



# 2023

## ANNUAL REVIEW

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# FOREWARD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

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I am pleased to present the Supreme Court of New South Wales' Annual Review for 2023.

During 2023, the Court welcomed 6 new judges, Justices Weinstein, Sweeney, Stern, Nixon, McGrath and Huggett, all of whom brought vast experience (including in the cases of Justice Weinstein, Sweeney and Huggett, judicial experience) to the Bench in a range of areas.

In a significant appointment, the Chief Judge at Common Law, The Honourable Robert Beech-Jones, was deservedly elevated to the High Court of Australia. Justice Beech-Jones made a significant contribution to the Supreme Court over many years including his two years as Chief Judge. He also served a distinguished term as President of the Australian Judicial Officers' Association. He was replaced as Chief Judge by The Honourable Justice Ian Harrison.

The Honourable Paul Brereton AM also retired in 2023 as a judge of appeal to take up a position as the inaugural Chief Commissioner of the National Anti-Corruption Commission (NACC). Justice Brereton had served on the Supreme Court for some 18 years at the time of his appointment, sitting in the Equity Division until his appointment to the Court of Appeal in 2018.

2023 also saw the retirement of Justice Robert Macfarlan after almost 15 years of sterling service on the Court of Appeal during which he participated in the hearing of over 1200 civil appeals and over 300 matters in the Court of Criminal Appeal.

Justice Geoffrey Bellew retired from the Common Law Division, and has taken up the important position of Chair of the State Parole Authority, continuing his exemplary contribution to the administration of justice in the State.

Justices Philip Hallen and Rowan Darke, both members of the Equity Division, also retired in the course of 2023 and the Court is extremely grateful for their many years of unstinting service to the administration of justice in New South Wales.

2023 also saw the bicentenary of the Third Charter of Justice, the significant constitutive document establishing the Supreme Court of New South Wales and the Legislative Council of New South Wales (as well as the Supreme Court of van Diemen's Land). Although the Charter of Justice was not proclaimed in New South Wales until 17 May 1824 shortly after the arrival in the then colony of Francis Forbes, our first Chief Justice, its bicentenary was nevertheless marked in September

2023 with a conference in the Banco Court entitled *Enduring Courts in Changing Times*, organised under the auspices of the Australian Academy of Law, the Australasian Institute of Judicial Administration and the *Australian Law Journal*.

The Court also hosted an important conference entitled 'Towards Dignity: The Adoption Process in NSW and First Nations Children' which was held in conjunction the Department of Communities and Justice and the Crown Solicitor's Office and attended by many judges of the Equity Division. This conference was organised by Justice Stevenson, who took over responsibility as the Adoptions List Judge from Justice Sackar after the latter's appointment as Commissioner of the NSW 'Special Commission of Inquiry into LGBTIQ hate crimes'. His Honour's landmark report was presented in December 2023.

The Annual Supreme Court Conference was held in Newcastle with sessions covering a wide variety of legal topics including 'Judges and Technology: a dystopia or an opportunity?'; Cybercrime; Developments in Criminal Law; 'PPSA: misconceptions, assumptions, and a statement of the obvious'; and 'Pseudolaw: Micronations and Sovereign Citizens'; The Conference was also addressed by Dr Michael Fullilove AM, Executive Director of the Lowy Institute and the Hon Virginia Bell AC SC.

Throughout the year, the Banco Court has been the venue for a large number of public lectures on topics of legal interest and importance, as well as book launches, university law school events and student and professional association moots. At the end of the year, what has become known as the 'History Wall' was installed immediately outside the Banco Court, in anticipation for the celebration of the bicentenary of the Court in 2024. The History Wall, in a brilliant combination of text and images, tracks the history of the Court in chronological sequence and has won universal praise from those who have seen it. It will be used in 2024 and beyond as a tool for informing students and new lawyers and members of the public about the Court's rich history and civic importance. Its content and the images it displays was developed in conjunction with the preparation of a history of the Supreme Court for its bicentenary in May 2024.

Judges of the Court contribute to the administration of justice in ways that extend well beyond their onerous day to day obligations of hearing and determining cases. This includes involvement in committees of the Court, with the Judicial Commission of New South Wales and the work of producing and continually updating bench books for the benefit of the whole of the NSW Judiciary, with the Legal Practice Admissions Board and the Law Extension Committee; leadership positions in the Australian Judicial Officers Association, the Australasian Institute of Judicial Administration and the National Judicial College of Australia, in extra-curial organisations such as the Forbes Society for Legal History and Diverse Women in the Law, and through university teaching.

New South Wales is fortunate to have a cohort of dedicated and talented judges serving it at the highest level. It was most disappointing, therefore, that in April 2023, without notice or consultation, the State Government announced a two year freeze of salaries of all judicial officers in New South Wales, including Supreme Court judges. This came at a time of continuing high inflation and in a context where judicial salary increases had been capped for many years in any event. Unless rectified in due course, the judicial pay freeze at a time of high inflation, will have operated to effect a significant reduction in real wages for judicial officers in this State. The work of the judiciary is no less of an essential service than other areas, and it must be properly valued by the executive branch of government.

The Supreme Court is fortunate to have an extremely dedicated Registry staff who support the Court in a variety of ways. This includes the work of the Registrars who not only manage lists but are also engaged in extensive mediation work, especially in the area of probate and family provision disputes as well as the work of our highly skilled listing officers who ensure that the Court hears cases in as efficient and expeditious a manner as is possible. There are many other support staff and others, such as Court Officers, members of the transcription service and of course the Office of the Sheriff, all of whom play an important role in the administration of justice. I particularly acknowledge the work and leadership of Chris D'Aeth and Rebel Kenna as Chief Executive and Principal Registrar, and Prothonotary. Their leadership skills and calm temperaments were to the fore during a major flood event in the Joint Law Courts Building on 17 September 2023 which forced a scramble to rescue court files and essential equipment to enable hearings and trials to proceed as scheduled. Caused by a fire hydrant bursting a coupling between level 18 and 19, the flood impacted all floors on and below level 18, including the library. The building was closed for two weeks for remediation (removal of wet carpets, drying, repairs to lifts) – necessitating the temporary relocation of judges and chambers to King St, Hospital Road and Wentworth Chambers nearby. By 4 October, Court staff were allowed to return to the Law Courts building, following the completion of a full security sweep by NSW Police.

Finally, I thank the judges of the Court and their staff for their continuing commitment to public service. I especially acknowledge the support I receive from the President of the Court of Appeal and the Chief Judge in Equity and the Chief Judge at Common Law in the leadership of the Court.

I commend this report.

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













1

COURT  
PROFILE

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# JURISDICTION AND DIVISION

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**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 of New South Wales: our place in the court system**

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

- Court of Appeal; and
- Court of Criminal Appeal.

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

- Common Law Division; and
- Equity Division.

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

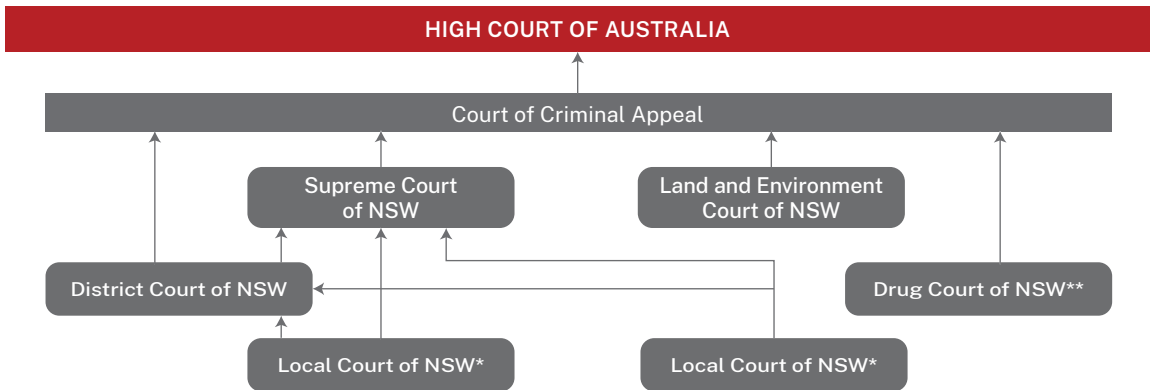
Section 23 of the *Supreme Court Act 1970* provides the Court with all jurisdiction necessary for the administration of justice in New South Wales. The Supreme Court has supervisory jurisdiction over other courts and tribunals in the State. The Court generally exercises this supervisory jurisdiction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

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

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

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

**Figure 1.1 NSW COURT SYSTEM CRIMINAL JURISDICTION**

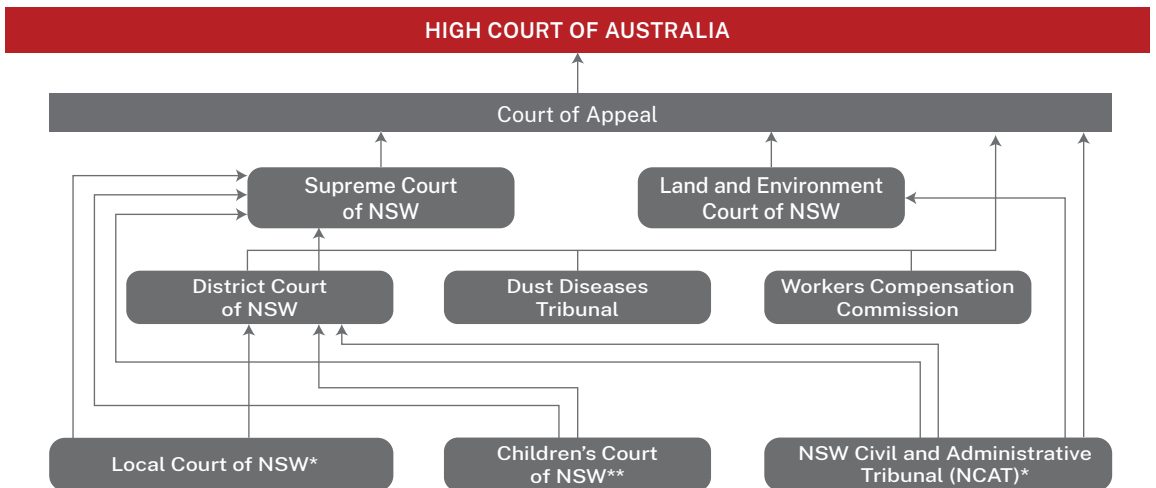


Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

\* 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



# JUDGES

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**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 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.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2023.

## **Chief Justice of NSW**

The Hon. Andrew S Bell

## **President of the Court of Appeal**

The Hon. Justice Julie Ward

## **Judges of Appeal**

The Hon. Justice Anthony Meagher

The Hon. Justice Fabian Gleeson

The Hon. Justice Mark Leeming

The Hon. Justice Anthony Payne

The Hon. Justice Richard White

The Hon. Justice David Hammerschlag

The Hon. Justice Anna Mitchelmore

The Hon. Justice Jeremy Kirk

The Hon. Justice Christine Adamson

The Hon. Justice Kristina Stern

The Hon. Justice Ian Harrison

## **Chief Judge at Common Law**

The Hon. Justice Ian Harrison

### **Chief Judge in Equity**

The Hon. Justice David Hammerschlag

### **Judges**

The Hon. Justice Michael Walton

The Hon. Justice Stephen Rothman AM

The Hon. Justice Derek Price AO

The Hon. Justice Michael Slattery AM AM (Mil) RAN

The Hon. Justice David Davies

The Hon. Justice Michael Ball

The Hon. Justice Peter Garling RFD

The Hon. Justice John Sackar

The Hon. Justice Ashley Black

The Hon. Justice James Stevenson

The Hon. Justice Stephen Campbell

The Hon. Justice Richard Button

The Hon. Justice Geoff Lindsay AM

The Hon. Justice Francois Kunc

The Hon. Justice Stephen Robb

The Hon. Justice Robertson Wright

The Hon. Justice Peter Hamill

The Hon. Justice Helen Wilson

The Hon. Justice Des Fagan

The Hon. Justice Natalie Adams

The Hon. Justice Julia Lonergan

The Hon. Justice Guy Parker

The Hon. Justice Kelly Rees

The Hon. Justice Lea Armstrong

The Hon. Justice Trish Henry

The Hon. Justice Mark Ierace

The Hon. Justice Richard Cavanagh

The Hon. Justice Kate Williams

The Hon. Justice Hament Dhanji

The Hon. Justice Elisabeth Peden

The Hon. Justice Mark Richmond

The Hon. Justice Michael Meek

The Hon. Justice Dina Yehia

The Hon. Justice Nicholas Chen

The Hon. Justice Sarah McNaughton

The Hon. Justice Richard Weinstein

The Hon. Justice Deborah Sweeney

The Hon. Justice Scott Nixon

The Hon. Justice Anthony McGrath

The Hon. Justice Sarah Huggett

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

The Hon. Acting Justice John Basten

The Hon. Acting Justice John Griffiths

The Hon. Acting Justice Carolyn Simpson AO

### **Acting Judges**

Set out below are details of those persons who held commissions as Acting Judges during the 2023 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 Hon. Acting Justice Michael Elkaim

The Hon. Acting Justice RA Hulme

The Hon. Acting Justice Monika Schmidt AM

### **Associate Judges**

The Governor appoints Associate Judges to the Court under section 111 of the *Supreme Court Act 1970*.

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 Bankruptcy*  
BANKRUPTCY  
REGISTRAR  
COURT  
LEGAL  
PROFESSION  
ONLY.



As at 31 December 2023, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

In the Common Law Division, an Associate Judge conducts hearings of actions for personal injury and possession of property in addition to appeals from the Local Court and various tribunals.

## **APPOINTMENTS**

The Hon. Justice Michael Elkaim was sworn in as Acting Judge on 30 January 2023.

The Hon. Justice Christine Adamson was sworn in as a Judge of Appeal on 3 February 2023.

The Hon. Justice Kristina Stern was sworn in as a Judge and as a Judge of Appeal on 8 June 2023.

The Hon. Justice Ian Harrison was sworn in as Chief Justice in Common Law on 9 November 2023.

The Hon. Justice Richard Weinstein was sworn in as a Judge on 1 February 2023.

The Hon. Justice Deborah Sweeney was sworn in as a Judge on 8 February 2023.

The Hon. Justice Scott Nixon was sworn in as a Judge on 8 August 2023.

The Hon. Justice Anthony McGrath was sworn in as a Judge on 15 August 2023.

The Hon. Justice Sarah Huggett was sworn in as a Judge on 12 December 2023.

## **RETIREMENTS**

The Hon. Justice Robert Macfarlan, Judge of Appeal, retired on 22 February 2023.

The Hon. Justice Paul Brereton AM RFD, Judge of Appeal, retired on 31 May 2023.

The Hon. Justice Robert Beech-Jones, Chief Judge in Common Law, retired on 19 October 2023.

The Hon. Justice Geoffrey Bellew, Judge, retired on 10 February 2023.

The Hon. Justice Philip Hallen, Judge, retired on 30 June 2023.

The Hon. Justice Rowan Darke, Judge, retired on 16 August 2023.

# JUDICIAL EDUCATION

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Upon appointment, Supreme Court and District judges usually attend the National Judicial Orientation Program, conducted by the National Judicial College of Australia, with assistance from the Judicial Commission of New South Wales. Held in various locations around Australia, this five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging.

## The Judicial Commission of New South Wales

The Judicial Commission offers an extensive education program for judicial officers, ranging from annual conferences, induction and orientation courses for new appointees to specialist conferences, seminars and webinars on specific aspects of law, procedure, judicial skills and social context issues. The programs are designed to keep judicial officers up to date with current developments and emerging trends. The Commission aims to continuously renew judicial skills and provide information about changes to the law, court procedure and community values. The Commission and the Supreme Court organise a range of educational programs equipping judicial officers with tools and knowledge required.

The Court's annual conference, attended by the majority of judicial officers, was held in Newcastle in August 2023 at two locations one of which was the University of Newcastle's inner city teaching facility. The program encompassed a diverse range of topics providing the opportunity to improve the skills and knowledge of judicial officers. The conference also involved the University of Newcastle School of Law and Justice staff and students strengthening ties across the legal profession. Speakers included:

Professor Tania Sourdin and Mr Ken Hwee Tan – "Judges and Technology: a dystopia or an opportunity?"

The Honourable Virginia Bell AC SC – "200 Years of Criminal Cases in the Supreme Court of NSW"

Dr Michael Fullilove AM – "Global tour d'horizon"

Professor Barbara McDonald – "Scope of Liability in Tort (and some Contracts), with particular attention to s 5D of the *Civil Liability Act 2002* (NSW)"

Professor Richard Buckland – "Cybercrime"

The Honourable Justice Robert Beech-Jones and the Honourable Justice Natalie Adams – "Developments in Criminal Law"

Dr Sheelagh McCracken – "PPSA: misconceptions, assumptions and a statement of the obvious"

Dr Harry Hobbs – "Understanding and Responding to Pseudolaw"

Professor Maria Fiatarone Singh AM – "Optimising Resilience with Lifestyle Choices: Judging the Evidence"

Cross-jurisdictional programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. In addition, there are online resources permanently available to judges of the Supreme Court. Bench books and other research tools are available online via the JIRS database and are updated regularly. Where possible, Supreme Court judges are also able to view and participate in programs remotely either via the live streaming of certain programs or viewing a number of programs that have been recorded.

### **The Ngara Yura Committee**

The Judicial Commission's Ngara Yura Program was initially established in 1992 in response to the final recommendations of the Royal Commission into Aboriginal Deaths in Custody that judicial officers should receive instruction and education on matters relating to Aboriginal customs, culture, traditions and society. Judicial officers have an important responsibility to 'listen, learn and lead' when dealing with Indigenous Australians who come before them. The Ngara Yura Program aims to increase awareness among judicial officers about contemporary Aboriginal social and cultural issues, and their effect on Aboriginal people in the justice system. Aboriginal people appear before all state courts in NSW as parties and witnesses in both criminal and civil proceedings. In order for justice to be done and be seen to be done, it is essential that judicial officers understand a wide range of issues relating to Aboriginal people, most particularly their history and customs (including behavioural norms and languages/dialects spoken and understood). The Ngara Yura Program also provides Aboriginal people with an opportunity to learn about the judicial process. The following Ngara Yura programs were attended by one or more judicial officers:

#### **Ngara Yura Program seminars and webinars in 2023**

4 February 2023: Exchanging Ideas Symposium which discussed constitutional reform, treaty and truth telling with member of the profession and First Nations representatives.

24 May 2023: Muru Ngubadi, the Path of Respect

#### **Ngara Yura Program site visit**

23 September 2023: Aboriginal Heritage Office and local rock engravings at Freshwater

#### **Cross-Jurisdictional: First Nations Speaker Series with The Law Society of NSW and the NSW Bar Association**

8 November 2023: Victor Steffensen, author, filmmaker, musician and consultant on fire management

28 November 2023: Ms Tammi Gissell, Collections Coordinator, First Nations-The Powerhouse Museum

#### **Education Committee**

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



**Members**

The Hon. Justice Anna Mitchelmore (Chair)

The Hon. Justice Tony Payne

The Hon. Justice Peter Hamill

The Hon. Justice Mark Ierace

The Hon. Justice Elisabeth Peden

The Hon. Justice Scott Nixon (from November)

Mr Chris D'Aeth, Executive Director and Principal Registrar

Ms Sarah Collins, Manager Programs, Judicial Commission of NSW (Convenor) (until March 2023)

Ms Anne-Elise Smith, Manager, Programs, Judicial Commission of New South Wales (Convenor) (From March 2023)

**National Judicial Orientation Program**

26-31 March 2023: Justice Sarah McNaughton and Justice Kate Williams attended the National Judicial Orientation Program in Brisbane.



# THE REGISTRARS

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**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 delegated power of the Court by the Chief Justice under the s 13 of the *Civil Procedure Act 2005* to undertake some of the functions formerly performed by Judges and Associate Judges under the *Supreme Court Rules 1970*, *Uniform Civil Procedure Rules 2005*, and other various Acts.

In addition to determining uncontested probate applications, the work of the Registrars commonly includes:

- defended applications in relation to security for costs, discovery, interrogatories, provision of particulars, and subpoenas;
- costs disputes if the amount in question is unlikely to exceed \$20,000;
- unopposed applications for the transfer of cases to or from the District Court;
- conducting examinations under various Acts, including the *Corporations Act 2001* (Cth), the *Proceeds of Crime Act 1987* (Cth), the *Proceeds of Crime Act 2002* (Cth), and the *Criminal Assets Recovery Act 1990* (NSW);
- dealing with applications for orders under many of the provisions of the *Corporations Act 2001* (Cth), such as the winding up of companies;
- hearing applications as referred to them by an Associate Judge;
- issuing court orders and writs of execution; and
- entering default judgments.

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

The Registrars may also be called upon to mediate cases. During 2023, nine 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 2023:

**Executive Director and  
Principal Registrar**

Chris D'Aeth

**Director, Assistant Principal  
Registrar and Prothonotary**

Rebel Kenna

**Registrar, Court of Appeal**

Karen Jones

**Registrar, Court of Criminal  
Appeal**

George Galanis

**Acting Registrar, Common  
Law Case Management**

Jennifer Hedge

**Registrar in Equity**

Leonie Walton

**Registrar, Corporations List**

Leonie Walton

**Senior Deputy Registrars**

Brendan Bellach

Suzin Yoo

Lynda Gerritsen

Sivashna Chetty

Peter Clayton

**Deputy Registrars**

Anita Chang

Shashi Palagummi

Peter Onisforou

Claudia Czerwinski

Tara Aftanas







## **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.

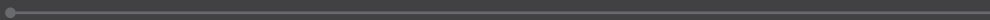
Operational management of the Registry is handled by the Executive Director and Principal Registrar of the Court. The Executive Director is responsible for securing and managing the resources provided to the Court by the New South Wales Department of Communities and Justice. The Executive Director also 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

## COURT OPERATIONS



# COURT OF APPEAL

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As at 31 December 2023

## PRESIDENT

The Honourable Justice  
Julie Ward

## JUDGES OF APPEAL

The Honourable Justice  
Anthony Meagher

The Honourable Justice  
Fabian Gleeson

The Honourable Justice  
Mark Leeming

The Honourable Justice  
Anthony Payne

The Honourable Justice  
Richard White

The Honourable Justice  
David Hammerschlag

The Honourable Justice  
Anna Mitchelmore

The Honourable Justice  
Jeremy Kirk

The Honourable Justice  
Kristina Stern

The Honourable Justice  
Christine Adamson

The Honourable Acting Justice  
Carolyn Simpson

The Honourable Acting Justice  
John Basten

The Honourable Acting Justice  
John Griffiths

## Overview

The Court of Appeal was established in 1966 as Australia's first intermediate appellate Court. It hears appeals in civil matters against the decisions of the judicial officers of the Supreme Court, other courts, and tribunals within the State. It also determines applications for judicial review. Its judgments are routinely cited around the nation and by foreign courts.

The Court of Appeal comprises the Chief Justice, the President of the Court of Appeal and nine judges of appeal. In addition, the Chief Judge of each trial division is a member of the Court. Acting judges of appeal also sit in the Court of Appeal when required, and on occasion, a judge of the Supreme Court's trial divisions may sit as an additional judge of appeal for the duration of a specific case.

The Court of Appeal sits in panels, normally constituted by three judges of appeal. If the Judges do not agree, the majority view prevails. Occasionally, a five-judge bench will convene if there is a perceived conflict between two earlier decisions of the Court, or where a party seeks to challenge a legal principle set in an earlier decision of the Court of Appeal.

Two judges of appeal can determine applications if they relate solely to the amount of compensation for personal injury or death or is a challenge to an interlocutory judgement of a lower court. Applications for leave to appeal may also be dealt with by two judges, although a single judge of the Court of Appeal can determine if the issue of leave should be considered during the substantive appeal hearing, not separately. A judge of appeal sitting alone will also determine many interlocutory applications in an appeal.

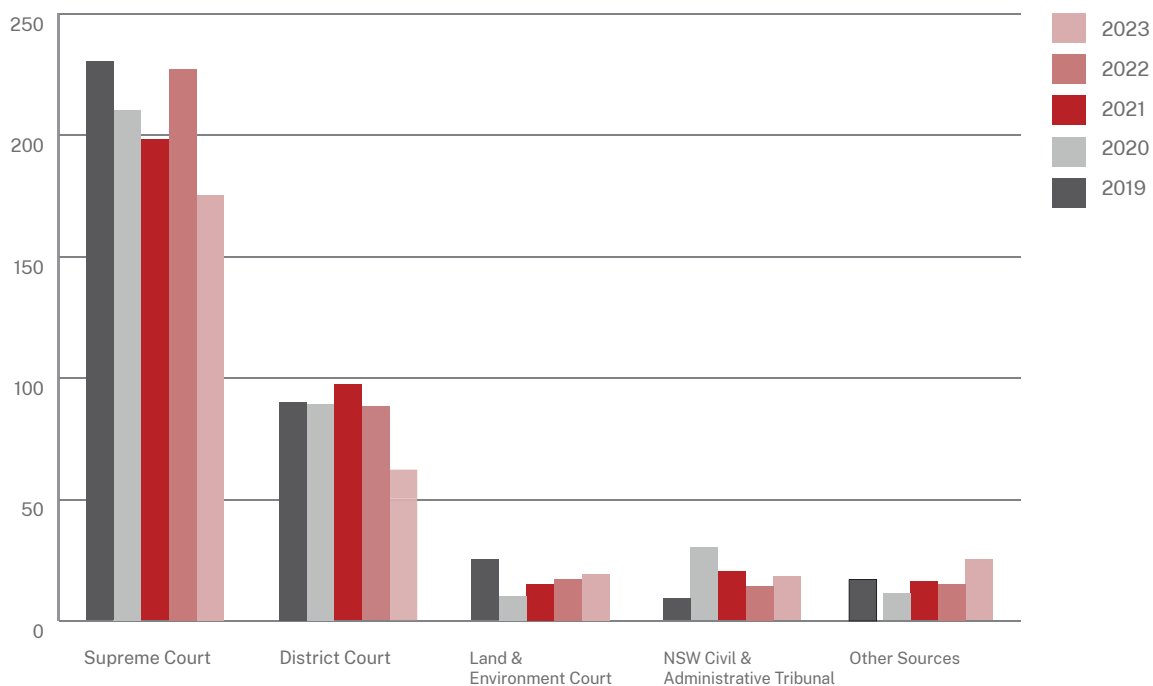
Appeals against decisions of the Court of Appeal are made to the High Court of Australia in matters of public or general importance. However, before the appeal can progress, the applicant must first obtain from the High Court a grant of special leave to appeal.

## STATISTICS

	2022	2023	Variance
Filings	354	303	-%14
Disposals	311	363	%17
Pending	208	148	-29%



**Figure 1:** illustrates the sources of filings between 2019 and 2023



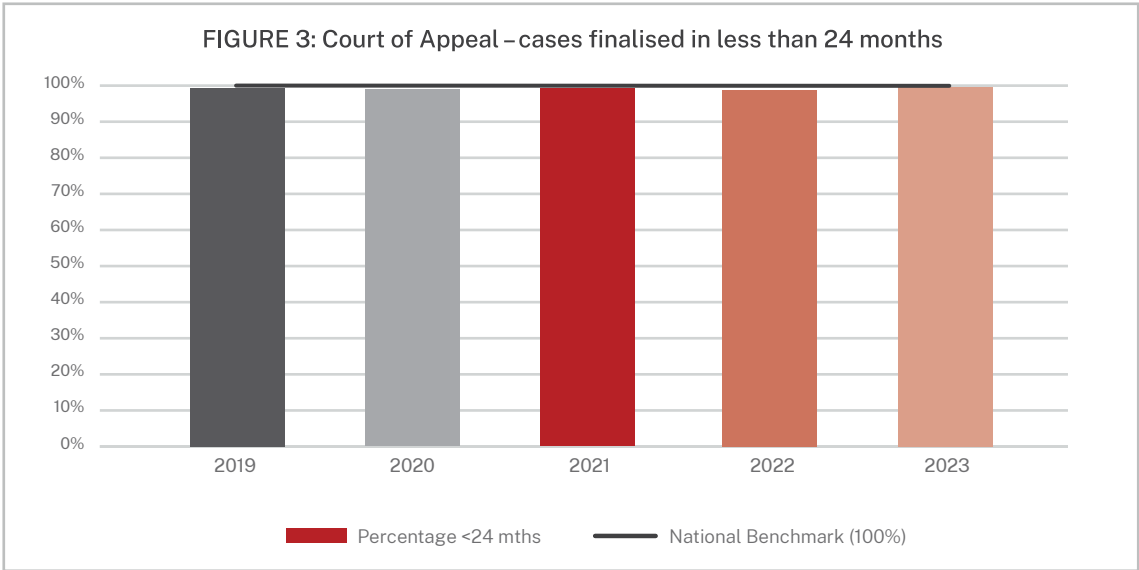
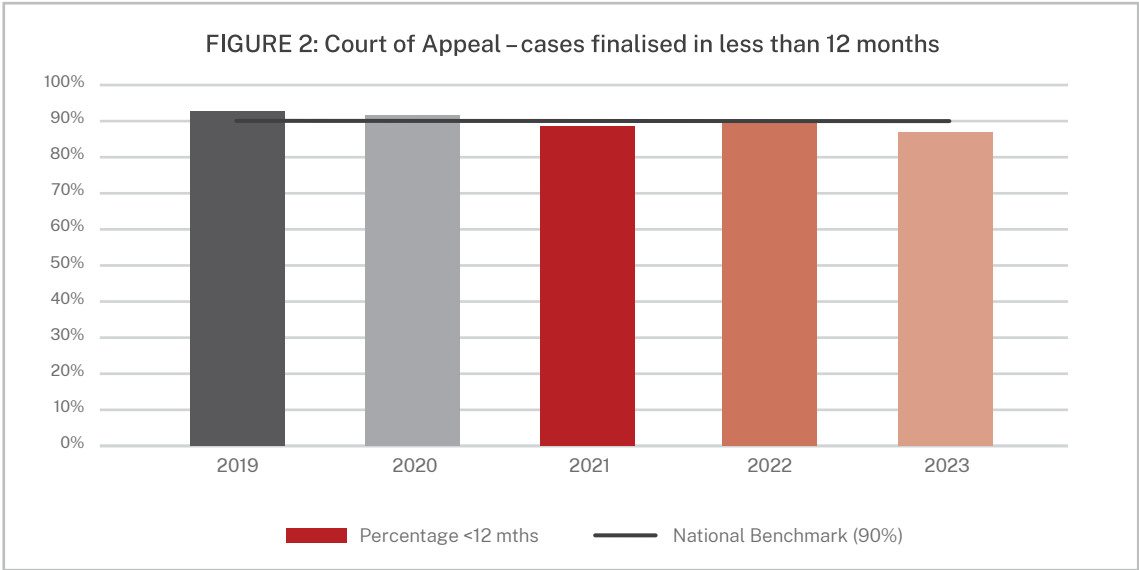
Of the 303 new cases, the majority were commenced by a notice of appeal, totalling 165 cases. In addition, 101 cases were initiated by a summons seeking leave to appeal while 37 cases were brought forth by a summons for the Court of Appeal to exercise its replace with supervisory jurisdiction.

There were 363 final disposals in 2023, which occurred by the following methods:

- judgment following hearing of either an appeal, a summons for judicial review or a concurrent hearing<sup>1</sup> -65%
- refusal of the appeal, original jurisdiction summons or leave application -14%
- settlement of the appeal, original jurisdiction summons or leave application -4%
- discontinuance or other final disposal of the appeal, original jurisdiction summons or leave application -17%

<sup>1</sup> 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

**Figures 2 and 3:** illustrate the Court of Appeal's achievements against national benchmarks for age of cases at finalisation. In 2023, 87% of cases were finalised within 12 months, falling marginally short of the national benchmark of 90%. 99.7% of cases were finalised within 24 months, falling a fraction short of the national benchmark of 100%.



	2019	2020	2021	2022	2023
<b>COURT OF APPEAL<sup>2</sup></b>					
<b>Filings (net new cases)</b>	<b>366</b>	<b>346</b>	<b>341</b>	<b>354</b>	<b>303</b>
Filings of appeals / applications for relief	231	214	223	236	202
Filings of applications for leave to appeal <sup>3</sup>	135	132	118	118	101
<b>Disposals (final disposals)</b>	<b>339</b>	<b>381</b>	<b>346</b>	<b>311</b>	<b>363</b>
Disposals of appeals / applications for relief	213	232	231	207	247
Disposals of applications for leave to appeal	126	149	115	104	116
<b>Pending cases at 31 December</b>	<b>205</b>	<b>170</b>	<b>165</b>	<b>208</b>	<b>148</b>
Appeals / applications for relief	142	124	124	157	114
Applications for leave to appeal	63	46	41	51	34

#### TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER<sup>4</sup>

Number pending (% of total)	National standard <sup>5</sup>	2019	2020	2021	2022	2023
Cases within 12 months of age	90%	191 (93%)	157 (92%)	152 (92%)	199 (96%)	136 (92%)
Cases within 24 months of age	100%	201 (98%)	168 (99%)	163 (99%)	207 (99%)	148 (100%)

<sup>2</sup> These statistics exclude notices of intention to appeal, as notices do not commence a substantive appeal or application. Statistics cover Court of Appeal cases only, which are not comparable with 'civil appeal' statistics reported within the Productivity Commission's Report on Government Services (which count all civil cases of an appellate nature, including appeals and reviews dealt with in the Common Law and Equity Divisions).

<sup>3</sup> This includes leave applications and applications where parties have elected to have a concurrent hearing of both the leave application and the appeal (if leave is granted).

<sup>4</sup> Age of cases includes time taken to deal with any associated application for leave to appeal. The age of cases is impacted by factors outside of the Court's control, such as the time taken to complete relevant cases in other courts/tribunals or interlocutory appeals, time taken by external agencies/individuals to prepare essential reports, and time occupied by trials that result in a hung jury.

<sup>5</sup> National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to supreme courts; consequently, the national standards apply to a large range of indictments, criminality and civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.





# COURT of CRIMINAL APPEAL

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## Overview

The Court of Criminal Appeal is the State's highest court for criminal matters. A person who has been convicted or who pleaded guilty and been sentenced by a Supreme Court or District Court judge, may appeal to the Court of Criminal Appeal. Appeals may also be brought from decisions of the Land and Environment Court in its criminal jurisdiction.

The *Criminal Appeal Act 1912* sets out the Court's functions, powers and jurisdiction; other legislation also invests jurisdiction in the Court for certain matters. The Court's procedural requirements are set out in the *Supreme Court (Criminal Appeal) Rules 2021* and Practice Note SC CCA 1 – Court of Criminal Appeal – General. There are specific forms which must be used for filing in the Court of Criminal Appeal.

The judges hearing any particular case are selected from the Chief Justice, the President of the Court of Appeal, the judges of appeal, the Chief Judge and other nominated judges of the Common Law Division. Appeals are normally heard by three judges, although five judges may sit when significant legal issues need to be considered. If the judges do not agree, the majority view prevails.

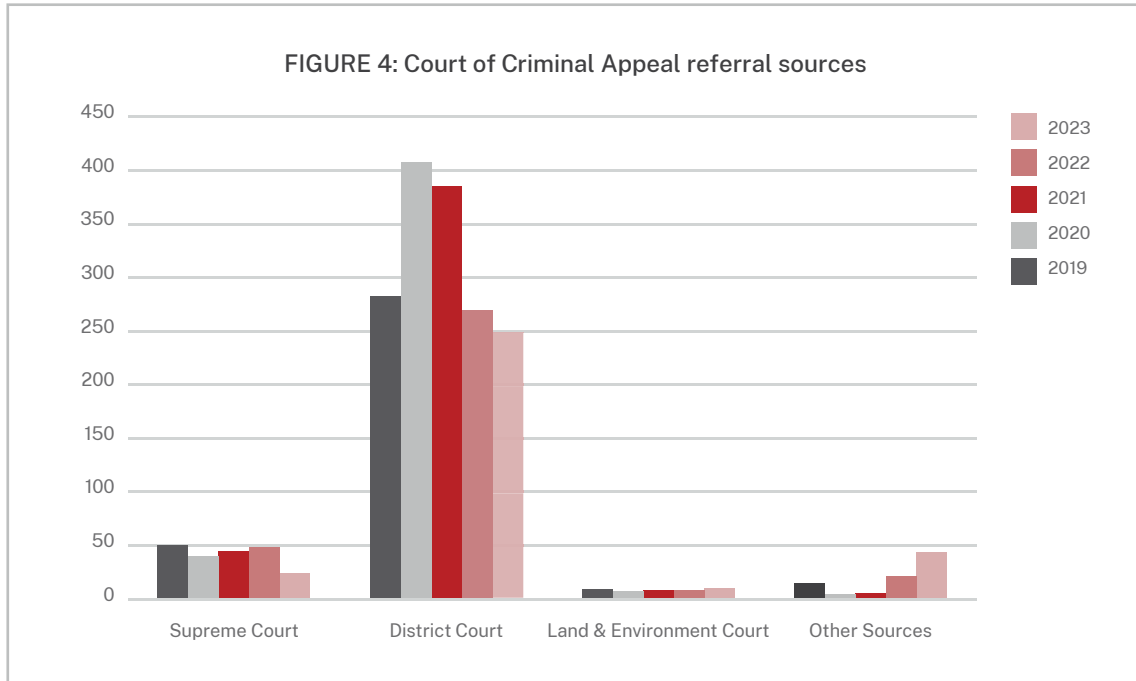
There are a number of grounds for appeal, including a challenge to a conviction involving a question of law. The Court of Criminal Appeal may also grant leave to appeal in matters involving questions of fact or mixed questions of fact and law. It may also grant leave to appeal in cases where the severity or adequacy of the sentence is challenged.

To appeal to the High Court from the Court of Criminal Appeal, an applicant must first obtain special permission a grant of special leave to appeal from the High Court.

## STATISTICS

	2022	2023	Variance
Filings	346	326	-6%
Disposals	376	416	11%
Pending	191	101	-47%

**Figure 4:** illustrates the sources of new filings between 2019 and 2023.



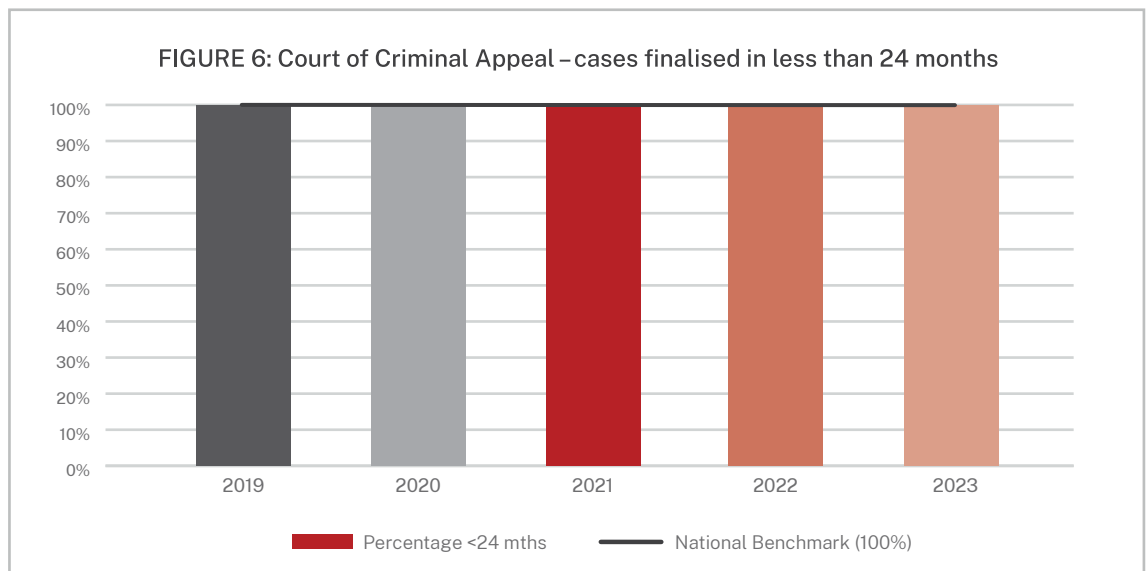
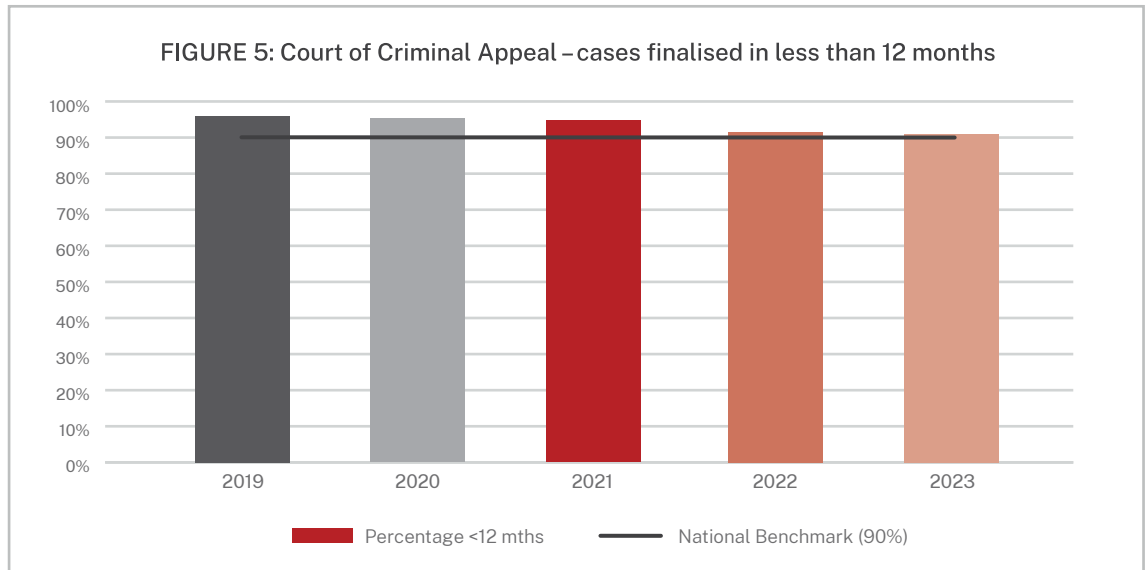
Out of the 326 new cases, the majority were appeals against severity of sentence, totalling 146 cases (19 of which were filed by the Crown), 86 were appeals against conviction, 31 were appeals against interlocutory judgments, 11 were bail reviews and 52 were cases of other types.

In 2023, the percentage of conviction appeals decreased to 26%, down from 34% in 2022. Conviction appeals are generally more intricate and require lengthier hearings compared to appeals against severity of sentence alone.

There were 416 final disposals in 2023, which occurred by the following methods:

- **Judgment** following a substantive hearing - 91%
- **Abandonment** or Withdrawal of an appeal prior to hearing -5%
- **Dismissal** or other disposal methods-4%

Figures 5 and 6 illustrate the Court of Criminal Appeal's achievements against national benchmarks for age of cases at finalisation. The Court of Criminal Appeal continues to demonstrate its efficiency in swiftly finalising cases, positioning itself as one of the most timely courts nationwide. At the end of 2023, national benchmarks for both categories were either met or exceeded, with 91% of cases finalised under 12 months and 100% of cases finalised under 24 months.



	2019	2020	2021	2022	2023
<b>COURT OF CRIMINAL APPEAL<sup>6</sup></b>					
<b>Filings (net new cases)</b>	<b>355</b>	<b>457</b>	<b>442</b>	<b>346</b>	<b>326</b>
Appeals against conviction	101	126	114	116	86
Appeals against sentence <sup>7</sup>	206	289	253	157	146
Appeals against interlocutory judgments	20	24	35	33	31
Bail reviews	13	9	19	12	11
Other Appeals	15	9	21	28	52
<b>Disposals (final disposals)</b>	<b>373</b>	<b>417</b>	<b>416</b>	<b>376</b>	<b>416</b>
Appeals against conviction	100	109	118	105	138
Appeals against sentence	231	266	232	197	191
Appeals against interlocutory judgments	12	28	29	38	22
Bail reviews	15	12	20	18	11
Other Appeals	15	2	17	18	54
<b>Pending cases at 31 December</b>	<b>155</b>	<b>195</b>	<b>221</b>	<b>191</b>	<b>101</b>
Appeals against conviction	61	78	75	87	35
Appeals against sentence	84	108	129	86	46
Appeals against interlocutory judgments	8	4	10	7	14
Bail reviews	2	2	2	3	0
Other Appeals	0	3	5	8	6

<sup>6</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority.

<sup>7</sup> Includes Crown Appeals



### TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER<sup>8</sup>

Number pending (% of total)	National standard <sup>9</sup>	2019	2020	2021	2022	2023
Cases within 12 months of age	90%	150 (97%)	189 (97%)	215 (97%)	182 (95%)	98 (97%)
Cases within 24 months of age	100%	155 (100%)	194 (99%)	221 (100%)	191 (100%)	101 (100%)

<sup>8</sup> Age of cases includes time taken to deal with any associated application for leave to appeal. The age of cases is impacted by factors outside of the Court's control, such as the time taken to complete relevant cases in other courts/tribunals or interlocutory appeals, time taken by external agencies/individuals to prepare essential reports, and time occupied by trials that result in a hung jury.

<sup>9</sup> National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to supreme courts; consequently, the national standards apply to a large range of indictments, criminality and civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.



# COMMON LAW: CRIMINAL

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## Judges of the Common Law

Division hear the most serious indictable offences in New South Wales. These matters include homicide, terrorism and other offences for which the penalty may include life imprisonment.

Other matters involving serious criminality or matters of public interest may be brought before the Court with the Chief Justice's approval.

## Overview

After entry into the Criminal List, the next step is usually an arraignment hearing, which is 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. Procedures for arraignment are detailed in Practice Note SC CL 2.

## STATISTICS

	2022	2023	Variance
Filings	85	70	-17%
Disposals	90	97	8%
Pending	124	97	-22%

All filings in 2023 were initiated by the NSW Office of the Director of Public Prosecutions, with 68 of these cases relating to homicide offences.

- 50 matters were listed for trial, with 3 being a judge-alone trial
- 8 were listed for fitness hearings (to deal with the question of the defendant's capacity to stand trial)
- 11 entered a plea of guilty: 8 at arraignment and 3 before or during trial
- 1 matter resulted in a 'No Bill' and was discontinued

There was a notable decrease in the number of trials that were held in 2023. A total of 41 trials took place involving 52 defendants, while in 2022, there were 71 trials involving 86 defendants. In addition to trials, 3 Fitness Hearings, 5 Section 31 Hearings and 1 Special Hearing took place in 2023.

The longest trial to commence in 2023 ran for 12 weeks, although this was eclipsed by *R v Cranston*, a matter which commenced on 26 April 2022 and ran for 168 days until a verdict was reached on 7 March 2023. There were 4 trials that ran for 8 weeks or longer. Trial time has decreased since 2022, with the longest trial in 2022 spanning 34 weeks and 13 trials that ran for 8 weeks or longer. The average trial length during 2023 was 4 weeks, a decrease from the 2022 average of 5 weeks. It is important to note that these statistics pertain to the duration of the trial alone and do not include other stages of the criminal process, such as arraignment, pre-trial hearings and sentencing.

The Court prepared and handed down 72 sentences during 2023, an increase of 38% from 2022, where 52 sentences were handed down.

There were 97 final disposals in 2023, which occurred by the following methods:

- **Judgment** following hearing (sentence/acquittal) - 80%
- **Referral/transfer** to other court/tribunal - 3%
- **Other** disposal methods - 14%

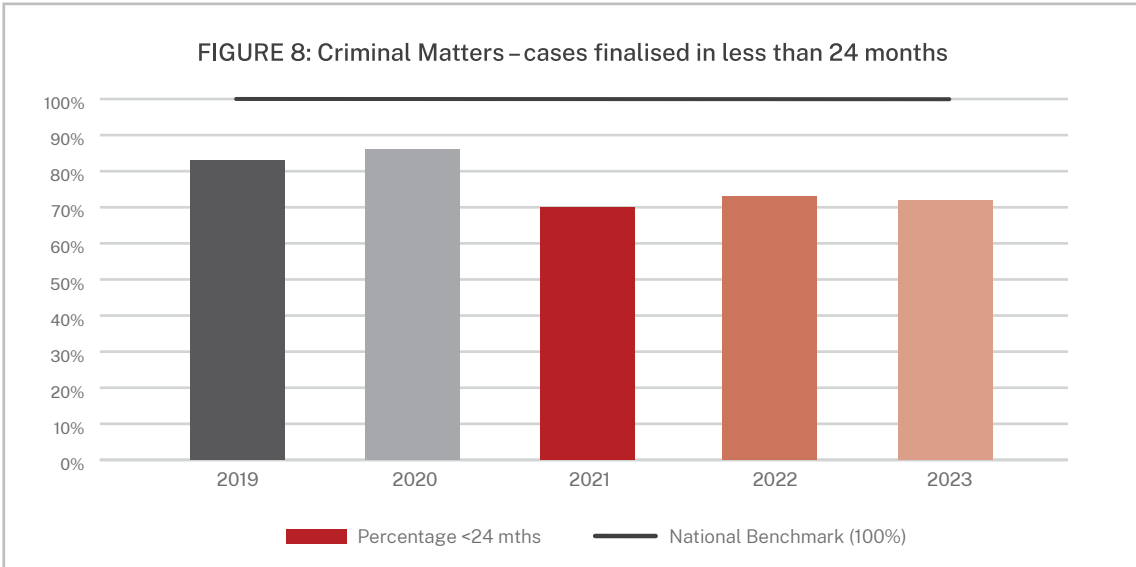
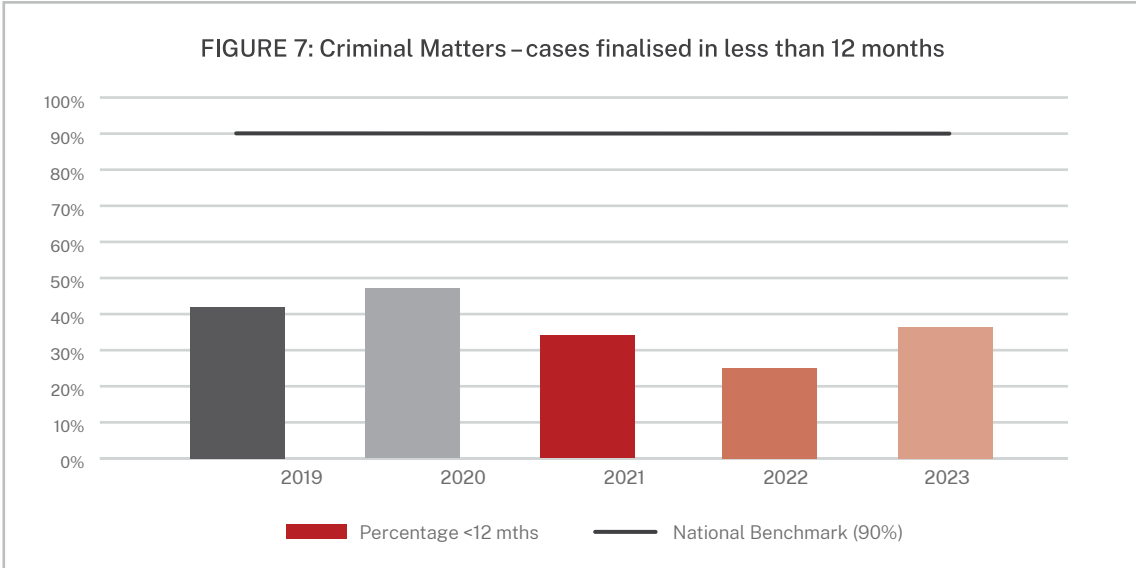
## HIGH RISK OFFENDER LIST

The High Risk Offender list was established in 2018, this list provides case management for urgent matters relating to the *Crimes (High Risk Offenders) Act 2006*. Statistics relating to the High Risk Offender List can be found on page 46.

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<sup>10</sup> Includes Section 31 Hearings

Figures 7 and 8 illustrate the performance of the Common Law Division in its criminal jurisdiction against national benchmarks for age of cases at finalisation. In 2023, 37% of cases were finalised within 12 months, falling below the national benchmark of 90%. 72% of cases were finalised within 24 months, falling short of the national benchmark of 100%.



When evaluating the Court’s performance against the national benchmarks it is important to note that the majority of matters presented to this Court involve the most serious category of indictable offences, whereby a life sentence may be imposed. In contrast, the criminal lists of other Australian supreme courts handle a wider spectrum of offences with shorter maximum sentences. This disparity makes it difficult to directly compare finalisation times with other Courts. Due to the complexity of cases heard in the Court, meeting the national timeliness benchmark of 12 months from committal to sentencing is a significant challenge.

## Bails

Under the *Bail Act 2013*, the Supreme Court may hear release, variation and detention applications if a bail decision has been made by the lower courts. Once an application is received, it is scheduled for a call-over or, if deemed appropriate by the Court, listed by the Registrar in chambers.

	2022	2023	Variance
Filings	2,235	2,536	13%
Disposals	2,276	2,521	11%
Pending	163	188	15%

Release applications made up 73% of bail applications lodged in 2023, as compared to 92% in 2022. The remaining applications were for variation of bail and detention applications, lodged by the Crown.

During 2023, 21% of disposals were the result of the applicant withdrawing the application before or at the scheduled hearing, as compared with 24% in 2022. For cases that were finalised by a determinative outcome (bail granted, refused or varied) during 2023:

- 16% were finalised within 20 days of lodgment of an application-an increase in time when compared to 2022 (22%)
- 21% were finalised within 25 days of lodgment of an application-an increase in time when compared to 2022 (27%)
- 31% were finalised within 32 days of lodgment of an application-a decrease in time when compared to 2022 (28%)



	2019	2020	2021	2022	2023	
<b>COMMON LAW- CRIMINAL<sup>11</sup></b>						
Filings (net new cases) <sup>12</sup>	103	112	82	85	70	
Disposals (final disposals) <sup>13</sup>	106	88	88	90	97	
Pending cases at 31 December	110	134	128	124	97	
<b>Bails List<sup>14</sup></b>						
Filings (net new cases)	2,643	2,034	2,173	2,235	2,536	
Disposals (final disposals)	3,418	1,999	2,126	2,276	2,521	
Pending cases at 31 December	144	179	226	163	188	
<b>TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER<sup>15</sup></b>						
Number pending (% of total)	National standard <sup>16</sup>	2019	2020	2021	2022	2023
Cases within 12 months of age	90%	74 (67%)	82 (61%)	69 (54%)	70 (56%)	52 (54%)
Cases within 24 months of age	100%	97 (88%)	119 (89%)	115 (90%)	104 (84%)	83 (86%)

<sup>11</sup> 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). The Court uses counting rules that align with national counting rules, except concerning referrals from and to the Mental Health Review Tribunal (MHRT). When 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.

<sup>12</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>13</sup> Disposals are counted at sentence, acquittal or other final disposal. Other final disposal includes referral to the Mental Health Tribunal, no bill, death of the accused, order for issue of a bench warrant and transfer to another court.

<sup>14</sup> The figures for Bails List cases count the number of applicants, not the number of applications. At a Bails List hearing, the Court may deal concurrently with multiple applications for the same applicant. The statistics for 2019 are not directly comparable to previous years. Practice Note SC CL11 commenced on 3 June 2019, setting out new procedures for preparing and filing applications for hearing in the Bails List. Applications are now only accepted 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.

<sup>15</sup> Statistics exclude bail applications


<sup>16</sup> National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to supreme courts; consequently, the national standards apply to a large range of indictments, criminality and civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.

# COMMON LAW: CIVIL

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## Judges of the Common Law

Division deal with serious personal injury and contractual matters, defamation, actions for possession, professional negligence suits and claims for compensation arising out of institutional abuse.



*In 2018, institutional abuse matters were added as a nature of claim in response to the findings from the Royal Commission into Institutional Responses to Child Sexual Abuse and the lifting of the limitation period for such civil claims. There was a 43% increase in claims between 2022 and 2023, the highest number of filings since the introduction of the nature of claim.*

It is comprised of several lists including:

- **Administrative Law List:** deals with 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* and matters under the *Industrial Relations Act 1996*.
- **Common Law General List:** comprises all civil claims that do not fit the parameters of specialised lists. It includes money claims, personal injury claims (including institutional abuse matters), claims for possession (excluding equitable claims), breach of contract, personal property damage, malicious prosecution, and claims under the *Compensation to Relatives Act 1897*.
- **Defamation List:** Matters filed in this List are managed in accordance with the provisions of the *Defamation Act 2005*.
- **High Risk Offender List:** The High Risk Offender list was established in 2018, this list provides case management for urgent matters relating to the *Crimes (High Risk Offenders) Act 2006*.
- **Institutional Offender List**
- **Possession of Land List:** deals with all proceedings claiming possession of land.
- **Proceeds of Crime List:** matters filed in this list are managed in accordance with the various proceeds of crime legislation.
- **Professional Negligence List:** deals with claims against medical practitioners, allied health professionals (such as dentists, chemists, and physiotherapists), hospitals, solicitors, and barristers.

Class actions commenced in the Common Law Division are most commonly heard in the Common Law General List and the Professional Negligence List.

In addition to these lists, there are a range of cases that fall under the Miscellaneous List. This list includes applications made 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.

Civil hearings comprise just one area of work covered by the Common Law Division's 23 judges, who also hear the Court's criminal trials, Bail matters and all urgent applications to the Division. The Common Law Division judges are also the principal judicial resource for the Court of Criminal Appeal. The task of appropriately balancing the allocation of Common Law Division judges across these areas with fluctuating work volumes is challenging.

## Overview

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

- Contested cases - these matters are defended and require case management;
- Uncontested cases - matters that do not require case management-such as cases proceeding to default judgment, and the miscellaneous applications dealt with administratively by Registrars and registry officers.

	2022	2023	Variance
Filings	3,586	4,295	20%
Disposals	3,018	3,783	25%
Pending	3,813	4,314	13%

In 2023, there were 2,162 contested case filings, a 3% increase from 2022. Increases in filing numbers were most notable in the Possession list (33%) and the Miscellaneous list (85%). There has also been a steady rise in personal injury claims since 2019 on account of large number of claims for compensation arising out of institutional abuse. Decreased numbers in filings were noted in the Proceeds of Crime list (24%) and the High Risk Offender list (18%).

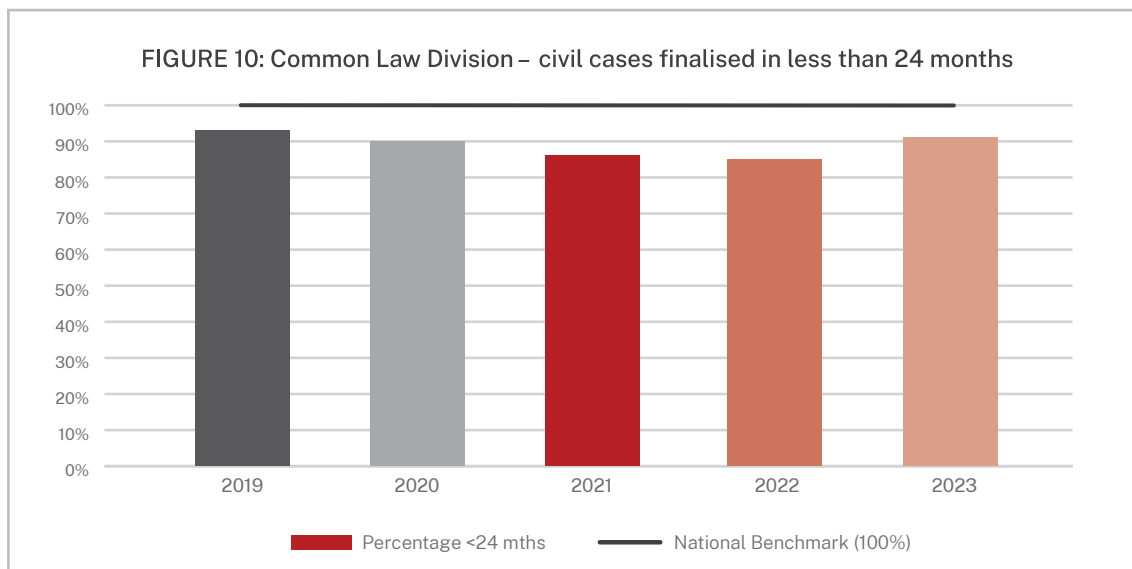
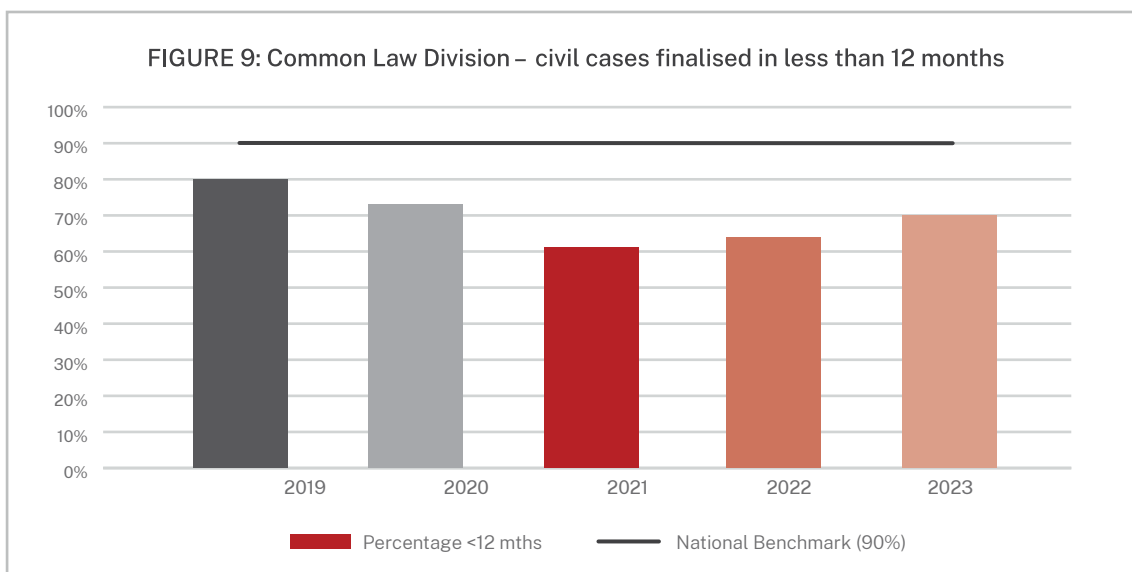
Consequently, there were mirrored increases in disposals, most notably in the Possession list (37%) and Miscellaneous list (66%). The total of 3,783 disposals included 1,944 matters which were either contested or case managed, an increase of 9% from 2022 (1,782).

Excluding Miscellaneous applications, uncontested cases in the Common Law division were disposed of by the following methods:

- **Administrative Dismissal** due to inactivity -44%
- **Dismissal** by Registrar -4%
- **Default** judgment -42%
- **Discontinuance** and other disposal methods-10%

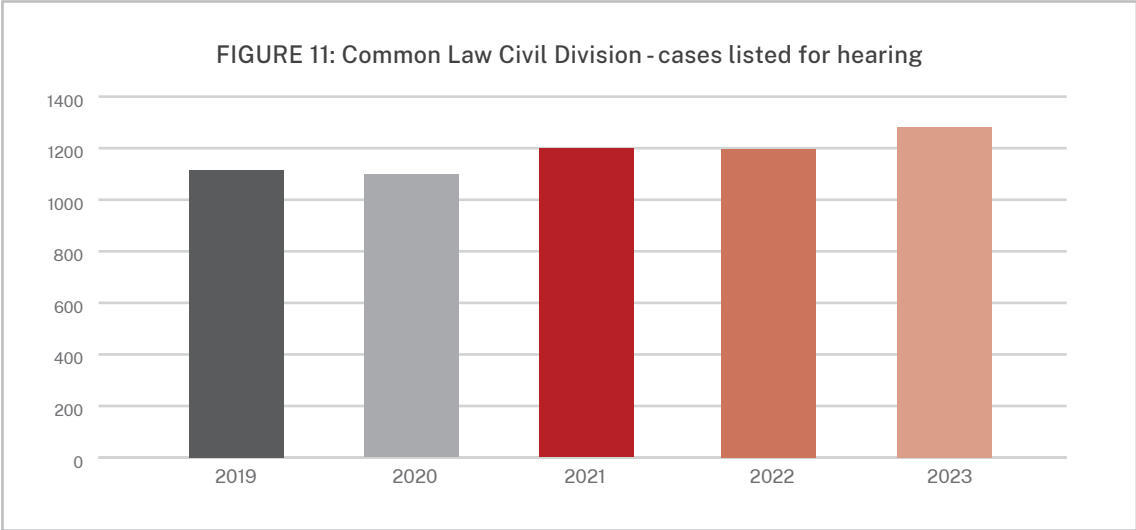
Similar to filings and disposals, the pending contested caseload increased in 2023 by 8% from 2,951 to 3,191, consequently increasing demand for case management directions and hearings in 2024. Contested cases continue to grow within the division, with an increase of 49% since 2019. The uncontested caseload rate also significantly increased by 31%, from 862 in 2022 to 1,133 in 2023.

**Figures 9 and 10** illustrate the Common Law Civil Division’s performance against national benchmarks for age of cases at finalisation. In 2023, 70% of cases were finalised within 12 months, falling below the national benchmark of 90%. 91% of cases were finalised within 24 months, falling short of the national benchmark of 100%. While the national benchmarks were not met, timeliness of finalisation has improved since 2022.



There were 1,283 matters listed during 2023 for a hearing of either the substantive issues or lengthy interlocutory issues (see Figure 11). Of the matters listed, 824 proceeded to hearing, 306 settled after being listed for hearing and 153 matters were vacated.<sup>17</sup>

<sup>17</sup>This information is collected manually, independent from the JusticeLink system. 'Not reached' refers to a situation where the parties are ready to proceed but the Court is unable to provide a judge for the hearing.





	2019	2020	2021	2022	2023
<b>COMMON LAW DIVISION - CIVIL</b>					
<b>Common Law General List</b>					
Filings	1,285	1,174	1,322	1,678	1,782
Contested claims	692	722	896	1,186	1,316
– <i>personal injury</i>	533	586	742	1,028	1,196
– <i>other claims</i>	159	136	154	158	120
Uncontested claims	237	113	93	147	173
Other summons cases <sup>18</sup>	356	339	333	345	293
Disposals	1,061	1,096	1,081	1,274	1,483
Contested claims	552	603	694	891	1,054
– <i>personal injury</i>	392	439	528	709	883
– <i>other claims</i>	160	164	166	182	171
Uncontested claims	177	121	64	60	121
Other summons cases	332	372	323	323	308
Pending cases at 31 December	1,345	1,410	1,648	1,986	2,231
Contested claims	1,083	1,254	1,488	1,769	2,019
– <i>personal injury</i>	828	979	1,188	1,454	1,755
– <i>other claims</i>	255	275	300	315	264
Uncontested claims	112	40	31	68	79
Other summons cases	150	116	129	149	133
<b>Administrative Law List</b>					
Filings	115	97	142	99	108
Disposals	141	129	102	121	119
Pending cases at 31 December	78	46	90	68	63

<sup>18</sup> Other summons cases may include contested matters.

	2019	2020	2021	2022	2023
<b>Defamation List</b>					
Filings	11	14	11	7	6
Disposals	53	24	13	11	7
Pending cases at 31 December	24	14	11	8	10
<b>High Risk Offender List</b>					
Filings	54	47	52	50	41
Disposals	60	37	51	55	55
Pending cases at 31 December	22	32	33	28	15
<b>Possession List <sup>19</sup></b>					
Filings	1,501	616	710	1,059	1,413
Disposals	1,292	1,088	664	859	1,169
–Contested	68	70	82	54	61
–Uncontested	1,224	1,018	582	805	1,108
Pending cases at 31 December	1,046	574	627	827	1,071
–Contested	83	78	45	52	62
–Uncontested	963	496	582	775	1,009
<b>Proceeds of Crime List</b>					
Filings	146	124	117	123	94
Disposals	108	112	95	81	71
Pending cases at 31 December	255	267	289	330	354
<b>Professional Negligence List</b>					
Filings	214	263	266	232	232
Disposals	199	244	217	249	264
Pending cases at 31 December	445	465	516	551	529
<b>Miscellaneous List</b>					
Filings	500	445	360	335	619
Disposals	564	401	404	371	615
Pending cases at 31 December	49	92	39	19	41

<sup>19</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.

	2019	2020	2021	2022	2023
<b>COMMON LAW DIVISION CIVIL TOTALS</b>					
<b>Filings</b>	<b>3,826</b>	<b>2,780</b>	<b>2,980</b>	<b>3,585</b>	<b>4,295</b>
<b>Disposals</b>	<b>3,478</b>	<b>3,131</b>	<b>2,627</b>	<b>3,018</b>	<b>3,783</b>
<b>Pending cases at 31 December</b>	<b>3,264</b>	<b>2,900</b>	<b>3,253</b>	<b>3,813</b>	<b>4,314</b>

#### TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER

<b>Number pending (% of total)</b>	<b>National standard<sup>20</sup></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Cases within 12 months of age	90%	2,218 (68%)	1,638 (56%)	1,917 (59%)	2,435 (64%)	2,760 (64%)
Cases within 24 months of age	100%	2,793 (86%)	2,374 (82%)	2,643 (81%)	3,196 (84%)	3,607 (84%)

<sup>20</sup> National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to supreme courts; consequently, the national standards apply to a large range of indictments, criminality and civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.

# EQUITY DIVISION

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## About the 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.

It is comprised of several lists including:

- **Admiralty List:** deals with maritime and shipping disputes.
- **Adoptions List:** deals with applications for adoption orders and declarations of the validity of foreign adoptions under the *Adoptions Act 2000*.
- **Commercial Arbitration List:** comprised of matters which arise from the context of arbitral proceedings in which the Court has prescribed jurisdiction in the *Commercial Arbitration Act 2010*, by virtue of a provision within an arbitration agreement, or otherwise.
- **Commercial List:** deals with matters arising out of transactions in trade or commerce, including class actions relating to the Equity Division.
- **Corporations List:** deals with matters under the *Corporations Act 2001 (Cth)* and related legislation.
- **Equity General List:** comprises all other Equity related claims that do not fit the parameters of specialised lists.
- **Family Provision List:** deals with applications under the Family Provision Act 1982 and Chapter 3 of the *Succession Act 2006*.
- **Probate List:** deals with contentious Probate related matters.
- **Protective List:** handles cases which ensure the affairs of people deemed incapable of looking after their property, or themselves, are properly managed.
- **Technology and Construction List:** deals with matters involving complex technological issues and disputes arising out of building or engineering contracts.
- **Real Property List:** deals with 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.
- **Revenue List:** deals with the hearing of taxation related matters.

## Overview

Class actions commenced in the Equity Division are assigned to either the Commercial List or the Technology and Construction List.

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.

## STATISTICS <sup>21</sup>

	2022	2023	Variance
Filings	3,620	4,061	12%
Disposals	3,505	3,855	10%
Pending	3,066	3,253	6%

The number of filings in the Equity Division increased by 12% in 2023. While most lists had a comparable number of filings to 2022, there was a notable increase in the Succession and Probate List (19%) and Corporations List (10%). Decreases in filings were noted in the Equity General List (12%).

Reflective of the increase in filings, disposals increased in the Corporations List by 43%. Increases in disposal numbers were also noted in the Technology and Construction List (19%) and Real Property list (14%), while a decrease in disposals was most apparent in the Protective List (18%). Of the 3,855 disposals in 2023, 601 had a least one listing for hearing.

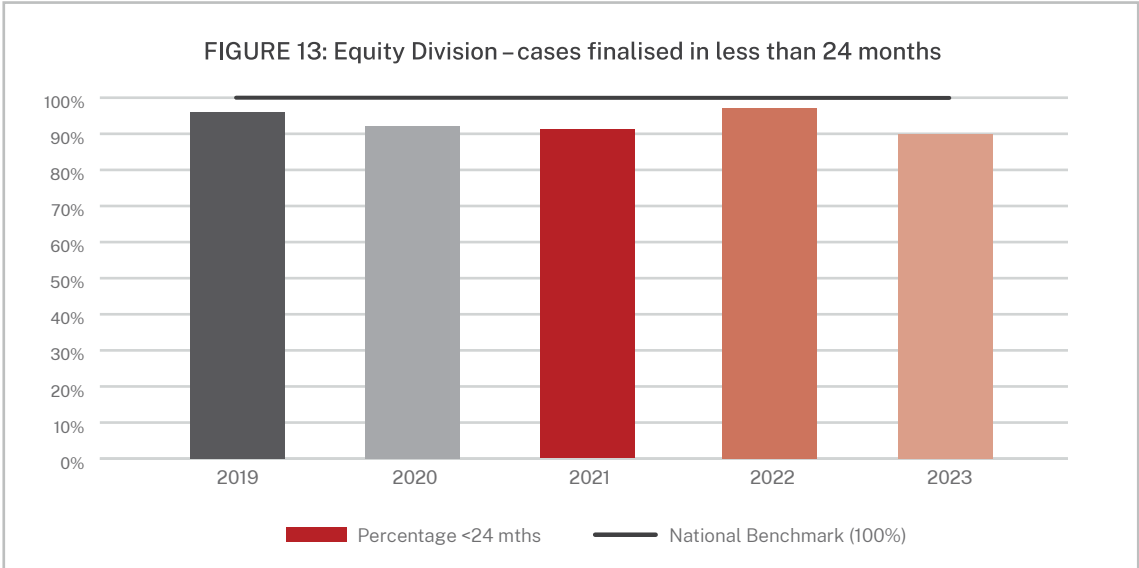
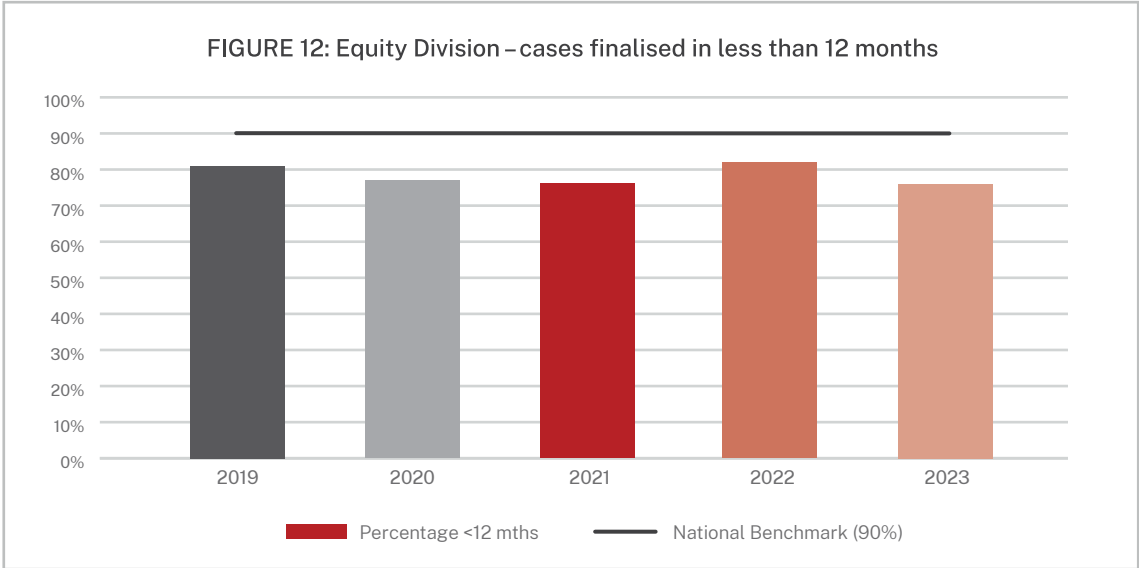
In line with the increases in filings and disposals, the pending caseload grew by 6% in 2023, with significant increases in the Family Provision List (41%) and Contentious Probate List (40%).

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<sup>21</sup>These statistics exclude uncontested Probate matters, which are discussed further below.



Figures 12 and 13 illustrate the Equity Division’s performance against national benchmarks for age of cases at finalisation. In 2023, 76% of cases were finalised within 12 months, falling below the national benchmark of 90%. 90% of cases were finalised within 24 months, falling below the national benchmark of 100%. Timeliness of finalisation has decreased since 2022, where 82% of cases were finalised under 12 months and 97% of cases finalised under 24 months.



## UNCONTESTED PROBATE

Uncontested probate applications are handled by the Court's registrars. These include applications for grants of probate, letters of administration and reseal of probate grants made outside NSW.

In July 2023, the Supreme Court launched a new online service to file, process payments, track, issue, and access grants of representation. The new guided service is simple and intuitive and assists both self-represented and legally represented applicants to easily provide all information and evidence needed, ensuring that matters are processed accurately and as quickly as possible. The digital transition has streamlined the application process and enhanced accessibility and efficiency for both Court users and registry staff.

	2022	2023	Variance
Filings	30,305	30,692	1%
Disposals	25,945	31,767	22%
Pending	9,108	10,290	13%

Filings and disposals of uncontested probate applications were at the highest rate in over 10 years. Of the 30,692 filings in 2023:

- 27,503 were for grants of probate
- 2,775 were for grants of letters of administration
- 414 were for reseals of probate granted elsewhere

	2019	2020	2021	2022	2023
<b>EQUITY DIVISION<sup>22</sup></b>					
<b>Admiralty List</b>					
Filings	3	3	0	0	0
Disposals	2	0	1	1	2
Pending cases at 31 December	1	5	3	1	0
<b>Adoptions List<sup>23</sup></b>					
Filings	224	185	178	159	168
Disposals	226	178	175	161	175
Pending cases at 31 December	60	67	70	68	61
<b>Commercial List</b>					
Filings	171	213	168	147	179
Disposals	180	189	166	171	160
Pending cases at 31 December	221	248	247	230	259
<b>Commercial Arbitration List</b>					
Filings	1	2	2	7	7
Disposals	1	1	3	4	8
Pending cases at 31 December	1	1	0	3	5
<b>Corporations List</b>					
Filings	1,211	651	769	699	855
– Judges' list	205	232	215	185	185
– Registrar's list	1,006	419	554	514	670
Disposals	1,188	759	762	641	913
– Judges' list	251	231	262	211	252
– Registrar's list	937	528	500	430	661
Pending cases at 31 December	372	260	272	346	298
– Judges' list	148	171	157	165	129
– Registrar's list	224	89	115	181	169

<sup>22</sup> Statistics for the Equity Division have been extracted from the JusticeLink system, excluding the figures for the Adoptions List, Contentious Probate List and Protective List, which are obtained from manually collated data.

<sup>23</sup> All application types are counted in the Adoptions List, including information applications.

	2019	2020	2021	2022	2023
<b>Equity General List</b>					
Filings	750	829	736	741	720
Disposals	804	831	785	717	674
Pending cases at 31 December	897	923	883	862	801
<b>Protective List</b>					
Filings	153	91	88	102	103
Disposals	122	98	74	113	92
Pending cases at 31 December	55	48	62	47	62
<b>Real Property List</b>					
Filings	382	404	403	314	334
Disposals	366	356	382	325	371
Pending cases at 31 December	333	369	385	397	386
<b>Revenue List</b>					
Filings	14	10	9	11	13
Disposals	22	16	13	8	6
Pending cases at 31 December	18	14	10	13	22
<b>Technology and Construction List</b>					
Filings	178	249	221	195	200
Disposals	145	134	155	161	192
Pending cases at 31 December	266	388	459	504	521
<b>Contentious Probate List</b>					
Filings	310	291	296	348	418
Disposals	308	374	307	337	348
Pending cases at 31 December	257	175	164	176	246

	2019	2020	2021	2022	2023
<b>Family Provision List</b>					
Filings	878	880	872	897	1,064
Disposals	914	886	895	866	914
Pending cases at 31 December	417	412	381	419	592

#### EQUITY DIVISION TOTALS

<b>Filings</b>	<b>4,275</b>	<b>3,808</b>	<b>3,742</b>	<b>3,620</b>	<b>4,061</b>
<b>Disposals</b>	<b>4,278</b>	<b>3,822</b>	<b>3,718</b>	<b>3,505</b>	<b>3,855</b>
<b>Pending cases at 31 December</b>	<b>2,899</b>	<b>2,910</b>	<b>2,936</b>	<b>3,066</b>	<b>3,253</b>

#### TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER<sup>24</sup>

Number pending (% of total)	National standard <sup>25</sup>	2019	2020	2021	2022	2023
Cases within 12 months of age	90%	1,872 (65%)	1,859 (64%)	1,742 (59%)	1,848 (60%)	2,024 (71%)
Cases within 24 months of age	100%	2,499 (86%)	2,444 (84%)	2,415 (82%)	2,493 (81%)	2,649 (84%)

#### UNCONTESTED PROBATE<sup>26</sup>

##### Probate (Grant Applications)

Filings	27,438	26,661	26,663	30,305	30,692
Disposals	25,411	27,845	25,250	25,945	31,767
Pending cases at 31 December	3,529	2,401	3,180	9,108	10,290

<sup>24</sup> Statistics exclude uncontested probate matters

<sup>25</sup> National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to supreme courts; consequently, the national standards apply to a large range of indictments, criminality and civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.

<sup>26</sup> These statistics include 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.



# ALTERNATIVE DISPUTE RESOLUTION

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## Overview

**The Supreme Court supports mediation as a method of alternative dispute resolution for 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, applications for an uncontested grant of probate, adoption of children, winding-up of companies, proceeds of crime cases and for 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.**

During 2023, there was an estimated 4,784 civil cases finalised for which mediation would be considered generally applicable. This is an increase of 6% from the estimated 4,474 cases finalised during 2022.

The ‘mediation referral index’ is the total number of cases referred for mediation in the year, expressed as a percentage of the total number of finalisations of cases where mediation was considered to be generally applicable.<sup>27</sup> The mediation referral index in 2023 was 57.3%, an increase from 39.1% in 2022. The mediation referral index was at its highest rate on record in 2023.

The number of court-annexed mediation listings increased by 76%, from 235 in 2022 to 414 in 2023. Overall, the registry recorded a total number of 2,746 referrals to mediation (court-annexed or private), a 57% increase from the 2022 total of 1,751 referrals. It is likely that the total number of referrals does not accurately capture the use of private mediation, as it is not essential for litigants to obtain a formal referral for private mediation, nor to disclose to the Court that private mediation has occurred.<sup>28</sup>

Court-annexed mediations are conducted by Supreme Court registrars who are additionally qualified as mediators. Of the 414 cases listed for court-annexed mediation during the year, 45 cases did not proceed to their allotted mediation session. Of the 369 cases that proceeded to a court-annexed mediation session, the settlement rate was 48%, a notable increase from the rate in 2022 (37%). 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 settled cases, a further 14% of cases were recorded as ‘still negotiating’ at the close of the mediation session, and many of those are likely to have settled subsequently.<sup>29</sup> The Court does not collect statistics on settlement rates for cases referred to private mediation.

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<sup>27</sup> Prior to 2023, mediation referral index was determined by new filings rather than finalisations

<sup>28</sup> In cases where a referral order has not been made

<sup>29</sup> Statistics for the court-annexed mediations are collated independently of the JusticeLink system

	2019	2020	2021	2022	2023
<b>Court-annexed mediations listed <sup>30</sup></b>					
Total	488	352	285	235	414
Common Law Division	32	29	31	33	39
Equity Division	187	156	149	121	127
Succession & Probate	268	167	104	79	248
Court of Appeal	1	0	1	2	0
Percentage settled at mediation	41%	42%	39%	37%	48%
<b>Referrals to mediation</b>					
Total referrals recorded <sup>31</sup>	1,698	1,520	1,543	1,751	2,746
Mediation referral index	38.3%	33.8%	35.6%	39.1%	57.3%

<sup>33</sup> This excludes settlement conferences conducted by judges and mediations conducted externally to the court. The statistics 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>34</sup> Referrals include all cases in which 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. Extensive audits in 2023 has resulted in remediation of mediation statistics, retrospectively recording referrals that were previously overlooked.

# LISTING DELAYS

Delays are measured by 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 or for matters in the Commercial List of the Equity Division.

Allocation of work to acting judges assists the Court to manage and balance listing delays across all areas of work. Without the availability of acting judges, it is likely that there would be an increase in listing delays. The table of listing delays below shows the listing delays that applied at the start of the new law term following the close of the reporting year. At the start of the 2024 law term, delays improved within the Court of Appeal and Court of Criminal Appeal. There was a significant increase in delays for listings in the Equity Division and the Common Law Civil Division, as compared to the start of the 2023 law term.

	2019	2020	2021	2022	2023
COURT OF APPEAL <sup>32</sup>	1.8 months	2.0 months	1.9 months	2.2 months	1.0 months
COURT OF CRIMINAL APPEAL <sup>33</sup>	3.4 months	5.4 months	6.3 months	4.0 months	1.6 months
COMMON LAW DIVISION					
Criminal List <sup>34</sup>	5.0 months	4.2 months	4.6 months	4.0 months	4.2 months
Civil lists <sup>35</sup>	12.5 months	10.3 months	6.9 months	4.0 months	8.1 months
Bails List <sup>36</sup>	2 weeks	3 weeks	3 weeks	3 weeks	4 weeks
EQUITY DIVISION <sup>37</sup>	6.7 months	6.3 months	3.0 months	1.3 months	4.5 months
MEDIATIONS	6 weeks	4 weeks	4 weeks	4 weeks	4 weeks

<sup>32</sup> Delay for 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>33</sup> Delay for appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.

<sup>34</sup> Delay for matters requiring at least 4 weeks of trial time

<sup>35</sup> Delay for matters requiring up to 5 days of hearing time

<sup>36</sup> The delay refers to the time between lodgment of an application and the first group of available hearing dates.

<sup>37</sup> This refers only to General List and Probate (Contentious Matters) List cases requiring 2 or more days of hearing time before a judge

# 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 New South Wales courts and tribunals.**

The Chief Justice of New South Wales appoints independent costs assessors to determine applications for costs assessment and review. All costs assessors are legally qualified and must have been a practising Australian lawyer for at least five years to be considered eligible for appointment. A review panel, comprising two senior assessors, considers the material before the assessor and can affirm or vary the original assessment. The Costs Assessment section of the Supreme Court Registry undertakes the day-to-day administration of the Scheme under the guidance of the Manager, Costs Assessment.

The *Legal Profession Uniform Law Application Act 2014* (the Application Act) provides for appeals by leave to the Supreme Court where the amount in dispute is less than \$100,000, or by leave to the District Court where it is less than \$25,000. If a costs order was obtained in a matter which commenced, or where a client first gave instructions before the Application Act commenced on 1 July 2015, then the *Legal Profession Act 2004* (LPA) still applies to assessments. If that is the case, a costs assessment determination can be appealed to the District Court as of right on questions of law and otherwise by leave. The Chief Justice also 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. In 2023 Justice Chen became the chair of the CARC.

During 2023, 1020 costs assessment applications were lodged. Of these, 458 ( 45 percent) related to costs between parties to costs orders; 111 ( 11 percent) were brought by clients against practitioners, and 332 ( 32 percent) were brought by practitioners to recover against clients. There were 119 reviews (12 percent).

	2019	2020	2021	2022	2023
Parties to costs orders	580	550	457	423	458
Clients against practitioners	162	190	130	115	111
Practitioners against clients	442	429	258	268	332
Reviews	137	178	129	103	119
<b>Applications lodged</b>	<b>1321</b>	<b>1347</b>	<b>974</b>	<b>809</b>	<b>1020</b>

# LAW COURTS LIBRARY

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**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 2023, librarians answered over 1,075 requests from the Supreme Court, and 2,282 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, 2,266 Supreme Court (including Court of Appeal and Court of Criminal Appeal) decisions were published during 2023 on the NSW Caselaw website, which is managed and supported by the library. A total of 540 support requests were received, and 30 training sessions were provided for Supreme Court staff.

The Law Courts Library faced significant challenges in 2023 with a major flooding event in September when a broken pipe on level 19 affected all floors below in the building. The library on level 15 appeared to sustain more extensive damage than most court rooms, chambers, and registry facilities on lower levels. Furniture, fittings, and carpets on the eastern side of the floor were damaged beyond repair.

Fortunately, the damage to the print collection was not extensive, although some volumes did receive water damage and required remediation. As the library was uninhabitable for over two weeks following the flood, library services to the Supreme Court continued to be provided by library staff working offsite. New carpet and replacement joinery/furniture was installed in late December.

Law Courts Library staff have participated in preparations for the Bicentenary of the Supreme Court in 2024, which include a bicentenary history of the court edited by Larissa Reid, Reader Services Manager, and the Hon Keith Mason AC KC, entitled *Constant Guardian: Changing Times: The Supreme Court of New South Wales 1824-2024*.

Regrettably, in August 2023, the Chief Justice of the Federal Court gave notice that it would no longer contribute to the Law Courts Library which had been jointly funded and administered by the Supreme Court of New South Wales and the Federal Court of Australia since the latter's creation in 1977. This is a most regrettable development.

# PUBLIC INFORMATION

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## The Bicentenary

In 2024, the Supreme Court will celebrate the bicentenary of its founding under the New South Wales Act 1823 and the Third Charter of Justice, in conjunction with the Sheriff's Office and the Legislative Council of NSW. The Court will publish an illustrated book, commission a gallery and interpretive history wall, host seminars and organise tours by legal studies students and members of the public. Together, these endeavours will situate the Court in the great social and political developments of the last two centuries, such as the Frontier Wars, the Gold Rush, federation, the Great Depression and two world wars. This will culminate in a livestreamed ceremonial sitting of the Court on 17 May 2024 and gala function at Government House. This outreach by the Supreme Court will be supported by the media unit through its dedicated bicentenary projects officer, as well as its website and social media accounts, and contacts in the mainstream media.

## Constant Guardian

The Court's bicentenary celebrations will be centred around an illustrated history, edited by the former president of the Court of Appeal, The Honourable Keith Mason AC KC and Larissa Reid, the Law Courts Library's Readers Services Manager. Commissioned in 2019 by the then chief justice, The Honourable Tom Bathurst AC, *Constant Guardian, Changing Times* promises to be a landmark in the study of Australian legal institutions and the chapters on Women and Indigenous Peoples in particular will be studied intently by legal historians.



## Instagram

The Supreme Court has long had Facebook and X (formerly Twitter) accounts, with more than 15,000 and 12,000 followers respectively. A third social media account, Instagram, was added in 2023 to provide a more visual portrayal of the blend of people, architecture, artefacts and historic events which constitute the institution of the Supreme Court. The Instagram handle is [nswsupremecourt](https://www.instagram.com/nswsupremecourt).



## History Wall

A key part of the Supreme Court's program of bicentennial celebrations is the history wall. Installed outside the Banco Court in December 2023, it is designed as an interpretive / educational centre for visiting legal studies students and members of the public and serves as a convenient starting point for both guided and self-guided tours. Two centuries of service as the constant guardian of the rule of law in NSW are encapsulated in five engaging sections with 66 panels comprising text and images.



## School tours

The Supreme Court is a vital civic institution and has a responsibility to organise public education programs. In 2023 the Court's support for both guided and self-guided tours, particularly those by HSC legal studies students, will be increased. Beginning in the Banco Court visitors on a guided tour can view a welcome video by the Chief Justice, view the history wall and continue their tour in the historic King Street Courts complex before taking the time to observe a court sitting.

## AIIA Conference

In September 2023, the Supreme Court hosted the Australian Academy of Law's conference, Enduring Courts, to mark the bicentenaries of the Supreme Court of NSW and the Supreme Court of Tasmania. Judges and academics from as far afield as New Zealand and Canada presented papers on courts, legal systems and Indigenous people, legal education and professional development and changes to criminal law across two centuries. The opening address was delivered by the then Chief Justice of the High Court, the Hon. Susan Kiefel AC, while Chief Justice Andrew Bell spoke at the Gala Conference Dinner.

## A new website

On 3 October 2023, the Supreme Court joined a cohort of other State courts, tribunals and agencies in launching a new website. More than 3000 files, including speeches, practice notes and forms migrated from the old site to the new. The functionality of the probate pages was enhanced, the historical content increased, and the directory structure changed so as to collate more practitioner-related information in a single landing page. The address of the site was also changed to [www.supremecourt.nsw.gov.au](http://www.supremecourt.nsw.gov.au)

## Open justice

A 2022 NSW Law Reform Commission report found that ‘... open justice is fundamental to the integrity of and public confidence in the justice system.’<sup>1</sup>

Courts have long recognised that members of the public cannot observe trials in person. Out of necessity, journalists are the eyes and ears of the public in an open court. That is why the core objective of the Supreme Court’s media unit is to facilitate fair and accurate reporting of the cases that come before it.

A critical risk is that prejudicial material can circulate rapidly online, in real time, and be accessible on a juror’s mobile phone. This is often present in complex criminal cases before the Supreme Court. Judges are concerned that a misstep by the media may prejudice the right of the accused to a fair trial, identify a protected witness or cause a jury to be discharged.

Professional journalists understand their obligations; however, they are occasionally uncertain about the operation of non-publication orders or whether they may access and publish exhibits and the contents of documents tendered in open court. In these circumstances, the role of the media unit is to assess and manage the risk that inaccurate reporting will impact upon the continuity of Supreme Court trials.



## Media enquiries

The media unit is effectively a small call centre, with more than 300 full time journalists on its contact lists. It receives about 180 enquiries in a typical week. In addition to meeting the needs of the daily news cycle, the media unit supports research by investigative journalists (e.g., Four Corners), documentary makers and an increasing number of podcasters. TV news reporters place a premium on CCTV footage and police interviews with suspects because without images they have no story. However, a journalist from the *Australian Financial Review*, covering a complex fraud trial, like *Plutus Payroll (R v Cranston & ors)* or a sports reporter covering a Court of Appeal decision about the ARL, might have altogether different needs. All enquiries are treated with the strictest confidence.

### Access to documents

Access to documents on the court file is guided by Supreme Court General Practice Note 2 – principally clause 7, which provides that access will normally be granted to non-parties in respect of:

- pleadings and judgments in proceedings that have been concluded, except in so far as an order has been made that they or portions of them be kept confidential;
- documents that record what was said or done in open court;
- material that was admitted into evidence; and
- information that would have been heard or seen by any person present in open court, unless the judge or registrar dealing with the application considers that the material or portions of it should be kept confidential. Access to other material will not be allowed unless a registrar or Judge is satisfied that exceptional circumstances exist.

Supreme Court Media Unit incoming enquiries January – December 2023	Enquiries received	% of total
AVL	1609	18.9%
NPO	645	7.6%
Document access	2407	28.3%
Case management	2357	27.7%
Exhibits (video)	219	2.6%
Requests to film	55	0.6%
Wrong jurisdiction	146	1.7%
LEC	69	0.8%
Other	254	3.0%
Unclassified	735	8.7%
<b>Total</b>	<b>8496</b>	<b>100%</b>

2407 enquiries relating to document access  
740 applications for access were received

Access applications	Received	Approved	Refused
2023	740	347 (47%)	510

Turnaround times in access applications (days)	Median	Average
Criminal	2.5	3.3
Civil	6	11.5

## Coverage (reach and frequency)

In 2023, there were roughly 1820 mainstream media reports on cases before the Supreme Court of NSW. That equates to a daily average of five reports across newspapers, television, radio and online.

## Virtual Courtroom and livestreaming

During the COVID-19 pandemic, the Supreme Court pivoted to online hearings via the Virtual Courtroom. Although in-court hearings have resumed, the Court has continued to provide media organisations with access to the Virtual Courtroom, a decision which is widely appreciated by reporters, editors and chiefs of staff, especially in rural and regional New South Wales. In conjunction with the Online Registry website and mobile phone application, the Virtual Courtroom enables media organisations from across New South Wales, Australia and overseas to assign resources to cover more trials, sentencing hearings, arraignments and bail applications. It is common for commercial cases to be observed by journalists working for nation-wide news organisations in Melbourne or Brisbane. Occasionally, when public interest is sufficiently high, the delivery of a judgment or remarks on sentencing will be livestreamed via the Court's YouTube channel.

# ADMISSION to the LEGAL PROFESSION

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**Since the twelfth century it has been customary for advocates to swear an oath of allegiance upon admission to practice. The Third Charter of Justice provided for the formation of the Supreme Court of New South Wales, the appointment of court officers and the admission of solicitors and barristers. Among the first cohort of lawyers to be admitted in 1824 were barristers Saxe Bannister, Dr Wardell and William Charles Wentworth.**

Nearly two centuries later, the Supreme Court continues to be involved in the admission of legal practitioners, both directly and indirectly, through its ceremonies and its representation on the Legal Profession Admission Board and its various committees.

Between 3 February and 8 December 2023, the Supreme Court held 53 admission ceremonies in the Banco Court, all of which were livestreamed on the Court's YouTube channel. A total of 2906 Australian lawyers were admitted (including 88 admitted under the Trans-Tasman provisions).

## Legal Profession Admission Board

The Legal Profession Admission Board (LPAB) is constituted by the *Legal Profession Uniform Law Application Act 2014*. It is a self-funding statutory corporation responsible for:

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

### Membership of the Board comprises:

- the Chief Justice of NSW;
- three judges or former judges of the Supreme Court nominated by the Chief Justice;
- a nominee of the Attorney General; and
- nominees of the Council of Australian Deans, the Bar Council, and the Law Society Council.

In 2023 the Court's nominees were the Hon A R Emmett AO KC (Presiding Member), Hon Justice Payne (Deputy Presiding Member), the Hon Justice Lindsay AM (until 2 August 2023) and Justice Kunc (from 3 August 2023).

## Legal Profession Admission Board Examinations Committee

### Supreme Court members during 2023

The Hon. Justice Darke (Chair and member until his Honour's retirement))

The Hon. Justice Peden (member and then Chair from 5 December 2023)

The Hon. Justice Chen (member from 21 August 2023)

## Legal Profession Admission Board Legal Qualifications Committee

### Supreme Court members during 2023

The Hon. Justice Cavanagh (Chair)

The Hon. Justice Lonergan

The Hon. Justice Kirk

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)

## Trans-Tasman admissions

Trans-Tasman admissions are lodged in the Supreme Court Registry instead of the Legal Profession Admission Board. Applications from legal practitioners from New Zealand are determined under the *Trans-Tasman Mutual Recognition Act 1997 (the Act)*.

In 2023, 88 New Zealand practitioners were enrolled under the Act.

2019	71
2020	35
2021	49
2022	61
2023	88





# PRO BONO SCHEME

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

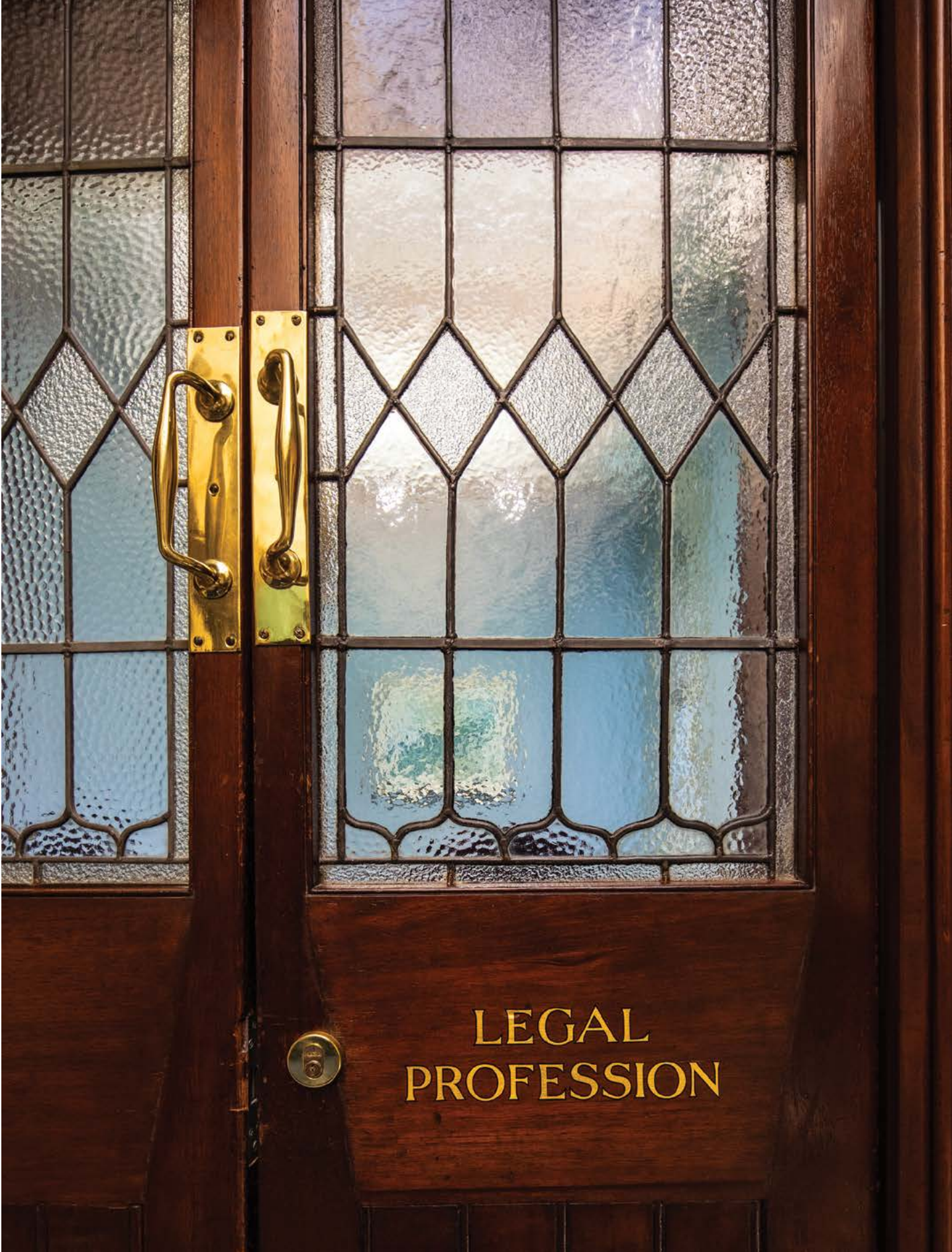
The Scheme operates in accordance with Part 7 Division 9 of the *Uniform Civil Procedure Rules 2005* and enables unrepresented litigants to be referred to a barrister and/or solicitor once the Court determines that it is in the interests of the administration of justice for a referral to be made. The Court in making this assessment may consider the means of a litigant, the capacity of the litigant to obtain legal assistance outside of the Scheme, the nature and complexity of the proceedings, and any other matter the Court considers appropriate.

During 2023, the Court made 32 referrals under the Scheme: one referral was made in a Court of Appeal case and 31 were made in cases from either the Common Law or Equity Division.

	Court of Appeal	Common Law/ Equity Division	Total
2018	6	17	23
2019	9	18	27
2020	2	20	22
2021	3	26	29
2022	1	24	25
2023	1	31	32

The Pro Bono 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.





LEGAL  
PROFESSION





3

APPENDIX



# APPENDIX I

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## The Honourable Andrew Bell, Chief Justice

### CONFERENCES/ATTENDANCES

30 January	Opening of Law Term Service - Red Mass (St Mary's Cathedral, Sydney)
30 January	Opening of Law Term Service (St James' King Street, Sydney)
4 February	Attendance at Ngara Yura Program, "Exchanging Ideas: constitutional reform, nation building and treaty making processes" (Powerhouse Museum, Ultimo)
9 February	Attendance at Women Lawyers Association Program Launch (University Union and Schools Club)
16 February	Attendance at swearing-in ceremony for her Honour Judge Lara Gallagher (District Court Sydney)
17 February	Attendance at George Winterton Memorial Lecture, address given by the Hon. Susan Kiefel AC, Chief Justice of the High Court of Australia (Banco Court, Sydney)
22 February	Attendance at Consul-General of Japan's reception in honour of the Emperor of Japan's 63rd birthday (Japanese Consul-General's Residence Sydney)
13 March	Attendance at Farewell Ceremony for his Honour Judge Robison (District Court Sydney)
14 March	Attendance at luncheon address given by Mr Danny Gilbert AM, "Constitutional Recognition of the Voice for our First Nations People" (University Union and Schools Club)
16 March	Attendance at swearing-in ceremony for Justice Geoffrey Kennett (Federal Court, Sydney)
23 March	Attendance at swearing-in ceremony for Justice Ian Jackman (Federal Court, Sydney)
31 March	Attendance at the Farewell Ceremony for the Hon. J L B Allsop AC, Chief Justice of the Federal Court of Australia (Federal Court, Sydney)
5 April	Affinity's 14th NSW Parliament Friendship & Dialogue Iftar Dinner (Fullerton Hotel, Sydney)
11 April	Official guest, District Court Annual Conference Dinner (Beta Sydney)
18 April	Attendance at Francis Forbes Lecture - 'The Art and the Law: The Archibald prize case of 1944 and beyond', presented by Dr Peter Edwell and the Hon. Keith Mason AC KC (Supreme Court, Sydney)
24 April	59th Meeting of the Council of Chief Justices of Australia and New Zealand (Brisbane)
1 May	Official guest, St Paul's College Law Faculty Dinner (University of Sydney)



7 May	Official Guest, Solemn Evensong in Thanksgiving for the Coronation of His Majesty King Charles III (Christ Church St Laurence, Sydney)
8 May	Official Guest and wreath laying at the Battle of the Coral Sea Commemorative Service – 81st Anniversary (The Cenotaph, Martin Place, Sydney)
12 May	Official Guest, Bench and Bar Dinner (Hyatt Regency Sydney)
29 May	Attendance at swearing-in ceremony for His Honour Judge Robert Newlinds SC (District Court, Sydney)
31 May	Attendance at swearing-in ceremony for His Honour Craig Everson SC (District Court, Sydney)
20 June	Attendance at service to mark the initiation of the new Rector of St James' King Street, Sydney (St James' Church)
26 June	Attendance at Farewell Ceremony for His Honour Judge Leonard Levy SC (District Court, Sydney)
27 June	Attendance at dinner to bid farewell to Mr Axel Zeidler, Consul General of the Federal Republic of Germany (Fenwick Gallery, Balmain East)
30 June	Attendance at farewell sitting for Justice Philip Hallen (Supreme Court, Sydney)
3 August	Official Guest, Local Court Annual Conference Dinner (Beta Sydney)
16 August	Attendance at farewell sitting for Justice Rowan Darke (Supreme Court, Sydney)
16 August	Attendance at 5th Annual Sybil Morrison Lecture in honour of the Honourable Acting Justice Carolyn Simpson AO KC (NSW Bar Association Common Room)
23 August	Attendance at swearing-in ceremony for His Honour Judge Paul McGuire SC (District Court, Sydney)
23 August	Attendance at the 2023 Forbes Lecture, address given by Her Excellency the Honourable Margaret Beazley AC KC (Banco Court, Sydney)
23 August	Attendance at an event to mark the retirement of Professor Barbara McDonald (University of Sydney)
30 August	Attendance at the inaugural Margaret Stone Lecture, address given by Justice Michelle Gordon AC (Banco Court, Sydney)
1 September	Official visit to MRRC at Silverwater Correctional Centre with Mr Michael Tidball, Secretary DCJ and Justices Mitchelmore, Kirk and Stern

6 September	Attendance at the unveiling of the portrait of Her Excellency the Hon. Margaret Beazley AC KC (President's Court, Supreme Court, Sydney)
7 September	Attendance at the NSW Premier's History Award (State Library, Sydney)
8–10 September	Attendance at ALJ/AIJA Enduring Courts Conference, Keynote address given by the Hon. Susan Kiefel AC, Chief Justice of the High Court of Australia (Banco Court, Sydney)
13 September	Attendance at the First Nations Committee & Bugmy Bar Book panel discussion on 'Recognising and Presenting Evidence of Strengths in Legal Proceedings (Law Society of NSW)
12 October	Maurice Byers Lecture: 'The Law of Parliament: Limits on Judicial Power', presented by Bret Walker AO SC (NSW Bar Association Common Room)
16 October	Official Guest at the Farewell Ceremony for the Hon. Susan Kiefel AC, Chief Justice of the High Court of Australia (High Court, Canberra)
19 October	Host of welcome event for new barristers called to the NSW Bar (Chief Justice's Garden)
31 October	60th Meeting of the Council of Chief Justices of Australia and New Zealand (Adelaide)
3 November	Attendance at seminar combining leading constitutional law academics, judges representing the Supreme Court and Federal Courts and hosted by the Hon. Stephen Gageler AC, Chief Justice of the High Court of Australia with guest speaker, the Hon. Jeffrey S. Sutton, Chief Judge of the United States Court of Appeals for the Sixth Circuit (Supreme Court, Sydney)
6 November	Attendance at swearing-in ceremonies for the Hon. Stephen Gageler AC as Chief Justice of the High Court of Australia and the Hon. Justice Robert Beech-Jones as a Justice of the High Court of Australia (High Court, Canberra)
11 November	Official guest and laying a wreath at the Remembrance Day Service (Cenotaph Martin Place)
14 November	Attendance at the Farewell Ceremony for Justice Steven Rares (Federal Court, Sydney)
20 November	Attendance at swearing-in ceremony for her Honour Judge Christine Mendes (District Court, Sydney)
20 November	Official Guest at a dinner hosted by Her Excellency The Hon. Margaret Beazley AC KC, Governor of New South Wales to welcome His Royal Highness The Prince Edward, Duke of Edinburgh KG GCVO (Government House, Sydney)
21 November	Attendance at the Women Lawyers Association of NSW end of year event, guest speaker the Hon. Virginia Bell AC (College of Law, Sydney)

2 December	Official Guest at the Gala Concert and dinner to celebrate cultural relations between the EU and Australia at the invitation of His Excellency Mr Gabriele Visentin, EU Ambassador to Australia (Sydney Opera House)
4 December	Attendance at swearing-in ceremony for her Honour Judge Miiko Kumar (District Court, Sydney)
4 December	Attendance at Judicial Cocktail Reception (Law Society of NSW)
7 December	Official guest, Law Society of New South Wales Members Annual Dinner (Four Seasons Hotel, Sydney)
13 December	Attendance at farewell sitting for Justice Stephen Robb (Supreme Court, Sydney)
15 December	Official Guest, State Memorial service for Mr Barry Humphries AC CBE (Sydney Opera House)
17 December	Official Guest and reading a lesson at the St James' King Street Lessons & Carols Service (St James' Church)
19 December	Attendance at the 2023 Lowy Lecture and Dinner, guest speaker the Hon. Anthony Albanese MP, Prime Minister (Sydney Town Hall)

## **SPEAKING ENGAGEMENTS**

2023	Speech for Admission Ceremonies of new lawyers (50 ceremonies)
25 January	Guest Speaker, 'The Courts' roles in regulating government responses to COVID-19', Supreme and Federal Court Judges' Conference (Crowne Plaza Hotel Christchurch, NZ)
27 January	Closing Address to the Australian Bar Association Advanced Trial Advocacy Intensive Course (Federal Court, Sydney)
31 January	Remarks at the reception following the Opening of Law Term Service (Greek Orthodox Cathedral of the Annunciation of Our Lady, Redfern)
1 February	Opening of Law Term Address, 'The State of the New South Wales Judicature 200 years on from the Bigge Report', Law Society of New South Wales Opening of Law Term Dinner (Fullerton Hotel, Sydney)
6 February	Address to practitioners, Opening of Law Term Event, Parramatta & District Regional Law Society (Parramatta Square)
8 February	Address following, Opening of Law Term Service (The Great Synagogue, Sydney)
14 February	Remarks at the Opening of Law Term Service (Rahma Mosque, Guildford)
16 February	Remarks given at Supreme Court Opening of Law Term Judicial Dinner on the occasion of the retirement of Chief Justice Allsop AC (State Library, Sydney)

17 February	Remarks on the occasion of the book launch of Nicholas Aroney, Sarah Murray, Peter Gerangelos, Patrick Emerton, Adrienne Stone, Joel Harrison, Winterton's <i>Australian Federal Constitutional Law</i> (5th ed, Lawbook Co, 2022) following the George Winterton Memorial Lecture delivered by Chief Justice Kiefel AC (Banco Court, Sydney)
21 February	Remarks on the occasion of the book launch of Neil Williams SC and Alison Hammond, <i>Learning to Litigate – A Guide for Young Lawyers</i> (Federation Press, 2022) (Banco Court, Sydney)
22 February	Remarks at the Farewell Ceremony for Justice Robert Macfarlan as a judge of appeal (Banco Court, Sydney)
24 February	Remarks at Admission Ceremony, Newcastle
26 February	Official host and welcome remarks at the reception for the Mayor of the City of London (Government House Sydney)
1 March	Panel member, Bar Association CPD Panel discussion for new barristers (1-4 yrs) with other panel member Ms Rashelle Seiden SC (NSW Bar Association Common Room)
1 March	Dinner Address to Members Dinner, 'Tradition and Change', (The Queen's Club, Sydney)
2 March	Official host and welcome remarks at Ideas@theHouse, 'Aristotle on life and thought in the sub-lunary sphere', presented by Dr John Vallance, State Librarian of NSW (Government House Sydney)
22 March	Dinner Address, St John's College Faculty of Law (St John's College, University of Sydney)
23 March	Presiding judge, Australian Insurance Law Association's Insurers in Court: A Mock Trial (Banco Court, Sydney)
27 March	Guest of Honour, St Paul's College Academic Dinner (St Paul's College, University of Sydney)
28 March	Francis Forbes Lecture, delivery of the Martin Oration: 'On classic ground': Martin's monument and civilizational yearnings in colonial New South Wales (Supreme Court, Sydney)
27 April	2023 Spigelman Oration, 'Extraterritoriality in Australian Law' (Banco Court, Sydney)
28 April	Officially opened the new premises of University Chambers and remarks at the reception following
6 May	Official host for Reception and Ceremonial Tree Planting to mark the Coronation of His Majesty King Charles III (Government House, Sydney)
7 May	Official Guest and reading a lesson at the Choral Matins for the Coronation of His Majesty King Charles III (St Andrew's Cathedral, Sydney)

9 May	Official Guest of Honour to congratulate newly elected President and Speaker; receive Members of both Chambers and Open Parliament (NSW Parliament House)
25 May	Closing Address, New South Wales Bar Association Bar Practice Course, (NSW Bar Association Common Room)
25 May	Dinner Speaker, 'Sculptures', Land and Environment Court Annual Conference (Sebel Hotel, Kiama)
26 May	Official Guest, wreath laying and delivery of the Coloured Digger Poem at the Aboriginal and Torres Strait Islander Veterans Commemoration (Anzac Memorial, Hyde Park South, Sydney)
30 May	Remarks at the Farewell Ceremony for Justice Paul Brereton AM RFD as a judge of appeal (Banco Court, Sydney)
16 June	Introduction to the keynote speaker, the Hon. Robert French AC at the Australian Judicial Officers Association 30th Anniversary Conference (Banco Court, Sydney)
23 June	Remarks at the District Court of NSW's 50th Anniversary dinner (Kimpton Margot Hotel, Sydney)
29 June	Remarks at the retirement dinner for Justice Paul Brereton AM RFD (The Refectory, University of Sydney)
30 June	Address at the 2023 Graduation and Attestation Ceremony of NSW Sheriffs (Old Government House, Parramatta)
2 August	Keynote address, 'One Judiciary and the Administration of Justice in New South Wales', Local Court Annual Conference (Rydges World Square, Sydney)
3 August	Remarks on the occasion of the book launch of Luke Nottage and Makato Ibusuki (eds), <i>Comparing Online Legal Education: Past, Present and Future</i> (2023, Intersentia) (University of Sydney)
12 August	Remarks to the Sydney Law School Annual Workshop 'Inspiring Legal Research' and presentation of two prizes (Sydney Law School)
25-26 August	Supreme Court Annual Conference, 'Opening & Closing Addresses' (NUSpace, The University of Newcastle)
2-4 September	Keynote speaker, 'The Corporation in Private International Law', 39th Annual Banking and Financial Services Law Association Conference, ('The Corporation in Private International Law', Queenstown, NZ)
9 September	Dinner speaker, 'My Predecessors – A Degustation of Chief Justices',
14 September	2023 Bathurst Lecture, 'The Corporation in Private International Law' (Banco Court, Sydney)

21 September	Closing Address, New South Wales Bar Association Bar Practice Course, (NSW Bar Association Common Room)
22 September	Session Chair, 'Best practice guidelines for barristers practising in Australia', ABA Annual Conference (Langham Hotel, Surfers Paradise)
28 September	Officiate as Lieutenant-Governor at swearing-in of new Cabinet Minister (Government House, Sydney)
29 September	Official Guest and remarks at National Police Remembrance Day Ceremony (NSW Police Wall of Remembrance, Sydney)
7 October	Sessional speaker, 'Foreign Judges in the Pacific', Australian Judicial Officers Association Colloquium (Pullman Hotel, Auckland, NZ)
12 October	Remarks on the occasion of Silks Bows (Banco Court, Sydney)
17 October	Official Guest and speaker, Korean National Day Celebration hosted by the Consulate General of the Republic of Korea (Art Gallery of New South Wales)
17 October	Presentation of the Scrolls to the new Silks (NSW Bar Association Common Room)
19 October	Remarks at the Farewell Ceremony for Justice Robert Beech-Jones as Chief Judge at Common Law (Banco Court, Sydney)
19 October	Remarks and official opening of the NSW Barristers' Clerks Association Annual Conference (Supreme Court, Sydney)
7 November	Remarks on the occasion of the book launch of David Rolph, Contempt, (Federation Press, 2023) (Banco Court, Sydney)
11 November	Remarks and official opening of Towards Dignity: the Adoption Process in NSW and First Nations Children (Banco Court, Sydney)
13 November	National Judicial Orientation Program, co-presenting with the Hon. Chris Kourakis, Chief Justice of South Australia (Shangri-La Hotel, Sydney)
13 November	Panel speaker with the Hon. Virginia Bell AC and the Hon. Keith Mason AC KC, 'The Chief Justices of NSW Over 200 Years' at the conference "The Spark: The Act that brought Parliament and the Supreme Court to NSW" to commemorate the Bicentenary of the Legislative Council (Banco Court, Sydney)
14 November	Presentation to Sparke Helmore practitioners in Q & A format with questions by Mr John Coorey, Partner of Sparke Helmore on 'Life and career in the law with observations from practice at the Bar', (Sparke Helmore, Sydney)
16 November	Remarks at welcome function for Legal Profession Admission Board and Law Extension Committee Board Members (Supreme Court, Sydney)



17 November	Keynote speaker, Law Society of NSW Council Planning Conference on the theme of the History of the NSW legal system and the Supreme Court of NSW (Manly Pacific Hotel)
28 November	Opening Remarks to the Global Arbitration Review Conference (Ashurst, Sydney)

## PUBLICATIONS

Sarah McKibbin and Anthony Kennedy (Anthology Editors), Foreword to *The Common Law Jurisprudence of the Conflict of Laws* (Hart Publishing, 1st ed, 2003)

A S Bell, 'Innovative justice' (2023) 15(1) *The Judicial Review* 37

Andrew Bell, 'Extraterritoriality in Australian Law' (2023) 97(12) *Australian Law Journal* 884

Andrew S Bell, '2023 Bathurst Lecture The Corporation in Private International Law' (2023 Summer) *Bar News: Journal of the NSW Bar Association* 30

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Lieutenant-Governor of New South Wales

President of the Judicial Commission of NSW

Chair of the Supreme Court Executive Committee

Chair of the Supreme Court Rules Committee

Chair of the Uniform Rules Committee

Chair of the Supreme Court Bicentenary Planning Committee

Adjunct Professor of Law, University of Sydney Law School

Fellow, Australian Academy of Law

Member, Council of Chief Justices of Australia and New Zealand

Chair of the Judicial Branch of LAWASIA

## DELEGATIONS AND INTERNATIONAL ASSISTANCE

8 February	Official visit - Her Excellency Mrs Wassane Zailachi, Ambassador of His Majesty the King Mohammed VI of Morocco to the Commonwealth of Australia, New Zealand and several Pacific Island States
22 February	Official visit – His Excellency Mr Vitaliano Gallardo Valencia, Ambassador of Peru with Ms Eliana Beraun, Consul General of Peru in Sydney
	Meeting with Her Honour Judge Saori Miyazaki, visiting judge from Takasaki Branch of Maebashi District Court, Takasaki Branch of Gunma Family Court and Takasaki Summary Court and Professor Luke Nottage, Co-Director of the Australian Network for Japanese Law at the University of Sydney and Mr James Tanna (LLB graduate)
16 June	Official visit – His Excellency Mr Anil Kumar Nayar, Singapore’s High Commissioner to Australia and Ms Leanne Tay, First Secretary (Political), Singapore High Commission in Canberra
28 June	Official visit - His Excellency Dr Markus Ederer, Ambassador of Germany with Mr Karl-Heinz Schmitz, Deputy Consul-General, Consulate-General of the Federal Republic of Germany and Ms Julia Kaute, Head of Science and Innovation, Embassy of the Federal Republic of Germany
28 July	Meeting with Prof. Luke Nottage, Professor of Comparative and Transnational Business Law and Co-Director, Australian Network for Japanese Law and visiting Judge Kohei Sasaki, Assistant Judge at the Yamagata District Court for introductory meeting
17 August	Official visit - His Excellency Mr Kim Wan-joong, Ambassador of the Republic of Korea to the Commonwealth of Australia and Ms Hyunjung Jung, Counsellor
27 September	Official Visit to NSW by the Ambassador of the European Union - His Excellency Mr Gabriele Visentin, Ambassador of the European Union and Mr Thijs Stegeman, trainee at the Political, Press and Information section at the EU Delegation to Australia
24 November	Official visit - His Excellency Mr Sultan A Bin Khuzaim, Ambassador of Saudi Arabia with Mr Abdulaziz Alraddadi, Third Secretary, Royal Embassy of Saudi Arabia

## The Honourable Justice Natalie Adams

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
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### SPEAKING ENGAGEMENTS

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25 March	Reasonable Cause CPD Conference – 'Examination in Chief and Closing Addresses' with Tim Game SC and Phillip Boulten SC
11 April	District Court Annual Conference 2023 – 'Criminal Law Review/Common Themes in CCA Appeals'
11 April	Crown Prosecutors' Conference 2023 – 'Criminal Law Review/Common Themes in CCA Appeals'

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### PUBLICATIONS

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'Intensive Correction Orders in NSW after Stanley', Judicial Officers' Bulletin, Volume 35, No. 8, September 2023

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## The Honourable Justice Christine Adamson

### CONFERENCES

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25 August	Supreme Court Annual Conference (Newcastle)
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### SPEAKING ENGAGEMENTS

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28-29 March	National Judicial College of Australia, National Judicial Orientation Program – Court Craft – The Trial from Hell (Adelaide)
14-15 November	National Judicial College of Australia, National Judicial Orientation Program – Court Craft – The Trial from Hell (Sydney)

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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Supreme Court Rules Committee

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Member, Uniform Rules Committee

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Chair, Criminal Trials Bench Book Committee

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# The Honourable Justice Lea Armstrong

## CONFERENCES

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8-9 June	Council of Australasian Tribunals, National Conference (Sydney)
24 November	Council of Australasian Tribunals, NSW State Conference (Sydney)

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## SPEAKING ENGAGEMENTS

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10 March	Presentation, 'Women trailblazers in law' as part of Visiting Judges Program, Australian National University College of Law
February-April	Contribution to research project, University of NSW and Sydney University Law Schools, on Tribunal Leadership

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Governing Council of Australian Institute of Judicial Administration Inc
Member, Research Committee of Australian Institute of Judicial Administration Inc
Chair, Rule Committee of NSW Civil and Administrative Tribunal

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# The Honourable Justice Michael Ball

## CONFERENCES

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25-27 August	Supreme Court Annual Conference (Newcastle)
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## PUBLICATIONS

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Co-author, <i>Principles of Insurance Law</i> (2023, LexisNexis)
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# The Honourable Justice John Basten

## CONFERENCES

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10 February	Gilbert + Tobin 2023 Constitutional Law Conference (Sydney)
17 April	Private Law Seminar (University Sydney)
1 June	AIAL seminar on NACC (Sydney)
25-27 August	Supreme Court Annual Conference (Newcastle)
8-10 September	Australian Academy of Law – Enduring Courts in Changing Times (Sydney)
18 October	Private Seminar (Supreme Court, Sydney)
3 November	Public Law Seminar – Judicial Federalism (Sydney)

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## SPEAKING ENGAGEMENTS

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7 March	North Australian Aboriginal Justice Agency Seminar (online)
17 August	Launch of 'There's Glory For You' – Redfern Legal Centre

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## PUBLICATIONS

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Section Editor, 'Statutory Interpretation' Australian Law Journal
Co-author, Bicentennial History, Chapter 7
Foreword AJAL 30th anniversary edition
Three fallacies in Public Law

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Chair, Advisory Committee, G+T Centre of Public Law
Chair, Australian Institute of Administration Law, NSW Chapter (AIAL)

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## The Honourable Justice Ashley Black

### CONFERENCES

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4-6 August	Law Council of Australia, Corporations Workshop (Noosa, Queensland)
25-26 August	Supreme Court Annual Conference (Newcastle)

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### SPEAKING ENGAGEMENTS

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20 June	Developments in commercial and corporations case law and practice – Law Society of NSW
26 July	Judicial Co-operation in Cross Border Insolvency – NSW Bar Association
N/A	Taught postgraduate course "Fiduciary Duties and Conflicts of Interests", University of Sydney
N/A	Taught courses in financial services regulation, University of New South Wales and Monash University.

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### PUBLICATIONS

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Co-author, Austin & Black's <i>Annotations to the Corporations Act</i> (ongoing, 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 Richard Button

### CONFERENCES

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21-25 January	Supreme and Federal Court Judges' Conference (Christchurch, New Zealand)
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Criminal Trials Bench Book Committee of Judicial Commission NSW
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## The Honourable Justice Stephen Campbell

### CONFERENCES

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25-26 August

Supreme Court Annual Conference (Newcastle)

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## The Honourable Justice Richard Cavanagh

### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Chairperson, Legal Qualifications Committee of the Legal Profession Admissions Board

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Manager, Professional Negligence List and the Long Matters List

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## The Honourable Justice Nicholas Chen

### CONFERENCES

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25-26 August

Supreme Court Annual Conference (Newcastle)

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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Legal Profession Admission Board, Examinations Committee

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Member, ADR Steering Committee

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Member, Costs Assessment Rules Committee

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Member, Common Law Users Group

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# The Honourable Justice Hament Dhanji

## CONFERENCES

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28 June	Public Interest Advocacy Centre and Indigenous Law Centre, 'Towards Truth' website launch with Professor Megan Davis (Sydney)
26-28 July	Pasefika Lawyers Collective Conference (Samoa)
25-26 August	Supreme Court Annual Conference (Newcastle)
23 September	Ngara Yura Program: Visit to Aboriginal Heritage Office (Sydney)

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## SPEAKING ENGAGEMENTS

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22 February	Allens Intersectionality Panel Event –Key Note Address: Boris Johnson and Diversity
25 March	Reasonable Cause Criminal CPD Conference (Sydney)
15 April	UNSW Sentence and Criminal Justice Course: Mock Sentencing Exercises (Sydney)
20 April	Pacific Legal Association NSW (PLAN): An audience with NSW Supreme Court Justice Dhanji on well-being in the legal profession –a fresh perspective (Sydney)
26 April	NSW Bar Association: Bugmy Justice Report Seminar, Chair (Sydney)
28 July	Pasefika Lawyers Collective Conference –Keynote Address: 'The NSW Criminal Law System –Variations on a theme? From common origins to the New South Wales version of sentencing for criminal offences: “Reforms” and “Innovations”' (Samoa)
24 November	Pacific Legal Association NSW (PLAN) –Inaugural Debate (aka the Great Kava Debate) (Sydney)

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## PUBLICATIONS

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'Cultural Diversity in the Law: It is not revolution –but we are going to occupy the buildings' (2023) 32 JJA 130

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Judicial Council on Diversity and Inclusion (JCDI) Committee

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Member, Diversity Inclusion Justice Network (DIJN) Committee

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Patron, Pacific Legal Association NSW (PLAN)

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## **The Honourable Justice David Davies**

NO ACTIVITIES

## **The Honourable Justice Michael Elkaim**

NO ACTIVITIES

## **The Honourable Justice Des Fagan**

NO ACTIVITIES

## **The Honourable Justice Peter Garling RFD**

### **CONFERENCES**

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25-27 August	Supreme Court Annual Conference (Newcastle)
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### **SPEAKING ENGAGEMENTS**

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22 February	Current Issues in Litigation arising from Historic Sexual Abuse – New Chambers
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### **APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS**

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Honorary Patron, CanRevive Inc

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

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Chair, NSW Supreme Court – IT Committee

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## The Honourable Justice Fabian Gleeson

### CONFERENCES

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11-13 June	23rd Annual International Insolvency Institute Conference (Amsterdam, The Netherlands)
25-26 September	Supreme Court Annual Conference (Newcastle)
3 November	Public Law Seminar – Judicial Federalism (Sydney)

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### SPEAKING ENGAGEMENTS

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1 November	Presiding judge – UNSW Law Society – Senior Mooting Competition Grand Final
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## The Honourable Acting Justice John Griffiths

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
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### SPEAKING ENGAGEMENTS

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9 June	Presentation – Council of Australian Tribunals Conference, 'Decision Writing: Beyond Adequacy' (Sydney)
14/6/2023	Seminar – NSW Civil and Administrative Tribunal 'Providing Better Reasons for Decisions in the Guardianship Division of NCAT' (Sydney)

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### PUBLICATIONS

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'Judicial and Administrative Review of Non-Statutory State Executive Power' (2023) 32 <i>Journal of Judicial Administration</i> 2
'Retirement of Chief Justice James Allsop AC', <i>Bar News</i> Winter 2023

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## The Honourable Justice Peter Hamill

### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Judicial Commission's Supreme Court Education Committee

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## The Honourable Justice David Hammerschlag

### SPEAKING ENGAGEMENTS

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N/A Bar Readings Course

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### PUBLICATIONS

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'Expert Assistance for the Court from Specially Qualified Persons' (2023) 11 *Journal of Civil Litigation and Practice* 9

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## The Honourable Associate Justice Joanne Harrison

### CONFERENCES

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25-26 August Supreme Court Annual Conference (Newcastle)

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### SPEAKING ENGAGEMENTS

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19 October 2023 Clerk's Conference Opening Event

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17 November Keynote address – Personal Injury Commission's Annual Member Conference. Topic: 'Fact finding and decision writing'

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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Judicial Advisory Panel: 'Judges' Work, Place and Psychological Health: A National View' (20 March 2023)

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Class action user group meeting (9 November 2023)

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## The Honourable Justice Trish Henry

### SPEAKING ENGAGEMENTS

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Bar Practice Course: 'Applications in the Equity Division in the Supreme Court of New South Wales' (NSW Bar Association)

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## The Honourable Acting Justice RA Hulme

### CONFERENCES

---

25-26 August Supreme Court Annual Conference (Newcastle)

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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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Member, Criminal Trial Courts Bench Book Committee, Judicial Commission of NSW

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## The Honourable Justice Sarah Huggett

### NO ACTIVITIES

## The Honourable Justice Mark Ierace

### CONFERENCES

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21-25 January Supreme and Federal Courts Judges' Conference (Christchurch, New Zealand)

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4 August Aboriginal Legal Service (NSW/ACT) Annual Conference (Sydney)

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## SPEAKING ENGAGEMENTS

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23 January	Supreme and Federal Courts Judges' Conference, Paper, 'Russia and Ukraine: options for international civil and criminal accountability for aggression, war crimes and crimes against humanity' (Christchurch, New Zealand)
4 August	Aboriginal Legal Service (NSW/ACT) Annual Conference, Paper, 'Bail hearings: Advocacy and s 22B' (Sydney)
28 September	Australian Centre for International Justice, Introductory Remarks, Launch of Policy Paper: Challenging Impunity: Why Australia Needs A Permanent, Specialised International Crimes Unit (Sydney)
24 October	Macquarie University Law School, Lecture, 'Russia and Ukraine: options for international and domestic criminal accountability for aggression, war crimes and crimes against humanity' (Sydney)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Supreme Court Education Committee
30 March, Judge, Macquarie University Law School Jessup Team Farewell Moot (Sydney)
17 October, Judge, Grand Final, Sydney University Law Just Defence Criminal Law Moot 2023 (Sydney)

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# The Honourable Justice Jeremy Kirk

## CONFERENCES

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22-25 January	Supreme and Federal Courts Judges' Conference (Auckland, New Zealand)
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## SPEAKING ENGAGEMENTS

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25 January	Participation in 'The Great Debate - Should New Zealand finally become a State of Australia?', at the Supreme and Federal Courts Judges' Conference
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## PUBLICATIONS

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'Chief Justice Kiefel – A View from the Bar Table', <i>Australian Law Journal</i> (2023) 97 ALJ 864
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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Legal Qualifications Committee, under the Legal Profession Admission Board (NSW)
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# The Honourable Justice Jeremy Kirk

## CONFERENCES

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22-25 January	Supreme and Federal Courts Judges' Conference (Auckland, New Zealand)
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## SPEAKING ENGAGEMENTS

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25 January	Participation in 'The Great Debate - Should New Zealand finally become a State of Australia?', at the Supreme and Federal Courts Judges' Conference
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## PUBLICATIONS

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'Chief Justice Kiefel - A View from the Bar Table', Australian Law Journal (2023) 97 ALJ 864
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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Legal Qualifications Committee, under the Legal Profession Admission Board (NSW)
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# The Honourable Justice Francois Kunc

## CONFERENCES

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6-13 January	Australian Accountants, Lawyers and Directors Conference (Colorado USA)
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22-25 January	Supreme and Federal Courts Judges' Conference (Christchurch NZ)
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25-26 August	Supreme Court Annual Conference (Newcastle)
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## SPEAKING ENGAGEMENTS

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8 January	Australian Accountants, Lawyers and Directors Conference, Keynote address, 'The Courts and Covid' (Colorado USA)
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7 February	Sydney Law School and ARC Centre of Excellence for Automated Decision-Making and Society's 2023 Sydney Innovation Program, 'Justice and AI' (Sydney University Law School)
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15 February	The Judiciary Project, Gilbert + Tobin Centre of Public Law (UNSW Law), Participant in 'Judicial Commission: Workshop' (Online, UNSW)
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24 February	Sydney Law School and ARC Centre of Excellence for Automated Decision-Making and Society's 2023 Sydney Innovation Program, Judging Panellist (Sydney University Law School)
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23 November	Presentation on Australian judicial practice to delegation of visiting Chinese judges (Supreme Court NSW)
24 November	Keynote Address National Conference Australian Institute Interpreters and Translators (UNSW)

## **APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS**

Adjunct Professor, School of Law and Justice, Southern Cross University

Deputy Chair, Law Advisory Committee, School of Law and Justice, Southern Cross University

General Editor, *The Australian Law Journal*

Member Editorial Board, Journal of Equity

Member, Legal Services Council Admissions Committee

Member, Legal Profession Admissions Board

Director, Opera Australia Capital Fund

Member, Judicial Council on Diversity & Inclusion Recommended National Interpreting Standards Subcommittee

## The Honourable Justice Mark Leeming

### CONFERENCES

17 April	Round table discussion with Professors Rolph and Turton re <i>Fearn v Trustees of Tate Gallery</i> [2023] UKSC 4
25 May	Journal of Equity Conference on Rectification, UNSW City Campus, Sydney
8 August	Round table discussion with Professor Mee (University of Cork) on <i>Bosanac v Commissioner of Taxation</i> [2022] HCA 34
25-26 August	Supreme Court Annual Conference (Newcastle)
18 August	Round table discussion with Dr Gordon re <i>Stradford (a pseudonym) v Vasta</i> [2023] FCA 1020
3 November	Round table discussion with Prof Appleby, Dr Gordon and Chief Judge Sutton (6th circuit) re Judicial Federalism

### SPEAKING ENGAGEMENTS

16-17, 19-20 January	Lecturer, 'Statutory Foundations of Negligence' (LLM intensive, University of Sydney, with Prof. B McDonald)
6 March	Commentary on 'Development of the Common Law by Analogy with Statute' (Ross Parsons Centre, University of Sydney)
3 April	'Statutory construction' (LLB lecture, University of Sydney)
n/a	Presentation on <i>Fearn v Trustees of Tate Gallery</i> [2023] UKSC 4 to round table of judges and academics
4 May	'There and Back Again – The Last Quarter Century in Aviation Law', Keynote Opening Address to 39th Aviation Law Association of Australia and New Zealand Annual Conference, Sydney
25 May	'The Limits of Rectification' – Presentation to Journal of Equity Conference, UNSW City Campus, Sydney
1 June	'Subjective Intention in the Law of Contract – its Role and Limits' (Bar Association of Queensland, QEII Courts, Brisbane)
26 July	Launch of Isabella Alexander, <i>Copyright and Cartography – History, Law and the Circulation of Geographical Knowledge</i> (Hart Publishing 2023), State Library of New South Wales
1 August	Judging Grand Final of ALSA Championship Mooting Competition, Banco Court, Sydney
16 August	Judging UQ Unjust Enrichment Moot (practice round)

23 August	Remarks on the occasion of celebrating Professor Barbara McDonald's contribution to the University of Sydney Law School (University of Sydney)
26 August	Chair, presentation by Professor Barbara McDonald on scope of liability, Supreme Court Annual Conference, Newcastle
9 September	'Heir Today, Gone Tomorrow: The Whimsical World of Succession Litigation', Opening presentation of 2023 Succession Law Conference, Blue Mountains Law Society, Medlow Bath.
4 October	' <i>Barnes v Addy liability</i> ' (LLB lecture, Macquarie University).
18 October	Presentation on <i>Stradford v Vasta</i> to round table of judges and academics
19 October	'The Entangled Complexity of Statute Law and Judge-made Law' (UNSW School of Private and Commercial Law Seminar Series (UNSW))
25 October	'Statutory Interpretation – The Relationship between Statute and Common Law' (LLB lecture, University of Sydney)
13 November	'Professionalism' – speech to Law Society, Wills and Estates Accredited Specialists' Group, Annual Dinner, Sir Stamford Hotel, Sydney
23 November	"State" Constitutional Law' – NSW Law Society Young Lawyers Constitutional Law Address, Banco Court.
29 November	'Statutory Eucalypts in the Law of Charity' – John Emerson Oration and CLAAZ Annual Lecture, University of Sydney

## PUBLICATIONS

'Equity in Australia and the United Kingdom: Dissonance and Concordance' (2023) <i>Journal of the Malaysian Judiciary</i> 76
'Understanding the Law of Assignment' (Book Review Essay) (2023) 38 <i>Journal of Contract Law</i> 261-269
'Unconscionable transactions – the roles of knowledge and predatory state of mind' 97 <i>Australian Law Journal</i> 13
<i>Common Law, Equity and Statute: A Complex Entangled System</i> (2023, Federation Press)
'Harris v Digital Pulse Pty Ltd (2003): Equity, Penalties, Controversy and Costs' in J Goudkamp and E Katsampouka (eds), <i>Landmark Cases in the Law of Punitive Damages</i> (Hart Publishing 2023), ch 12
'Trusts and Trustees: Their successes and successors' (2023) 52 <i>Aust Bar Rev</i> 97-111
Introduction to Contract and Commercial Law Review (2023) 1 <i>CCLR</i> 1
'The Limits of Rectification' (2023) 17 <i>Journal of Equity</i> 122
'Nine points about Solicitors' Equitable Liens' (2023) 97 <i>Australian Law Journal</i> 873
'The Laws of Restitution' (Book Review) (2023) 45(4) <i>Sydney Law Review</i> (advance)

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Challis Lecturer in Equity, University of Sydney

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Board Member, State Records Authority of NSW (from 8 November)

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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, Contract and Commercial Law Review

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Member of Panel of Referees, Journal of the Malaysian Judiciary

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Honorary Bencher, Lincoln's Inn

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## The Honourable Justice Geoff Lindsay

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
9 September	AAL/ALJ/AIJA Conference (Banco Court)
10 September	Blue Mountains Law Society Succession Law Conference (Katoomba)
5-7 October	STEP Queensland Conference (Noosa)

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### SPEAKING ENGAGEMENTS

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21 March	Participation in 'The Great Debate - Should New Zealand finally become a State of Australia?', at the Supreme and Federal Courts Judges' Conference
19 April	NSW Bar Association - The Succession and Protective Law Committee - Seminar - Barristers' CPD - paper - 'In Conversation: Neuroscience, Text, Context and Purpose' (in person)
10 September	Blue Mountains Law Society Succession Law Conference (Katoomba, NSW) paper 'Waste Not, Want Not: Rights and Remedies in Preservation of an Estate' (in person)
5-7 October	STEP Queensland Conference, Noosa (in person) paper 'Evaluation of a Proprietary Estoppel Claim to a Family Farm: Text, Context and Purpose' (in person)

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11 November	The Adoption Conference Towards Dignity, Banco Court: The Adoption Process in NSW and Aboriginal and Torres Strait Islander Children – Affording Dignity to Young People and Children in Litigation - The Topic – “Affording Dignity To Children And Young People In Adoption Hearings” (in person)
15 November	STEP NSW, Banco Court (in person) Paper 'Profoundly Different Ways of Thinking: Management of Persons, Property and Relationships Disputes v Adjudication of Competing Claims of Right' (in person)

## PUBLICATIONS

Editor, *Australian Bar Review* (LexisNexis) (since 1996)

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

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Joint Patron of STEP NSW

Legal Profession Admissions Board (retired July 2023)

Uniform Rules Committee/ Supreme Court Rules Committee

The Francis Forbes Society for Australian Legal History

College of Law Wills and Estates Course Advisory Committee

## The Honourable Justice Anthony McGrath

25-27 August	Supreme Court Annual Conference (Newcastle)
11-December	Adoptions Conference (Sydney)



# The Honourable Justice Sarah McNaughton

## CONFERENCES

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22-25 January	Supreme and Federal Courts Judges' Conference (Auckland, New Zealand)
26-31 March	National Judicial Orientation Program (Brisbane)
8-10 September	Enduring Court in Changing Times Conference (Sydney)

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## SPEAKING ENGAGEMENTS

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10 September	Enduring Court in Changing Times Conference – Speaker – Technology and Digital Courts session – 'Technology in Court' Enduring Courts in Changing Times Conference (Sydney)
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## PUBLICATIONS

---

Anthony Payne, Sarah McNaughton and Neil Williams SC, *Federal Criminal Law* (2023, Butterworths) - June 2023 update to Crimes Act 1914 (Cth) annotations.

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Anthony Payne, Sarah McNaughton and Neil Williams SC, *Federal Criminal Law* (2023, Butterworths) - October 2023 update to Criminal Code 1995 (Cth) and Crimes Act 1914 (Cth) annotations.

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Mentor, NSW Bar Association's First Nations Mentoring Program

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Member, Supreme Court Information and Technology Committee

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# The Honourable Justice Anthony Meagher

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Director, Sydney Symphony Orchestra; Chair of the SSO's Audit & Risk Committee; Member of SSO's Nomination & Remuneration Committee

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## The Honourable Justice Michael Meek

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
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### SPEAKING ENGAGEMENTS

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22 March	Succession and Elder Law Committee – Judges Talk 2023 – 'Will Construction' (Sydney)
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Chancellor, Diocese of Sydney Anglican Church of Australia; Member of the Standing Committee of the of the Sydney Diocese; Member of the Synod of the Sydney Diocese

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Member, Anglican Church of Australia Appellate Tribunal

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Member, Standing Committee of the Anglican Church of Australia

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Reserve Judge of the Victorian Supreme Court (23 November 2023)

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## The Honourable Justice Anna Mitchelmore

### CONFERENCES

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25-27 August	Supreme Court Annual Conference (Newcastle)
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8-10 September	Enduring Courts and Changing Times Conference (Sydney)
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22 September	Australian Bar Association Conference (Gold Coast)
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### SPEAKING ENGAGEMENTS

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9 March	Australian Academy of Law, Legal Aspects of the Voice Seminar (Chair)
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11 March	NSW Bar Association Panel: Appellate Practice (Panel Member)
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24 May	Bar Reader's Course: Duties to the Court
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22 September	Australian Bar Association Conference: Best Practice Guidelines (Panel Member)
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3 November	Judicial Federalism Seminar (Chair and Commentator)
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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Commissioner, New South Wales Law Reform Commission

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Member, NSW Bar Association, Katrina Dawson Award, Selection Committee

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## The Honourable Justice Scott Nixon

### CONFERENCES

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25-27 August Supreme Court Annual Conference (Newcastle)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Education Committee

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## The Honourable Justice Guy Parker

### NO ACTIVITIES

## The Honourable Justice Anthony Payne

### CONFERENCES

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25-26 August Supreme Court Annual Conference (Newcastle)

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8-10 September Enduring Courts in Changing Times: Australian Law Journal Conference (Sydney)

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### PUBLICATIONS

---

Anthony Payne, Sarah McNaughton and Neil Williams SC, Federal Criminal Law (2023, Butterworths)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Legal Profession Admissions Board

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Member, Supreme Court Education Committee

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# The Honourable Justice Elisabeth Peden

## CONFERENCES

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4-7 September	Banking and Financial Services Law Association Annual Conference (Queenstown)
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## SPEAKING ENGAGEMENTS

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4-5 February	TEN's Annual Regional CLE Weekend: 'You, me and the indemnity: a drafting guide'
15 March	NSW Edge Property law intensive: 'Real Property List – An Overview'
17-18 March	Far North Coast Law Society Conference: 'Indemnities'
25 May	2023 Journal of Equity Conference: 'Rectification and Contract'
17 August	Specialist Accreditation Conference 2023, Property Law Stream: 'The Real Property List: Recent Case Review'

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## PUBLICATIONS

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Miiko Kumar, Elisabeth Peden, Daniel Tynan, *Uniform Evidence Law: Commentary and Materials* (7th edition, 2023, Thomson Reuters).

---

Editor, *Australian Contract Law* (Heydon on Contract), Online service, Thomson Reuters

---

Greg Tolhurst and Elisabeth Peden, *Furmston and Tolhurst on Contract Formation* (3rd edition, 2023, Oxford University Press).

---

Elisabeth Peden and Miiko Kumar, *Evidence Case Summaries* (2nd edition, 2023, LexisNexis)

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Elisabeth Peden & Miiko Kumar, *Quick Reference Card: Uniform Evidence Law* (4th edition, 2023, LexisNexis)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Editor, *Butterworths Property Reports*

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Chair, LPAB Examination Committee

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Professor Emerita, University of Sydney

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Co-editor, *Commercial Law Quarterly*

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Editorial board, *Journal of Contract Law*

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Editorial board, *Contract and Commercial Law Review*

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## The Honourable Justice Derek Price

### NO ACTIVITIES

## The Honourable Justice Kelly Rees

### SPEAKING ENGAGEMENTS

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11 March	NSW Bar Association CPD Conference, 'Secrets from the Bench: things I wish I knew when I was a barrister'
29 March	Keynote address at 50th anniversary celebration, Shalom Residential College, University of New South Wales
22 April	University of Sydney, Intersociety Women's Conference 2023, panellist
24 October	Keynote address at Australian Construction Law Discussion Group, 'ON THE TOOLS: Life in the Technology & Construction List'
25 October	Judge of UNSW Law Society Mooting competition, Ashurst

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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Mentor of Indigenous university student through NSW Bar Association

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## The Honourable Justice Mark Richmond

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
11 November	'Towards Dignity: The Adoption Process in NSW and Aboriginal and Torres Strait Islander Children' (Banco Court)

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### SPEAKING ENGAGEMENTS

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17 March	'Engaging the Jurisdiction of the Supreme Court in Revenue Disputes' (Toongabbie Legal Centre, 7th Annual Tax & Equity Seminar, Sydney)
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# The Honourable Justice Monika Schmidt

## CONFERENCES

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7-10 March	National Judicial College of Australia: Writing Better Judgments Program (Hobart)
3-8 April	National Judicial Orientation Program – Conference/Oral Decisions (Gold Coast)
22-23 June	Better Judgment Writing Program (FCFCoA Melbourne)
25-26 August	Supreme Court Judges Annual Conference (Newcastle)
10-13 August	National Judicial College of Australia: Writing Better Judgments Program (Canberra)

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## SPEAKING ENGAGEMENTS

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8-10 March	National Judicial College of Australia: Writing Better Judgments Program (Hobart)
22-23 June	National Judicial College of Australia: Better Judgment Writing (FCFCoA Melbourne)
11-13 October	National Judicial College of Australia: Writing Better Judgments Program (Canberra)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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

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# The Honourable Justice Michael Slattery AM AM (Mil) RAN

## CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
30 Oct-1 November	Federal Court of Australia Maritime Law and Admiralty Marshall's Conference (Brisbane)

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## SPEAKING ENGAGEMENTS

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16 March	Eulogy on behalf of Chief of Navy for Captain the Hon. Murray Tobias AM RFD KC
10 May	May 2023 Bar Practice Course – Conduct of hearing: 'Applications before a Judge of the Equity Division'
16 June	Eulogy on behalf of Chief of Navy for Rear Admiral the Hon. Alwynne Rowlands AO KC RFD RAN
6 September	'Practice in the Equity Division' Address to the Bar Practice Course
10 November	Remembrance Day address to the College Staff and Students of St Pius X College, Chatswood
11 December	Lead a Symposium on 'The Classical Art of Rhetoric' for Equity Tipstaves

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Defence Force Discipline Appeals Tribunal
Trustee, Indigenous Barristers Trust – The Mum Shirl Fund (since 2006)

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# The Honourable Justice Kristina Stern

## CONFERENCES

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25-27 August	Supreme Court Annual Conference (Newcastle)
13-17 November	National Judicial Orientation Program (Sydney)

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## SPEAKING ENGAGEMENTS

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15 November	Women Barristers Forum, 'Women Silks Event' (Sydney)
16 November	NSW Bar Association Seminar, 'Reading for the Future', A technology primer for new(er) barristers (Online)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, International Organisation for Judicial Training

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## The Honourable Justice James Stevenson

### CONFERENCES

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21-25 January	Supreme and Federal Courts Judges' Conference (Christchurch, New Zealand)
8-10 September	Enduring Courts in Changing Times Conference (Sydney)
5-8 October	AJOA 2023 Colloquium (Auckland)

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### SPEAKING ENGAGEMENTS

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8-10 March	National Judicial College of Australia Writing Better Judgments course (Hobart)
14 March	University of New South Wales Construction Law CPD (Sydney)
26 May	NSW Judicial Commission course for officers of the Industrial Commission; 'Ex Tempore Judgments' (Sydney)
1 June	Commercial Law Association; 'Penalties post-Paciocco: Where Are We Now?' (Sydney)
28-29 June	National Judicial College of Australia Oral Judgments Course (Sydney)
11-13 October	National Judicial College of Australia Writing Better Judgments course (Canberra)
11 November	Adoptions Seminar 'Towards Dignity: The Adoption Process in NSW and First Nations Children' (Sydney)
17 November	National Judicial College of Australia Oral Judgments Course (Sydney)

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Chair, Steering Committee organising the annual Supreme and Federal Court Judges Conference

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

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

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

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Member, Supreme Court Media Liaison Committee

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# The Honourable Justice Deborah Sweeney

## SPEAKING ENGAGEMENTS

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3 August	2023 Local Court of NSW Annual Conference Presentation – 'Evidentiary issues arising in Local Court hearings' (Sydney)
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# The Honourable Justice Michael Walton

## CONFERENCES

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21-24 May	Delegate at the meeting of the North American and Oceanian (NAO) group of the International Association of Judges (Washington DC, USA)
5-8 October	Australian Judicial Officers Association Colloquium (Auckland, New Zealand)
25-26 August	Supreme Court Annual Conference (Newcastle)

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## SPEAKING ENGAGEMENTS

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24 March	'Presentation to the Commonwealth Attorney General, the Hon. Mark Dreyfus, in the capacity of President of the AJOA, on AJOA's activities regarding judicial independence in Australia and the rule of law in the Pacific'
5 May	'Master class at the University of Wollongong Sydney Campus titled 'The Future of Work.''
16 June	'Welcome speech and chaired the lecture for the 30th Anniversary of the Australian Judicial Officers Association (featuring the Chief Justice Andrew Bell and former Chief Justice Robert French.'
24 July	'Presentation to the NSW Attorney General, the Hon. Michael Daley, in the capacity of President of the AJOA, on the change in title of Magistrates to Judge of the Local Court.'
4 August	'Presentation at the Magistrates of New South Wales Conference 2023 regarding the change in title of Magistrates to Judge of the Local Court and other issues affecting magistrates.'
29 November	Presentation to the Commonwealth Attorney General, the Hon. Mark Dreyfus, in the capacity of President of the AJOA, on the <i>Treasury Laws Amendment (Better Targeted Superannuation Concessions and Other Measures) Bill 2023</i>

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## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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President, Australian Judicial Officers Association

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President, University of Sydney Lawn Tennis Club

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Editorial Committee of the Australian Journal of Labour Law

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## DELEGATIONS AND INTERNATIONAL ASSISTANCE

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June - December	International assistance provided to the Papua New Guinea Judiciary. A series of meetings were had providing advice on the establishment of an organisation for judicial officers in Papua New Guinea similar to the AJOA, with Deputy Chief Justice Ambeng Kandakasi who attended the annual AJOA Colloquium in New Zealand
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## The Honourable Justice Julie Ward

### CONFERENCES

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21-26 January	Supreme and Federal Court Judges' Conference (Christchurch, New Zealand)
26-31 March	National Judicial College of Australia – National Judicial Orientation Program (Brisbane)
25-26 August	Supreme Court Annual Conference (Newcastle)
11-13 October	National Judicial College of Australia – Writing Better Judgments (Canberra)
8-10 September	Australian Academy of Law, Australasian Institute of Judicial Administration, Australian Law Journal - Enduring Courts in Changing Times (Sydney)
12-17 November	National Judicial Orientation Program (Sydney)

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### SPEAKING ENGAGEMENTS

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8 March	Law Society of New South Wales - International Women's Day Breakfast (Sydney)
26-31 March	National Judicial College of Australia – National Judicial Orientation Program (Brisbane)
11 April	District Court of New South Wales Annual Conference (Sydney)
26 May	Industrial Relations Commission of New South Wales – Education Day 2023 'The Kilmuir Rules' (Sydney)

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## SPEAKING ENGAGEMENTS

4-6 June	STEP Australia National Incapacity Conference 'Legal Capacity then and now: The potential repercussions of neuroscientific studies' (Gold Coast)
29 July	University of New England Law Students' Society Ball (Sydney)
9 September	Chair for the Courts, Legal Systems and Indigenous People Session, Enduring Courts in Changing Times Conference, AIJA (Sydney)
21-22 September	Australian Bar Association National Conference –Rule of Law (Gold Coast)
26 September	Baker McKenzie National Women's Moot (Sydney)
5 October	The Law Society of NSW Annual Conference –Judging Solicitor Advocates (Sydney)
17 October	Equitable Briefing for NSW Barristers (Sydney)
18 October	STEP Seminar –Legal capacity then and now: the potential repercussions of neuroscientific studies (Sydney)
20 October	New South Wales Bar Association Diversity and Equality –Open Day (Sydney)
9-10 November	2013 EPLA Conference (Sydney)
23 November	WINA Great Debate (Sydney)

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Advisory Committee Member, Australian Law Reform Commission

Member, Legal Qualifications Committee

Chair, Supreme Court ADR Steering Committee

Member and Fellow, The Australian Academy of Law

Member, AIJA Council

Member, Australian Association of Women's Judges

Member, Judicial Commission

## DELEGATIONS AND INTERNATIONAL ASSISTANCE

12 July	Official Visit to NSW by the Japanese Ambassador, His Excellency Mr Kazhiro Suzuki, Mr Shuichi Tokuda, Consul-General, Consulate-General of Japan Mr Satoshi Nozawa, Economic Counsellor, Embassy of Japan
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## The Honourable Justice Richard Weinstein

### CONFERENCES

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5-8 October	Australian Judicial Officers Association Colloquium (Auckland, New Zealand)
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### PUBLICATIONS

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Weinstein J et. al. Uniform Evidence in Australia (4th edition, 2023, LexisNexis Butterworths)
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Executive Council of Australian Judicial Officers Association
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Member, Australian Judicial Officers Association Standing Committee on Judicial Independence
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Member, Judicial Commission of NSW Civil Bench Book Committee
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Trustee, Windmill Trust
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Adjunct Professor at UNSW, taught Law of Sentencing
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## The Honourable Justice Richard White

### CONFERENCES

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25-29 January	Supreme and Federal Courts Judges' Conference (Auckland, New Zealand)
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25-27 August	Supreme Court Annual Conference (Newcastle)
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Chair, Law Extension Committee of the University of Sydney
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### COMMISSIONS IN OVERSEAS COURTS

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27-31 March; 10-11 July; 31 August	Judge of the Court of Appeal in the Kingdom of Tonga
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## The Honourable Justice Kate Williams

### CONFERENCES

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27-31 March	National Judicial Program (Brisbane)
4-6 August	2023 Corporations Workshop (Noosa)
8 August	Bosanac and the Presumptions of Resulting Trust and Advancement (Supreme Court of NSW, Sydney)
25-26 August	Supreme Court Annual Conference (Newcastle)
30 August	Margaret Stone Lecture, (Banco Court, Sydney)
12 October	Sir Maurice Byers Lecture, The Law of Parliament: Limits on Judicial Power (Sydney)

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### SPEAKING ENGAGEMENTS

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6 September	NSW Bar Association Bar Practice Course: Application before a Judge of the Equity Division (Supreme Court of NSW, Sydney)
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## The Honourable Justice Helen Wilson

### SPEAKING ENGAGEMENTS

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16 August	CDPP Prosecutors CLE - 'Prosecutorial Ethics – The Duty to call Witnesses'
18 December	ODPP's Solicitor's Conference - 'Why Being a Prosecutor Matters'

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### PUBLICATIONS

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Co-author, <i>Criminal Law News</i> , LexisNexis Butterworths
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Criminal Law List Judge of the Common Law Division July 2022 - Ongoing
Member, Criminal Trial Courts Bench Book Committee
Member, Crime Users Group
SC Representative, EAPG Steering Committee

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## The Honourable Justice Robertson Wright

### CONFERENCES

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25-26 August	Supreme Court Annual Conference (Newcastle)
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### APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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Member, Defence Force Discipline Appeal Tribunal
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## The Honourable Justice Dina Yehia

### CONFERENCES

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9 June	COAT National Conference Presentation on Bugmy Bar Book (Sydney)
23-24 June	The Australasian Institute of Judicial Administration (AIJA) Conference
23 September	Australian Bar Association National Conference (Gold Coast)
4-7 October	Back to Country Event-Judicial College of Victoria (Victoria)

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### SPEAKING ENGAGEMENTS

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10 May	Keynote address at the Women Barrister's Law Week Breakfast-ACT Bar Association
11 May	Interview Podcast to mark National Reconciliation Week-Ashurst
17 May	Panelist at UTS LSS Clayton UTZ Speaker Series I: Evolving Human Rights
27 May	Toongabbie Legal Centre-ICO Panel
29 June	Interview with Dr Carolyn McKay on The Digital Criminal Justice Project: Vulnerability and the Digital Subject-University of Sydney Law School
10 July	Bugmy Bar Book Interview with Sophie Anderson
20 September	Domremy College Year 12 Graduation Speech
18 October	Panelist at Westpac's Equitable Briefing Networking
20 October	Panelist at the Open Day for Women and Gender Diverse Law Students at the New South Wales Bar Association

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31 October	2023 Patron's Address for NSW Young Lawyers
2 November	Panelist at the New Barristers' Committee annual 'Judicial Q&A' event at the New South Wales Bar Association
20 November	Bugmy Bar Book Presentation at the Penrith Education Committee seminar held in Penrith District Court
21 November	Award recipient/Speech for the 'Celebrating Australian-Egypt Women' event held by the Australian Egyptian Forum Council
12 December	Adjunct Professor at the Law School of the University of New South Wales-teaching LAWS3198 Sentencing and Criminal Justice

## PUBLICATIONS

Dina Yehia, *The Essential Guide to Sentencing in NSW* (2023, LexisNexis Butterworths)

## APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Board Member, Australasian Institute of Judicial Administration (AIJA)

Chair, Ngara Yura Committee

Board Member, Diverse Women in Law (DWL)

Patron, NSW Young Lawyers

Supreme Court Representative, Bugmy Bar Book Committee

Member, Judicial Commission Sentencing Bench Book Committee











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Internet: [supremecourt.nsw.gov.au](http://supremecourt.nsw.gov.au)