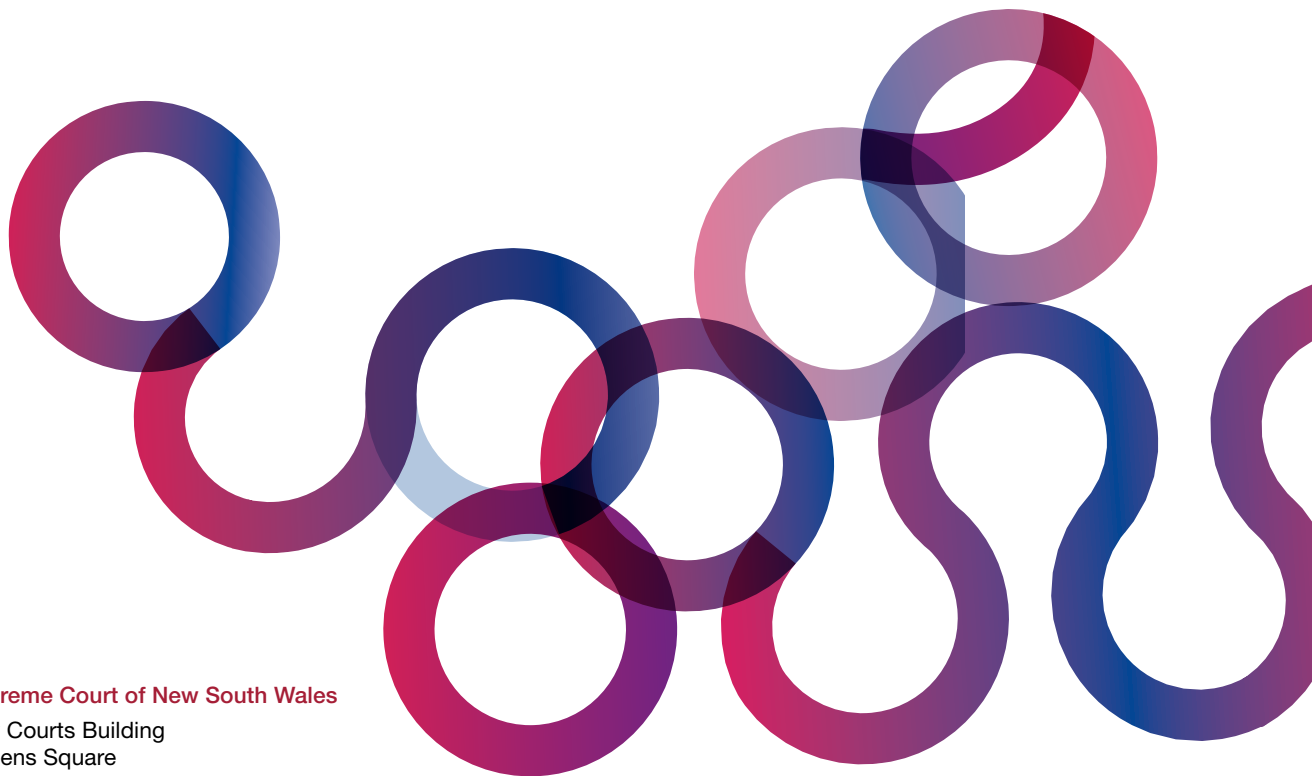
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### Appointments to Legal, Cultural or Benevolent Organisations:

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Member of Alternate Dispute Resolution Committee

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