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# Annual Review

# 2019



**Supreme Court**  
of New South Wales

# CONTENTS

<b>Foreword by Chief Justice of New South Wales, the Honourable T F Bathurst AC, the 17<sup>th</sup> Chief Justice of New South Wales</b>	<b>3</b>
<b>1 Court Profile</b>	<b>4</b>
• The Court's jurisdiction and Divisions	5
• Who makes the decisions?	9
– The Judges	9
– The Acting Judges	10
– Appointments	10
– Retirements	11
– The Associate Judges	11
– The Registrars	11
• Supporting the Court: the Registry	13
<b>2 Caseflow Management</b>	<b>14</b>
• Overview by jurisdiction	15
• Regional sittings of the Court	21
• Alternative dispute resolution	21
<b>3 Court Operations</b>	<b>23</b>
• Overview of operations by jurisdiction	24
• Timeliness	31
– Measurement against benchmarks	31
– Listing delays	32
• Use of alternative dispute resolution	33
<b>4 Education and Public Information</b>	<b>34</b>
• Judicial officer education	35
• Public education programme	36
• The role of the Media Manager	37
<b>5 Other Aspects of the Court's work</b>	<b>39</b>
• Uniform Civil Procedure Rules	39
• Law Courts Library	39
• Admission to the legal profession and appointment of public notaries	40
• Admission under the mutual recognition Acts	40
• Administration of the Costs Assessment Scheme	41
• Pro Bono Scheme	42
• Judicial Assistance Program	42
<b>6 Appendices</b>	<b>43</b>
(I) Court statistics – comprehensive table of statistics	44
(II) The Court's committees and user groups	54
(III) Other Judicial Activity: conferences, speaking engagements, publications, appointments to legal and cultural organisations, delegations and international assistance, and commissions in overseas courts	69

## FOREWORD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

It is my pleasure to present the 2019 Annual Review of the Supreme Court of New South Wales. It is essential for the rule of law in our democratic society that the Court continues to maintain the confidence of the people of New South Wales. This Review is an important resource in this pursuit as it provides a transparent and comprehensive overview of the structure, operation and activities of the Court. This enables the public to see and scrutinise how justice is administered in the state's superior court of record.

The Supreme Court has an overriding obligation to facilitate the just, quick and cheap resolution of disputes. This Review demonstrates that it has been another busy year for the Court as it discharges this obligation.

It is pleasing to see the Court's performance in 2019 against national benchmarks. The percentage of cases less than 12 months old remained steady in exceeding the national standard in the Court of Appeal at 93% of cases and in the Court of Criminal Appeal at 97%. Despite the number of pending cases in the Common Law Division increasing by 11% in 2019, the percentage of civil cases in the Common Law Division less than 12 months old remained fairly consistent at 68%. Similarly, I note that whilst the age profile of pending cases in the Equity Division worsened slightly at 65% of cases being less than 12 months old (from 67% in 2018), the number of filings in the Equity Division increased by 3%. This increase in the number of filings particularly reflects the notable increase in the number of filings in the Corporations List by 40%.

The Supreme Court continues to support mediation as a method of alternative dispute resolution for civil proceedings. This is demonstrated in the continued increase in the rate of referring cases to mediation. In 2019 there were 1,407 referrals, a 20% increase from the 1,169 referrals in 2018.

The new Practice Note for the Bails List commenced in June 2019. Since the introduction of the Practice Note, the listing delay for bail applications has become markedly less volatile. Of note, during the final three months of 2019, the withdrawal rate for Bails List applications was 18%, a significant reduction from the rate during the same period in 2018 (68%).

Of course, the statistics in this Review only reveal so much. It is important to remember that these figures do not, and cannot reflect the quality of the justice administered in 2019 by the Court's judicial officers and registrars. Nor do these figures reveal the breadth or complexity of the work undertaken by the Court as the superior court of New South Wales.

2019 brought with it a considerable number of new appointments. In my foreword last year, I welcomed Justice Andrew Bell, who was appointed as the President of the Court of Appeal in January after the appointment of the former President, Justice Margaret Beazley, as Governor of New South Wales. I am also very pleased to welcome Justices Patricia Henry, Mark Ierace and Richard Cavanagh who were also appointed to the Supreme Court in 2019. I am confident that the calibre of these appointments will enable the Court to continue its excellence in facilitating the resolution of disputes in our state.

Finally, I express my sincere thanks and gratitude for the support and hard work of my colleagues and the staff of the Supreme Court during 2019. This Review is testament to their commitment to delivering the highest levels of service to the people of New South Wales.



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



## 1 COURT PROFILE

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

## THE COURT'S JURISDICTION AND DIVISIONS

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

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

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

- Court of Appeal
- Court of Criminal Appeal.

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

- Common Law Division
- Equity Division.

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

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

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

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

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

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

### Court of Appeal

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

### Court of Criminal Appeal

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



Sittings of the Court of Criminal Appeal are organised on a roster basis, taking into account the other regular judicial duties and commitments of the Judges who form the Court's bench. The Judges who sit in the Court of Criminal Appeal are the Chief Justice, the President, the Judges of the Court of Appeal, the Chief Judge at Common Law and Judges of the Common Law Division. During 2019, most benches in the Court of Criminal Appeal comprised at least two Common Law Judges, with the presiding Judge being the Chief Justice, the President, a Judge of Appeal, or the Chief Judge at Common Law.

The Court of Criminal Appeal List Judge throughout 2019 was Justice R A Hulme.

### Common Law Division

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

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

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

### Equity Division

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

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

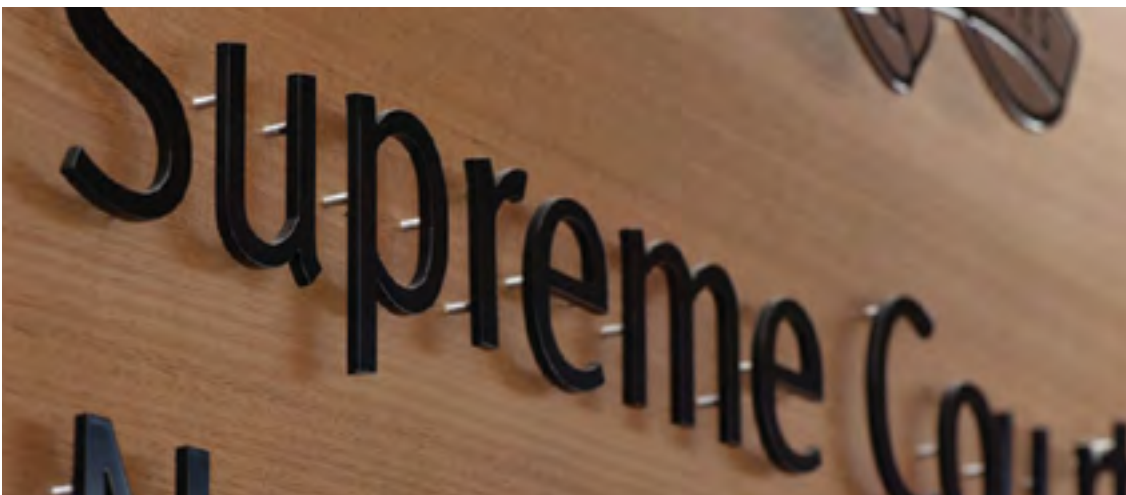
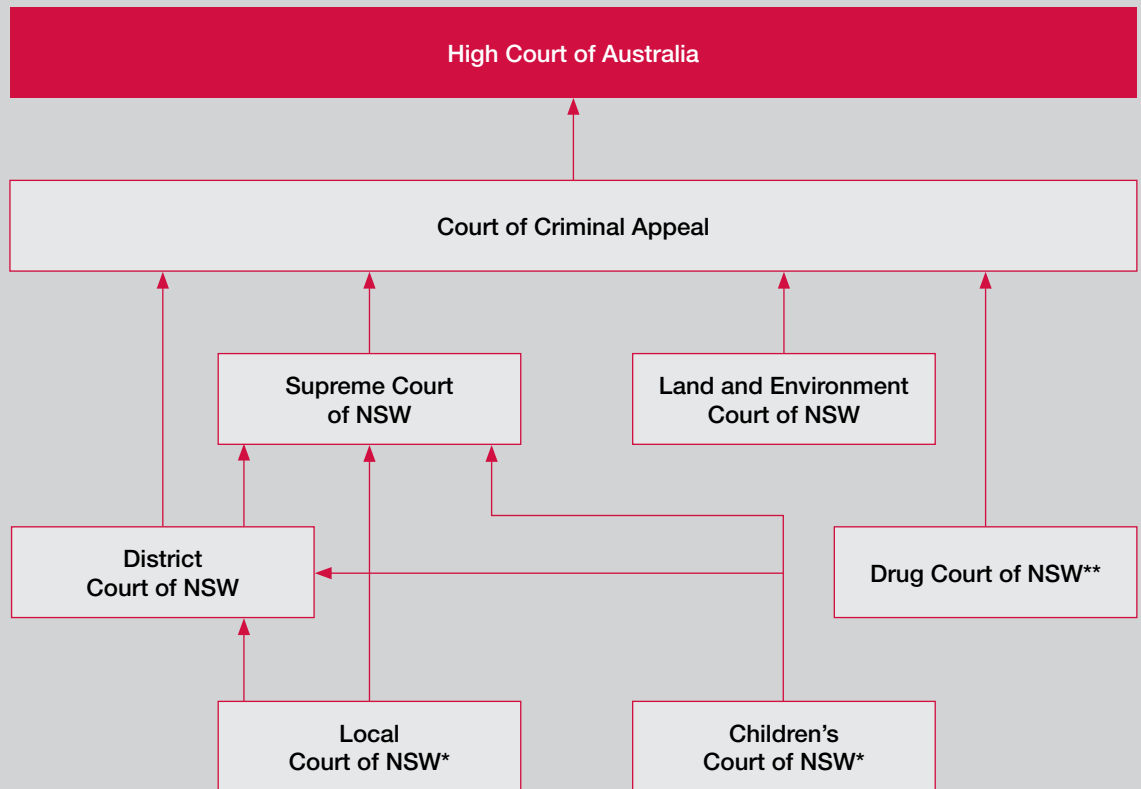


Figure 1.1 **NSW COURT SYSTEM CRIMINAL JURISDICTION**

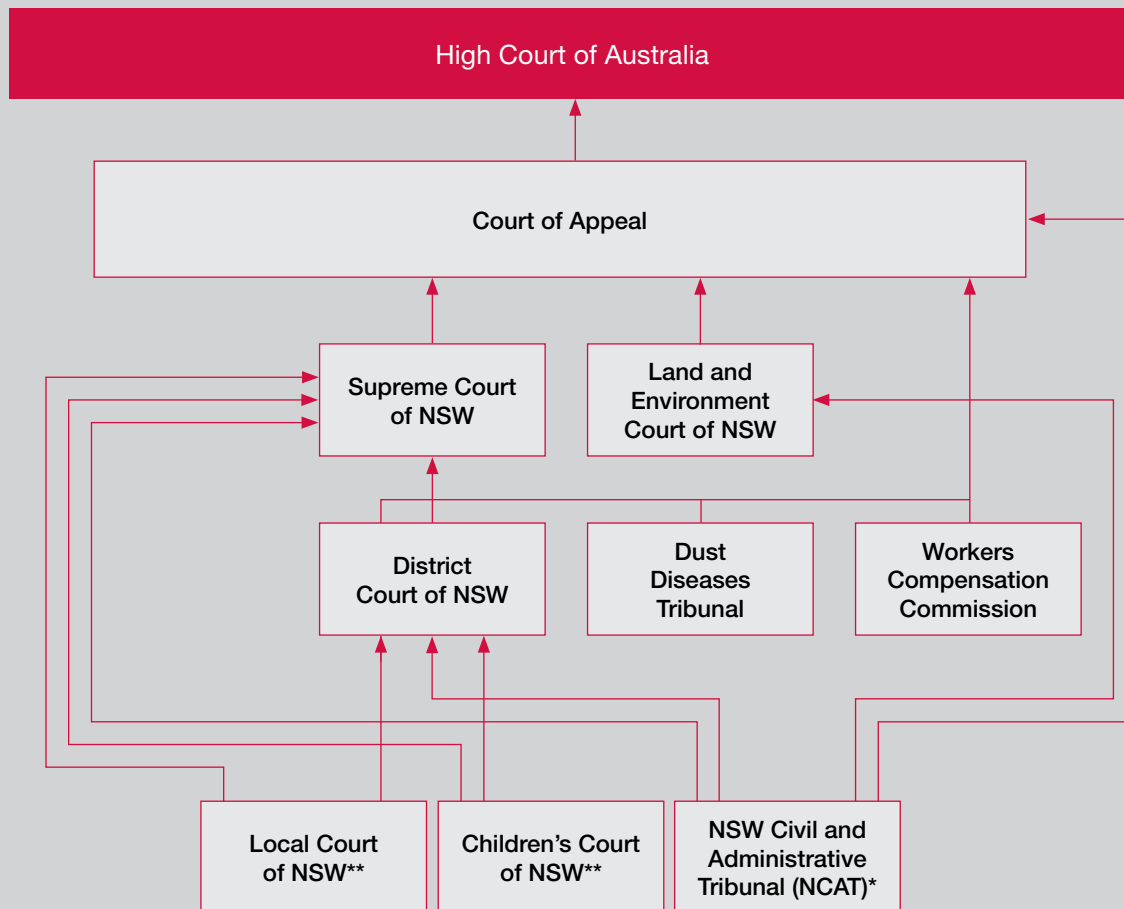


Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

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

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

Figure 1.2 **NSW COURT SYSTEM CIVIL JURISDICTION**



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

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

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



## WHO MAKES THE DECISIONS?

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

### The Judges

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

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

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

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

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2019.

### Chief Justice

The Honourable Thomas Frederick Bathurst AC

### President

The Honourable Justice Andrew Scott Bell

### Judges of Appeal

The Honourable Justice John Basten

The Honourable Justice Robert Bruce Scott Macfarlan

The Honourable Justice Anthony John Meagher

The Honourable Justice Clifton Ralph Russell  
Hoeben AM RFD

The Honourable Justice Julie Kathryn Ward

The Honourable Justice Fabian Gleeson

The Honourable Justice Mark James Leeming

The Honourable Justice Anthony James Payne

The Honourable Justice Richard Weeks White

The Honourable Justice Paul Le Gay Brereton  
AM RFD

The Honourable Justice Lucy McCallum

### Chief Judge at Common Law

The Honourable Justice Clifton Ralph Russell  
Hoeben AM RFD

### Chief Judge in Equity

The Honourable Justice Julie Kathryn Ward

### Judges

The Honourable Justice Michael John Walton

The Honourable Justice Peter Anthony Johnson

The Honourable Justice Stephen Craig Rothman AM

The Honourable Justice Derek Michael Price AO

The Honourable Justice David Jacob Hammerschlag

The Honourable Justice Ian Gordon Harrison

The Honourable Justice Elizabeth Lillian Fullerton

The Honourable Justice Nigel Geoffrey Rein

The Honourable Justice Robert Allan Hulme

The Honourable Justice Michael John Slattery  
AM RAN

The Honourable Justice David Lloyd Davies

The Honourable Justice Michael Andrew Pemboke

The Honourable Justice Michael Lee Ball  
 The Honourable Justice Peter Richard Garling RFD  
 The Honourable Justice John Robertson Sackar  
 The Honourable Justice Ashley John Black  
 The Honourable Justice Christine Elizabeth Adamson  
 The Honourable Justice Geoffrey John Bellew  
 The Honourable Justice James William John Stevenson  
 The Honourable Justice Robert Thomas Beech-Jones  
 The Honourable Justice Stephen Gerard Campbell  
 The Honourable Justice Richard James Button  
 The Honourable Justice Geoffrey Charles Lindsay  
 The Honourable Justice Philip Hallen  
 The Honourable Justice Francois Kunc  
 The Honourable Justice Stephen David Robb  
 The Honourable Justice Rowan James Hunter Darke  
 The Honourable Justice Robertson James Wright  
 The Honourable Justice Peter John David Hamill  
 The Honourable Justice Helen McLeod Wilson  
 The Honourable Justice Desmond John Fagan  
 The Honourable Justice Natalie Jane Adams  
 The Honourable Justice Julie Lily-Ann Lonergan  
 The Honourable Justice Thomas Guy Radcliffe Parker  
 The Honourable Justice Kelly Anne Rees  
 The Honourable Justice Lea Caroline Armstrong  
 The Honourable Justice Patricia Anne Henry  
 The Honourable Justice Mark Joseph Ierace  
 The Honourable Justice Richard Austin Cavanagh

### **The Acting Judges**

Set out below are details of those persons who held commissions as Acting Judges during the 2019 calendar year. Unless otherwise indicated, the judicial officer's commission was effective for the entire calendar year.

Acting Judges are asked to preside over specific hearings as the need arises. The total number of days each person acted as a Judge of the Court during 2019 is also indicated.

Acting Judges of Appeal (in alphabetical order)

- The Honourable Arthur Robert Emmett AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 227 days).
- The Honourable Ronald Sackville AO QC, former Judge of the Supreme Court of New South Wales and Judge of Appeal (commission effective until 13 July 2019, acted as a Judge and Judge of Appeal for 59 days).
- The Honourable Carolyn Chalmers Simpson AO, former Judge of the Supreme Court of New South Wales and Judge of Appeal (acted as a Judge and Judge of Appeal for 210 days).

### **Acting Judges**

- The Honourable Peter John Hidden AM QC, former Judge of the Supreme Court of New South Wales (acted as a Judge for 138 days).

### **Appointments**

The following Judges were appointed in 2019 (in chronological order):

- The Honourable Justice Lucy McCallum, a Judge of the Supreme Court of New South Wales, was appointed a Judge of Appeal of the Supreme Court of New South Wales on 29 January 2019.
- Patricia Anne Henry was appointed a Judge of the Supreme Court of New South Wales on 30 January 2019.
- Mark Joseph Ierace SC was appointed a Judge of the Supreme Court of New South Wales on 31 January 2019.
- Dr Andrew Scott Bell SC was appointed the President of the Court of Appeal of the Supreme Court of New South Wales on 28 February 2019.
- Richard Austin Cavanagh SC was appointed a Judge of the Supreme Court of New South Wales on 16 September 2019.

## Retirements

The following Judges retired in 2019 (in chronological order):

- The Honourable Justice Ruth Stephanie McColl AO retired as a Judge of Appeal of the Supreme Court of New South Wales on 27 January 2019.
- The Honourable Justice Robert Calder McDougall retired as a Judge of the Supreme Court of New South Wales on 31 January 2019.
- The Honourable Justice Margaret Joan Beazley AO retired as the President of the Court of Appeal of the Supreme Court of New South Wales on 28 February 2019.
- The Honourable Justice Monika Schmidt AM retired as a Judge of the Supreme Court of New South Wales on 11 September 2019.

## The Associate Judges

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

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

Applications that arise before trial include:

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

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

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). Associate Judges also deal with inquiries as to damages, or accounts referred by the Court of Appeal or Equity Judges, along with applications relating to the administration of trusts, and certain probate matters.

As at 31 December 2019, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

## The Registrars

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

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

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

The work of the Registrars commonly includes:

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

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

The Registrars may also be called upon to mediate cases. During 2019, ten of the Court's Registrars were qualified mediators and available to conduct mediations throughout the year on a rostered basis.

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

Set out below are the Registrars of the Court, as at 31 December 2019:

**Executive Director and Principal Registrar**

Chris D'Aeth

**Director, Assistant Principal Registrar and Prothonotary**

Rebel Kenna

**Registrar, Court of Appeal**

Jerry Riznyczok

**Registrar, Court of Criminal Appeal**

George Galanis

**Registrar, Common Law Case Management**

Karen Jones

**Registrar in Equity**

Leonie Walton

**Registrar, Corporations List**

Leonie Walton

**Senior Deputy Registrars**

Brendan Bellach

Nicholas Flaskas

Jennifer Hedge

Irina Hoskinson

**Deputy Registrars**

Suzin Yoo

**Assistant Deputy Registrars**

Anita Chang

Sivashna Chetty

Stephanie Chia

Lynda Gerritsen

## SUPPORTING THE COURT: THE REGISTRY

### The work of the Registry

The Registry provides administrative and clerical support to the Court.

In civil matters, the Registry is responsible for:

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

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

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

### Management of the Registry

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

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



## 2 CASEFLOW MANAGEMENT

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

## OVERVIEW BY JURISDICTION

### Introduction

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

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

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

### Court of Appeal

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

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

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

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

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

### Court of Criminal Appeal

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

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

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

The Court of Criminal Appeal List Judge during 2019 was Justice Hulme.

### Common Law Division

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

### Common Law List Judge

The Common Law List Judge allocates cases listed for hearing to specific judges. When deciding which judge will hear a matter, the List Judge considers the type of case, its estimated hearing length, and whether the judge has other court commitments. The List Judge also hears various applications in cases already listed for hearing, including all applications for adjournment. From time to time, the List Judge will issue further case management directions in cases already listed for hearing. The Common Law List Judge during 2019 was Justice Fagan.

### Common Law Duty Judge

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

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

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

### Associate Judge

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

Matters allocated to the Associate Judge are case managed by a Registrar daily at 9:00 am. The Registrar refers applications to the Associate Judge when they are ready for hearing.

### Lists of the Common Law Division

In addition to the above, the work of the Division is also distributed amongst a number of specialised Lists. The Chief Justice appoints a specific judge to be responsible for the management of a List throughout the year. These Lists are set out below in alphabetical order, together with the judge appointed to manage each List in 2019.

Specialised case management List	Judge managing List in 2019
Administrative and Industrial Law List	Justice Adamson
Criminal List	Justice Fullerton
Defamation List	Justice Hoeben, Chief Judge at Common Law Justice Sackar
High Risk Offender List	Justice Bellew
Possession List	Justice Davies
Professional Negligence List	Justice Harrison

### Administrative and Industrial Law List

Three broad categories of cases are assigned to this List: statutory appeals arising from an error of law or on a question of law; administrative law matters commenced under section 69 of the *Supreme Court Act 1970*, challenging an error of law on the face of the record or jurisdictional error; and matters under the *Industrial Relations Act 1996*



that were formerly dealt with by the Industrial Court (also known as the Industrial Commission in Court Session).

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

### ***Bails List***

Applications for bail or to review bail determinations can be made to the Supreme Court under the *Bail Act 2013* in respect of any person accused of any offence, even if the trial will not be heard in the Supreme Court. After an application is accepted for filing, it is listed for a callover or, at the Court's discretion, listed by the Registrar in chambers. The cut-off day for an application to be listed in a callover is the Wednesday of the week prior to the callover. Applications are normally allocated a maximum of 30 minutes when listed for hearing.

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

### ***Criminal List***

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

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

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

### ***Defamation List***

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

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

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

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

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

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

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

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

### ***Possession List***

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

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

### **Professional Negligence List**

Claims against medical practitioners, allied health professionals (such as dentists, chemists and physiotherapists), hospitals, solicitors and barristers are allocated to the Professional Negligence List. Specialised case management encourages parties to focus on the real issues in dispute in these types of claims. A Registrar conducts early case management hearings. The Professional Negligence List Judge hears also applications and makes directions, according to the specific needs of each matter.

Practice Note SC CL 7 applies to this List.

### **Equity Division**

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

#### **Equity Duty Judge**

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

#### **Expedition Judge**

Cases are expedited when sufficient urgency is shown. Applications for expedition are made to the Expedition Judge on Fridays. The Expedition Judge case manages all expedited cases and hears those cases when they are ready for trial. During 2019, the Expedition Judge was Justice Sackar.

#### **General List**

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

Family provision applications are managed in accordance with Practice Note SC Eq 7 by the Family Provision List Judge, who also sets the cases down for hearing. Other cases in the General List are managed by the Registrar in Equity in accordance with Practice Note SC Eq 1 (Case Management) and Eq 14 (Online Court Protocol). The Registrar sets cases down for hearing before the Judges of the Division. The Registrar consults with the Chief Judge in Equity in relation to long or complex matters.

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

The Equity Division's caseload is also managed by allocating certain matters to specific Lists according to the nature of the claims. These Lists are set out below in alphabetical order, together with the Judge appointed to manage each List in 2019.

<b>Specialised case management List</b>	<b>Judge managing the List in 2019</b>
Admiralty List	Justice Rein
Adoptions List	Justice Sackar
Commercial List	Justice Hammerschlag
Commercial Arbitration List	Justice Hammerschlag
Corporations List	Justice Black
Family Provision List	Justice Hallen
Probate List	Justice Lindsay
Protective List	Justice Lindsay
Real Property List	Justice Darke
Revenue List	Justice Ward, Chief Judge in Equity
Technology and Construction List	Justice Hammerschlag

### ***Admiralty List***

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

### ***Adoptions List***

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

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

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

### ***Commercial List***

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

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

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

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

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

The List provides parties with a quick and effective mechanism for resolving disputes in relation to

arbitration agreements, or disputes arising from the context or form of arbitral proceedings.

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

### ***Corporations List***

A Registrar sits 4 days a week to hear most applications and hearings under the *Corporations Act 2001* (Cth) and related legislation. The Registrar may refer applications to the Judge on a Monday. The Registrar determines routine applications to wind-up companies, applications for leave to proceed against companies in liquidation (limited to personal injury actions) and applications to reinstate companies.

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

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

### ***Probate List***

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

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

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

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

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

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

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

### ***Revenue List***

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

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

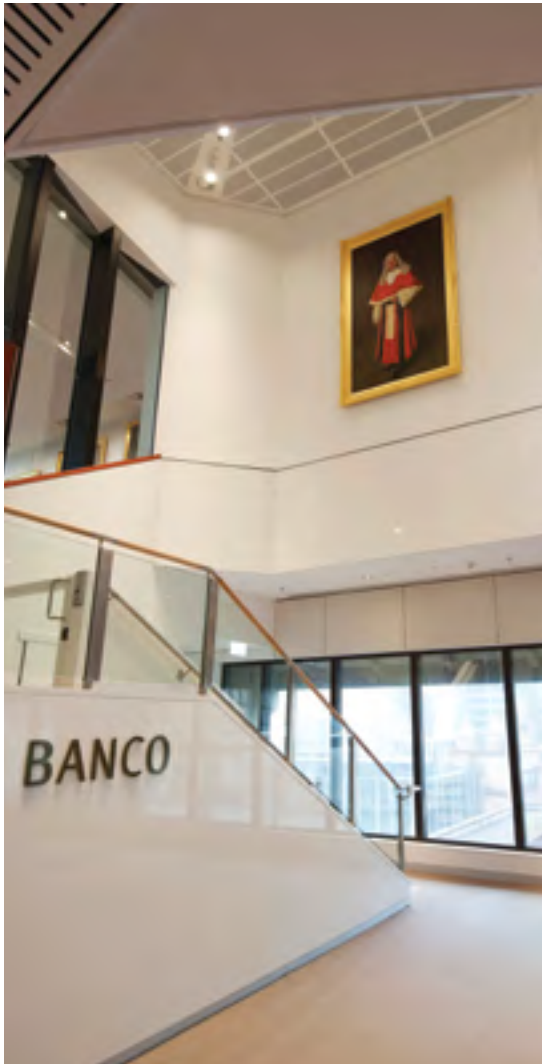
### ***Technology and Construction List***

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

## REGIONAL SITTINGS OF THE COURT

In 2019 criminal trials were conducted at Albury, Armidale, Coffs Harbour, Grafton, Lismore, Newcastle, Port Macquarie, Wagga Wagga and Wollongong. Civil hearings were conducted at Byron Bay, Grafton, Moss Vale, Newcastle, Orange and Wagga Wagga. The Court of Appeal sat at Orange.

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



## ALTERNATIVE DISPUTE RESOLUTION

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

### Mediation

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

The role of the mediator is to assist parties in resolving their dispute by alerting them to possible solutions, while allowing the parties to choose which option is the most agreeable. The mediator does not impose a solution on the parties. Ten qualified Registrars were certified to conduct mediations throughout 2019. Alternatively, parties could choose to use private mediators.

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

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

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

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





### 3 COURT OPERATIONS

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



## OVERVIEW OF OPERATIONS BY JURISDICTION \*

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

### Court of Appeal

There were 366 net new cases coming to the Court of Appeal in 2019. This is 3% higher than in 2018 and 2017 but 8% lower than in 2016.

The sources of the new cases in 2019 were: Supreme Court (226), District Court (87), Land and Environment Court (25), NSW Civil and Administrative Tribunal (10) and other sources (18).

Of the 366 new cases, 191 were commenced by notice of appeal, 135 by summons seeking leave to appeal, and 40 by summons for the Court of Appeal to exercise its original jurisdiction.

There were 339 final disposals in 2019, which is 6% lower than the number in 2018.

Final disposals occurred by the following methods during 2019:

- judgment following hearing of either an appeal, an original jurisdiction summons or a concurrent hearing (a concurrent hearing enables the application for leave to appeal and, where leave is granted, the consequent appeal to be determined in a single hearing) – 63%;
- refusal, striking out or other final disposal of an application for leave to appeal – 23%;
- settlement, or else non-progression to an appeal following a grant of leave to appeal – 9%;
- striking out or other final disposal of either an appeal or an original jurisdiction summons – 5%.

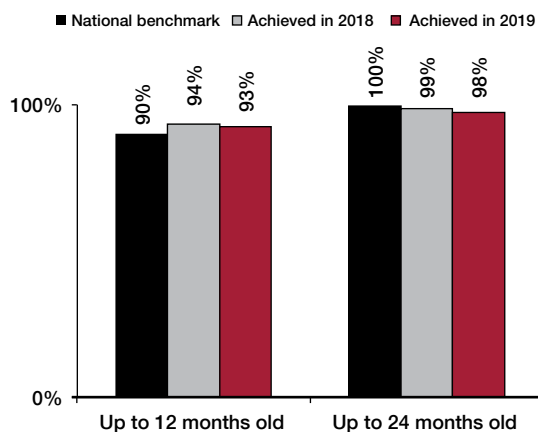
The overall Court of Appeal pending caseload at the end of 2019 was 205 cases, a 15% increase from the end of 2018. Of the 205 pending cases, 63 (31%) were cases for which the question of leave to appeal had yet to be determined.

The age profile of the Court of Appeal's pending caseload remained at a good level during 2019 (see Figure 3.1). At the end of the year, 93% of pending cases were within 12 months of age (with the number of cases older than 12 months increasing slightly, from 11 to 14), which remains better than the national benchmark (90%) for that age group. Four cases were older than 24 months: one is an

appeal that is awaiting resolution of a related case in another court, and the remaining three were related cases that have subsequently been discontinued.

The listing delay during most of 2019 ranged between 1 and 4 months for hearing of non-urgent substantive appeals and for concurrent hearings. It settled at 1.8 months for the start of the 2020 law term. Hearings for leave applications alone are listed more quickly, and the listing delay for these was less than 2 months throughout most of 2019, settling at 1.9 months for the start of the 2020 law term.

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



### Court of Criminal Appeal

There were 352 new cases coming to the Court of Criminal Appeal in 2019. This was 14% higher than in 2018 but similar to the rates in 2015 and 2016.

The sources of criminal appeals in 2019 were: District Court (277), Supreme Court (44), Land and Environment Court (9) and other sources (22).

Of the 352 new cases, 207 were appeals against severity of sentence (of which 31 were appeals by the Crown), 102 were appeals against conviction, 20 were appeals against interlocutory judgments and 23 were cases of other types (including 3 cases returned from the High Court for re-hearing).



Conviction appeals made up 29% of new cases in 2019, compared with 27% in 2018 and 24% in 2017. Conviction appeals are more complex and typically require longer hearings than appeals against severity of sentence only. Conviction appeal hearings are usually twice the length of hearings on sentence severity only and can extend to a whole day or longer.

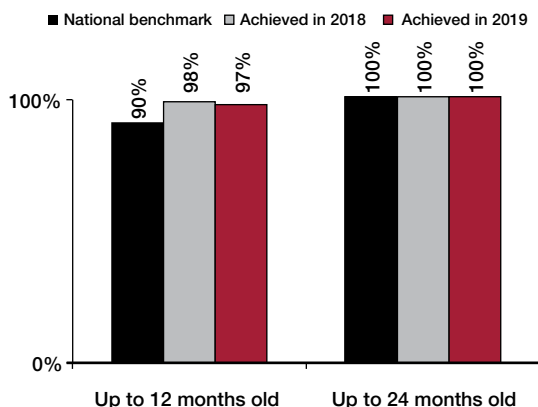
There were 368 disposals in 2019, similar to the number in 2018. Of the 368 disposals, 313 were following a substantive hearing, 23 were by the appellant abandoning or withdrawing the appeal prior to a hearing, 14 were by refusal of leave to appeal and 18 were by other methods.

Over the year, with the lower rate of new cases coming in and the steady disposal rate, the pending caseload decreased from 171 to 155 cases.

The age profile of the Court of Criminal Appeal's pending caseload remained at an optimal level during 2019. At the end of the year, it again met or well exceeded the national benchmarks (see Figure 3.2), with only 5 cases older than 12 months (none of these being older than 19 months).

During 2019 the listing delay for non-urgent hearing of criminal appeals ranged between 2 and 4 months. It settled at 3.4 months for the start of the 2020 law term. Interlocutory appeals are listed more quickly according to their urgency.

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



### Common Law Division criminal cases

In 2019 there were 103 new cases (defendants) registered in the Criminal List, compared with 93 during 2018 and 112 during 2017. Of the 103 new cases, 93 were prosecutions brought by the NSW Office of the Director of Public Prosecutions (83 of these involving homicide charges) and 10 by the Office of the Commonwealth Director of Public Prosecutions.

After entry into the Criminal List, the next step usually is arraignment. The majority of defendants enter a plea of 'not guilty' at arraignment, and the arraignment concludes with those cases being listed for trial. Nearly all trials are conducted with a jury.

At arraignments during 2019:

- 84 defendants were given listings for trials (9 being for judge-alone trials), with the trials set to start in either 2019 or 2020;
- 7 defendants were listed for fitness hearings (to deal with the question of the defendant's capacity to stand trial);
- 20 defendants entered a plea of 'guilty' at arraignment, compared with 23 during 2018 and 14 during 2017.

Some defendants change their plea to 'guilty' after being given a trial date – sometimes the change occurs as late as the start of, or during, the trial. During 2019, there were 13 defendants who entered a plea of 'guilty' after arraignment, of which 10 were either after the start of the trial or during the month in which the trial was scheduled to start. When the plea is changed at such a late stage it is usually impossible to re-assign that trial-time to another defendant.

In total, 33 pleas of 'guilty' were taken in 2019, compared with 41 during 2018 and 42 during 2017. The number and timing of the pleas of 'guilty' are factors that significantly affect the operation of the Criminal List: fewer pleas of 'guilty' entered at arraignment lead to more cases queuing for trials and, consequently, increases in listing delays and finalisation times for cases.

For criminal trials listed to start during 2019 the hearing estimates given to the Court ranged from 1 day to 6 months. The trial of *R v Warwick*, which had given a 6-month estimate, ran (with interruptions) from July 2018 through all of 2019. The average hearing estimate for the trials on hand (either not started or not concluded) at the end of each month, was between 5.7 and 6.5 weeks during 2019.

Since November 2016, the standard reference for measuring listing delay for criminal trials has been the 4-week trial. At the first arraignments of the 2020 law term, the listing delay was 5.0 months for criminal trials requiring at least 4 weeks of trial time. The listing delay for criminal trials can vary during the year, especially when several long trials are listed simultaneously, when long trials must be vacated and re-listed, or when defendants plead 'guilty' after their trial has been set or started.

Trials for 83 defendants were listed to start during 2019. For 19 of those defendants the trial either collapsed or was adjourned (this happened for 16 defendants during 2018 and for 14 defendants during 2017). The need to re-start or re-list trials following collapse or adjournment reduces the Court's capacity to deal with its backlog of cases.

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

A total of 106 defendants' cases were finalised during 2019, compared with 99 during 2018. The Court prepared and handed down 67 sentences during 2019, compared with 74 during 2018.

By the end of 2019 there were 110 defendants with cases pending in the Criminal List, a decrease

of 3% from the position at the end of 2018 (113 defendants). Note that a relatively small number of cases can cause appreciable changes (on a percentage basis) in the pending caseload from year to year.

With the relatively low number of cases in this resource-intensive list, the age profile for pending cases can also show some volatility. The age profile for Criminal List pending cases improved during 2019 (see Figure 3.3) with respect to the 12-month benchmark, and the number of cases older than 12 months decreased from 52 to 36; however, the number of cases older than 24 months increased from 6 to 13. Nine of the 13 cases older than 24 months at the end of 2019 had been delayed at least once by the need to either re-start or re-list the defendant's trial (arising from hung juries, collapsed trials or successful applications to vacate scheduled trial dates). One case (*Warwick*) had its trial delayed for several months by numerous preliminary applications and, since starting, has over-run its 6-month estimate considerably. Access to acting judges is invaluable in maintaining an acceptable age profile for the Criminal List, as the only alternative would be to take permanently appointed judges away from other areas of work.

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

The Bails List saw considerable change during 2019, following the commencement in June of a new Bails List Practice Note. Under the new Practice Note, applicants must be ready to proceed at the time of lodging their application. The case is

then listed promptly, normally within 5-12 days, for callover to confirm hearing readiness. The Court aims to then list cases for a hearing within 20 days of the callover. This practice ensures the available hearing time is used efficiently. Previously, a hearing date was allocated to each case at lodgment; however, many cases were not ready by the allocated date, resulting in wasted court resources and increased listing delays in the Bails List. The number of applications coming to the Court has reduced under the new Practice Note; the number and (more notably) the proportion of withdrawn applications have also reduced.

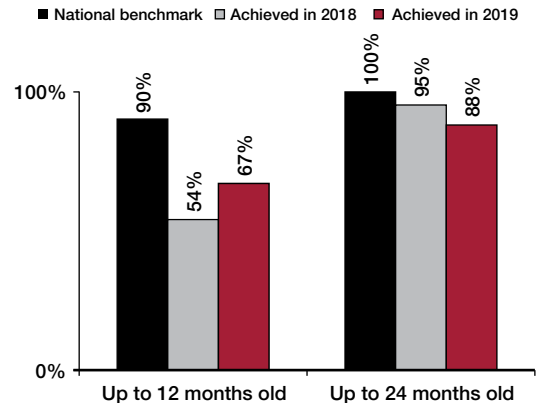
A total of 2,648 applicants lodged applications in the Bails List during 2019, a decrease of 42% from the number in 2018 (4,545). Release applications were 97% of the applications lodged in 2019.

There were 3,433 Bails List applications disposed of during 2019, a decrease of 21% from the number during 2018 (4,353). The decrease is attributable to the reduced lodgment rate during the second half of 2019. During the final three months of 2019 only 18% of disposals were as a result of the applicant withdrawing the application before or at the scheduled hearing; in contrast, during the same period in 2018 the withdrawal rate was 68%.

The Bails List pending caseload has decreased substantially: from 893 at the end of 2018 to 122 at the end of 2019. This is a result of the lower lodgment rate and the prompt hearing and finalisation of cases under the new Practice Note.

The listing delay for 30-minute hearings of adults' bail applications has fluctuated markedly over recent years, ranging between 3 and 15 weeks from lodgment, but rarely has it fallen below 6 weeks. Since the start of the new Practice Note, the listing delay has been between 1 and 3 weeks, rising to 7 weeks briefly during Court vacation, and settling at 2 weeks for the start of the 2020 law term. Juveniles' applications are given priority and are nearly always listed within 2 weeks of lodgment.

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



### Common Law Division civil cases

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

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

Overall, there were 3,826 civil filings in the Division during 2019, an increase of 8% from the number in 2018 (3,552). Increases were seen in contested cases, particularly personal injury claims, as well as uncontested cases (noting that the majority of Possession List cases proceed as uncontested cases). The only areas of work with decreased filings were the Administrative Law List, the Defamation List and the miscellaneous applications. Filings in the Supreme Court's Defamation List are now quite low as cases that can properly be commenced in the District Court are encouraged to commence in that jurisdiction.

The disposal rate during 2019 was 7% higher than in 2018. There were increased disposals in every List except the Defamation List. The total of 3,478 disposals included 1,513 contested cases (up from 1,399 last year), of which 440 had been listed for at least one hearing. The remaining 1,965

disposals were uncontested cases: There were 683 uncontested cases dismissed for inactivity, 569 cases finalised by default judgment, 564 disposals of miscellaneous applications and 149 other disposals. During 2019 the registry received a total of 723 applications for default judgment, of which 96% were either granted or requisitioned within 5 working days.

The number of pending cases in the Common Law Division rose by 11% during 2019 (see Figure 3.4). The contested caseload increased by 10%, from 1,938 to 2,140. This is expected to increase the number of cases requiring case management directions and hearings in 2020 and 2021. The uncontested caseload increased by 11%, from 1,012 to 1,124, as a result of increased filings in the Possession List (where most cases proceed as uncontested cases).

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.5). The national benchmarks are set by the Productivity Commission's *Report on Government Services*. The proportion of the Division's civil caseload within 12 months of age regressed slightly during 2019 from 70% to 68%. The proportion within 24 months of age remained stable at 86%; however, the number of cases on hand and older than 24 months increased from 401 to 471.

The listing delay for non-urgent hearing of Common Law Division civil cases that required 5 days of hearing time fluctuated during 2019 between 6.0 and 11.2 months. By the start of the 2020 law term, the listing delay had reached 12.0 months for 5-day hearings; it was 1.3 months for 2-day hearings and 12.8 months for 10-day hearings.

There were 1,107 matters listed during 2019 for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 3.6). Of those listed matters, 632 proceeded to hearing, 314 settled after being listed for hearing and 161 successfully applied to vacate the hearing listing. This information is collated independently of the JusticeLink system.

So that available judicial time is used optimally, the Common Law Division's civil hearings are over-listed. This carries a risk that some cases may be 'not reached' (a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing). None of the Division's listed hearings was 'not reached' during 2019 (the same result as in 2018, and compared with 2 in 2017). Since 2007 the Division has maintained a 'not reached' rate of 1% or less for its listed civil hearings.

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

Figure 3.4 **Common Law Division pending civil caseloads at 31 December**

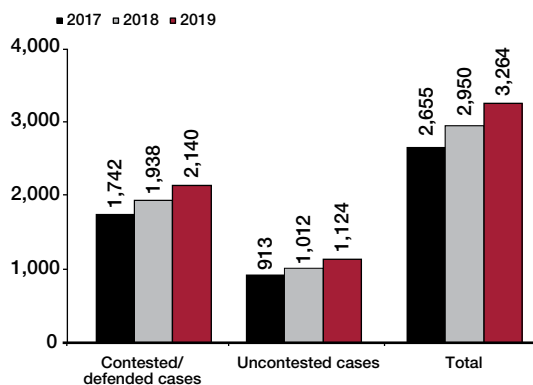


Figure 3.5 Common Law Division civil lists – achievements against national benchmarks for age of pending cases

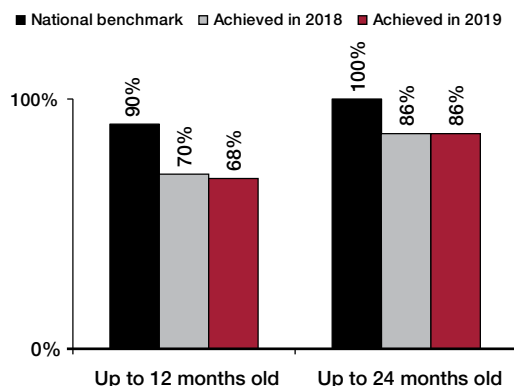
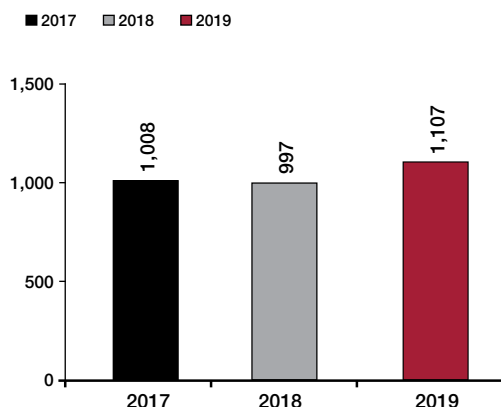


Figure 3.6 Listings for hearing – Common Law Division civil hearings



### Equity Division

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

There were 4,253 filings in the Division during 2019, an increase of 3% over the number in 2018 (4,128). A substantial filing increase occurred in the Corporations List (where typically over 80% of cases are case managed and finalised by the Registrar in Equity without requiring any listing before a judge). Smaller increases occurred in the Protective List, Technology and Construction List and Admiralty List. Filings reduced in all other Lists, with the Equity General List showing a substantial reduction.

The disposal rate for the Division was 2% higher in 2019 than in 2018, increasing from 4,204 to 4,278. The largest increase was in the Corporations List, reflecting the high filing rate and relatively short disposal times for winding-up applications (which was the major area of increased filings). Smaller increases were in the Technology and Construction List, the Protective List and contested probate cases. The 4,278 disposals in 2019 included 656 cases that had a least one listing for hearing.

Overall, the number of pending cases in the Equity Division decreased by only 13 cases during 2019 (see Figure 3.7). The largest decrease was in the Equity General List (particularly for family provision cases). The areas of greatest increase were the Technology and Construction List, Corporations List and Real Property List.

The JusticeLink system is used to report the age of pending civil cases (see Figure 3.8). The national benchmarks are set by the Productivity Commission's *Report on Government Services*. The age profile of the Equity Division's pending caseload showed significant improvement during 2014, when auditing enabled a large number of inactive cases to be finally closed. Auditing continued through to early 2016 but resulted in only a small number of case closures during 2015 and 2016. The age profile of Equity Division cases at the end of December 2019 is shown at Figure 3.8. During 2019, the proportion of the Division's caseload within 12 months of age reduced from 67% to 65%, and the proportion within 24 months of age reduced from 87% to 86%. Over the year, the number of cases on hand and older than 24 months increased from 378 to 399.

The listing delay ranged between 2.3 and 7.2 months during 2019 for 2-day hearings of non-urgent General List or Probate List cases. By the start of the 2020 law term the listing delay for these cases had settled at 6.7 months for 2-day hearings; for 5-day and 10-day hearings it was 9.7 months. Some judges of the Equity Division have been assigned for short periods to hear cases in other areas of the Court so that listing delays are managed across all areas of work.

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

The Equity Division does not have a general practice of over-listing matters. Running lists occur one week per month for family provision cases; these cases are not given specific listing dates until the week before the running list, but all cases that are ready to proceed in the running list week are usually heard that week.

Uncontested probate applications are handled by the Court's registrars – these applications are for grants of probate or letters of administration, or for reseal of probate grants made outside NSW. A total of 27,438 applications were filed during 2019 (an increase of 3% over the number filed during 2018), being:

- 24,672 for grants of probate
- 2,387 for grants of letters of administration
- 379 for reseals of probate granted elsewhere.

If an application meets all procedural requirements when lodged, a grant will be made on initial processing. The waiting time ranged between 4 and 19 working days during 2019 for initial processing of grant applications, settling at 14 working days by the start of the 2020 law term.

Figure 3.7 Equity Division pending civil caseloads at 31 December

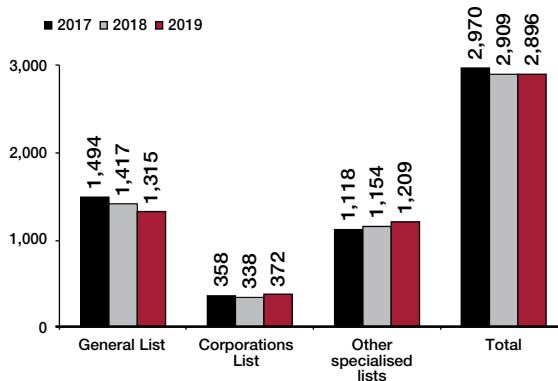
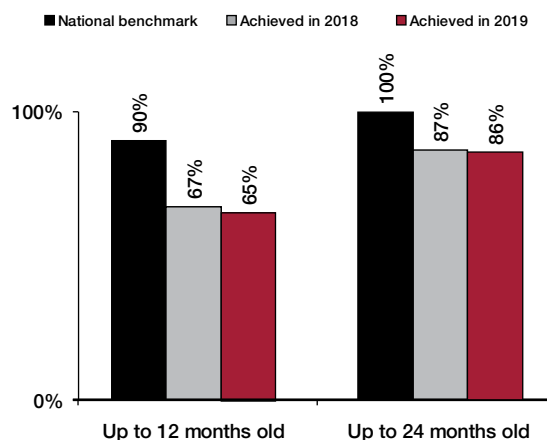


Figure 3.8 Equity Division – achievements against national benchmarks for age of pending cases



## TIMELINESS

### Measurement against benchmarks

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

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

Appendix (I) shows the position this Court reached at 31 December for each reported year with regard to the age of its pending caseload. For criminal matters (including criminal appeals) the method of measurement aligns with the method used by the Productivity Commission's *Report on Government Services*, except where cases are diverted to the Mental Health Review Tribunal. For the Court of Appeal, the reporting method aligns with the methods used by the Productivity Commission but is confined to those cases lodged in the Court of Appeal (whereas the Productivity Commission's figures cover all civil cases that are appellate in nature, not just those lodged in the Court of Appeal). For civil cases in the Common Law and Equity Divisions, the Court's reporting differs from the Productivity Commission's methods in three ways: firstly, the Court reports separately for each Division; secondly, for cases that are appellate in nature but heard in the Common Law or Equity Division, the Court reports those cases within

the appropriate Division and not in combination with Court of Appeal cases; and thirdly, the Court reports all pending cases, whereas the Productivity Commission's counting rules allow for exclusion of some particular case types and pending cases that have been inactive for at least 12 months.

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

This is the tenth year of reporting the size and age profile of the civil caseloads of the Common Law and Equity Divisions using data extracted from the NSW courts' case information system, JusticeLink. The extraction of data was continually refined from 2009 through to 2012, at which point the Court obtained reports that were better able to identify inactive civil cases. From 2012 to 2016 the Court audited its civil caseload to identify the many inactive cases that had accumulated since 2009. Auditing of backlogs was substantially completed for the Common Law Division by the end of 2014, and for the Equity Division by early 2016. We estimate nearly 5,000 inactive civil cases were closed as a result of that auditing, and that should be taken into account when making any analysis of the changes in size and age profile of the Court's civil caseload since 2010. The Court continues to audit its caseload routinely to identify inactive cases that should be dismissed or closed.



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

### Listing delays

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

The table of listing delays in Appendix (I) shows the listing delays that applied at the start of the new law term following the close of the reporting year. The listing delays refer to hearing-time requirements that are considered representative or typical of the various areas of the Court, as explained in the footnotes to the table. (Note that during 2016, the representative hearing-time requirement for Criminal List cases was changed from a 3-week trial to a 4-week trial.)

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

For the representative hearing lengths described in Appendix (I), over the 12 months leading up to the start of the 2020 law term:

- Court of Criminal Appeal hearing delays increased slightly to 3.4 months
- Court of Appeal hearing delays remained relatively stable at an optimal level, with a delay of 1.8 months
- criminal trial listing delays decreased to 5.0 months
- Bails List hearing delays have become far less volatile since the introduction of the new Practice Note, and a delay of around 2 weeks has been typical since June 2019
- Common Law Division civil hearing delays have lengthened considerably, increasing from 6.0 months to 12.0 months
- Equity Division civil hearing delays increased to 6.7 months.

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

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



## USE OF ALTERNATIVE DISPUTE RESOLUTION

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

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

During 2019 the registry recorded a total number of 1,407 referrals to mediation (court-annexed or private), which was a 20% increase from the 2018 total of 1,169 referrals. The number of court-annexed mediation listings (which are conducted by the Court's registrars) increased from 428 in 2018 to 474 in 2019. It is possible that the total number of referrals does not fully include the use of private mediation because it is not essential for litigants to obtain a formal referral for mediation to use private mediation, nor (where no referral order has been made) to disclose to the Court that private mediation has been used.

During 2019 an estimated 4,646 civil cases were filed that were of types for which mediation was considered generally applicable. This is a decrease of 2% from the estimated 4,726 cases filed during 2018.

The 'mediation referral index' is the total number of cases referred for mediation in a given year, expressed as a percentage of the total number of cases (of types where mediation is considered to be generally applicable) commenced in that year. For 2019 the mediation referral index was 30.3%, up from 24.7% for 2018.

Court-annexed mediations are conducted by those Supreme Court registrars who are additionally qualified as mediators. Of the 474 cases listed for court-annexed mediation during the year, 12 cases did not proceed to their allotted mediation session. Of the 462 cases that did proceed to a court-annexed mediation session, the settlement rate was 42%. The Court has a stringent convention for recording cases as "settled at mediation": the parties must have agreed to finalising orders (or have drafted heads of agreement) by the close of the mediation procedure. In addition to the cases noted as 'settled at mediation', a further 31% of cases were recorded as 'still negotiating' at the close of the mediation session, and many of those are likely to have settled subsequently. If parties agree to settle their dispute at any time after the close of the mediation session, those settlements are not recorded as 'settled at mediation' even though the mediation procedure may have been fundamental to the parties eventually reaching settlement. The statistics for the court-annexed mediation program are collated independently of the JusticeLink system, which is not sufficiently reliable for that purpose. There are no statistics on settlement rates for cases referred to private mediators.

The waiting time ranged between 2 and 9 weeks during 2019 for non-urgent court-annexed mediation sessions. The waiting time settled at 6 weeks for the start of the 2020 law term. Where the Court orders an expedited court-annexed mediation, the waiting time does not apply. The waiting time can change during the year, and updated information is published daily in the court list.

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



## 4 EDUCATION AND PUBLIC INFORMATION

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

## JUDICIAL OFFICER EDUCATION

Many judicial officers updated and developed their skills and knowledge during the year by attending conferences, seminars and workshops. Some of the programs are tailored specifically to the Court's needs, while others target the wider legal community. An overview of some of the educational activities completed during 2019 appears below. For a more comprehensive list of activities, please refer to Appendix (III): Other Judicial Activity.

### Domestic judicial education activities undertaken in 2019

During 2019, judges attended 88 days of face-to-face judicial education organised by the Judicial Commission of NSW, an average of 2 days of judicial education per judge. Participants are asked to rate the practical value of each education event to their role as a judge. The overall ratings in 2019 (from an average response rate of 35%) reveal that 88% of judges find the Supreme Court's education program relevant and a useful source of knowledge and ideas.

The Court's Annual Conference, held in August, included sessions on legislative intention, private international law, non-publication and take-down orders, new jury direction laws, criminal law, equity/commercial law, administrative law, financial regulation, artificial intelligence and an artificially intelligent future. Forty-one judicial officers and the Principal Registrar attended.

Supreme Court judges also attended two cross-jurisdictional seminars throughout the year. Two attended a seminar in August on *Forensic Science in the Courtroom* presented by visiting Dr Lucina Hackman. Further, three judges attended a seminar *Risky Business*, a session focusing on mental wellness presented by Mr Allan Sparkes CV OAM VA.

The Ngara Yura Committee presented various programs throughout the year:

- In June, three Supreme Court judges attended the *Ngara Yura Program: Exchanging Ideas: First Nations Consensus in Constitutional Reform, Nation Building and Treaty Making Processes*. This program involved a conversation on the making of the 2017 Uluru Statement and the mechanisms used to engage in dialogue, and heard from speakers closely connected to the process. Judicial officers, lawyers and Aboriginal community members came together to discuss the processes of nation-building and treaty-making that are currently being undertaken in a number of communities, and to canvass the challenges for design of such processes that can be inclusive and facilitate community consensus.
- In October, one judge attended a seminar on *The Wotton Decision*, a class action brought against the State of Queensland and the Commissioner of Police for Queensland that alleged contraventions of the *Racial Discrimination Act 1975* (Cth) that occurred arising out of the Queensland Police Service conduct on Palm Island following the death in custody of an Aboriginal man.
- In November, two judges attended a private, behind-the-scenes tour of a temporary exhibit, *Living Language: Country, Culture, Community* at the State Library of NSW. The exhibit explored shared stories of strength, trauma and joy and highlighted the complex historical relationships between different language groups and the importance of language in preserving culture.

## PUBLIC EDUCATION PROGRAM

Three Supreme Court judges attended the National Judicial Orientation Program in Glenelg, South Australia in April 2019, and one attended the National Judicial Orientation Program on the Gold Coast, Queensland in November 2019. The five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of NSW and the Australian Institute of Judicial Administration.

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

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

In 2019, numerous secondary school student groups and interested members of the public visited the Court independently with the assistance of a free, self-guided app. The free app guided visitors through a specially selected route highlighting the most legally and visually significant aspects of the Law Courts Building, while also providing insights into the Supreme Court's work. The app allows visitors an opportunity to visit the Court at times that suit their needs while ensuring they are equipped with information necessary to independently orient themselves within the Building and confidently undertake courtroom observation.

## THE ROLE OF THE MEDIA MANAGER

The Court's Media Manager is the principal media spokesperson for the superior NSW courts and provides a professional court-media liaison service. The major role of the position is to provide the media with information about court proceedings in the Supreme Court, the Land and Environment Court (LEC) and the Industrial Relations Commission (IRC). The Media Manager works with the media to ensure that judicial decisions are correctly reported to the community and promotes initiatives taken by the courts to enhance access to justice. The Media Manager is also responsible for ensuring that media outlets are alert to any non-publication and suppression orders issued in proceedings, and that they are familiar with the terms and impacts of these orders. This is important because the media's failure to acknowledge or adhere to such orders in their coverage could compromise proceedings.

During 2019, the Media Manager completed 5,666 requests for information, up from 5,613 the previous year. Of these:

- 90% related to Supreme Court matters
- 10% related to the LEC, IRC and other courts and tribunals.

Sydney metropolitan journalists from major newspapers and radio and TV stations remained the major users of the Media Manager's services, accounting for nearly 70% of requests. Fewer than 12% of users were from NSW regional newspapers, radio and TV stations, and less than 1% was from suburban Sydney newspapers. The remaining 17% of enquiries were from interstate or overseas journalists, writers for specialist/trade publications, authors, lawyers, students or members of the public. During the reporting year, the Media Manager received 13 media applications to film final decisions under the broadcasting judgments legislation, which includes a presumption in favour of permitting recording and broadcast of judgment remarks that determine proceedings. All but one request was granted. Filming occurred in 11 criminal sentences and one class action civil decision.

In addition to reactive work, the Media Manager undertook proactive tasks such as organising media interviews with Justice Ruth McColl, marking her retirement and 100 years of women in the law, and assisting with the Supreme Court's social media activity.



## 5 OTHER ASPECTS OF THE COURT'S WORK

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

## UNIFORM CIVIL PROCEDURE RULES

The *Civil Procedure Act 2005* and Uniform Civil Procedure Rules 2005 commenced operation in 2005. The Uniform Rules Committee was established under section 8 and Schedule 2 of the Act. The Chief Justice (who acts as chair) and the President of the Court of Appeal are *ex officio* members of the Committee. The other Supreme Court representatives on the Committee during 2019 were Justice Adamson and Justice Lindsay. As well as considering amendments to the Rules the Uniform Rules Committee approves forms for use in civil proceedings under section 17 of the Act.



## LAW COURTS LIBRARY

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

Legal authorities and accurate information are provided to support the timely and effective decision-making of the courts. In 2019, librarians answered more than 1,430 requests from the Supreme Court, and over 3,000 legal resources were borrowed. Law Courts Library reader services librarians continued to provide support for court use of online resources and e-publications on iPads and other mobile devices.

In addition, 2,503 Supreme Court (including Court of Appeal and Court of Criminal Appeal) decisions were published during 2019 on the NSW Caselaw website, which is managed and supported by the Library.

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

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

During 2019, the Supreme Court representatives on the Advisory Committee were Justice Basten, Justice Macfarlan and Acting Justice Emmett.

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

The Legal Profession Admission Board is responsible for:

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

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

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

During 2019, the members of the Board were:

- The Honourable T F Bathurst AC, Chief Justice (Chair)
- The Honourable Acting Justice Emmett AO (Presiding Member)
- The Honourable Justice Payne (Deputy Presiding Member)
- The Honourable Justice Lindsay
- Mr Garry McGrath SC (to December 2019)
- Ms Margaret Allars SC
- Mr Wen-Ts'ai Lim
- Mr John Dobson
- Professor Lesley Hitchens
- Dr Jacob Campbell (to October 2019)
- Professor Michael Quinlan
- Ms Phillippa Hetherington (from November 2019)

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

## ADMISSION UNDER THE MUTUAL RECOGNITION ACTS

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

In 2019, 71 New Zealand practitioners were enrolled under the *Trans-Tasman Mutual Recognition Act*. In comparison, there were 66 Trans-Tasman admissions in 2018 and 58 in 2017.

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





## ADMINISTRATION OF THE COSTS ASSESSMENT SCHEME

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

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

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

During 2019, 1,321 costs assessment applications were lodged. Of these, 580 (44%) related to costs between parties to costs orders; 162 (12%) were brought by clients against practitioners, and 442 (33%) were brought by practitioners to recover against clients. There were 137 reviews (10%).

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

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

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

The Costs Assessment User Group meets as necessary to discuss issues on costs assessment from a user's perspective. The User Group met regularly during 2019 to discuss progression of a new costs chapter in the Judicial Commission's *Civil Bench Book* and requirements for additional approved uniform civil forms, and to plan educational events for costs assessors. The Group also discussed when costs assessment determinations can and cannot include interest on unpaid legal costs.

## PRO BONO SCHEME

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

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

During 2019, the Court made 27 referrals under the Scheme: 9 referrals were made in Court of Appeal cases and 18 were made in cases from either the Common Law or Equity Division. The Scheme's success depends upon the continued goodwill of barristers and solicitors who have indicated a willingness to participate in the Scheme. The Court gratefully acknowledges and extends its sincere thanks to those who support the Scheme by volunteering their services.

## JUDICIAL ASSISTANCE PROGRAM

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





## 6 APPENDICES

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

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

(to be read in conjunction with Chapter 3)

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

### Filings, disposals and pending cases

#### NOTES:

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

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

The statistics for 2015 through to 2019 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system.

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

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

“-” – item not applicable

“0” – zero count

	2015	2016	2017	2018	2019
<b>COURT OF APPEAL <sup>1,2</sup></b>					
<b>Filings (net new cases) <sup>3</sup></b>	<b>379</b>	<b>397</b>	<b>354</b>	<b>355</b>	<b>366</b>
<i>Filings of appeals / applications for relief</i>	255	261	241	228	235
<i>Filings of applications for leave to appeal <sup>4</sup></i>	134	144	121	139	135
<b>Disposals (final disposals) <sup>5</sup></b>	<b>433</b>	<b>423</b>	<b>380</b>	<b>361</b>	<b>339</b>
<i>Disposals of appeals / applications for relief</i>	312	277	257	249	213
<i>Disposals of applications for leave to appeal</i>	131	154	131	124	130
<b>Pending cases at 31 December</b>	<b>236</b>	<b>210</b>	<b>184</b>	<b>178</b>	<b>205</b>
<i>Appeals / applications for relief</i>	173	157	141	120	142
<i>Applications for leave to appeal</i>	63	53	43	58	63

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

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

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

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

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

	2015	2016	2017	2018	2019
<b>COURT OF CRIMINAL APPEAL <sup>1</sup></b>					
Filings	342	363	380	407	352
Disposals	400	386	395	366	368
Pending cases at 31 December	168	145	130	171	155

<sup>1</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 7, 8, 2, 0 and 2 applications lodged in the Court of Criminal Appeal for the years 2015 to 2019, respectively, for review of Parole Board decisions.

	2015	2016	2017	2018	2019
<b>COMMON LAW DIVISION – Criminal <sup>1, 2</sup></b>					
<b>Criminal List</b>					
Filings (registrations) <sup>3</sup>	118	102	112	93	103
Disposals <sup>4</sup>	88	105	105	99	106
Pending cases at 31 December	115	112	119	113	110

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

Filings (applicants)	4,401	3,996	3,953	4,545	2,648
Disposals (applicants)	4,201	3,991	3,984	4,353	3,433
Pending applicants at 31 December	761	742	707	893	122

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

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

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

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

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

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

	2015	2016	2017	2018	2019
<b>COMMON LAW DIVISION – Civil</b>					
<b>Administrative Law List</b>					
Filings	134	127	121	152	115
Disposals	158	149	114	132	141
Pending cases at 31 December	91	70	79	100	78
<b>Defamation List</b>					
Filings	47	69	54	39	11
Disposals	65	52	56	61	53
Pending cases at 31 December	65	84	85	65	24
<b>Common Law General List (formerly the General Case Management List)</b>					
<b>Filings</b>	<b>1,176</b>	<b>1,105</b>	<b>1,109</b>	<b>1,231</b>	<b>1,431</b>
Contested claims	484	449	442	542	692
– <i>personal injury</i>	315	291	347	427	533
– <i>other claims</i>	169	158	95	155	159
Uncontested claims	169	185	194	214	237
Proceeds of Crime cases	120	93	108	123	146
Other summons cases	403	378	365	352	356
<b>Disposals</b>	<b>1,149</b>	<b>1,134</b>	<b>1,057</b>	<b>1,102</b>	<b>1,169</b>
Contested claims	525	495	509	475	552
– <i>personal injury</i>	299	291	317	323	392
– <i>other claims</i>	226	204	192	152	160
Uncontested claims	109	154	114	151	177
Proceeds of Crime cases	77	97	85	110	108
Other summons cases	438	388	349	366	332
<b>Pending cases at 31 December</b>	<b>1,275</b>	<b>1,247</b>	<b>1,274</b>	<b>1,362</b>	<b>1,600</b>
Contested claims	850	865	819	913	1,083
– <i>personal injury</i>	562	575	575	677	828
– <i>other claims</i>	288	290	244	236	255
Uncontested claims	94	69	99	105	112
Proceeds of Crime cases	176	173	200	215	255
Other summons cases	155	140	156	129	150

	2015	2016	2017	2018	2019
<b>Possession List</b>					
Filings <sup>1</sup>	1,600	1,312	1,218	1,235	1,501
<b>Disposals</b>	<b>1,592</b>	<b>1,376</b>	<b>1,250</b>	<b>1,207</b>	<b>1,292</b>
<i>Contested</i>	100	61	76	46	68
<i>Uncontested</i>	1,492	1,315	1,174	1,161	1,224
<b>Pending cases at 31 December</b>	<b>903</b>	<b>838</b>	<b>820</b>	<b>847</b>	<b>1,046</b>
<i>Contested</i>	56	60	39	67	83
<i>Uncontested</i>	847	778	781	780	963
<b>Professional Negligence List</b>					
Filings	127	150	180	214	214
Disposals	191	153	131	173	199
Pending cases at 31 December	301	301	364	420	445
<b>High Risk Offender List <sup>2</sup></b>					
Filings	-	-	-	48	54
Disposals	-	-	-	36	60
Pending cases at 31 December	-	-	-	29	22
<b>Miscellaneous applications <sup>3</sup></b>					
Filings	454	453	481	633	500
Disposals	435	437	503	540	564
Pending cases at 31 December	32	52	33	127	49
<b>COMMON LAW DIVISION TOTALS – Civil</b>					
<b>Filings</b>	<b>3,538</b>	<b>3,216</b>	<b>3,163</b>	<b>3,552</b>	<b>3,826</b>
<b>Disposals</b>	<b>3,590</b>	<b>3,301</b>	<b>3,111</b>	<b>3,251</b>	<b>3,478</b>
<b>Pending cases at 31 December</b>	<b>2,667</b>	<b>2,592</b>	<b>2,655</b>	<b>2,950</b>	<b>3,264</b>

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

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

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

	2015	2016	2017	2018	2019
<b>EQUITY DIVISION <sup>1</sup></b>					
<b>Admiralty List</b>					
Filings	4	0	1	0	3
Disposals	1	4	0	2	2
Pending cases at 31 December	4	0	2	0	1
<b>Adoptions List <sup>2</sup></b>					
Applications	160	198	222	242	224
Orders made	168	179	195	273	226
Pending cases at 31 December	48	67	94	63	60
<b>Commercial List</b>					
Filings	155	147	155	196	171
Disposals	166	224	182	184	180
Pending cases at 31 December	282	223	200	222	221
<b>Commercial Arbitration List</b>					
Filings	2	1	5	1	1
Disposals	1	2	2	6	1
Pending cases at 31 December	1	0	4	1	2
<b>Corporations List</b>					
Filings	2,126	1,097	952	860	1,211
<i>Judges' list</i>	111	137	185	172	205
<i>Registrar's list</i>	2,015	960	767	688	1,006
Disposals	2,133	1,071	958	883	1,188
<i>Judges' list</i>	138	138	191	184	251
<i>Registrar's list</i>	1,995	933	767	699	937
Pending cases at 31 December	331	357	358	338	372
<i>Judges' list</i>	65	96	128	154	148
<i>Registrar's list</i>	266	261	230	184	224



	2015	2016	2017	2018	2019
<b>Equity General List</b>					
Filings	2,146	1,915	1,856	1,815	1,636
<i>Family provision cases</i>	972	1,018	973	962	878
<i>Other cases</i>	1,174	897	883	853	758
Disposals <sup>3</sup>	2,207	2,058	1,774	1,910	1,724
<i>Family provision cases</i>	835	1,068	928	1,044	914
<i>Other cases</i>	1,372	990	846	866	810
Pending cases at 31 December	1,570	1,409	1,494	1,417	1,315
<i>Family provision cases</i>	554	492	544	470	417
<i>Other cases</i>	1,016	917	950	947	898
<b>Probate (Contentious Matters) List</b>					
Filings	207	265	294	316	310
Disposals	187	244	246	300	308
Pending cases at 31 December	173	194	241	257	257
<b>Protective List <sup>4</sup></b>					
Applications	107	83	110	102	123
Disposals	105	93	90	101	116
Pending applications at 31 December	35	25	45	46	51
<b>Real Property List <sup>5</sup></b>					
Filings	150	394	406	409	382
Disposals	37	248	357	388	366
Pending cases at 31 December	141	292	310	310	333
<b>Revenue List</b>					
Filings	22	26	8	24	14
Disposals	8	18	18	27	22
Pending applications at 31 December	29	36	27	26	18
<b>Technology and Construction List</b>					
Filings	89	108	138	163	178
Disposals	114	139	125	130	145
Pending cases at 31 December	200	174	195	229	266

	2015	2016	2017	2018	2019
<b>EQUITY DIVISION TOTALS</b>					
<b>Filings</b>	<b>5,168</b>	<b>4,234</b>	<b>4,147</b>	<b>4,128</b>	<b>4,253</b>
<b>Disposals</b>	<b>5,127</b>	<b>4,280</b>	<b>3,947</b>	<b>4,204</b>	<b>4,278</b>
<b>Pending cases at 31 December</b>	<b>2,814</b>	<b>2,777</b>	<b>2,970</b>	<b>2,909</b>	<b>2,896</b>
<b>PROBATE – Applications lodged for grant of probate etc.<sup>6</sup></b>	<b>26,408</b>	<b>26,243</b>	<b>27,294</b>	<b>26,538</b>	<b>27,438</b>

<sup>1</sup> The figures reported for 2015 through to 2019 have been extracted from the JusticeLink system, except for the figures for the Adoptions List, Probate (Contentious Matters) List and Protective List (the data for those lists are obtained from manually collated data).

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

<sup>3</sup> During 2014 and 2015 a large number of inactive cases in this List were audited and, where appropriate, closed. Accordingly, in those years the disposals figures are unusually high.

<sup>4</sup> In this List, applications are counted instead of 'cases' because cases in this List can be of a perpetual nature. During the period when a person's affairs or property are managed under the *NSW Trustee and Guardian Act 2009*, it is possible that more than one application will be made in relation to that person. 'Disposals' refers to the number of disposed applications.

<sup>5</sup> The Real Property List commenced on 1 June 2015. Some cases commenced earlier in the Equity General List were transferred to this List for case management and disposal.

<sup>6</sup> This includes all probate applications that are lodged as uncontested applications for a grant of probate or letters of administration, or for reseal of a probate grant. Registrars deal with uncontested applications. Only a small proportion of these applications become contested. Contested applications are transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include other probate-related matters handled by the registry, such as probate accounts matters, caveats, deposited wills, and elections to administer estates.

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

Number pending (and % of total)	National standard <sup>3</sup>	2015	2016	2017	2018	2019
<b>COURT OF APPEAL</b>						
Total number of cases pending		236	210	184	178	205
Cases within 12 months of age	90%	214 (91%)	192 (91%)	176 (96%)	167 (94%)	191 (93%)
Cases within 24 months of age	100%	234 (99%)	210 (100%)	183 (99%)	177 (99%)	201 (98%)
<b>COURT OF CRIMINAL APPEAL</b>						
Total number of cases pending		168	145	130	171	155
Cases within 12 months of age	90%	158 (94%)	144 (99%)	127 (98%)	167 (98%)	150 (97%)
Cases within 24 months of age	100%	166 (99%)	145 (100%)	130 (100%)	171 (100%)	155 (100%)
<b>COMMON LAW DIVISION – Criminal <sup>4, 5</sup></b>						
Total number of defendants pending		115	112	119	113	110
Cases within 12 months of age	90%	93 (81%)	80 (71%)	89 (75%)	61 (54%)	74 (67%)
Cases within 24 months of age	100%	109 (95%)	107 (96%)	109 (92%)	107 (95%)	97 (88%)
<b>COMMON LAW DIVISION – Civil</b>						
Total number of cases pending		2,667	2,592	2,655	2,950	3,264
Cases within 12 months of age	90%	1,834 (69%)	1,766 (68%)	1,783 (67%)	2,055 (70%)	2,218 (68%)
Cases within 24 months of age	100%	2,242 (84%)	2,204 (85%)	2,243 (84%)	2,549 (86%)	2,793 (86%)
<b>EQUITY DIVISION (excluding uncontested probate matters)</b>						
Total number of cases pending		2,814	2,777	2,970	2,909	2,896
Cases within 12 months of age	90%	2,001 (71%)	1,975 (71%)	2,055 (69%)	1,950 (67%)	1,871 (65%)
Cases within 24 months of age	100%	2,508 (89%)	2,471 (89%)	2,629 (89%)	2,531 (87%)	2,497 (86%)

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

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

	2015	2016	2017	2018	2019
<b>COURT OF APPEAL</b> <sup>3</sup>	2.3 months	1.0 month	2.2 months	1.7 months	1.8 months
<b>COURT OF CRIMINAL APPEAL</b>	2.5 months	1.5 months	1.2 months	3.0 months	3.4 months
<b>COMMON LAW DIVISION</b>					
Criminal List <sup>4</sup>	5.5 months	7.3 months	5.5 months	6.5 months	5.0 months
Civil lists <sup>5</sup>	6.0 months	7.3 months	7.0 months	6.0 months	12.0 months
Bails List <sup>6</sup>	10.5 weeks	9.0 weeks	7.0 weeks	2.0 weeks	2.0 weeks
<b>EQUITY DIVISION</b> <sup>7</sup>	3.0 months	5.3 months	4.5 months	6.0 months	6.7 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 2019 it is the position at the start of the 2020 law term). This removes the end-of-year impact of the law vacation.
- <sup>3</sup> This refers to substantive appeals (including those heard concurrently with a leave application). The listing delay is usually shorter for a hearing of a leave application alone.
- <sup>4</sup> For years up to 2015, this refers to cases requiring at least 3 weeks of trial time. From 2016 onwards, it refers to cases requiring at least 4 weeks of trial time.
- <sup>5</sup> This refers to cases requiring up to 5 days of hearing time.
- <sup>6</sup> Prior to 2019, this referred to applications by adults receiving public funding. From June 2019, it refers to all applications by adults for a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.
- <sup>7</sup> This refers only to General List and Probate (Contentious Matters) List cases requiring 2 days of hearing time before a judge.

## Alternative dispute resolution

	2015	2016	2017	2018	2019
<b>Court-annexed mediations listed <sup>1, 2</sup></b>					
Total	518	615	571	428	474
<i>Common Law Division</i>	32	38	51	29	27
<i>Equity Division – not probate cases</i>	447	528	455	344	366
<i>Equity Division – probate cases</i>	39	48	64	55	80
<i>Court of Appeal</i>	0	1	1	0	1
Percentage settling at mediation <sup>3, 4</sup>	51%	51%	46%	47%	42%
Waiting time after the end of the year <sup>5</sup>	4 weeks	5 weeks	2 weeks	5 weeks	6 weeks
<b>Referrals to mediation generally</b>					
Total referrals recorded <sup>6</sup>	1,071	806	943	1,169	1,407
Mediation referral index <sup>7</sup>	23.1%	17.3%	20.8%	24.7%	30.3%
<b>Arbitrations listed <sup>8</sup></b>					
Total	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 settlement conferences conducted by judges and mediations conducted by private mediators.

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

<sup>3</sup> This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement *by the close of the mediation session*. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). In 2019, for example, in addition to the 42% of cases that settled at the close of their court-annexed mediation session, a further 31% of cases were continuing settlement negotiations.

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

<sup>5</sup> This is the waiting time to the first-available extensive group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2019 it is the position at the start of the 2020 law term). Sporadic earlier sessions are often available. Urgent mediation sessions are provided without delay when ordered by the Court.

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

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

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

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

### Chief Justice's Executive Committee

The Chief Justice's Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational strategic issues. The Committee met weekly throughout 2019, except during periods when the Chief Justice was not available to hold a meeting.

#### Members during 2019

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

### Australian Centre for International Commercial Arbitration (ACICA)

#### Members during 2019

The Honourable James Allsop AO (Chair),  
Chief Justice, Federal Court of Australia  
The Honourable Justice Middleton, Federal Court of Australia  
The Honourable Justice Doyle, Supreme Court of South Australia  
The Honourable Justice Mossop, Supreme Court of Australian Capital Territory  
The Honourable Justice Elkaim, Supreme Court of Australian Capital Territory  
The Honourable Justice Stevenson, Supreme Court of New South Wales  
The Honourable Justice Rees, Supreme Court of New South Wales  
The Honourable Justice Jackson, Supreme Court of Queensland  
The Honourable Justice Bond, Supreme Court of Queensland  
The Honourable Justice Riordan, Supreme Court of Victoria  
The Honourable Justice Martin, Supreme Court of Western Australia  
The Honourable Justice Quinlan, Supreme Court of Western Australia

The Honourable Justice Kelly, Supreme Court of the Northern Territory

The Honourable Justice Southwood, Supreme Court of the Northern Territory

The Honourable Associate Justice Holt, Supreme Court of Tasmania

The Honourable Justice Brett, Supreme Court of Tasmania

The Honourable Justice McClelland, Family Court of Australia

Ms Brenda Horrigan, President of ACICA

Mr Jonathon Redwood, Vice-President of ACICA

Mr Allan Myers AC QC, Non-judicial member, nominated by Chair

### Adoptions List Users Group

#### Members during 2019

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

### Alternative Dispute Resolution Steering Committee

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

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

#### **Members during 2019**

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

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

##### **Members during 2019**

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

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

##### **Members during 2019**

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

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

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

##### **Members during 2019**

Ms Anne Henderson (Chair) (representing the history profession)  
The Honourable Justice Lindsay  
Dr Stephen Choularton (representing private sector)  
The Hon Dr Peter Phelps MLC  
Mr Anthony Lean (representing Govt departments)  
Mr Scott Nash (representing Local Government)

### **Building Committee**

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

#### **Members during 2019**

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

### **Caselaw Governance Committee**

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

#### **Members during 2019**

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

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

### **Civil Bench Book**

#### **Members during 2019**

The Honourable Justice Garling RFD  
The Honourable Justice Kunc

### **College of Law**

#### **Members during 2019**

The Honourable Justice Hallen

### **Commercial List Users Group**

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

#### **Members during 2019**

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



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

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

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

#### **Members during 2019**

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

### **Corporations List Users Group**

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

#### **Members during 2019**

The Honourable Justice Black  
The Honourable Justice Rees  
Ms Rebel Kenna, Director & Prothonotary  
Ms Leonie Walton, Registrar, Equity  
Mr Damian Allen (8 Windeyer Chambers)  
Mr Charles Bavin (Hunt & Hunt)  
Mr Andrew Carter (Ashurst)

Mr Miles K Condon SC (16th Floor Wardell Chambers)  
Mr Doran Cook SC (Blackstone Chambers)  
Mr Glen Cussen (Kemp Strang)  
Mr Steven Golledge (3 St James Hall Chambers)  
Ms Georgina Hayden (ASIC)  
Mr Michael Hayter (Gillis Delaney)  
Mr Ben Hely, Herbert Smith Freehills  
Mr Luke Hastings, Herbert Smith Freehills  
Mr Michael Hughes (Minter Ellison)  
Aamena Hussein (Craddock Murray Neumann)  
Mr Jim Johnson (Frederick Jordan Chambers)  
Mr Roger D Marshall SC (Ground Floor Wentworth Chambers)  
Mr Khaled Metlej (Craddock Murray Neumann)  
Mr David McCrostie (Turks Legal)  
Mr Alexander Morris (Mallesons)  
Mr Michael Murray (Insolvency Practitioners of Australia)  
Mr Robert Newlinds SC (Banco Chambers)  
Ms Denise North (Insolvency Practitioners of Australia)  
Mr Malcolm Oakes SC (Tenth Floor Chambers)  
Ms Maria O'Brien (Baker McKenzie)  
Mr David Pritchard SC (3 St James Hall Chambers)  
Mr David Stack (Blackstone Chambers)  
Mr Jim Thomson (13 Wentworth Selborne Chambers)

### **Costs Assessment Rules Committee**

#### **Members during 2019**

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

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

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

#### **Members during 2019**

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

### **Criminal Trial Bench Book**

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

#### **Members during 2019**

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

### **Criminal Appeal Review Committee**

#### **Members during 2019**

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

### **Defamation Working Group**

#### **Members during 2019**

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

### **Early Appropriate Guilty Pleas Reform Steering Committee (EAGP Steer Co)**

#### **Members during 2019**

The Honourable Justice Price AO, Chief Judge of the District Court of NSW  
The Honourable Justice Fullerton  
His Honour Judge Henson, Chief Magistrate of the Local Court  
Mr Lloyd Babb SC, The Office of the Director of Public Prosecutions  
Mr Brendan Thomas, CEO, Legal Aid NSW  
Ms Catherine D'Elia, Deputy Secretary Courts, Tribunals and Service  
Ms Kate Connors, Deputy Secretary, JPS  
Mr Ian Dickson, NSW Police Force

Mr Jon Piggot, Department of Communities and Justice Finance  
Mr Luke Grant, Assistant Commissioner, Corrective Services NSW

### **Education Committee**

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

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

### **Members during 2019**

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

### **Equity Liaison Group**

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

### **Members during 2019**

The Honourable Justice Ward (Chair)  
The Honourable Justice Slattery AM RAN  
Ms Leonie Walton, Registrar, Equity Division  
Mr C R C Newlinds SC  
Mr G A Sirtes SC  
Ms V Whittaker  
Mr M Ashhurst SC  
Mr M K Condon SC  
Ms A M Kennedy  
Mr J K Martin  
Mr B J Miller  
Ms P G Suttor  
Mr C Alexander  
Mr Scott Baxter

### **Harmonisation Committee**

The Harmonisation of Rules Committee is a committee of the Council of Chief Justices. It has representatives of the Federal Court of Australia, the Family Court of Australia, each of the Supreme Courts of Australia and the High Court of New Zealand. The goals of the Committee are the harmonisation of rules of court and, as appropriate, practice in specific subject areas, either as identified by references from the Council of Chief Justices or, with the endorsement of the Council, by consensus amongst participating jurisdictions, through the members of the Committee. The Committee monitors the operation of harmonised rules of court and practice adopted by participating jurisdictions, as well as relevant proposals for modification of the substantive law, to generate amendments to those rules and practices on a harmonised basis. The convenor of the Committee is appointed by the Council of Chief Justices. Other members are nominated by the head of each participating jurisdiction for one or more specific subject area projects, for the monitoring of adopted harmonised rules of court or for both. The Committee is supported by a Registrar of the Federal Court, with research and advice from the Australasian Institute of Judicial Administration.

### **Members during 2019**

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

### **Information Technology**

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

### **Members during 2019**

The Honourable Justice Garling RFD (Chair)  
The Honourable Justice Gleeson  
The Honourable Justice Sackar  
The Honourable Justice Beech-Jones  
Mr Chris D'Aeth, Executive Director and Principal Registrar  
Mr Nick Sanderson-Gough, Manager, Court Operations and Communications  
Mr Marlowe Espiritu, SCT Information Technology Coordinator (until May)  
Mr Arun Chand, SCT Information Technology Coordinator (from June)

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

### **Members during 2019**

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

### **Judicial Conference of Australia**

### **Members during 2019**

The Honourable Justice Beech-Jones, (President)  
The Honourable Justice Walton  
The Honourable Justice Judith Kelly, Supreme Court of the Northern Territory (Vice President)  
His Honour Judge Michael Baumann, AM, Federal Circuit Court of Australia (Treasurer)

Chief Justice Alan Blow, OAM, Supreme Court of Tasmania  
 His Honour Judge Wayne Chivell, District Court of South Australia  
 His Honour Judge Philip Eaton, District Court of Western Australia  
 The Honourable Justice Timothy Ginnane, Supreme Court of Victoria  
 His Honour Judge Graeme Henson AM, Chief Magistrate, Local Court of New South Wales  
 The Honourable Justice Neil McKerracher, Federal Court of Australia  
 The Honourable Justice Hilary Penfold, Supreme Court of the Australian Capital Territory  
 Magistrate Marc Sargent, Magistrates' Court of Victoria

### **Judges' Handbook Committee**

#### **Members during 2019**

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

### **Judicial Commission of New South Wales**

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

#### **Members during 2019**

The Honourable T F Bathurst AC, Chief Justice (President and Chair)  
 The Honourable Justice Bell, President of the Court of Appeal  
 The Honourable Justice Preston, Land and Environment Court of New South Wales  
 The Honourable Justice Derek Price AO, Chief Judge, District Court of New South Wales  
 His Honour Judge Henson, Chief Magistrate, New South Wales Local Court  
 Mr Peter Kite, Chief Commissioner, Industrial Relations Commission of NSW

Dr Judith Cashmore AO  
 Mr David Giddy  
 Professor Brian McCaughan AM  
 Mr Yair Miller

### **Judicial Conference of Australia**

#### **Members during 2019**

The Hon Justice Judith Kelly, President  
 The Hon Justice Glenn Martin, AM, Vice President  
 The Hon Justice Michael Baumann, AM, Treasurer  
 His Honour Judge Wayne Chivell, Intermediate Courts Representative  
 Her Honour Magistrate Jan Maclean, Magistrates/ Local Court Representative  
 The Hon Justice Neil McKerracher, Federal Court of Australia  
 The Hon Justice Michael Baumann, AM, Family Court of Australia  
 Her Honour Judge Alexandra Harland, Federal Circuit Court of Australia  
 The Hon Justice John Burns, Supreme Court of the Australian Capital Territory  
 His Honour Magistrate Peter Morrison, Magistrates Court of the Australian Capital Territory  
 The Hon Justice Michael Walton  
 The Hon Justice Nicola Pain, Land and Environment Court of New South Wales  
 His Honour Judge Garry Neilson, District Court of New South Wales  
 Her Honour Magistrate Jenny Atkinson, Local Court of New South Wales  
 The Hon Justice Judith Kelly, Supreme Court of the Northern Territory  
 Her Honour Chief Judge Elizabeth Morris, Local Court of the Northern Territory  
 The Hon Justice Glenn Martin, AM, Supreme Court of Queensland  
 His Honour Judge Anthony Rafter, SC, District Court of Queensland  
 Vice President Daniel O'Connor, Industrial Court of Queensland  
 President Fleur Kingham, Land Court of Queensland  
 Her Honour Deputy Chief Magistrate Leanne O'Shea, Magistrates Court of Queensland  
 His Honour Judge Graham Dart, Supreme Court of South Australia

His Honour Judge Wayne Chivell, District Court of South Australia

The Hon Justice Steven Dolphin, South Australian Employment Tribunal

His Honour Deputy Chief Magistrate Brett Dixon, Magistrates Court of South Australia

The Hon Chief Justice Alan Blow, AO, Supreme Court of Tasmania

His Honour Deputy Chief Magistrate Michael Daly, Magistrates Court of Tasmania

The Hon Justice Steven Moore, Supreme Court of Victoria

Her Honour Judge Rachelle Lewitan, AM, County Court of Victoria

Her Honour Magistrate Jan Maclean, Magistrates' Court of Victoria

The Hon Justice Rene Le Miere, Supreme Court of Western Australia

His Honour Judge Andrew Stavrianou, District Court of Western Australia

Her Honour Magistrate Andrée Horrigan, Magistrates Court of Western Australia

The Hon Tony Pagone, QC, International Association of Judges

Mr Christopher Roper AM, Secretary

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

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

#### **Members during 2019**

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

The Honourable Justice Schmidt AM

The Honourable Justice Craig Colvin, Federal Court of Australia

The Honourable Justice Debra Mullins AO, Supreme Court of Queensland

The Honourable Justice Stevenson

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

Ms Janie Armstrong, Program Manager, National Judicial College of Australia

### **Judicial Remuneration Committee**

#### **Members during 2019**

The Honourable Justice Hoeben AM RFD (Chair)

The Honourable Justice Rothman AM

The Honourable Justice Schmidt AM

The Honourable Justice Sackar

### **Jury Task Force**

#### **Members during 2019**

The Honourable Justice Fullerton (Chair)

The Honourable R A Hulme

His Honour Judge Hock, District Court

Mr Christopher Turner, Assistant Sheriff, Regional Manager – Metropolitan

Mr Gavin Rowan, Manager Jury & Court Management

### **Law Admissions Consultative Committee**

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

#### **Members during 2019**

Professor Sandford D Clark (Chair)

The Honourable Acting Justice Emmett AO

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

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



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

#### **Members during 2019**

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

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

##### **Members during 2019**

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

#### **Law Reform Commission**

##### **Members during 2019**

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

The Honourable Acting Justice Carolyn Simpson AO (Commissioner)  
Dr Annabelle Bennett, AC SC (Commissioner)

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

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

##### **Members during 2019**

The Honourable T F Bathurst AC, Chief Justice  
The Honourable Acting Justice Emmett AO (Deputy Chair)  
The Honourable Justice Payne  
The Honourable Justice Lindsay  
Mr Garry McGrath SC (Bar Association rep)  
Ms Margaret Allars SC (Bar Association rep)  
Mr Charles Cawley (Law Society of NSW)  
Mr John Dobson (Law Society rep)  
Prof Lesley Hitchens (Dean of Law, UTS)  
Prof Michael Adams (Dean of Law, UWS)  
Dr Jacob Campbell (Department of Communities and Justice)  
Mr Chris Banks (Secretary)

#### **Legal Profession Admission Board Examinations Committee**

##### **Members during 2019**

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

## **Legal Profession Admission Board Legal Qualifications Committee**

### **Members during 2019**

The Honourable Justice Robb (Chair)  
The Honourable Justice Button  
The Honourable Justice Adams  
Mr John Fernon SC  
Ms Elizabeth Picker  
Mr Thomas Spohr  
Mr Richard Harvey  
Ms Mary Macken  
Mr Charles Cawley  
Mr Stuart Westgarth  
Ms Jenny Eggleton  
Ms Carolyn Penfold  
Prof Peter Radan  
Dr Gordon Elkington  
Mr Peter Underwood  
Mr Gregory Ross

## **Legal Services Council Admissions Committee**

### **Members during 2019**

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

## **Media Court Committee**

### **Members during 2019**

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

## **National Admissions Committee**

### **Members during 2019**

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

## **National Judicial Orientation Program Committee**

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

### **Members during 2019**

The Honourable Justice Harrison (Chair)  
The Honourable Justice Benjamin, Family Court of Australia  
The Honourable Justice Kyrou, Supreme Court of Victoria  
The Honourable Justice Mullins, Supreme Court of Queensland  
His Honour Judge Norrish, District Court of New South Wales  
His Honour Judge Rares, Federal Court of Australia  
Her Honour Judge Wager, District Court of Western Australia  
Mr John McGuinness, Director, National Judicial College of Australia  
Ms Jenny Green, Academic Director, National Judicial College of Australia  
Professor Greg Reinhardt, Australasian Institute of Judicial Administration  
Mr Ernest Schmatt PSM, Judicial Commission of New South Wales  
Ms Una Doyle, Judicial Commission of New South Wales

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

### **Members during 2019**

The Honourable Justice Rothman AM (Chair)  
The Honourable James Allsop AO, Chief Justice of the Federal Court of Australia  
The Honourable Justice Pepper, Land and Environment Court  
His Honour Judge Haesler SC, District Court  
Her Honour Deputy Chief Magistrate Mottley, Local Court



His Honour Magistrate Dick, Local Court  
Her Honour Magistrate Duncombe, Children's Court  
Mr Terry Chenery, CEO, Hunter Aboriginal  
Children's Services  
Prof Megan Davis, Director, Indigenous Law Centre,  
Faculty of Law UNSW  
Mr Ernie Schmatt PSM, Chief Executive,  
Judicial Commission  
Ms Una Doyle, Education Director, Judicial  
Commission (Convenor)  
Ms Ruth Sheard, Manager, Conferences and  
Communication, Judicial Commission  
Ms Joanne Selfe, Ngara Yura, Judicial Commission  
(Program Project Officer)

### **NSW Law Reporting Liaison Committee**

#### **Members during 2019**

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

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

#### **Members during 2019**

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

### **Planning Committee for Dialogues on being a Judge (National Judicial College of Australia)**

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

#### **Members during 2019**

The Honourable Justice Stephen Gageler,  
High Court of Australia (Chair)  
His Honour Gordon Barrett, District Court of  
South Australia  
The Honourable Justice Ann Ainslie-Wallace,  
Family Court of Australia  
The Hon Jon Doyle (formerly Chief Justice of the  
Supreme Court of South Australia)  
Mr John McGinness, Director, National Judicial  
College of Australia  
Ms Jenny Green, National Judicial College  
of Australia

### **Possession List Users Group**

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

#### **Members during 2019**

The Honourable Justice Davies,  
Ms Rebel Kenna, Prothonotary and Director &  
Assistant Principal Registrar  
Mr Christopher Bradford, Registrar  
Ms Naomi Ubrighien, Manager Client Services  
Mr Milio Cesta-Incani, Manager Listing Service  
Mr Tim Sherrard, Dentons Australia  
Mr Richard Lewin, Dentons Australia  
Mr Rod Cameron, Hicksons  
Ms Amy Knox, Financial Rights Legal Centre  
Ms Alexandra Kelly, Financial Rights Legal Centre

Ms Alice Lin, Financial Rights Legal Centre  
 Ms Lara Song, Financial Rights Legal Centre  
 Ms Nora Minassian, Thomson Geer  
 Ms Pip Nagam, Thomson Geer  
 Ms Khoterra Shaw, Thomson Geer  
 Ms Lauren Hatton, Thomson Geer  
 Ms Kimberley Wells, Thomson Geer  
 Ms Caitilin Watson, Atkinson Vinden  
 Ms Clarissa Mirarchi, Legal Aid NSW  
 Ms Nerida Walker, Legal Aid NSW  
 Mr Mark Hilton, Norton Rose Fulbright Australia  
 Mr Matthew Pike, HWL Ebsworth  
 Ms Julie Talakovski, HWL Ebsworth  
 Mr Adam Young, HWL Ebsworth  
 Ms Kathryn Brann, Summer Lawyers  
 Ms Jennifer Balech, Summer Lawyers  
 Mr Andrew Hack, Summer Lawyers  
 Ms Elisabeth McGready, Summer Lawyers  
 Ms Debra Sweikert, Summer Lawyers  
 Ms Gayathri Singh, Summer Lawyers  
 Ms Yulia Gurdina, Summer Lawyers  
 Ms Elizabeth Mead, Summer Lawyers  
 Mr Brendan Burke, Edmund Barton Chambers  
 Ms Erin Couper, Bransgroves  
 Ms Kate Cooper, Bransgroves  
 Mr Matthew Bransgrove, Bransgroves  
 Ms Sarah Elbarhoun, Bransgroves  
 Ms Christina Jabbour, Bransgroves  
 Ms Vivienne Zheng, Bransgroves  
 Mr Simon Duke, Galilee Solicitors  
 Ms Katherine Joy, Galilee Solicitors

### **Probate Users Group**

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

### **Members during 2019**

The Honourable Justice Lindsay  
 The Honourable Justice Hallen  
 Mr Chris D'Aeth, Executive Director and Principal Registrar

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

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

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

### **Members during 2019**

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

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

### **Members during 2019**

The Honourable Justice Stevenson  
 The Honourable Justice Dowsett, Federal Court (Brisbane)

Chief Magistrate Heath (Magistrates Court, WA)  
Judge Altobelli (Federal Circuit Court of Australia)  
Judge Gucciardo (County Court of Victoria)  
Magistrate Horrigan (Children's Court of WA)  
Justice Martin (Supreme Court of Queensland)  
Chief Judge Muecke (District Court of SA)  
Professor Stephen Bottomley (Dean, ANU College of Law)  
Ms Wendy Kukulies-Smith (ANU College of Law)  
Ms Lillian Lesueur (Chief Executive Officer, National Judicial College of Australia)

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

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

Membership consists of the chairpersons (or their representatives) of the Education Committees of each of the five courts.

#### **Members during 2019**

The Honourable Justice Basten (Chair)  
The Honourable Justice Pain, Land and Environment Court of New South Wales  
His Honour Judge Lakatos SC, District Court of New South Wales  
His Honour Deputy Chief Magistrate Michael Allen, Local Court of New South Wales  
Ms Una Doyle, Education Director, Judicial Commission of NSW  
Ms Kate Lumley, Manager Communications & Publishing, Judicial Commission  
Ms Fluer Findlay, Legal Editor, Judicial Commission

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

#### **Members during 2019**

The Honourable Justice Hammerschlag

### **Supreme Court Rules Committee**

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

#### **Members during 2019**

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

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

#### **Members during 2019**

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

## Sydney Institute of Criminology Advisory Committee

### Members during 2019

The Honourable T F Bathurst AC, Chief Justice

### Uniform Rules Committee

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

courts, as well as from the New South Wales Bar Association and the Law Society of New South Wales. The Committee met four times during 2017. As well as considering amendments to the Rules (under section 9 of the Act), the Committee approves forms for use in civil proceedings (under section 17 of the Act).

### Members during 2019

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

The Honourable Justice Bell

The Honourable Justice Adamson

The Honourable Justice Lindsay

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

Her Honour Judge Olsson, District Court

His Honour Judge Letherbarrow, District Court

Her Honour Magistrate Jennifer Atkinson,  
Local Court

His Honour Magistrate Michael O'Brien, Local Court

Ms Carol Webster SC (New South Wales  
Bar Association)

Mr David Hing (Law Society of NSW)

Mr Jon Prowse (Law Society of NSW alternate  
representative)

Mr Chris D'Aeth, Executive Director and Principal  
Registrar

Ms Rebel Kenna, Director and Prothonotary  
(Secretary)



## APPENDIX (III): OTHER JUDICIAL ACTIVITY

In addition to hearing and determining cases, the Court's judicial officers actively contribute to the ongoing professional development of the legal community domestically and abroad. Their contributions encompass activities such as presenting papers and speeches at conferences and seminars, submitting articles for publication, giving occasional lectures at educational institutions, meeting judicial officers from courts around the world and hosting delegations. Many judicial officers are also appointed to boards, commissions and committees for a wide range of legal, cultural and benevolent organisations. The Judges' and Associate Judge's activities during 2019 are summarised below in chronological order.

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

The events judicial officers attended during 2019 with financial assistance were:

Event date	Recipient of travel grant	Purpose of overseas visit
13 – 14 Mar 2019	The Honourable T F Bathurst AC, Chief Justice of New South Wales	Attended the Swearing-in Winkelmann CJ
13 – 14 Mar 2019	The Honourable Justice Ward, Chief Judge in Equity	Attended the Swearing-in Winkelmann CJ
1 – 4 April 2019	The Honourable Justice Black	Attended the INSOL International Judicial Colloquium
3 – 7 Jun 2019	The Honourable Justice Rothman AM	Attended the International Criminal Court Moot
11 – 12 Jul 2019	The Honourable Justice Bell, President, Court of Appeal	Attended the Australian Bar Assoc. Conference 'Convergence'
2 – 4 Sep 2019	The Honourable Justice Davies	Attended the Succession Law Conference
2 – 4 Sep 2019	The Honourable Justice Hallen	Attended the Succession Law Conference
15 – 19 Sep 2019	The Honourable Justice Walton	Attended the 62 <sup>nd</sup> Annual Meeting of International Assoc. of Judges
21 – 22 Oct 2019	The Honourable T F Bathurst AC, Chief Justice of New South Wales	Attended the Council of Chief Justices Meeting
5 – 8 Nov 2019	The Honourable Justice Ward, Chief Judge in Equity	Attended the 32 <sup>nd</sup> LawAsia Conference
25 – 27 Nov 2019	The Honourable Justice Bell, President, Court of Appeal	Attended the INBA's 68 <sup>th</sup> Constitution Day

Private funding sources were used to attend all other conferences or speaking engagements in overseas destinations detailed in this appendix.

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

### Conferences:

19 - 23 Jan 2019	Supreme & Federal Courts Conference (Hobart)
14 - 16 Feb 2019	6 <sup>th</sup> Judicial Seminar on Commercial Litigation (Sydney)
9 - 10 Jul 2019	International Society for the Reform of Criminal Law Conference (Brisbane)
18 Jul 2019	Constitutional Recognition Symposium (Sydney)
23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral, NSW)
14 Sep 2019	Blue Mountains Law Regional Society Succession Law Conference (Medlow Bath, NSW)
21 - 27 Oct 2019	53 <sup>rd</sup> Meeting of the Council of Chief Justices (Wellington, NZ)

### Speaking engagements:

30 Jan 2019	Speech: "Who judges the Judges and how should they be judged?", Law Society of New South Wales Opening of Law Term Dinner
5 Feb 2019	Speech: Opening of Law Term Greek Orthodox Church Service
6 Feb 2019	Speech: Opening of Law Term Jewish Service
14 Feb 2019	Speech: "The mysteries of judicial power: defining the relationship between law and power in the modern State", Winterton Memorial Lecture 2019
15 Feb 2019	Welcome Remarks: 6 <sup>th</sup> Judicial Seminar on Commercial Litigation
27 Feb 2019	Speech: Farewell Ceremony for The Honourable Justice Margaret Beazley AO, President of the Court of Appeal
27 Feb 2019	Adjudication of AILA Moot
16 Mar 2019	Speech: "Is discretion the better part of sentencing?", Public Defenders Criminal Law Conference
22 Mar 2019	Speech: "Not a master, but a teacher: the role of the Judicial Commission of NSW", Law Council of Australia Directors' Dinner
5 Apr 2019	Speech: The place of religious law in a pluralist society", 2019 Aloysian Law Lunch
10 Apr 2019	Welcome Remarks: FLIP Stream Seminar, "Future of Law and Innovation in the Legal Profession"
16 Apr 2019	Speech: "Defining the public interest: where lawyers fear to tread?", Public Interest Symposium jointly hosted by UNSW Canberra and the Office of the NSW Ombudsman
23 May 2019	Speech: "'Easier for a camel to pass through the eye of a needle': the lessons for australia from brexit", Annual Michael O'Dea Oration as part of the Annual Prizegiving ceremony of the University of Notre Dame Australia, School of Law.
28 May 2019	Adjudication of MULS Grand Final Moot
7 Jun 2019	Speech: Law Graduation Ceremony at the University of Sydney
27 Jun 2019	Book Launch: "Ethical Legal Practice and Professional Conduct" by Frank Esparraga
10 Jul 2019	Speech: "The future direction of anti-corruption commissions: an Australian legal perspective", International Society for the Reform of Criminal Law
31 Jul 2019	Book Launch: "Jesting Pilate and Other Papers and Address" edited by Susan Crennan and William Gummow

8 Aug 2019	Speech: "Demystifying judicial commissions", Federal Circuit Court of Australia 2019 Plenary
9 Aug 2019	Speech: 4 <sup>th</sup> Annual Australian Alternative Dispute Resolution Awards Dinner
14 Aug 2019	Speech: Memorial for the Hon David Hunt AO QC
20 Aug 2019	Book Launch: The Windeyer Legacy – Legal and Military Papers by Bruce DeBelle
23 Aug 2019	Welcome remarks: Supreme Court Annual Conference
5 Sep 2019	Book Launch: "Heydon on Contract" by J D Heydon
14 Sep 2019	Speech: "Death and taxes: the policy of succession law", Blue Mountains Law Regional Society Succession Law Conference
19 Sep 2019	Speech: "A tough nut to crack: the history of the legal profession in New South Wales", Francis Forbes Society Australian Legal History Tutorial
9 Oct 2019	Speech: UTSLSS Allens Intervarsity Legal Technology Law Moot
16 Oct 2019	Speech: "'Something More, Something Less': The Contemporary Meaning Of Open Justice", CAMLA Open Justice Seminar
17 Oct 2019	Opening Remarks: New South Wales Barristers' Clerks Association Conference
28 Oct 2019	Speech: 2019 Silks Bows
29 Oct 2019	Opening Remarks: "Does the modern corporation have a future?", Supreme Court Corporate and Commercial Law Conference
29 Oct 2019	Speech: Remarks on the 50th Anniversary of the Council of Law Reporting NSW
1 Nov 2019	Speech: "Managing the Media" panel discussion, National Judicial College of Australia Conference
27 Nov 2019	Book Launch: "The Association of Southeast Asian Nations Consumer Law Harmonisation and Cooperation" by Luke Nottage et al.
28 Nov 2019	Book Launch: "Hammerschlag's Commercial Court Handbook" by David Hammerschlag

#### **Publications:**

"Who judges the Judges, and how should they be judged?", Asian Jurist, Issue 4, Apr 2019
"Directors' and Officers' Duties in the Age of Regulation" in Pamela Hanrahan and Ashley Black (eds), Contemporary Issues in Corporate and Competition Law: Essays in Honour of Professor Robert Baxt AO (LexisNexis, 2019).
"Who judges the Judges, and how should they be judged?", The Judicial Review, Oct 2019
"Who judges the Judges, and how should they be judged?", Media & Arts Law Review (2019) 23 MALR 117.
"'Something More, Something Less': The Contemporary Meaning of Open Justice", (2019) 38(4) Communications Law Bulletin.
"Guest Blog: Chief Justice Bathurst's launch of Asian Law books" (28 November 2019), Japanese Law and the Asia-Pacific, The University of Sydney.



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

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President (Chair) of the Judicial Commission of NSW

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Chair of the Supreme Court Rule Committee

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Chair of the Uniform Rules Committee

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Chair of the Judicial Section of LAWASIA

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**Delegations and international assistance:**

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14 - 16 Feb 2019	Hosted the 6th Judicial Seminar in Commercial Litigation with judges from Hong Kong, New Zealand, the People's Republic of China, Singapore and the Federal Court of Australia attending.
5 Mar 2019	Official visit to New South Wales by Sir Gibbs Salika, Chief Justice of Papua New Guinea.
19 Mar 2019	Delegation from the Ministry of Law, Justice and Parliamentary Affairs in Bangladesh hosted by the Law School from Western Sydney University Parramatta South Campus.
2 Apr 2019	Hosted the 52 <sup>nd</sup> Meeting of the Council of Chief Justices.
6 May 2019	Official visit by His Excellency Mr Gu Ziaojie, Consul General of the People's Republic of China, and accompanied by Deputy Consul General Zhao Wenfei and Vice Consul Jia Xiaopan.
29 May 2019	Official visit to New South Wales by Her Excellency the Honourable Dame Annette King, High Commissioner of New Zealand, and accompanied by Mr Bill Dobbie, Consul General of New Zealand.
20 Jun 2019	Official visit by His Excellency Mr Paul Gulleik Larsen, Ambassador of Norway.
8 Aug 2019	Official visit by His Excellency Mr Mohammad Sufiur Rahman, High Commissioner of Bangladesh and accompanied by Mr Khandker Alam, Consul-General of Bangladesh in Sydney and Ms Farida Yasmeen, Political Counsellor.
15 Aug 2019	Delegation from The High Court of Hong Kong led by Mr Justice Tony Poon to discuss our Online Registry.
20 Aug 2019	Delegation from Supreme Court of Thailand led by the President of the Court of Appeal (Region 6), Mr Suphot Kittiraksanon. Main area of interest was information and technology in the courtroom.
22 Aug 2019	Delegation from Supreme Court of the Philippines lead by Hon. Lucas P. Bersamin. Main area of interest was anticorruption and terrorism.
18 Sep 2019	Official visit by His Excellency Mr Sérgio Eduardo Moreira Lima, Ambassador of Brazil and accompanied by Mr Sergio E Bath, Consul General of Brazil.
15 Oct 2019	Official Visit by His Excellency Dr István Mikola, Ambassador of Hungary and accompanied by the Ambassador's wife, Mrs Melinda Violetta Horváth, and the Consul General of Hungary in Sydney, Mr Olivér Balázs Fráter.
29 Oct 2019	Official Visit by His Excellency Mr Masahiko Kiya, Consul-General of Japan, and accompanied by Consul Tanaka Noriko.

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

### Conferences:

6 Mar 2019	2019 Bathurst lecture, 'Is the modern company fit for purpose', delivered by Mr Graham Bradley AM (Banco Court, Sydney)
1 - 5 Apr 2019	National Judicial Orientation Program (Adelaide)
2 May 2019	Swearing in of Her Excellency the Honourable Margaret Beazley AO QC, as Governor of New South Wales (Government House, Sydney)
7 May 2019	Opening of NSW Parliament by Her Excellency the Honourable Margaret Beazley AO QC, Governor of New South Wales (Parliament House, Sydney)
17 May 2019	Bench and Bar Dinner (Hyatt Regency, Sydney)
7 Jun 2019	Honorary Award Ceremony for conferral of Doctor of Laws upon the Honourable T F Bathurst AC, Chief Justice (The Great Hall, University of Sydney)
28 Jun 2019	Unveiling of portrait of Katrina Dawson (NSW Bar Association Common Room)
18 Jul 2019	Gilbert + Tobin Symposium, 'Uluru Statement from the Heart: Indigenous Constitutional Recognition' (Gilbert + Tobin, Sydney)
31 Jul 2019	Book launch, <i>Jesting Pilate And Other Papers and Addresses</i> by The Right Honourable Sir Owen Dixon (3rd ed), launched by the Honourable Murray Gleeson AC QC (Banco Court, Sydney)
5 Aug 2019	The Mason Conversation with the Honourable Michael McHugh AC QC (Banco Court, Sydney)
14 Aug 2019	Memorial service to honour the life of the Honourable David Hunt AO QC (Banco Court, Sydney)
15 Aug 2019	Francis Forbes Society for Australian Legal History Lecture, 'Our first and only black Chief Justice meets racism in Australia', delivered by the Honourable Michael Kirby AC CMG and Professor Stefan Petrow (NSW Bar Association Common Room)
28 Aug 2019	The John Lehane Memorial Lecture, 'The interface between contract and equity', delivered by the Right Honourable Lord Sales, Justice of the Supreme Court of the United Kingdom (Banco Court, Sydney)
29 Aug 2019	The Sir Maurice Byers Lecture, 'The Constitutional Significance of the Barrister in Australia', delivered by the Honourable Justice Walter Sofronoff, President of the Court of Appeal of Queensland (Banco Court, Sydney)
7 - 8 Sep 2019	Symposium in honour of Professor Leslie Zines AO: Key issues in Australian Federal Constitutional Law (Australian National University, Canberra)
19 Sep 2019	Francis Forbes Society for Australian Legal History Lecture, 'A tough nut to crack: The history of the Legal Profession in New South Wales', delivered by the Honourable T F Bathurst AC, Chief Justice (Banco Court, Sydney)
24 Sep 2019	Fourth Annual Lysicrates Foundation, Sir James Martin Oration delivered by the Honourable Justice Virginia Bell AC (Gilbert + Tobin, Sydney)
3 Oct 2019	Australian Disputes Centre 2019 ADR Address, 'Conflicts of Interest in Commercial Arbitration', delivered by Her Excellency the Honourable Margaret Beazley AO QC, Governor of New South Wales (Banco Court, Sydney)
18 Oct 2019	State Memorial service to honour the life of the Honourable Jane Mathews AO (Sydney Opera House)

24 Oct 2019	Law Society of New South Wales Annual Members Dinner (Sydney Town Hall)
29 Oct 2019	The Council of Law Reporting NSW - 50 <sup>th</sup> anniversary celebration (Supreme Court, Sydney)
6 Nov 2019	Francis Forbes Society for Australian Legal History Lecture, 'Henry VIII's Will and the Politics of Succession', delivered by the Honourable John P Bryson QC (Banco Court, Sydney)

#### **Speaking engagements:**

28 Feb 2019	Occasional address, swearing in ceremony as President of the Court of Appeal (Banco Court, Sydney)
15 Mar 2019	Occasional address as Acting Chief Justice to admission of lawyers ceremony (Banco Court, Sydney)
28 Mar 2019	Judge for University of Sydney International Commercial Arbitration Moot (University of Sydney)
28 May 2019	Judge for Sir John Peden Contract Law Moot (University of Sydney)
30 May 2019	Closing address, Bar Practice Course (NSW Bar Association Common Room)
4 Jun 2019	Swearing in ceremony as Administrator of the State of New South Wales (Government House, Sydney)
7 Jun 2019	Occasional address, University of Sydney Graduation Ceremony for graduands of Sydney Law School (The Great Hall, University of Sydney)
28 Jun 2019	Occasional address, Legal Profession Admission Board Graduation Ceremony (The Great Hall, University of Sydney)
12 Jul 2019	Guest speaker, Australian Bar Association Convergence, 'An Australian International Commercial Court - Not a Bad Idea or What a Bad Idea?', (Singapore)
23 Aug 2019	Speaker, Supreme Court Annual Conference, 'Private International Law in Practice Across the Divisions: Some Recent Developments and Case Law' (Bowral)
2 Sep 2019	Dinner speaker, St Paul's College Law Faculty Dinner, 'What Albert did and what Albert did next: Albert Bathurst Piddington – the High Court judge who never sat' (University of Sydney)
5 Sep 2019	Book Launch, Heydon on Contract (Banco Court, Sydney)
7 Sep 2019	Dinner Speaker, Symposium in honour of Professor Leslie Zines AO: Key issues in Australian Federal Constitutional Law' (Australian National University, Canberra)
17 Sep 2019	Keynote address, UNSW Conflict of Laws students, 'The objectives of private international law and the importance of the subject to practice in NSW' (UNSW Law School, University of New South Wales)
26 Sep 2019	Closing address, Bar Practice Course (NSW Bar Association Common Room)
8 Oct 2019	Keynote address, Notre Dame Sydney Law Society Breakfast, 'Disruption in the Law' (University of Notre Dame, Sydney)
14 Oct 2019	Judge for UNSW Law Society Beginners Mooting Competition Grand Final (Ashurst, Sydney)
21 Oct 2019	Guest speaker, NCAT Members Training Day, 'Delivering reasons in the Tribunal Context' (NSW Civil and Administrative Tribunal, Sydney)

25 Oct 2019	Guest speaker, Environment and Planning Law Association (NSW) Annual Conference, 'Court of Appeal Update' (Whitehouse Institute of Design, Sydney)
29 Oct 2019	Chair, Supreme Court of New South Wales Annual Corporate and Commercial Law Conference, 'The Future of the Australian Business Corporation: A legal perspective', delivered by the Honourable Justice James Edelman (Banco Court, Sydney)
8 Nov 2019	Occasional address as Acting Chief Justice to admission of lawyers ceremony (Banco Court, Sydney)
12 Nov 2019	Keynote address, CPD session, 'A career at the Bar and observations on practice' (Sparke Helmore, Sydney)
13 Nov 2019	Chair, Francis Forbes Society, Annual Plunkett Lecture, 'Law and Politics: Attorneys-General in Eighteenth-Century England', delivered by Emeritus Professor Wilfrid Prest (Banco Court, Sydney)
26 Nov 2019	Keynote address, Indian National Bar Association 8th International Conference on Law & Policy, 'Transnational Commercial Dispute Resolution: an Australian perspective' (New Delhi, India)
12 Dec 2019	Keynote address, The 2019 Quayside Chambers Oration, 'Gambling, the Law and the 21 <sup>st</sup> Century' (Quayside Chambers, Perth)

#### **Publications:**

M Davies, A S Bell, P L G Brereton and M Douglas, *Nygh's Conflict of Laws in Australia* (LexisNexisButterworths, 10<sup>th</sup> ed, 2019)

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

Member of the Chief Justice's Executive Committee

Official Member of the Judicial Commission of NSW

Member of the Supreme Court Rules Committee

Member of the Uniform Rules Committee

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

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

13 Nov 2019	Official visit: His Excellency Mr Abdulla Al Saboosi, Ambassador of the United Arab Emirates accompanied by: Mr Abdulla Al Ahmed, Head of the Consular Section at the Embassy; Mr Amadaldein Mohamed, Senior Political Researcher; Mr Abdulaziz Al Junaibi, Deputy of the Police Attachés; and Lieutenant Colonel Abdulla Al Kaabi, Deputy of the Military Attachés
20 Nov 2019	Official visit: His Excellency Mr Luke Daunivalu, High Commissioner of the Republic of Fiji accompanied by: Ms Salote Tagivakatini, Counsellor, High Commission of the Republic of Fiji, Mr Daniel Stow, Officer-in-Charge and Manager Trade & Investment, Fiji Consulate General & Trade Commission, Australia & New Zealand; Ms Zoie Carroll, Business & Communications Adviser, Fiji Consulate General and Trade Commission, Australia & New Zealand; and Ms Marta Pratnicka, Protocol Officer, Department of Premier and Cabinet

## THE HONOURABLE JUSTICE BASTEN

### Conferences:

20 - 21 Jan 2019	Supreme Court and Federal Court Judges' Conference (Hobart)
15 Feb 2019	Gilbert + Tobin Constitutional Law Conference (Sydney)
31 May 2019	Melbourne Law School Workshop "The contribution of legal academics to the development of Australian law" (Melbourne)
26 Jul 2019	Centre for Comparative Constitutional Studies Conference (Melbourne)
23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral)

### Speaking Engagements:

26 March 2019	Chair "How to prepare and run an administrative law case" NSW Bar Council Lecture (Sydney)
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### Publications:

"The Courts and the Executive: a Judicial View": chapter in "Administrative Redress in and out of the courts: Essays in Honour of Robin Creyke and John McMillan" (The Federation Press, April 2019)

"Legislative Purpose and Statutory Interpretation": chapter in "The Coherence of Statutory Interpretation" – (The Federation Press, July 2019)

Book Review of "Public Law and Statutory Interpretation – Principles and Practice" by Burton, Crawford, Boughey, Castan and O'Sullivan (The Federation Press, 2017): ALJ 2019; Vol 93/1

ALJ Statutory Interpretation "Legislative Intention": Vol 93/5

ALJ Statutory Interpretation "Statute and the Common Law" Vol 93/12

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

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

Chair, Supreme Court Education Committee

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

Member, Supreme Court Caselaw Governance Committee

Member, Law Courts Library Advisory Committee

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

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

## THE HONOURABLE JUSTICE MACFARLAN

### Conferences:

23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral)
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## THE HONOURABLE JUSTICE WARD, CHIEF JUDGE IN EQUITY

### Conferences:

19 - 23 Jan 2019	Supreme & Federal Courts Judges' Conference (Hobart)
8 Mar 2019	ABA International Women's Day 2019 (Sydney)
26 Mar 2019	King & Wood Mallesons, 'Mentoring Diversity' Panel Discussion (Sydney)
15 Jun 2019	AIJA Council meeting (Brisbane)
12 Oct 2019	AIJA Council meeting (Melbourne)

### Speaking Engagements:

13 - 16 Feb 2019	Chair session at the 6th Judicial Commercial Conference, "Developments in international commercial arbitration and the role of the courts" (Sydney)
27 Feb 2019	Closing address at the UNSW CLE: The future of Australian class actions conference, Sydney (paper only)
15 May 2019	Practice in the Equity Division of the Supreme Court - Views from the Bench
17 May 2019	Guest of Honour speech at the NSW Bar Association Bench and Bar Dinner (Sydney)
23 May 2019	Opening address to the NSW Bar Association - Bar Practice Course 'Bar Readers Practice Course - The Equity Division' (Sydney)
27 May 2019	Judge in the Grand Final of the UNSW Private Law Moot (Sydney)
13 -14 Jun 2019	Presenter at the Current Legal Issues Seminar, Bar Association of Queensland, "What's in a name? The Taxonomical and Conceptual Divide between Unjust Enrichment and Equity" (Brisbane)
9 Aug 2019	Presenter at the Book launch "Equity Practice and Precedents" (Sydney)
4 Oct 2019	Key Note Address and Judging panel of the SULS Women's Moot (Sydney)
21 Oct 2019	Presiding Judge at the Grand Final of the 11th CI Arb Australia / NSW Young Lawyers International Arbitration Moot (Sydney)
30 Oct 2019	Dinner speaker at the St George Sutherland Law wSociety Dinner (Sydney)
15 Nov 2019	Moderator at the Women's Insolvency Network Australia Great Debate 2019 (Sydney)

### Publications:

Foreword, Contract and the Australian Consumer Law by John Carter and Laina Chan

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

Chair of the Supreme Court ADR Steering Committee

Member and Fellow of The Australian Academy of Law

Member of the AIJA Council

Review Committee

## THE HONOURABLE JUSTICE GLEESON

### Conferences:

14 - 16 Feb 2019	6 <sup>th</sup> Judicial Seminar on Commercial Litigation, Supreme Court, Sydney
22 Feb 2019	Commercial Law Association, Contract Master Class (NSW State Library)
14 Mar 2019	Round Table on Intention in Tort Law (Sydney)
20 Aug 2019	Cross-Jurisdictional Seminar – Forensic Science in the Courtroom – Judicial Commission (Sydney)
23 - 25 Aug 2019	Supreme Court Judges Conference (Gibraltar Hotel, Bowral)
28 Aug 2019	John Lehane Memorial Lecture (Banco Court, Sydney)
29 Oct 2019	Supreme Court Corporate and Commercial Law Conference (Sydney)

### Speaking Engagements:

22 Feb 2019	Chair, Commercial Law Association, Contract Master Class (NSW State Library)
16 Feb 2019	6 <sup>th</sup> Judicial Seminar on Commercial Litigation, Sydney Session 5 – “Contract Law: Comparative perspectives and recent developments” (Supreme Court, Sydney)
12 Feb 2019	Address to Albion Park High School students, Rule of Law Institute, Sydney (Supreme Court, Sydney)
15 May 2019	Judge – SULS Torts Law Moot – Grand Final – University of Sydney (Camperdown Campus)
23 Jul 2019	Address to Montgrove College students, Rule of Law Institute, Sydney (Supreme Court, Sydney)
9 Oct 2019	Judge – UNSW Law Society – Ashurst Intermediate Mooting Competition – Grand Final 2019 – Ashurst, Sydney

## THE HONOURABLE JUSTICE LEEMING

### Conferences:

15 Feb 2019	Gilbert + Tobin 18 <sup>th</sup> Constitutional Law Conference (Sydney)
16 Feb 2019	6 <sup>th</sup> Judicial Seminar on Commercial Litigation (Sydney)
14 Mar 2019	Roundtable on Intention in Tort Law (Sydney)
31 May 2019	“Contribution of legal academics to the development of the law” (Melbourne)
16 - 17 Aug 2019	Intersections in Private Law, University of Sydney (Sydney)
30 - 31 Aug 2019	Banking and Financial Services Conference (Gold Coast)
7 - 8 Sep 2019	Symposium to honour Professor Leslie Zines AO: Key Issues in Australian Federal Constitutional Law (Canberra)
3 - 4 Oct 2019	Conference in honour of Lord Sumption, Cambridge Private Law Centre, University of Cambridge (United Kingdom)

**Speaking engagements:**

7 Mar 2019	Judging exhibition Jessup moot (University of Sydney)
29 Mar 2019	"Seventeen points on advocacy in the NSW Court of Appeal", Toongabbie Legal Centre, Equity and Tax Seminar, Sydney
30 Mar 2019	"Seventeen points on advocacy in the NSW Court of Appeal", NSW Bar Association, Sydney CPD Conference, Sydney
5, 6 Apr 2019	"Statutory Foundations of Negligence" (LLM course, University of Sydney)
23 Apr 2019	Recurring themes in the NSW Court of Appeal (District Court, Annual Conference, Bowral)
3 - 4 May 2019	"Statutory Foundations of Negligence" (LLM course, University of Sydney)
13 Jun 2019	Workshop on Legislation and Equity (Parliamentary Counsel's Office, Sydney)
17 Jun 2019	Launch of Volume 42(2) of UNSWLJ (Herbert Smith Freehills, Sydney)
15 Aug 2019	Speech in honour of the Right Honourable Sir Owen Dixon OM GCMG 1886-1972, Australian Club, Sydney
17 Aug 2019	Intersections in Private Law, chair of morning session, University of Sydney
30 Aug 2019	"From the Bench – case law update", Banking and Financial Services Conference, Gold Coast
18 Sep 2019	"Contributory Negligence and the Last Opportunity Rule in Australia and Ireland" (Trinity College Dublin, Ireland)
18 Oct 2019	"Equity in 21 <sup>st</sup> century commercial disputes" (Cambridge Private Law Centre; University of Cambridge)
24 Oct 2019	"The Statutory Foundations of Negligence – the Last Opportunity Rule and Statutes" (Obligations Discussion Group, Keble College, University of Oxford)
25 Oct 2019	"Equity in Australia and the United Kingdom: dissonance and concordance" (Institute of European and Comparative Law, Oxford Law Faculty)
22 Nov 2019	"Judge-made law and statute – a complex interwoven fabric: Selected decisions from Western Australia", Supreme Court of Western Australia Annual Conference, Perth

**Publications:**

"Pipikos v Trayans – The High Court Revisits Part Performance" (2019) 93 ALJ 91
The Statutory Foundations of Negligence (Federation Press)
"Statutory Interpretation as Private Law", in P Vines and S Donald, Statutory Interpretation in Private Law (Federation Press)
"Fashioning the keystone of the federal structure - Dixon's influence on s 109 of the Constitution" in J Eldridge and T Pilkington (eds) "Sir Owen Dixon's Legacy" (Federation Press)
"The role of equity in 21st century commercial disputes — Meeting the needs of any sophisticated and successful legal system" 47 Australian Bar Review 137
"Fusion-Fission-Fusion: Pre-Judicature Equity Jurisdiction in New South Wales 1824-1972" in J Goldberg et al (eds), Equity and Law: Fusion and Fission, Cambridge University Press, 2019, pp 118-143
"Marshalling Securities and Construing Releases in Equity" (2019) 93 ALJ 626
"Statute law in the Law of Obligations: Dimensions of Form and Substance", in A Robertson and J Goudkamp, Form and Substance in the Law of Obligations, Hart Publishing, 2019, pp 353-372
"Has the Golden Age of Fraud Passed?" (2019) 19 OUC LJ 298

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

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Challis Lecturer in Equity, University of Sydney

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Advisory Committee, Francis Forbes Society

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Director, The Federation Press Pty Ltd

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Editorial Board member: Australian Bar Review, Journal of Equity

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Referee, Publication Committee of Malaysian Judicial Academy

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Trustee, Sydney Grammar School

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Herbert Smith Freehills Visiting Scholar at Cambridge (October-November)

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Visiting Fellow at Trinity College Dublin (September)

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**THE HONOURABLE JUSTICE PAYNE****Conferences:**

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23 - 24 Aug 2019 Supreme Court Annual Conference (Gibraltar Hotel, Bowral)

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10 Dec 2019 Interrogating the English Approach to Prosecuting Economic Crime (Federal Court of Australia)

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

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Appointee of the Chief Justice to the Legal Profession Admission Board

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**THE HONOURABLE JUSTICE WHITE****Conferences:**

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23 - 25 Aug 2019 Supreme Court Conference (Gibraltar Hotel, Bowral)

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

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Member, University of Sydney Law Extension Committee

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**Commissions in Overseas Courts:**

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2 - 5 Sep 2019 Sat as a judge in the Court of Appeal of Tonga 2-13 September 2019

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**THE HONOURABLE JUSTICE BRERETON AM RFD****Speaking engagements:**

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24 Aug 2019 Australian Bravery Association (NSW), Guest Speaker, Ballina NSW

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14 Sep 2019 Blue Mountains Law Society, Succession Conference – Opening Address, “Wills, Estates and Inheritance Disputes”, Hydro Majestic, Medlow Bath NSW

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2 Oct 2019 Speaker, Queensland Police Operational Command Continuum Course, “Command Responsibility”, Brisbane

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26 Oct 2019 Australasian College of Legal Medicine Annual Scientific Meeting, Guest Speaker: “Psychological Injury in Veterans and The Law”  
Park Hyatt, Canberra

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**Publications:**

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Conclusion, "Commercial Issues in Private International Law", Michael Douglas et al, June 2019 (Hart Publishing)

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Co-Author, Davies, Bell, Brereton, Douglas, "Nyggh's Conflict of Laws in Australia" (10<sup>th</sup> edition), LexisNexis Butterworths

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

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Deputy Chair, NSW Law Reform Commission

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Chair, Costs Assessment Rules Committee

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Chair, Costs Assessment User Group

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Member, Harmonisation of Rules Committee

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Assistant Inspector-General, Australian Defence Force

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**THE HONOURABLE JUSTICE WALTON**

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**Conferences:**

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7 - 9 Jun 2019      Judicial Conference of Australia Colloquium 2019 (Darwin, NT)

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23 - 24 Aug 2019   Supreme Court of NSW Annual Conference (Bowral, NSW)

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**Speaking engagements:**

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22 Mar 2019      Presenter – Post-termination Restraint Clauses in Employment Contracts, Toongabbie Legal Centre Employment Law Seminar (Ashurst, Sydney)

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1 Aug 2019      Presenter – Jurisdiction of the Industrial Magistrate, Local Court of NSW Annual Conference 2019 (Amora Jamison Hotel, Sydney)

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15 Aug 2019      Chair – The Inaugural SULS v University of Queensland 'Moot of Origin' (University of Sydney)

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22 Oct 2019      Chair – Nicholas Cowdery QC Criminal Law Moot (University of Sydney)

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**Publications:**

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"Jurisdiction of the Industrial Magistrate", Conference Paper, Judicial Information Research System

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

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

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Executive Committee, Judicial Conference of Australia

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Governing Counsel, Judicial Conference of Australia

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Editorial Committee, Australian Journal of Labour Law

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Chair, Clubs Advisory Committee, University of Sydney

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**Delegations and international assistance:**

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Delegate, The International Association of Judges

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## THE HONOURABLE JUSTICE JOHNSON

### Conferences:

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23 - 24 Aug 2019	Supreme Court of New South Wales - Annual Conference 2019, Bowral
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### Speaking engagements:

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6 May 2019	Presentation to Judges and Legal Profession - "Terrorism and Money Laundering", Port Vila, Republic of Vanuatu (organised through Vanuatu Law Council)
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### Publications:

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

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## THE HONOURABLE JUSTICE ROTHMAN AM

### Conferences:

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14 Feb 2019	University of Sydney and the Australian Association of Constitutional Law – 2019 George Winterton Memorial Lecture: "The Mysteries of Judicial Power: Defining the Relationship Between Law and Power in the Modern State" [Bathurst CJ] (Sydney)
18 Jul 2019	Gilbert + Tobin Legal Symposium: "Uluru Statement from the Heart: Indigenous Constitutional Recognition" [The Hon. A.M. Gleeson AC QC] (Sydney)
20 Aug 2019	NSW Judicial Commission Cross Jurisdictional Seminar: "Forensic Science in the Courtroom" [Dr Lucina Hackman] (Sydney)
23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral)
6 Nov 2019	Ngara Yura Field Trip: "Living Language: Country, Culture, Community" (State Library of NSW)
8 Nov 2019	Public Defenders Chambers Bar Book Project Launch Event: Presentation on Social Disadvantage (Sydney)
21 Nov 2019	NSW Judicial Commission Cross Jurisdictional Twilight Seminar: "Risky Business" [Allan Sparkes CV, OAM, VA, FRSN] (Sydney)

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### Speaking engagements:

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22 Mar 2019	Keynote Speaker: "The Casualisation of the Workforce and the Effect of Contracting on Rights" Toongabbie Legal Centre Employment Law Seminar (Sydney)
8 May 2019	Speech: "How I have tried to have the Courage to Care to be an Upstander, in my family life, working situation and community involvement" Courage to Care Fundraising Lunch (Sydney)
1 Aug 2019	Keynote Speaker: "The power of legal aid: Dietrich and the last line of defence" Legal Aid NSW Annual Criminal Law Conference (Sydney)
23 Aug 2019	Panel Discussion: "Non-publication and take-down orders" Supreme Court Annual Conference (Bowral)
7 Nov 2019	Keynote Address, Legal Aid NSW: 40th Anniversary (Sydney)
28 Nov 2019	Opening: "Bugmy/Lewis/Kentwell landscape" Bar Book Project CPD Seminar (Sydney)

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

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President – The Great Synagogue (Sydney)

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

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Co-Chair – Australian Council of Jewish Schools

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Board Member – International Association of Jewish Lawyers and Jurists

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

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

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Life Governor – Moriah War Memorial College

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

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**THE HONOURABLE JUSTICE HAMMERSCHLAG****Conferences:**

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14 - 16 Feb 2019 6<sup>th</sup> Judicial Commercial Seminar

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14 Jun 2019 CLA Judges Seminar Series - NSW State Library - Guest Speaker

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**Speaking engagements:**

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13 Mar 2019 UNSW Building & Construction Law Seminar - UNSW CBD Campus - Opening Remarks

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14 Mar 2019 College of Law CBD Campus, Elizabeth Street - "Building and Construction Law Update" Opening Remarks

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14 Nov 2019 UTS Building Law Update Seminar, Sydney

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**Publications:**

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Hammerschlag's Commercial Court Handbook – November 2019

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

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ALRC Corporate Crime Advisory Committee

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**THE HONOURABLE JUSTICE HARRISON****Conferences:**

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31 Mar - National Judicial Orientation Program (NJOP) (Glenelg, South Australia)  
5 Apr 2019

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29 Oct 2019 NSW Bar Association Seminar "Everything you always wanted to ask a judge but are too afraid to ask"

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11 - 15 Nov 2019 National Judicial Orientation Program (NJOP) (Manly)

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**Speaking engagements:**

31 Mar 2019	Chair – Welcome Speech, National Judicial Orientation Program (Glenelg, South Australia)
1 Apr 2019	Presentation “How do I Manage my time with available resources” National Judicial Orientation Program (Glenelg, South Australia)
2 Apr 2019	Chair “Confronting challenges in the exercise of discretions” National Judicial Orientation Program (Glenelg, South Australia)
4 Apr 2019	Chair “Self-represented litigants”, “Managing cultural diversity challenges and the use of interpreters” and “Practical application of cultural and interpreting challenges in court” National Judicial Orientation Program (Glenelg, South Australia)
5 Apr 2019	Presentation – “Final Wrap Up Session”, National Judicial Orientation Program (Glenelg, South Australia)
31 Jul 2019	Guest Speaker – After Dinner Speech - Legal aid NSW Criminal Law Conference (Doltone House)
10 Nov 2019	Chair – Welcome Speech, National Judicial Orientation Program, Glenelg, South Australia (Gold Coast, Queensland)
12 Nov 2019	Chair “Confronting challenges in the exercise of discretions” National Judicial Orientation Program, Glenelg, South Australia (Gold Coast, Queensland)
14 Nov 2019	Chair “Managing cultural diversity challenges and the use of interpreters” National Judicial Orientation Program, Glenelg, South Australia (Gold Coast, Queensland)
15 Nov 2019	Presentation “Final Wrap Up Session” National Judicial Orientation Program, Glenelg, South Australia (Gold Coast, Queensland)

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

Chair of the Committee of the National Judicial Orientation Program (NJOP)

Education Committee

**THE HONOURABLE JUSTICE FULLERTON****Speaking engagements:**

30 May 2019	Graduation address – Faculty of Law, Monash University (Melbourne)
25 Sep 2019	Welcome speech – Back to Back Theatre premiere of “Shadow” (Carriageworks, Sydney)

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

Board Member of the City Recital Hall

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

Member of the Rules Harmonisation Committee

## THE HONOURABLE JUSTICE HULME

### Conferences:

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21 Nov 2019	Judicial Commission of NSW – seminar "Risky Business"
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### Speaking engagements:

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2 - 3 Apr 2019	National Judicial College of Australia - Adelaide - National Judicial Orientation Program – Court Craft – The Trial from Hell
23 Apr 2019	District Court Conference - Bowral – presented Criminal Law Review and chaired panel discussion Effective Jury Management
23 - 24 Aug 2019	Supreme Court Annual Judges' Conference – Bowral (provided paper A Year of Criminal Appellate Decisions)

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### Publications:

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Co-author Criminal Law News, LexisNexis Butterworths
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### Appointments to legal, cultural or benevolent organisations:

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Chair, Criminal Trial Courts Bench Book Committee
Member, Court of Criminal Appeal/Crime Users Group
Member, Criminal Appeal Rules Committee

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## THE HONOURABLE JUSTICE SLATTERY AM RAN

### Conferences:

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19 - 20 Jan 2019	Supreme and Federal Court Judges' 2019 Conference, Hobart.
2 May 2019	Australian Defence Force Joint Legal Issues Workshop, Canberra.
27 - 28 Jul 2019	NSW Navy Legal Panel Conference HMAS Creswell, Jervis Bay.
23 - 24 Aug 2019	Supreme Court Judges' Conference, Bowral.
16 - 17 Nov 2019	Judge Advocate General's Conference, Canberra.

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### Speaking engagements:

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9 Apr 2019	"What Makes a Good Military Lawyer?" ADF Legal Officers LTM1 Course, Victoria Barracks, Sydney.
2 May 2019	After Dinner Speech - Joint Legal Issues Workshop, Canberra.
26 May 2019	2019 Boer War Day Service - ANZAC Memorial, "Commemorating the Boer War".
29 Aug 2019	Guest of Honour and Speaker at NSW Bar Association Common Law drinks.

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### Publications:

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Report of the Judge Advocate General of the Australian Defence Force to the Australian Parliament for the period 1 January to 31 December 2018.
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**Appointments to legal, cultural or benevolent organisations:**

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

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

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

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23 - 25 Aug 2019 Supreme Court Conference

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**THE HONOURABLE JUSTICE BALL****Publications:**

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

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

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21 - 23 Jan 2019 Supreme and Federal Courts Judges Conference, Hobart Tasmania

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23 - 24 Aug 2019 Supreme Court Annual Conference

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**Speaking engagements:**

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31 Jul - 2 Aug 2019 Local Court Annual Conference – presenting “Civil Update”

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1 Nov 2019 Bureau of Health Information's Masterclass - Kolling Institute

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26 - 28 Jul 2019 Loreto Ministries Ltd – Governance Colloquium – Importance of Governance in Contemporary School Environments

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

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Chair, Civil Trials Bench Book Committee, Judicial Commission of NSW (Chair from 8.4.2019)

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Supreme Court Education Committee

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Chair, Supreme Court IT Committee

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Supreme Court Common Law Users Group

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Chair, Loreto Ministries Ltd

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Honorary Patron, CanRevive Inc

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**Delegations and International Assistance:**

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15 Aug 2019 Hong Kong Judges Delegation.

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20 Aug 2019 Thailand Judges Delegation

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## THE HONOURABLE JUSTICE BLACK

### Conferences:

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23 - 24 Aug 2019	Supreme Court of New South Wales Annual Conference
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### Speaking engagements:

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14-16 Feb 2019	"Case Management: Innovations and Obstacles – presentation at Sixth Judicial Seminar on Commercial Litigation.
29 Mar 2019	Conflicts of interest regulation after the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Presentation for Toongabbie Legal Centre.
Feb - May 2019	Taught courses in financial services regulation, Semester 1, 2019, University of New South Wales and Conflicts of Interest, Semester 1, 2019, University of Sydney.

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### Publications:

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Joint editor, Contemporary Issues in Corporate and Competition Law: Essays in Honour of Professor Robert Baxt AO, LexisNexis, 2018
Joint author, Securities and Financial Services Law, 9th ed, LexisNexis, 2016
Joint author, Austin & Black's Annotations to the Corporations Act, LexisNexis.
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
Fellow, Australian Academy of Law

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## THE HONOURABLE JUSTICE ADAMSON

### Conferences:

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24 Aug 2019	Supreme Court of NSW Annual Conference (Bowral, NSW)
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### Speaking engagements:

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1 Aug 2019	Guest speaker – Local Court Annual Conference "Criminal Law Update" (Sydney)
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### Appointments to legal, cultural or benevolent organisations:

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Member, Supreme Court Rules Committee
Member, Uniform Rules Committee

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## THE HONOURABLE JUSTICE BELLEW

### Conferences:

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23 - 24 Aug 2019	Supreme Court Judge's Conference - Bowral
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### Speaking engagements:

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16 Mar 2019	Public Defender's Conference – Criminal Practice and Procedure
20 Mar 2019	NSW Bar Association – Cross-Examination Workshop
30 Mar 2019	NSW Bar Association Conference
6 Apr 2019	Toongabbie Legal Conference – Applications under the Evidence Act
29 Jul 2019	Magistrate's Conference
11 Sep 2019	Notre Dame University, Sydney - Grand Final Moot
28 Sep 2019	Final Mock Trial – NSW Bar Practice Course
11 Nov 2019	Judicial Orientation Program

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### Publications:

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Uniform Evidence Law – Principles and Context (Lexis Nexis Publishing) – Co-author
Ritchies Uniform Civil Procedure (NSW) – Co-author
Motor Vehicle Reports (Lexis Nexis) – Managing Editor
Australian Uniform Evidence (Lexis Nexis Publishing) – Co-author

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

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Chairman – Judiciary Panel, National Rugby League
Adjunct Professor of Law – Notre Dame University, Sydney

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## THE HONOURABLE JUSTICE STEVENSON

### Conferences:

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20 - 23 Jan 2019	Supreme Court and Federal Court Judges' Conference (Hobart)
30 - 31 May 2019	Participated in presenting National Judicial College of Australia's Oral Judgments Program to judicial officers of the Family Court of Western Australia and the Western Australian Magistrates Court
2 - 4 October 2019	Attended National Judicial College of Australia Conference "Reflections on the Judicial Function" (Adelaide)

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

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Appointed as the Court's Representative to the Judicial Liaison Committee to the Australian Centre for International Commercial Arbitration
Member of the Program Advisory Committee of the National Judicial College of Australia
Chair of the Oral Judgments Committee of the National Judicial College of Australia
Member of the Writing Better Judgments Committee of the National Judicial College of Australia
Member of the Leadership in the Courtroom Committee of the National Judicial College of Australia
Chair of the Steering Committee organising annual Supreme and Federal Court Judges conferences

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## THE HONOURABLE JUSTICE BEECH-JONES

### Conferences:

7 - 9 Jun 2019	JCA Colloquium (Darwin)
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### Speaking engagements:

3 Jun 2019	College of Law Personal Injury Conference "Mental Trauma and Psychiatric Injury" (Sydney)
21 Oct 2019	NCAT Conference "Proportionate Justice" (Sydney)

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

Chair, Cooper Rice Brading Foundation
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Board Member, Gilbert + Tobin Centre Advisory Committee
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## THE HONOURABLE JUSTICE CAMPBELL

### Conferences:

23 - 24 Aug 2019	Supreme Court Annual Conference
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### Speaking engagements:

16 Mar 2019	Key Note address – Personal Injury and Common Law Conference
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## THE HONOURABLE JUSTICE BUTTON

### Conferences:

21 - 23 Jan 2019	Supreme & Federal Courts Judges' Conference – (Hobart)
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7 - 9 Jun 2019	JCA Colloquium 2019 - (Darwin)
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23 - 25 Aug 2019	Supreme Court Annual Conference – (Sydney)
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### Appointments to legal, cultural or benevolent organisations:

Committee Member – Legal Qualifications Committee – Legal Profession Admission Board
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## THE HONOURABLE JUSTICE LINDSAY

### Conferences:

20 Feb 2019	Wills & Estates Conference/Seminar – Opening Remarks
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26 Feb 2019	Lexis Nexis Segment Conference – Panellist
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10 - 13 Jul 2019	British Legal History Conference, St Andrews, Scotland
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9 - 10 Aug 2019	Law Society of NSW Specialist Accreditation Conference Judgment on Discovery & Subpoenas in Probate matters
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12 Aug 2019	National Biography Award – Panel Discussion, State Library
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31 Aug 2019	Eastern Suburbs Law Society Annual Lawyers Learning for Charity Conference
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13 - 15 Sep 2019	Blue Mountains Succession Conference
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13 Nov 2019	Advanced Wills & Estates Conference – Opening Address
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14 Dec 2019	ANZLHS Conference
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**Speaking engagements:**

20 Feb 2019	College of Law Seminar “Parties, Property and Notice of Proceedings in Succession Cases”
12 Jul 2019	British Legal History Conference “The Study of Legal History – A Practitioners Perspective”
30 Jul 2019	College of Law “(In)capacity – For What?”
9 Aug 2019	NSW Law Society “Discovery and Subpoenas in Probate Matters”
23 Aug 2019	Judges Annual Conference “The Judicial Function and the Public Domain: Proceedings in the Equity Division”
31 Aug 2019	Eastern Suburbs Law Society “The Concept of [‘Special’ Administration of a Deceased Estate
14 Sep 2019	Succession Law Conference “Render Unto Caesar: Medicine and Law in Assessments of (In)capacity.
13 Nov 2019	College of Law “Probate Law & Practice: An Appetite for Change”

**Publications:**

Editor, Australian Bar Review (since 1996)

Co-Editor, NSW Civil Procedure Handbook, 2019 (Thomson Reuters)

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

Senior Vice President, Francis Forbes Society for Australian Legal History

**THE HONOURABLE JUSTICE HALLEN****Conferences:**

16 May 2019 STEP Conference (Queensland)

**Speaking engagements:**

14 Mar 2019	Wills & Estates Conference – UNSW - Keynote Address
19 Mar 2019	Wills and Estates - College of Law - Keynote Address
16 May 2019	STEP Conference, Queensland – Speech
30 Jul 2019	UNSW Wills and Estates Seminar: Speech
7 Nov 2019	Wills & Estates Law Update: Opening Commentary

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

Committee Member – STEP Australia

Committee Member – ADR Steering Committee

Committee Member – Wills & Estates Advisory Committee

Committee Member – College of Law

Committee Member – Supreme Court Building Committee

## THE HONOURABLE JUSTICE KUNC

### Conferences:

9 Jan 2019	Australian Accountants Lawyers and Directors conference, Aspen, Colorado
19 - 24 Jan 2019	Supreme & Federal Court Judges Conference, Hobart
23 - 25 Aug 2019	Supreme Court Annual Conference, Peppers Bowral

### Speaking engagements:

9 Jan 2019	"How to stay out of court" – a judge's perspective" Australian Accountants Lawyers and Directors conference, Aspen, Colorado
21 Mar 2019	Litigation Masterclass Seminar College of Law: Tips on how best to meet judicial expectations: overview from the Bench
2 - 3 May 2019	Judge in Residence, School of Law and Justice, Southern Cross University including <ul style="list-style-type: none"><li>• Deliver "Courage as a Legal Virtue", The inaugural Andrew Rogers Lecture in Private Law and Legal Practice</li><li>• Participate in on-line discussion with law students</li><li>• Judge contract law moot</li><li>• Participate in a panel discussion on legal practice</li></ul>
15 Oct 2019	Anglo-Australasian Lawyers Society, "An Australian Judge among the American Judiciary"
25 Oct 2019	College of Law – City Campus, level 16, 111 Elizabeth Street, Sydney – Advocacy Seminar: "What does the bench expect of advocates?"
9 Nov 2019	E-conveyancing and Caveats – St Anthony's Primary School for the Toongabbie Legal Centre's e-Conveyancing and its Fundamentals conference.
11 Nov 2019	Family Provision and Artificial Intelligence – Utopia or Dystopia? - Accredited Wills and Estate Specialists Group, Union, University and Schools Club
7 Dec 2019	"The Judgment as Revelation" Gold Coast campus of Southern Cross University - LSAANZ Conference 5-7 December 2019

### Publications:

Foreward to Dr Nicole Rogers' book "Law, Fiction and Activism in a Time of Climate Change"

"The View from Oz" The Judges' Journal (American Bar Association – Judicial Division) Vol 58, No 3, Summer 2019, p14

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

General Editor, The Australian Law Journal

Member Editorial Board, Journal of Equity

Chairperson, Layne Beachley Aim for the Stars Foundation

Director, Opera Australia Capital Fund

## THE HONOURABLE JUSTICE ROBB

### Conferences:

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23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral)
2 - 4 Oct 2019	Reflections on Judicial Function (Adelaide)

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

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Chairperson, Legal Qualifications Committee, Legal Profession Admission Board
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## THE HONOURABLE JUSTICE DARKE

### Publications:

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General Editor of the Butterworth Property Reports
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### Appointments to legal, cultural or benevolent organisations:

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Member of the Legal Profession Admissions Board Examinations Committee
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## THE HONOURABLE JUSTICE WRIGHT

### Conferences:

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23 - 24 Aug 2019	Supreme Court Annual Conference (Bowral)
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### Appointments to legal, cultural or benevolent organisations:

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AIJA Council
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## THE HONOURABLE JUSTICE HAMILL

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

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Chair of Joint Examinations Committee – Legal Profession Admissions Board
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## THE HONOURABLE JUSTICE WILSON

### Conferences:

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23 - 24 Aug 2019	Annual Conference of the Land and Environment Court, Cronulla
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### Speaking engagements:

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11 Apr 2019	Delivered a paper on Bail Applications in the Supreme Court at a seminar for the Women Barristers' Forum
17 May 2019	Delivered a paper, Recent Criminal Decisions from the High Court and the Court of Criminal Appeal, at the Annual Conference of the Land and Environment Court
May 2019	Bar Practice Course – Acted as a judge for the Saturday Mock Trial for Readers
16 Aug 2019	Hosted morning tea as part of the Bar Association's program to encourage women to take up a career as a barrister

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### Delegations and International Assistance:

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10 Jan 2019	Host to a judge of the Norwegian Court of Appeal for a day of viewing the operation of the Supreme Court
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## THE HONOURABLE JUSTICE NATALIE ADAMS

### Conferences:

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23 - 24 Aug 2019	Supreme Court Annual Conference, Bowral
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### Speaking engagements:

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3 Oct 2019	Judged the final of mooting competition of Australia's First Peoples 2019 at UNSW Law
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### Appointments to legal, cultural or benevolent organisations:

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Committee Member - Legal Qualifications Committee, Legal Profession Admission Board -until 30 June 2019
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Committee Member – ADR Steering Committee
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Chair of the Committee overseeing a joint conference on sentencing held by the National Judicial College of Australia and the Australian National University College of Law - from 1 July 2019
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## THE HONOURABLE JUSTICE PARKER

### Conferences:

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23 - 24 Aug 2019	Supreme Court Annual Judges' Conference (Bowral, NSW)
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### Speaking engagements:

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19 Jun 2019	Participate in blockchain and cryptocurrency CPD held by Commercial Law Section of the Bar Association
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## THE HONOURABLE JUSTICE ARMSTRONG

### Conferences:

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15 Feb 2019	Gilbert + Tobin Centre of Public Law, Constitutional Law Conference 2019, Sydney NSW
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31 Mar - 5 Apr 2019	Judicial Orientation Program, NJCA, Glenelg SA
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6 - 7 Jun 2019	Council of Australian Tribunals (COAT) National Conference, Melbourne VIC
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23 - 25 Aug 2019	NSW Supreme Court Judges Conference, Bowral NSW
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6 Sep 2019	Council of Australasian Tribunals (COAT) NSW State Conference, Sydney NSW
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21 Oct 2019	All Member NSW Civil and Administrative Tribunal (NCAT) Conference, Sydney NSW
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31 Oct - 1 Nov 2019	Judicial Officers with leadership Responsibilities, Sydney NSW
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### Speaking engagements:

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13 Sep 2019	Speaker at Women's Executive Lunch, Institute of Public Administration Australia, NSW Branch, Sydney NSW – theme of presentation: role of women in leading the NSW public sector and gender equality in leadership
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23 Oct 2019	University of Wollongong, Student Law Society Dinner "Inspire" Evening, Wollongong NSW
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15 Dec 2019	Chair of "Recent Cases" session at Gilbert + Tobin Centre of Public law, Constitutional Law Conference, Sydney NSW
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**Appointments to legal, cultural or benevolent organisations:**

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Member of Australian Institute of Judicial Administration (AIJA) Council

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Member of AIJA Research Committee

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

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**THE HONOURABLE ASSOCIATE JUSTICE HENRY**

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**Conferences:**

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31 Mar - 6 Apr 2019 National Judicial Orientation Program (Adelaide)

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23 - 25 Aug 2019 Supreme Court of NSW Annual Conference (Bowral, NSW)

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**Speaking engagements:**

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20 Sep 2019 Speaker – NSW Bar Association “ADR in the Supreme Court” (Sydney)

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

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Member, Admissions Committee, Legal Services Council

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**THE HONOURABLE ASSOCIATE JUSTICE IERACE**

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**Conferences:**

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10 - 15 Nov National Judicial College of Australia: National Judicial Orientation Program 2019 (Gold Coast)

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**Speaking engagements:**

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30 Oct Paper – The 38th Annual Course of the International Association of Law Libraries: “Criminal Law in Australia” (Sydney)

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