

2022

ANNUAL REVIEW



Supreme Court
of New South Wales



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Foreword by the Chief Justice of New South Wales



I am pleased to present the 2022 Annual Review of the Supreme Court of New South Wales. It provides a conspectus of Court operations, including the number of filings, timeliness and achievements against benchmarks.

The transition from one Chief Justice to another is a relatively uncommon moment in the long history of the Supreme Court. The year 2022 began with the retirement of the Hon. Tom Bathurst AC as the 17th Chief Justice of New South Wales.

During the farewell ceremony, I said of Bathurst CJ, and it bears repeating here, that with the exception of war-time Chief Justices Sir William Cullen and Sir Frederick Jordan, I suspect no other Chief Justice has had to confront the number and nature of challenges. He led the Court and the profession through the terror, trauma and unspeakable tragedy of the Lindt Cafe siege; through the flooding of the Supreme Court Registry and the extended closure of the Queen's Square building; through the Stygian cloak of the bushfires and, of course, the greatest challenge of all, the COVID-19 pandemic during which, under his leadership, the Court continued to sit and deliver justice through a public health and social crisis unprecedented in our lifetimes. These challenges called for, and received, leadership of the highest calibre. His legacy will be, in no small part, a Supreme Court with a reputation as the premier appellate commercial court in the country.

All of my predecessors set a very high standard for the role of Chief Justice. I am deeply honoured to have been entrusted with the large responsibility of maintaining that standard. I assumed the Chief Justiceship at a time when thousands of Australians had seen their homes and businesses submerged beneath floodwaters in northern New South Wales and Queensland. Internationally, the world was shocked to see war return to continental Europe. The ramifications of the war in Ukraine have been far reaching, one of which has been the return of inflation and rising interest rates.

One instance is the number of filings in the Common Law Possession List, which have increased by 49 percent. Rising mortgage stress, exacerbated by the end of the covid-related moratorium on actions for possession can be expected to continue as borrowers come to the end of locked-in and historically low fixed interest rates. Similarly, the number of matters filed in and heard by the Common Law General List has increased by 27 percent - the third straight year-on-year increase.

Civil claims for compensation arising from institutional abuse have grown, with over 1600 cases filed since the lifting of statutory limitation periods and detailed monitoring which commenced in 2016, the volume having increased by almost 60 percent in 2022 year compared to 2021. While a good number of these cases have settled, as at the time of writing, 24 are listed for final hearing in 2023. Finally, the number of flings in the Court of Appeal have increased in 2022, from 341 to 354. Both it and the Court of Criminal Appeal continued to meet national operational benchmarks for finalisation of cases.

In April 2022 the Hon. Justice John Basten formally retired, but he has continued to sit in the capacity of an Acting Judge of Appeal. His Honour's contribution to the Supreme Court has been immense. The year 2022 also saw the retirements from the Court of three long-standing members of the Common Law Division, their Honours Peter Johnson, Robert Hulme and Elizabeth Fullerton. Their Honours Lucy McCallum from the Court of Appeal and Nigel Rein from the Equity Division also retired. All were outstanding and gave exceptional and dedicated service to the Court. Also in 2022 I was delighted to welcome to the Bench the Hon. Justice Anna Mitchelmore and the Hon. Justice Jeremy Kirk, who were sworn-in as Judges and Judges of Appeal in March and April respectively. The Hon. Justices Dina Yehia, Nicholas Chen and Sarah McNaughton have joined in the course of 2022. Each has brought a wealth of experience and expertise from their previous positions as, respectively, a judge of the District Court, a senior counsel of the Bar and as the Commonwealth Director of Public Prosecutions. The Hon. Justices Peden, Richmond and Meek who were appointed to the Equity Division have brought considerable expertise across Equity's broad jurisdiction.

In addition to the immeasurable public benefit judges provide to the community through the administration of justice, judges contribute to civil society through their speaking engagements, appointments to legal, cultural and benevolent organisations, as well as through occasional publications. Appendix II of the Review provides an overview.

Finally, the Supreme Court is on the cusp of celebrating the bicentenary of its founding under the Third Charter of Justice. Few people besides legal historians have paid close attention to the judicial institutions created during the early years of European colonisation, because none have endured. However, the Supreme Court, which was instituted by the Bigge Report and the *New South Wales Act 1823*, has endured and now stands as one of the oldest courts in the common law world. At the opening of the Law Courts Building in Sydney on 1 February 1977 Premier Neville Wran described the Supreme Court of New South Wales as 'the visible embodiment of the essence of the law – growth, change, and progress within continuity. [It] is now established physically and symbolically where it has always been – in the historic and living heart of the history of New South Wales - and Australia.'¹

During 2023 preparations will be made for a ceremony on 17 May 2024, marking two hundred years since Chief Justice Francis Forbes presided at the first sitting of the new Supreme Court, followed by a gala reception at Government House on the following day. It will be pleasure and a privilege as the 18th Chief Justice to oversee those celebrations.

I commend this report.

Andrew Bell

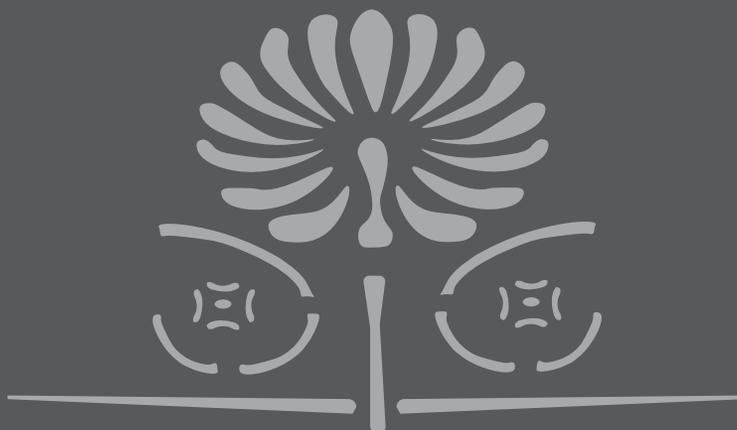
Chief Justice of New South Wales

¹ Neville Wran, speech at the opening of the Law Courts Building.



1

COURT PROFILE



Jurisdiction and Division

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

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

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

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

- Common Law Division; and
- Equity Division.

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

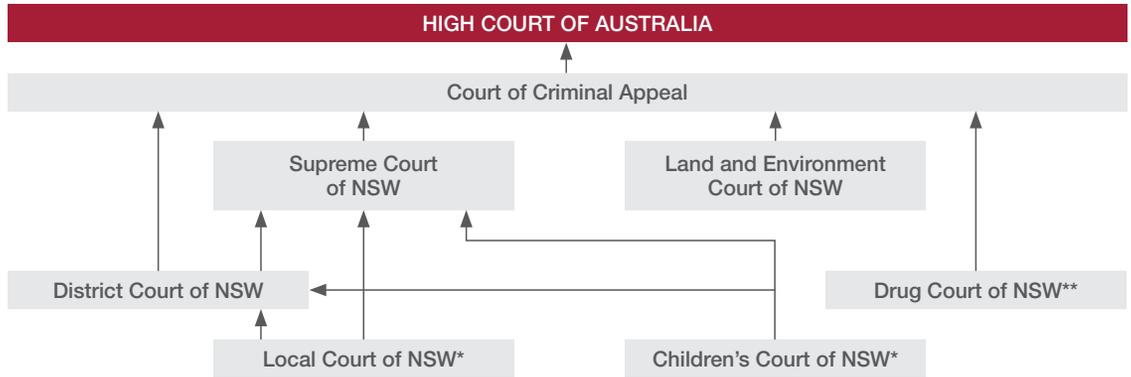
Section 23 of the *Supreme Court Act 1970* provides the Court with all jurisdiction necessary for the administration of justice in New South Wales. The Supreme Court has supervisory jurisdiction over other courts and tribunals in the State. The Court generally exercises this supervisory jurisdiction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

Figure 1.1 NSW COURT SYSTEM CRIMINAL JURISDICTION

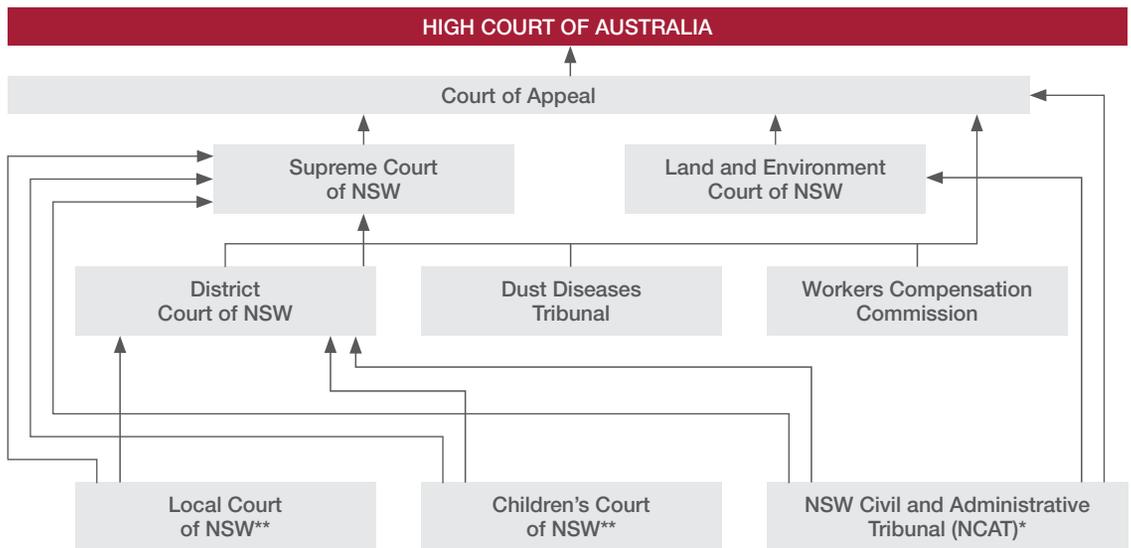


Note: The above diagram is a simplified representation of the appeal process in NSW. Actual appeal rights are determined by the relevant legislation.

* 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

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. Details of the Judges assigned to these lists in 2022 can be found in Chapter 2.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2022.

CHIEF JUSTICE OF NSW

The Hon. Andrew Bell

PRESIDENT OF THE COURT OF APPEAL

The Hon. Justice Julie Ward

JUDGES OF APPEAL

The Hon. Justice Robert Macfarlan

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 Paul Brereton AM RFD

The Hon. Justice Robert Beech-Jones

The Hon. Justice David Hammerschlag

The Hon. Justice Anna Mitchelmore

The Hon. Justice Jeremy Kirk

CHIEF JUDGE AT COMMON LAW

The Hon. Justice Robert Beech-Jones

CHIEF JUDGE IN EQUITY

The Hon. Justice David Hammerschlag

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

JUDGES

The Hon. Justice Michael Walton

The Hon. Justice Stephen Rothman AM

The Hon. Justice Derek Price AO

The Hon. Justice Ian Harrison

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 Christine Adamson

The Hon. Justice Geoffrey Bellew

The Hon. Justice James Stevenson

The Hon. Justice Stephen Campbell

The Hon. Justice Richard Button

The Hon. Justice Geoff Lindsay

The Hon. Justice Philip Hallen

The Hon. Justice Francois Kunc

The Hon. Justice Stephen Robb

The Hon. Justice Rowan Darke

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

ACTING JUDGES

Set out below are details of those persons who held commissions as Acting Judges during the 2022 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 John Griffiths

The Hon. Acting Justice Monika Schmidt AM

The Hon. Acting Justice Carolyn Simpson

The Hon. Acting Justice R. A. Hulme

ASSOCIATE JUDGES

As at 31 December 2022, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

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

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



Applications that arise before trial include:

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

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

APPOINTMENTS

The Hon. Justice Andrew Bell was sworn-in as the Chief Justice of New South Wales on 7 March 2022.

The Hon. Justice Julie Ward was sworn-in as the President of the Court of Appeal on 6 March 2022.

The Hon. Justice David Hammerschlag was sworn-in as the Chief Judge in Equity and as a Judge of Appeal on 17 March 2022.

The Hon. Justice Anna Mitchelmore was sworn-in as a Judge and as a Judge of Appeal on 28 March 2022.

The Hon. Justice Jeremy Kirk was sworn-in as a Judge and as a Judge of Appeal on 21 April 2022.

The Hon. Justice Elisabeth Peden was sworn-in as a Judge on 6 April 2022.

The Hon. Justice Dina Yehia was sworn-in as a Judge on 4 July 2022.

The Hon. Justice Mark Richmond was sworn-in as a Judge on 19 April 2022.

The Hon. Justice Michael Meek was sworn-in as a Judge on 5 May 2022.

The Hon. Justice Nicholas Chen was sworn-in as a Judge on 11 July 2022.

The Hon. Justice Sarah McNaughton as a Judge on 11 October 2022.

RETIREMENTS

The Hon. T. F. Bathurst AC, Chief Justice of NSW, retired on 28 February 2022.

The Hon. L. McCallum, Judge of Supreme Court, retired on 7 March 2022.

The Hon. N. G. Rein, Judge of Supreme Court, retired on 18 March 2022.

The Hon. P. A. Johnson, Judge of Supreme Court, retired on 1 July 2022.

The Hon. R. A. Hulme, Judge of Supreme Court, retired on 16 September 2022.

The Hon. E. L. Fullerton, Judge of Supreme Court, retired on 11 November 2022.

Judicial education

Upon appointment, Supreme Court 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.

In addition, the Supreme Court organises its own conferences, seminars and workshops, where judicial officers may improve their skills and knowledge. Following a hiatus in 2021, the Court's annual conference was held in the Blue Mountains in August 2022.

Cross-jurisdictional programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts.

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.

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

The 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. presented a series of programs throughout the year:

NGARA YURA PROGRAM SEMINARS

15 March 2022: 'A Story of Resistance: Fred Maynard and the Australian Aboriginal Progressive Association'

25 May 2022: Maximising the Law Courts Resources (webinar)

NGARA YURA PROGRAM WEBINARS - FIRST NATIONS SPEAKER SERIES

15 September 2022: Emily McDaniel

6 October 2022: Dr Miriam Rose AM

20 October 2022: Mr Peter Cooley

NGARA YURA PROGRAM COMMUNITY VISIT

14 May 2022: Visit to the Dharawal community of La Perouse

JOINT PROGRAMS

26 April 2022: Bugmy Justice Reports

10 November 2022: The impact of Protectionist policies on First Nations people (in cooperation with the Frances Forbes Society)

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 Honourable Justice Basten (Chair)

The Honourable Anna Mitchelmore (Chair from September 2022)

The Honourable Justice Hoeben AM RFD (until September)

The Honourable Justice Leeming

The Honourable Justice Payne

The Honourable Justice White

The Honourable Justice McCallum

The Honourable Justice Johnson

The Honourable Justice Harrison

The Honourable Justice Garling RFD

The Honourable Justice Black

The Honourable Justice Wright

Mr Chris D'Aeth, Executive Director and Principal Registrar

Ms Una Doyle, Education Director, Judicial Commission of NSW (Convenor)

The Registrars

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

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

Registrars are delegated power of the Court by the Chief Justice under 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 2022, seven 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 2022:

**EXECUTIVE DIRECTOR AND
PRINCIPAL REGISTRAR**

Chris D'Aeth

**DIRECTOR, ASSISTANT PRINCIPAL
REGISTRAR AND PROTHONOTARY**

Rebel Kenna

REGISTRAR, COURT OF APPEAL

Jerry Riznyczok

**REGISTRAR, COURT OF
CRIMINAL APPEAL**

George Galanis

**REGISTRAR, COMMON LAW
CASE MANAGEMENT**

Karen Jones

REGISTRAR IN EQUITY

Leonie Walton

REGISTRAR, CORPORATIONS LIST

Leonie Walton

SENIOR DEPUTY REGISTRARS

Brendan Bellach

Nicholas Flaskas

Jennifer Hedge

Suzin Yoo

Sarah Milligan

Lynda Gerritsen

DEPUTY REGISTRARS

Anita Chang

Sivashna Chetty

Shashi Palagummi

Peter Onisforou



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.

Judicial assistance

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

2

COURT OPERATIONS



Court of Appeal

As at 31 December 2022

PRESIDENT

The Honourable Justice
Julie Ward

JUDGES OF APPEAL

The Honourable Justice
Robert Macfarlan

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
Paul Le Gay Brereton

The Honourable Justice
Robert Beech-Jones

The Honourable Justice
David Hammerschlag

The Honourable Justice
Anna Mitchelmore

The Honourable Justice
Jeremy Kirk

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, commissions, and tribunals within the State. Its judgments are routinely cited around the nation and by foreign courts.

The Court of Appeal comprises the President of the Court of Appeal and nine judges of appeal. The Chief Justice regularly sits on the Court of Appeal, and presides when he does so. 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.

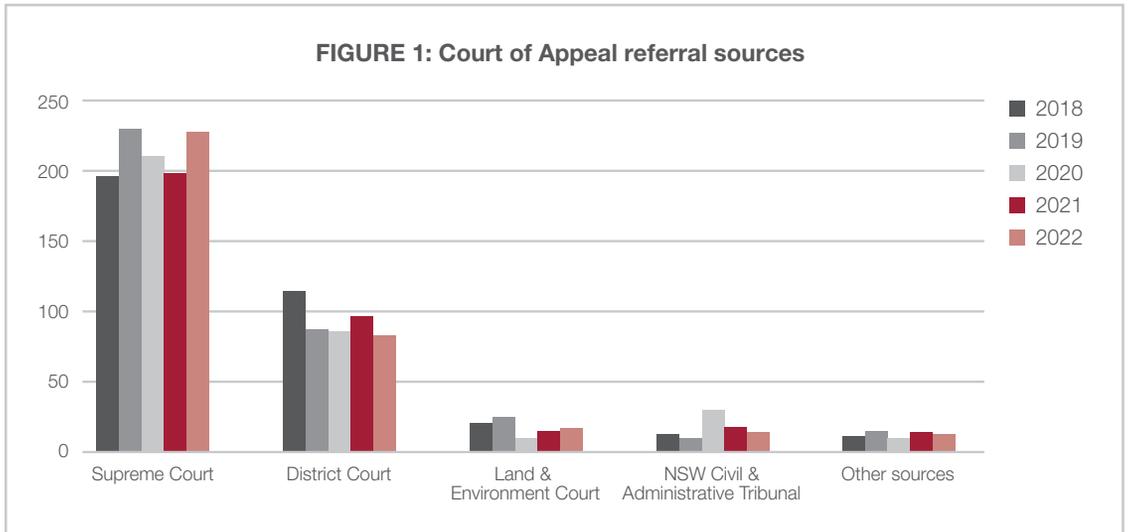
Two judges of appeal can determine applications if they relate solely to the amount of compensation for personal injury or death or involve a challenge to an interlocutory judgment of a lower court. Applications for leave to appeal may also be dealt with by two judges, although a single judge of the 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, and in some instances, a single judge of appeal will deliver the Court's judgment.

Appeals against decisions of the Court of Appeal lie to the High Court of Australia in matters of public or general importance, but rely on the grant of special leave to appeal from the High Court.

STATISTICS

| | 2021 | 2022 | Variance |
|-----------|------|------|-------------|
| Filings | 341 | 354 | 4% |
| Disposals | 346 | 311 | -10% |
| Pending | 165 | 208 | 26% |

Figure 1 illustrates the sources of filings between 2018 and 2022.



Out of the 354 new cases, the majority were commenced by a notice of appeal, totalling 206 cases. In addition, 118 cases were initiated by a summons seeking leave to appeal while 30 cases were brought forth by a summons for the Court of Appeal to exercise its original jurisdiction.

There were 311 final disposals in 2022, which occurred by the following methods:

- **judgment** following hearing of either an appeal, an original jurisdiction summons or a concurrent hearing¹ – 66 percent
- **refusal** of the appeal, original jurisdiction summons or leave application – 15 percent
- **settlement** of the appeal, original jurisdiction summons or leave application – five percent
- **discontinuance or other final disposal** of the appeal, original jurisdiction summons or leave application – 14 percent

Figures 2 and 3 illustrate the Court of Appeal's achievements against national benchmarks for age of cases at finalisation. In 2022, 90 percent of cases were finalised within 12 months, achieving the national benchmark. 99 percent of cases were finalised within 24 months, falling slightly short of the national benchmark of 100 percent.

FIGURE 2: Court of Appeal – cases finalised in less than 12 months

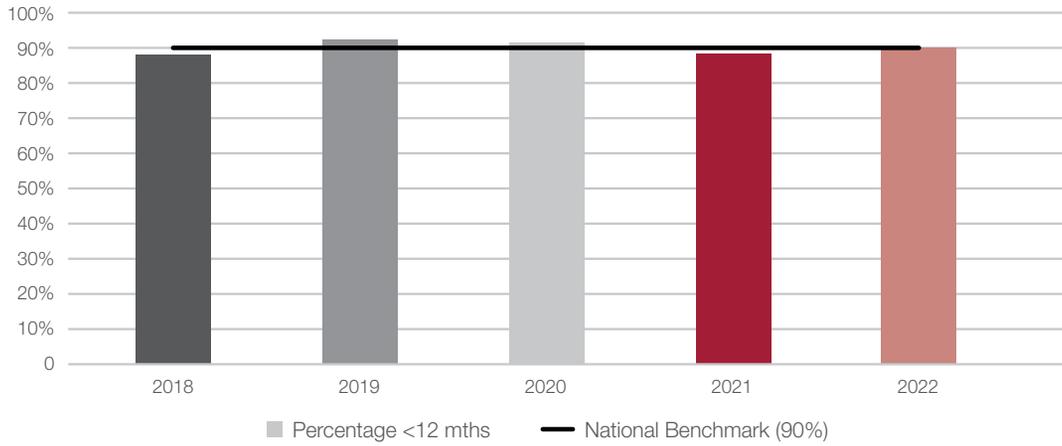
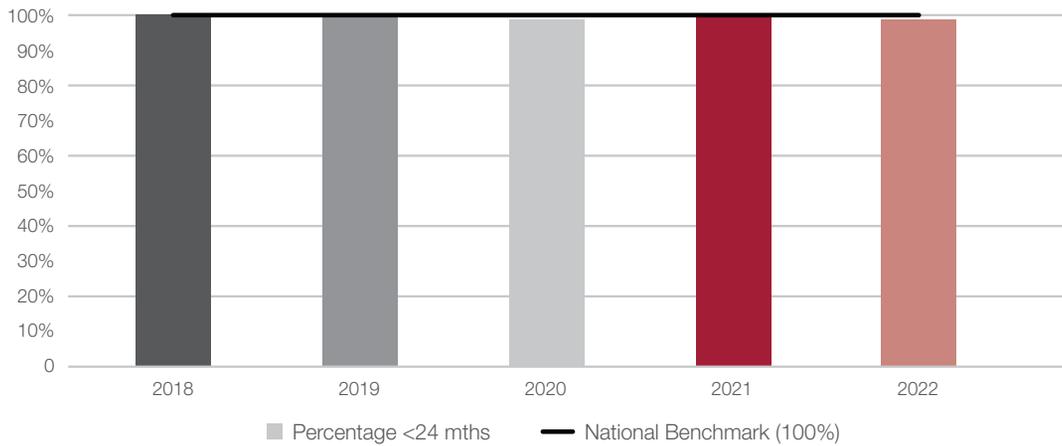


FIGURE 3: Court of Appeal – cases finalised in less than 24 months



| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------------|------------|------------|------------|------------|
| COURT OF APPEAL³ | | | | | |
| Filings (net new cases)⁴ | 355 | 366 | 346 | 341 | 354 |
| Filings of appeals / applications for relief | 228 | 231 | 214 | 223 | 236 |
| Filings of applications for leave to appeal ⁵ | 139 | 135 | 132 | 118 | 118 |
| Disposals (final disposals)⁶ | 361 | 339 | 381 | 346 | 311 |
| Disposals of appeals / applications for relief | 250 | 213 | 232 | 231 | 207 |
| Disposals of applications for leave to appeal | 111 | 126 | 149 | 115 | 104 |
| Pending cases at 31 December | 178 | 205 | 170 | 165 | 208 |
| Appeals / applications for relief | 120 | 142 | 124 | 124 | 157 |
| Applications for leave to appeal | 58 | 63 | 46 | 41 | 51 |

TIMELINESS – AGE OF PENDING CASES AT 31 DECEMBER⁷

| Number pending (% of total) | National standard ⁸ | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|--------------------------------|--------------|--------------|--------------|--------------|--------------|
| Cases within 12 months of age | 90% | 167 (94%) | 191 (93%) | 157 (92%) | 152 (92%) | 199 (96%) |
| Cases within 24 months of age | 100% | 177 (99%) | 201 (98%) | 168 (99%) | 163 (99%) | 207 (99%) |

³ These statistics exclude notices of intention to appeal. A notice of intention to appeal does not commence a substantive appeal or application. statistics cover Court of Appeal cases only. They are not comparable to 'civil appeal' case statistics reported within the Productivity Commission's Report on Government Services, which include all civil cases of an appellate nature, including appeals and reviews dealt with in the Common Law Division or Equity Division.

⁴ When a notice of appeal is filed after a successful application for leave to appeal, the appeal and the leave application are counted as one case (not two). For this reason, the figures for filings of notices of appeal (and applications for relief) and filings of applications for leave, combined, exceed the number of net new cases.

⁵ This includes not only leave applications, but also applications where parties have elected to have a concurrent hearing of both the leave application and the appeal (if leave is granted).

⁶ Where an appeal is preceded by a grant of leave, this is counted as one continuous case, with a final disposal being counted only when the substantive appeal is finalised. For this reason, the figures for disposals of notices of appeal (and applications for relief) and disposals of applications for leave, combined, exceed the number of final disposals.

⁷ 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.

⁸ 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**

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 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.

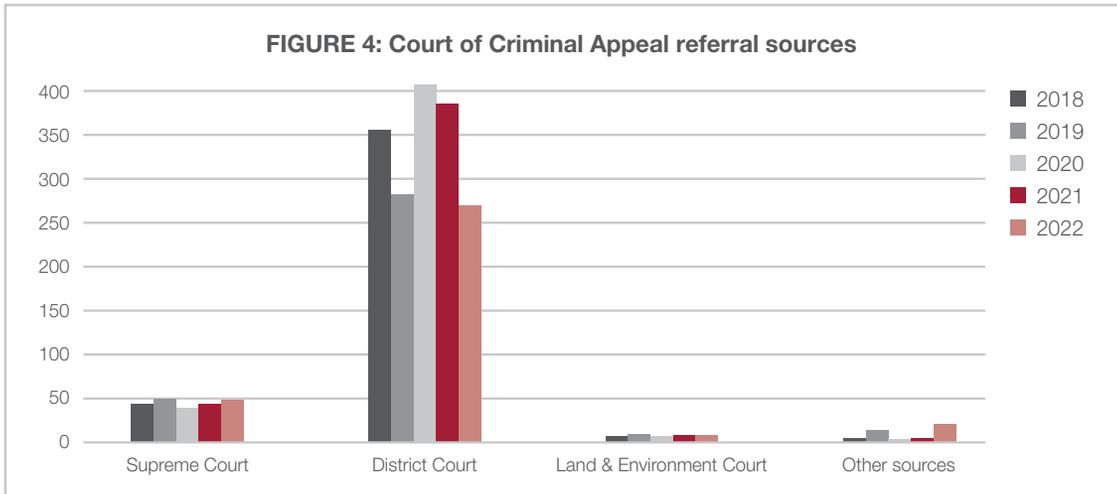
There are a number of grounds for appeal, including a challenge to a conviction involving a question of law. The Court of Criminal Appeal may also grant leave to appeal in matters involving questions of fact or mixed questions of fact and law. It may also grant leave to appeal in cases where the severity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

STATISTICS

| | 2021 | 2022 | Variance |
|-----------|------|------|-------------|
| Filings | 442 | 346 | -22% |
| Disposals | 416 | 375 | -10% |
| Pending | 221 | 192 | -13% |

Figure 4 illustrates the sources of new filings between 2018 and 2022.



Out of the 346 new cases, the majority were appeals against severity of sentence, totalling 157 cases (14 of which were filed by the Crown), 116 were appeals against conviction, 33 were appeals against interlocutory judgments, 12 were bail reviews and 28 were cases of other types.

In 2022, the percentage of conviction appeals increased to 34 percent, up from 26 percent in 2021. Conviction appeals are generally more intricate and require lengthier hearings compared to appeals against severity of sentence alone.

There were 375 final disposals in 2022, which occurred by the following methods:

- **Judgment** following a substantive hearing – 82 percent
- **Abandonment or Withdrawal** of an appeal prior to hearing – 9 percent
- **Dismissal or other** disposal methods- 9 percent

Figures 5 and 6 illustrate Court of Criminal Appeal’s achievements against national benchmarks for age of cases at finalisation. The Court of Criminal Appeal continues to rapidly finalise cases, known for being amongst the most timely courts nationally. At the end of 2022, national benchmarks for both categories were either met or exceeded, with 91.5 percent of cases finalised under 12 months and 100 percent of cases finalised under 24 months.

FIGURE 5: Court of Criminal Appeal – cases finalised in less than 12 months

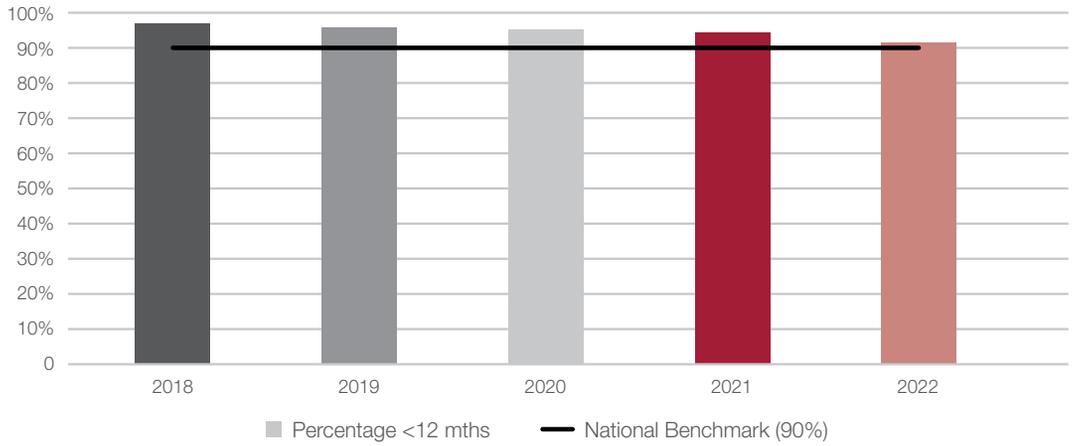
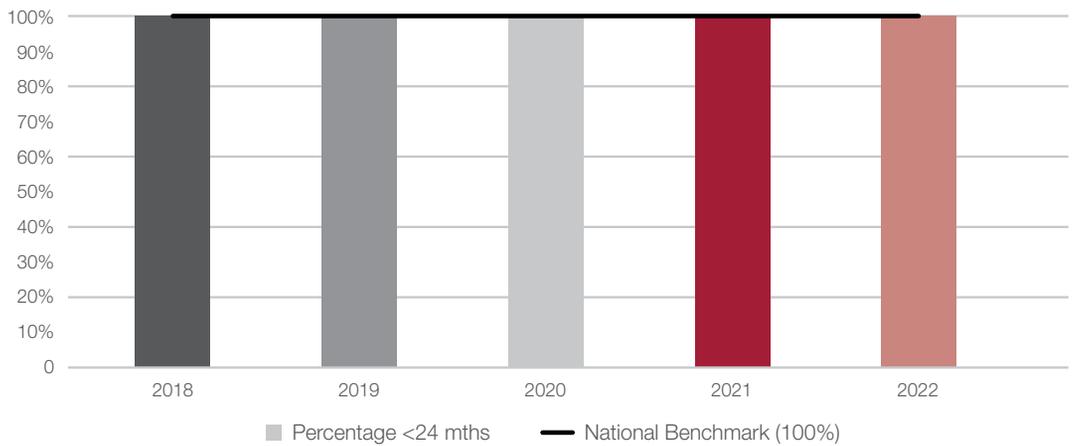


FIGURE 6: Court of Criminal Appeal – cases finalised in less than 24 months



| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------------|------------|------------|------------|------------|
| COURT OF CRIMINAL APPEAL⁹ | | | | | |
| Filings (net new cases) | 411 | 355 | 457 | 442 | 346 |
| Appeals against conviction | 108 | 101 | 126 | 114 | 116 |
| Appeals against sentence ¹⁰ | 265 | 206 | 289 | 253 | 157 |
| Appeals against interlocutory judgments | 19 | 20 | 24 | 35 | 33 |
| Bail reviews | 12 | 13 | 9 | 19 | 12 |
| Other Appeals | 7 | 15 | 9 | 21 | 28 |
| Disposals (final disposals) | 368 | 373 | 417 | 416 | 375 |
| Appeals against conviction | 85 | 100 | 109 | 118 | 105 |
| Appeals against sentence | 248 | 231 | 266 | 232 | 197 |
| Appeals against interlocutory judgments | 20 | 12 | 28 | 29 | 38 |
| Bail reviews | 10 | 15 | 12 | 20 | 18 |
| Other Appeals | 5 | 15 | 2 | 17 | 17 |
| Pending cases at 31 December | 173 | 155 | 195 | 221 | 192 |
| Appeals against conviction | 55 | 61 | 78 | 75 | 85 |
| Appeals against sentence | 110 | 84 | 108 | 129 | 89 |
| Appeals against interlocutory judgments | 1 | 8 | 4 | 10 | 6 |
| Bail reviews | 3 | 2 | 2 | 2 | 3 |
| Other Appeals | 4 | 0 | 3 | 5 | 9 |

TIMELINESS – AGE OF PENDING CASES AT 31 DECEMBER¹¹

| Number pending (% of total) | National standard ¹² | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|---------------------------------|---------------|---------------|--------------|---------------|---------------|
| Cases within 12 months of age | 90% | 169 (98%) | 150 (97%) | 189 (97%) | 215 (97%) | 183 (95%) |
| Cases within 24 months of age | 100% | 173 (100%) | 155 (100%) | 194 (99%) | 221 (100%) | 192 (100%) |

⁹ These statistics exclude appeals from decisions of the NSW State Parole Authority.

¹⁰ Includes Crown Appeals.

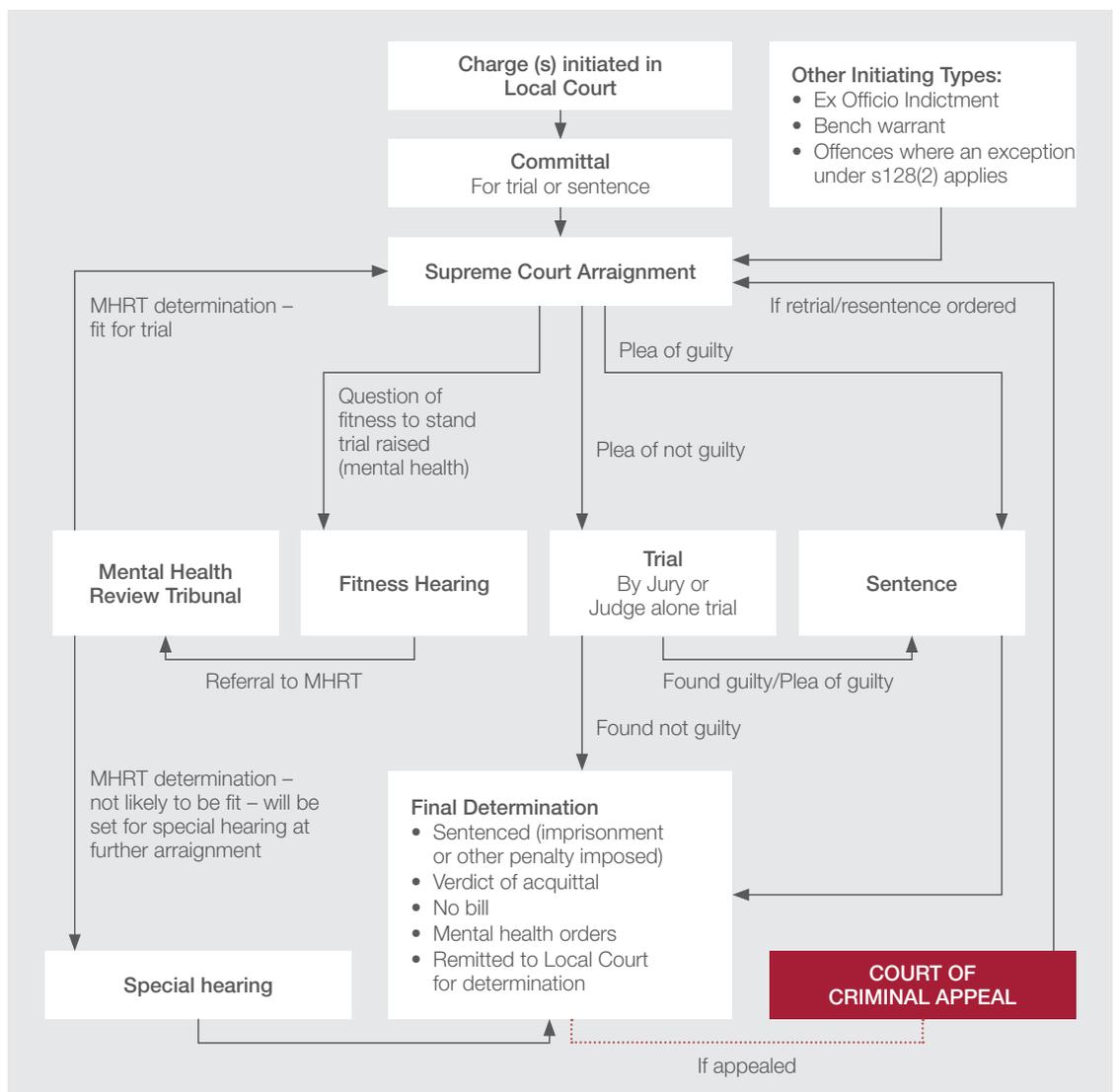
¹¹ Age of cases includes time taken to deal with any associated application for leave to appeal. The age of cases is impacted by factors outside of the Court's control, such as the time taken to complete relevant cases in other courts/tribunals or interlocutory appeals, time taken by external agencies/individuals to prepare essential reports, and time occupied by trials that result in a hung jury.

¹² 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 broad 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.

How criminal matters are dealt with at the Supreme Court

The Supreme Court of NSW deals with the following offences on Indictment:

- Murder
- Terrorism
- Treason / Treachery
- Any offence for which the maximum penalty is life imprisonment, and the Director has formed the opinion that the imposition of a life sentence may be appropriate.
- Offences where an exception under s128(2) of the Criminal Procedure Act is approved by Chief Justice of the Supreme Court



Common Law: Criminal Division

About the Division

The Common Law Criminal Division hears 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

| | 2021 | 2022 | Variance |
|-----------|------|------|----------|
| Filings | 83 | 85 | 2% |
| Disposals | 88 | 90 | 1% |
| Pending | 129 | 124 | -4% |

Out of 85 new filings, 80 matters were prosecuted by the NSW Office of the Director of Public Prosecutions, with 76 of these involving charges of homicide. The remaining five cases were prosecuted by the Office of the Commonwealth Director of Public Prosecutions.

- 61 were given listings for trials, five of these were judge-alone trials
- 5 were listed for fitness hearings (to deal with the question of the defendant's capacity to stand trial)
- 19 entered a plea of guilty: 15 at arraignment and four before or during trial

In 2022, there was a notable increase in the number of trials and defendants compared to the previous year, which saw a lower number of trials due to the Covid-19 pandemic. A total of 71 trials took place involving 86 defendants, while in 2021, there were 55 trials involving 52 defendants. Among the defendants, 10 had multiple trials during 2022, which was proportionate to the number of defendants with additional trials in 2021. In addition to trials, three Fitness Hearings and one Special Hearing took place in 2022, a similar number to 2021 where four Special Hearings and one Fitness Hearing occurred.

The longest trial to take place in 2022 spanned over 34 weeks and remained ongoing into 2023. There were 13 trials that ran for eight weeks or longer. Trial time has increased since 2021, with the longest trial in 2021 spanning 16 weeks and three trials that ran for eight weeks or longer. The average trial length during 2022 was five weeks, almost double the 2021 average of 2.7 weeks. It is important to note that these statistics pertain to the duration of the trial itself and does not include other stages of the criminal process, such as arraignment, pre-trial hearings and sentencing.

The Court prepared and handed down 52 sentences during 2022, compared with 64 during 2021.

There were 90 final disposals in 2022, which occurred by the following methods:

- **Judgment** following hearing (sentence/acquittal) - 82 percent
- **Referral/transfer** to other court/tribunal - 12 percent
- **Other** disposal methods - six percent

Figures 7 and 8 illustrate the Criminal Division’s performance against national benchmarks for age of cases at finalisation. In 2022, 25 percent of cases were finalised within 12 months, falling below the national benchmark of 90 percent. 73 percent of cases were finalised within 24 months, falling short of the national benchmark of 100 percent.

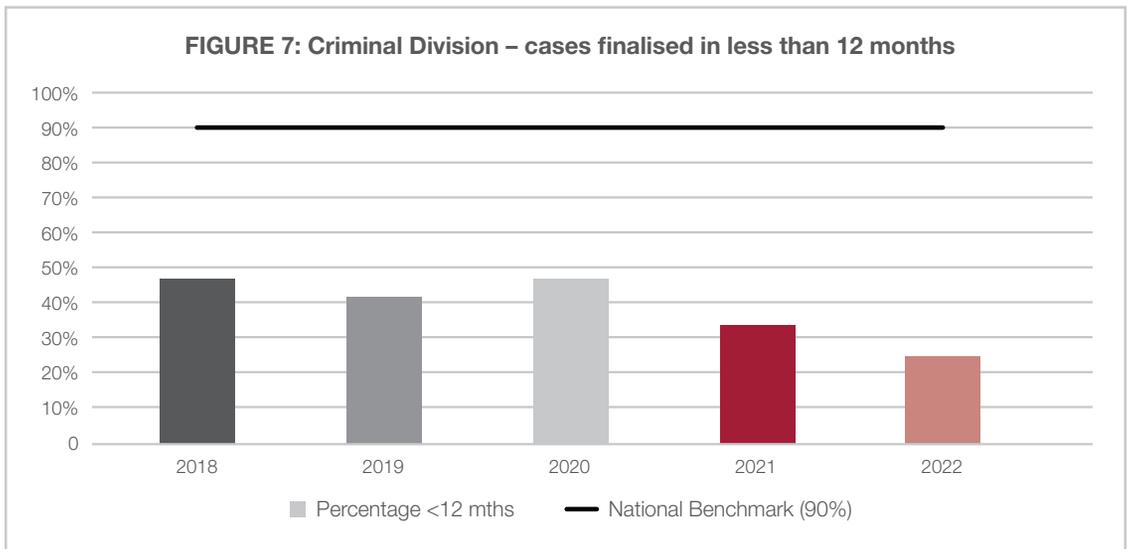
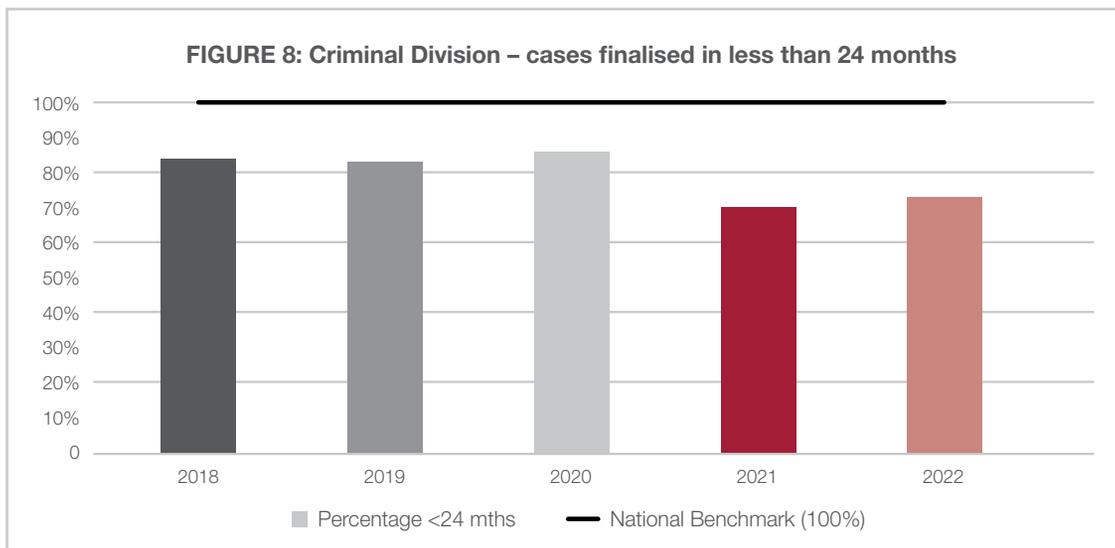


FIGURE 8: Criminal Division – cases finalised in less than 24 months



When considering the Court’s performance against the national benchmarks it is important to note that almost all matters presented to this Court are for the most serious category of indictable offences, whereby a life sentence may be imposed. In contrast, the criminal lists of other Australian supreme courts routinely deal with a broader range of offences that include shorter maximum sentences. The national timeliness benchmark of 12 months from committal to sentencing is therefore a challenging target for this Court.

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.

| | 2021 | 2022 | Variance |
|-----------|-------|-------|----------|
| Filings | 2,173 | 2,235 | 3% |
| Disposals | 2,126 | 2,276 | 7% |
| Pending | 226 | 163 | -28% |

Release applications made up 92 percent of bail applications lodged in 2022, as compared to 86 percent in 2021. The remaining applications were for variation of bail and detention applications, lodged by the Crown.

During 2022, 24 percent of disposals were as a result of the applicant withdrawing the application before or at the scheduled hearing, as compared with 19 percent in 2021.

For cases that were finalised by a determinative outcome (bail granted, refused or varied) during 2022:

- 22 percent were finalised within 20 days of lodgment of an application - an increase in time when compared to 2021 (26 percent)
- 27 percent were finalised within 25 days of lodgment of an application - an increase in time when compared to 2021 (32 percent)
- 28 percent were finalised within 32 days of lodgment of an application - an increase in time when compared to 2021 (46 percent)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|-------|-------|-------|-------|-------|
| COMMON LAW CRIMINAL DIVISION¹³ | | | | | |
| Filings (net new cases) ¹⁴ | 93 | 103 | 112 | 82 | 85 |
| Disposals (final disposals) ¹⁵ | 99 | 106 | 88 | 88 | 89 |
| Pending cases at 31 December | 113 | 110 | 134 | 128 | 124 |
| BAILS LIST¹⁶ | | | | | |
| Filings (net new cases) | 4,557 | 2,643 | 2,034 | 2,173 | 2,235 |
| Disposals (final disposals) | 4,359 | 3,418 | 1,999 | 2,126 | 2,276 |
| Pending cases at 31 December | 919 | 144 | 179 | 226 | 163 |

TIMELINESS – AGE OF PENDING CRIMINAL CASES AT 31 DECEMBER¹⁷

| Number pending (% of total) | National standard ¹⁸ | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|---------------------------------|--------------|-------------|--------------|--------------|--------------|
| Cases within 12 months of age | 90% | 61 (54%) | 74 (67%) | 82 (61%) | 69 (54%) | 70 (56%) |
| Cases within 24 months of age | 100% | 107 (95%) | 97 (88%) | 119 (89%) | 115 (90%) | 104 (84%) |

¹³ 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.

¹⁴ 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).

¹⁵ 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.

¹⁶ 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.

¹⁷ Statistics exclude bail applications.

Common Law: **Civil Division**

About the Division

The Common Law Civil Division deals with serious personal injury and contractual matters, in which the Court has unlimited jurisdiction.

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, claims for possession (excluding land), 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:** Established in 2018, this list provides case management for urgent matters relating to the *Crimes (High Risk Offenders) Act 2006*.
- **Possession of Land list:** deals with all proceedings claiming possession of land.
- **Proceeds of Crime list**
- **Professional Negligence list:** deals with claims against medical practitioners, allied health professionals (such as dentists, chemists, and physiotherapists), hospitals, solicitors, and barristers.

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 all 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
- Cases that do not require case management- such as uncontested cases proceeding to default judgment, and the miscellaneous applications dealt with administratively by Registrars and registry officers

STATISTICS

| | 2021 | 2022 | Variance |
|-----------|-------|-------|----------|
| Filings | 2,980 | 3,586 | 20% |
| Disposals | 2,627 | 3,018 | 15% |
| Pending | 3,253 | 3,813 | 17% |

In 2022, there were 2,094 contested case filings, a 13 percent increase from 2021. Increases in filing numbers were most notable in the Common Law General default list (58 percent), Possession list (49 percent) and Common Law General list (25 percent). Decreased numbers in filings were noted in the Administration list (43 percent), Professional Negligence list (13 percent) and Miscellaneous list (8 percent).

Consequently, there were mirrored increases in disposals, most notably in the Possession list (29 percent), Common Law General list (19 percent) and Professional Negligence list (15 percent). The total of 3,018 disposals included 1,782 matters which were either contested or case managed, an increase of 12 percent from 2021 (1,577).

Of the 1,236 uncontested cases, 371 Miscellaneous applications were actioned and closed, and the remainder of cases were disposed of by the following methods:

- **Dismissal** for inactivity – 43 percent
- **Default judgment** – 41 percent
- **Other** disposal methods- 16 percent

Similar to filings and disposals, the pending contested caseload increased in 2022 by 13 percent from 2,602 to 2,951, consequently increasing demand for case management directions and hearings in 2023. The uncontested caseload rate significantly increased by 32 percent, from 652 in 2021 to 862 in 2022.

Figures 9 and 10 illustrate the Common Law Civil Division's performance against national benchmarks for age of cases at finalisation. In 2022, 64 percent of cases were finalised within 12 months, falling below the national benchmark of 90 percent. 85 percent of cases were finalised within 24 months, falling short of the national benchmark of 100 percent. While the national benchmarks were not met, timeliness of finalisation has improved since 2021.

FIGURE 9: Common Law Civil Division – cases finalised in less than 12 months

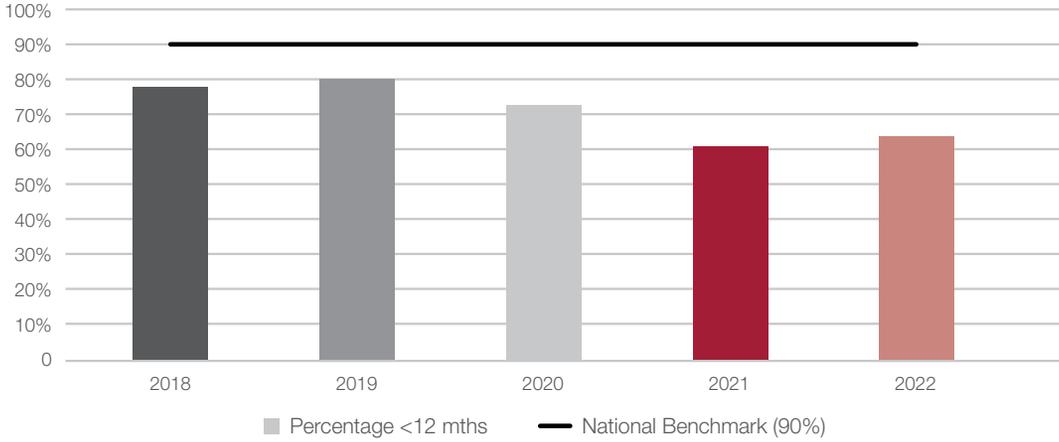
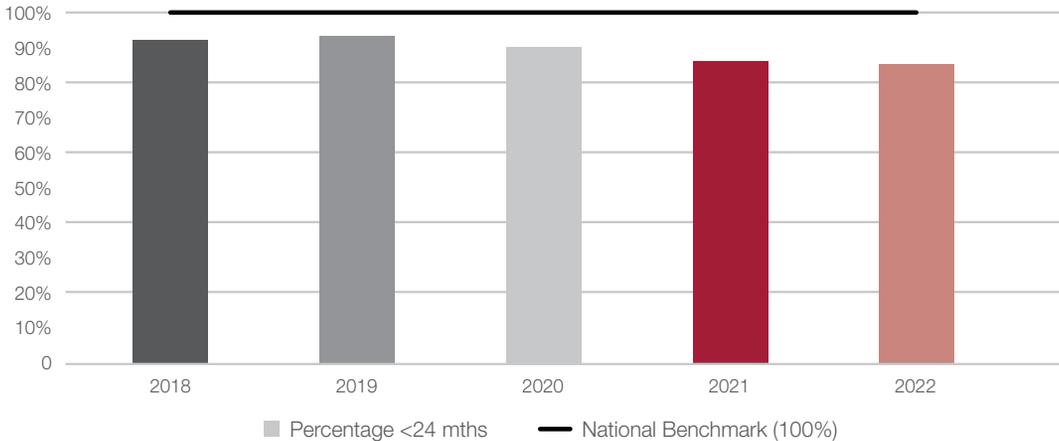


FIGURE 10: Common Law Civil Division – cases finalised in less than 24 months



Identical to 2021, there were 1,196 matters listed during 2022 for a hearing of either the substantive issues or lengthy interlocutory issues (see **Figure 11**). Of the matters listed, 708 proceeded to hearing, 342 settled after being listed for hearing, 142 matters were vacated and four were not reached.¹⁹

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-----------------------------------|-------|-------|-------|-------|-------|
| COMMON LAW CIVIL DIVISION | | | | | |
| Common Law General List | | | | | |
| Filings | 1,131 | 1,285 | 1,174 | 1,322 | 1,678 |
| Contested claims | 573 | 692 | 722 | 896 | 1,186 |
| personal injury | 443 | 533 | 586 | 742 | 1,028 |
| other claims | 130 | 159 | 136 | 154 | 158 |
| Uncontested claims | 215 | 237 | 113 | 93 | 147 |
| Other summons cases ²⁰ | 343 | 356 | 339 | 333 | 345 |
| Disposals | 1,009 | 1,061 | 1,096 | 1,081 | 1,274 |
| Contested claims | 506 | 552 | 603 | 694 | 891 |
| personal injury | 353 | 392 | 439 | 528 | 709 |
| other claims | 153 | 160 | 164 | 166 | 182 |
| Uncontested claims | 153 | 177 | 121 | 64 | 60 |
| Other summons cases | 350 | 332 | 372 | 323 | 323 |
| Pending cases at 31 December | 1,147 | 1,345 | 1,410 | 1,648 | 1,982 |
| Contested claims | 913 | 1,083 | 1,254 | 1,488 | 1,763 |
| personal injury | 677 | 828 | 979 | 1,188 | 1,438 |
| other claims | 236 | 255 | 275 | 300 | 325 |
| Uncontested claims | 105 | 112 | 40 | 31 | 68 |
| Other summons cases | 129 | 150 | 116 | 129 | 151 |
| Administrative Law List | | | | | |
| Filings | 155 | 115 | 97 | 142 | 99 |
| Disposals | 132 | 141 | 129 | 102 | 121 |
| Pending cases at 31 December | 100 | 78 | 46 | 90 | 68 |

¹⁹ 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.

²⁰ Other summons cases may include contested matters.

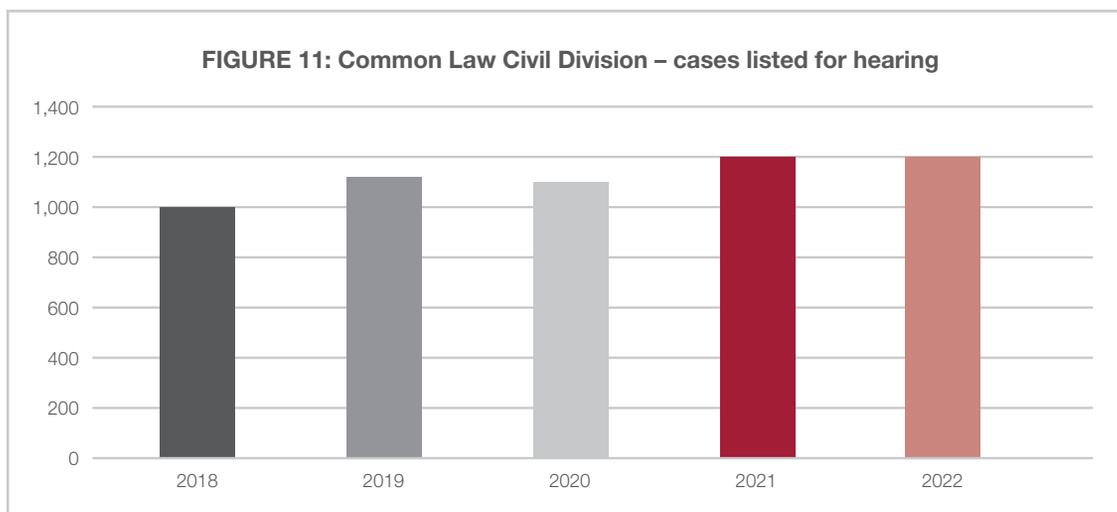
| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------------|-------|-------|-------|------|------|
| Defamation List | | | | | |
| Filings | 39 | 11 | 14 | 11 | 7 |
| Disposals | 61 | 53 | 24 | 13 | 11 |
| Pending cases at 31 December | 65 | 24 | 14 | 11 | 8 |
| High Risk Offender List | | | | | |
| Filings | 32 | 54 | 47 | 52 | 50 |
| Disposals | 18 | 60 | 37 | 51 | 55 |
| Pending cases at 31 December | 14 | 22 | 32 | 33 | 28 |
| Possession List²¹ | | | | | |
| Filings | 1,236 | 1,501 | 616 | 710 | 1061 |
| Disposals | 1,207 | 1,292 | 1,088 | 664 | 856 |
| Contested | 46 | 68 | 70 | 82 | 51 |
| Uncontested | 1,161 | 1,224 | 1,018 | 582 | 805 |
| Pending cases at 31 December | 848 | 1,046 | 574 | 627 | 827 |
| Contested | 67 | 83 | 78 | 45 | 52 |
| Uncontested | 781 | 963 | 496 | 582 | 775 |
| Proceeds of Crime List | | | | | |
| Filings | 123 | 146 | 124 | 117 | 123 |
| Disposals | 110 | 108 | 112 | 95 | 81 |
| Pending cases at 31 December | 215 | 255 | 267 | 289 | 330 |
| Professional Negligence List | | | | | |
| Filings | 214 | 214 | 263 | 266 | 232 |
| Disposals | 173 | 199 | 244 | 217 | 249 |
| Pending cases at 31 December | 420 | 445 | 465 | 516 | 551 |
| Miscellaneous List | | | | | |
| Filings | 634 | 500 | 445 | 360 | 335 |
| Disposals | 535 | 564 | 401 | 404 | 371 |
| Pending cases at 31 December | 128 | 49 | 92 | 39 | 19 |

²¹ 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.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|-------|-------|-------|-------|-------|
| COMMON LAW CIVIL DIVISION TOTALS | | | | | |
| Filings | 3,565 | 3,826 | 2,780 | 2,980 | 3,585 |
| Disposals | 3,241 | 3,478 | 3,131 | 2,627 | 3,018 |
| Pending cases at 31 December | 2,950 | 3,264 | 2,900 | 3,253 | 3,813 |

TIMELINESS – AGE OF PENDING CASES AT 31 DECEMBER²²

| Number pending (% of total) | National standard ²³ | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|---------------------------------|----------------|----------------|----------------|----------------|----------------|
| Cases within 12 months of age | 90% | 2,055 (70%) | 2,218 (68%) | 1,638 (56%) | 1,917 (59%) | 2,435 (64%) |
| Cases within 24 months of age | 100% | 2,549 (86%) | 2,793 (86%) | 2,374 (82%) | 2,643 (81%) | 3,196 (84%) |



²² 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 broad range of civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.

²³ 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 broad 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

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.
- **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

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

| | 2021 | 2022 | Variance |
|-----------|-------|-------|----------|
| Filings | 3,739 | 3,603 | -4 |
| Disposals | 3,717 | 3,497 | -6 |
| Pending | 2,928 | 3,048 | 4 |

There was a notable increase in filings for contentious Probate matters (13 percent) and the Protective list (9 percent). Significant decreases in filing numbers were particularly apparent in the Real Property list (28 percent), Adoptions list (12 percent) and Corporations list (9 percent).

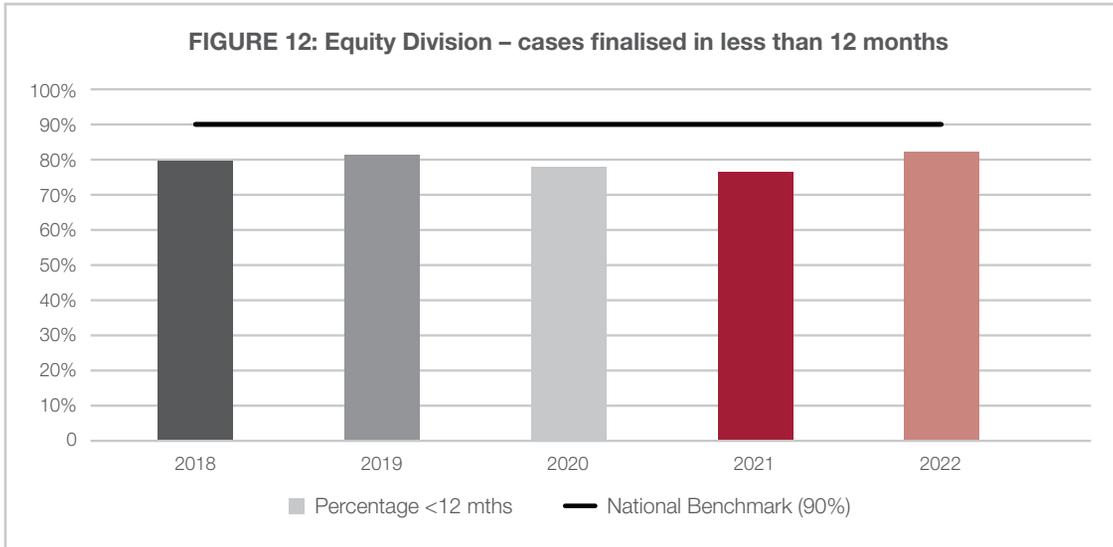
Reflective of the decrease in filings, disposals decreased in the same lists; Corporations list (16 percent), Real Property list (15 percent) and Adoptions list (9 percent). Significant increases in disposal numbers were most notable in the Protective list (47 percent) and contentious Probate list (8 percent). Of the 3,497 disposals in 2022, 578 cases that had a least one listing for hearing.

Whilst both filings and disposals decreased, the pending caseload grew by four percent in 2022, with increases in the Corporations list (27 percent), Family Provision list (10 percent) and Technology and Construction list (10 percent).

Figures 11 and 12 illustrate the Equity Division's performance against national benchmarks for age of cases at finalisation. In 2022, 82 percent of cases were finalised within 12 months, falling below the national benchmark of 90 percent. 97 percent of cases were finalised within 24 months, just under the national benchmark of 100 percent. While the national benchmarks were not met, timeliness of finalisation has improved since 2021.



FIGURE 12: Equity Division – cases finalised in less than 12 months



UNCONTESTED PROBATE

The Court's registrars manage uncontested probate applications. These are the applications for grants of probate or letters of administration, or for reseal of probate grants made outside NSW.

| | 2021 | 2022 | Variance |
|-----------|--------|--------|-----------|
| Filings | 26,663 | 30,305 | 14 |
| Disposals | 25,250 | 25,945 | 3 |
| Pending | 3,180 | 9,108 | 35 |

There was a significant increase in filings in 2022, the highest number seen in over 10 years. Of the applications:

- 27,157 were for grants of probate
- 2,755 were for grants of letters of administration
- 392 were for reseals of probate granted elsewhere
- 1 was special letter of administration

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------------|------|-------|------|------|------|
| EQUITY DIVISION²⁵ | | | | | |
| Admiralty List | | | | | |
| Filings | 0 | 3 | 2 | 0 | 0 |
| Disposals | 2 | 2 | 0 | 1 | 1 |
| Pending cases at 31 December | 0 | 1 | 4 | 2 | 1 |
| Adoptions List²⁶ | | | | | |
| Filings | 242 | 224 | 185 | 178 | 157 |
| Disposals | 273 | 226 | 178 | 175 | 159 |
| Pending cases at 31 December | 63 | 60 | 67 | 70 | 68 |
| Commercial List | | | | | |
| Filings | 196 | 171 | 213 | 168 | 147 |
| Disposals | 184 | 180 | 189 | 166 | 171 |
| Pending cases at 31 December | 222 | 221 | 248 | 247 | 230 |
| Commercial Arbitration List | | | | | |
| Filings | 1 | 1 | 1 | 2 | 7 |
| Disposals | 6 | 1 | 1 | 3 | 4 |
| Pending cases at 31 December | 1 | 2 | 1 | 0 | 3 |
| Corporations List | | | | | |
| Filings | 860 | 1,211 | 651 | 769 | 699 |
| Judges' list | 172 | 205 | 232 | 215 | 185 |
| Registrar's list | 688 | 1,006 | 419 | 554 | 514 |
| Disposals | 883 | 1,188 | 759 | 762 | 641 |
| Judges' list | 184 | 251 | 231 | 262 | 211 |
| Registrar's list | 699 | 937 | 528 | 500 | 430 |

²⁵ 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.

²⁶ All application types are counted in the Adoptions List, including information applications.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------------------|------|------|------|------|------|
| Pending cases at 31 December | 338 | 372 | 260 | 272 | 346 |
| Judges' list | 154 | 148 | 171 | 157 | 165 |
| Registrar's list | 184 | 224 | 89 | 115 | 181 |

| Equity General List | | | | | |
|------------------------------|-------|-------|-------|-------|-------|
| Filings | 1,815 | 1,636 | 1,711 | 1,608 | 1,642 |
| Family provision cases | 962 | 878 | 880 | 872 | 897 |
| Other cases | 853 | 758 | 831 | 736 | 745 |
| Disposals | 1,910 | 1,724 | 1,719 | 1,680 | 1,589 |
| Family provision cases | 1,044 | 914 | 886 | 895 | 866 |
| Other cases | 866 | 810 | 833 | 785 | 723 |
| Pending cases at 31 December | 1,417 | 1,315 | 1,337 | 1,266 | 1,276 |
| Family provision cases | 470 | 417 | 412 | 381 | 419 |
| Other cases | 947 | 898 | 925 | 885 | 857 |

| Protective List | | | | | |
|-------------------------------------|-----|-----|----|----|-----|
| Applications | 102 | 123 | 87 | 85 | 93 |
| Disposals | 101 | 116 | 96 | 73 | 107 |
| Pending applications at 31 December | 46 | 51 | 42 | 54 | 40 |

| Real Property List | | | | | |
|------------------------------|-----|-----|-----|-----|-----|
| Filings | 409 | 382 | 404 | 403 | 314 |
| Disposals | 388 | 366 | 356 | 382 | 325 |
| Pending cases at 31 December | 310 | 333 | 369 | 385 | 397 |

| Revenue List | | | | | |
|-------------------------------------|----|----|----|----|----|
| Filings | 24 | 14 | 10 | 9 | 11 |
| Disposals | 27 | 22 | 16 | 13 | 8 |
| Pending applications at 31 December | 26 | 18 | 14 | 10 | 13 |

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|
| Technology and Construction List | | | | | |
| Filings | 163 | 178 | 249 | 221 | 195 |
| Disposals | 130 | 145 | 134 | 155 | 161 |
| Pending cases at 31 December | 229 | 266 | 388 | 459 | 504 |

| | | | | | |
|---|-----|-----|-----|-----|-----|
| Probate (Contentious Matters) List | | | | | |
| Filings | 317 | 310 | 291 | 296 | 338 |
| Disposals | 303 | 308 | 374 | 307 | 331 |
| Pending cases at 31 December | 255 | 257 | 174 | 167 | 170 |

| EQUITY DIVISION TOTALS | | | | | |
|-------------------------------------|--------------|--------------|--------------|--------------|--------------|
| Filings | 4,128 | 4,253 | 3,804 | 3,739 | 3,603 |
| Disposals | 4,204 | 4,278 | 3,822 | 3,717 | 3,497 |
| Pending cases at 31 December | 2,909 | 2,896 | 2,904 | 2,932 | 3,048 |

TIMELINESS – AGE OF PENDING CASES AT 31 DECEMBER²⁷

| Number pending (% of total) | National standard ²³ | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|---------------------------------|----------------|----------------|----------------|----------------|----------------|
| Total number of cases pending | | 2,909 | 2,896 | 2,904 | 2,932 | 3,048 |
| Cases within 12 months of age | 90% | 1,950 (67%) | 1,871 (65%) | 1,855 (64%) | 1,745 (60%) | 1,838 (60%) |
| Cases within 24 months of age | 100% | 2,531 (87%) | 2,497 (86%) | 2,439 (84%) | 2,422 (83%) | 2,476 (81%) |

UNCONTESTED PROBATE ²⁸

| Probate (Grant Applications) | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------------------|--------|--------|--------|--------|--------|
| Filings | 26,538 | 27,438 | 26,661 | 26,663 | 30,305 |
| Disposals | 27,121 | 25,411 | 27,845 | 25,250 | 25,945 |
| Pending cases at 31 December | 2,378 | 3,529 | 2,401 | 3,180 | 9,108 |

²⁷ Statistics exclude uncontested probate matters.

²⁸ 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

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.

Since 2014, in addition to its long-standing court-annexed mediation program, judicial settlement conferences have been used in family provision cases where the estate is valued at less than \$500,000 or when the parties jointly request one. These conferences are scheduled to occur at an early stage of case management to encourage settlement as soon as possible and minimise litigation costs. Judicial settlement conferences have reduced the number of cases utilising court-annexed mediation, and this should be noted when interpreting statistics concerning the Court's use of mediation.

During 2022, there were an estimated 4,985 civil cases filed for which mediation was considered generally applicable. This is an increase of four percent from the estimated 4,807 cases filed during 2021.

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 filings for cases where mediation is considered to be generally applicable. The mediation referral index in 2022 was 19.7 percent, a decrease from 22.9 percent in 2021.

The number of court-annexed mediation listings decreased by 19 percent, from 281 in 2021 to 228 in 2022. Overall, the registry recorded a total number of 984 referrals to mediation (court-annexed or private), an 11 percent decrease from the 2021 total of 1,103 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.²⁹

Court-annexed mediations are conducted by Supreme Court registrars who are additionally qualified as mediators. Of the 228 cases listed for court-annexed mediation during the year, 18 cases did not proceed to their allotted mediation session. Of the 210 cases that proceeded to a court-annexed mediation session, the settlement rate was 39 percent, a slight decrease from the rate in 2021. 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 27 percent of cases were recorded as 'still negotiating' at the close of the mediation session, and many of those are likely to have settled subsequently.³⁰ There are no statistics on settlement rates for cases referred for private mediation.

²⁹ In cases where a referral order has not been made.

³⁰ Statistics for the court-annexed mediations are collated independently of the JusticeLink system.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------------|------------|------------|------------|------------|
| Court-annexed mediations listed³¹ | | | | | |
| Total | 428 | 487 | 348 | 281 | 228 |
| Common Law Division | 29 | 31 | 29 | 31 | 32 |
| Equity Division – not probate cases | 344 | 375 | 283 | 237 | 189 |
| Equity Division – probate cases | 55 | 80 | 36 | 12 | 5 |
| Court of Appeal | 0 | 1 | 0 | 1 | 2 |
| Percentage settled at mediation | 47% | 41% | 42% | 40% | 39% |
| Referrals to mediation | | | | | |
| Total referrals recorded ³² | 1,169 | 1,533 | 1,182 | 1,103 | 984 |
| Mediation referral index | 24.7% | 33.0% | 24.8% | 22.9% | 19.7% |

³¹ 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.

³² 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.

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.

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 2023 law term, delays improved across all areas with the exception of Court of Appeal. Delays for listings in the Equity Division significantly improved, as did listings within the Court of Criminal Appeal.

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|---------------|----------------|----------------|---------------|---------------|
| COURT OF APPEAL ³³ | 1.7 months | 1.8 months | 2.0 months | 1.9 months | 2.2 months |
| COURT OF CRIMINAL APPEAL ³⁴ | 3.0 months | 3.4 months | 5.4 months | 6.3 months | 4.0 months |
| COMMON LAW DIVISION | | | | | |
| Criminal List ³⁵ | 6.5 months | 5.0 months | 4.2 months | 4.6 months | 4.0 months |
| Civil lists ³⁶ | 6.0 months | 12.5 months | 10.3 months | 6.9 months | 4.0 months |
| Bails List ³⁷ | 2 weeks | 2 weeks | 3 weeks | 3 weeks | 3 weeks |
| EQUITY DIVISION ³⁸ | 6.0 months | 6.7 months | 6.3 months | 3.0 months | 1.3 months |
| MEDIATIONS | 5 weeks | 6 weeks | 4 weeks | 4 weeks | 4 weeks |

³³ 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.

³⁴ Delay for appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.

³⁵ Delay for matters requiring at least four weeks of trial time.

³⁶ Delay for matters requiring up to five days of hearing time.

³⁷ The delay refers to the time between lodgment of an application and the first group of available hearing dates. Prior to 2019, this statistic only captured applications for adults receiving public funding. From June 2019, it refers to all adult applications requiring a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.

³⁸ 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 2022 the CARC was chaired by Justice Brereton.

During 2022, 809 costs assessment applications were lodged. Of these, 423 (52 percent) related to costs between parties to costs orders; 115 (14 percent) were brought by clients against practitioners, and 268 (33 percent) were brought by practitioners to recover against clients. There were 103 reviews (13 percent).

COSTS ASSESSMENT APPLICATIONS

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------------------|-------------|-------------|-------------|------------|------------|
| Parties to costs orders | 601 | 580 | 550 | 457 | 423 |
| Clients against practitioners | 186 | 162 | 190 | 130 | 115 |
| Practitioners against clients | 395 | 442 | 429 | 258 | 268 |
| Reviews | 154 | 137 | 178 | 129 | 103 |
| Applications lodged | 1336 | 1321 | 1347 | 974 | 809 |

Law Courts **Library**

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

Legal authorities and accurate information are provided to support the timely and effective decision-making of the courts. In 2022, librarians answered over 847 requests from the Supreme Court, and 1,728 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, 2,306 Supreme Court (including Court of Appeal and Court of Criminal Appeal) decisions were published during 2022 on the NSW Caselaw website, which is managed and supported by the library. A total of 468 support requests were received, and 32 training sessions were provided for Supreme Court staff.

The experiences of the Law Courts Library during the lengthy 2021 COVID-19 lockdown and restrictions highlighted the importance of online legal publications, and clearly illustrated that not all legal publications required by judges are available online. 2022 saw a return to in-person services provided by library staff, and a continuation of online innovations developed during Covid restrictions, for example legal research training on demand videos for court staff in place of in person training. In 2022, 75 Supreme Court staff attended 27 training sessions in-person, and many others took advantage of the recorded videos.

The Law Courts Library faced significant challenges in 2022 with flooding in May which damaged part of the collection beyond repair. Two months later significant construction on the floor above required access from the library floor and dismantling of library shelves. Approximately two-thirds of the collection was inaccessibly packed in boxes for several months. Digital versions or loans from other court libraries took their place as during the Covid lockdown in 2021. All library services to the Supreme Court continued to be provided throughout the construction period.

The 2022 flood and construction provided the opportunity to reorganise the physical library collection to make the textbooks more browsable, and to mitigate risk by relocating irreplaceable volumes in the collection to shelves safe from potential water damage. Law Courts Library staff regarded the challenges as an opportunity to implement a planned and much-needed reorganisation.

Public information

A core objective of the Supreme Court's media unit is to support open justice by facilitating fair and accurate reporting of the cases that come before it.

Open justice

Journalists and judges have a shared belief in the principle of open justice, which is often traced to *Scott v Scott* [1913] AC 417. *Scott's Case* was a divorce matter held in closed court, but when the successful applicant disclosed the outcome of the trial, she was charged with contempt. Her appeal to the House of Lords was upheld. In the reasons for their decision, their lordships articulated the principle of open justice by quoting Jeremy Bentham: 'Publicity is the very soul of justice [and] the surest of all guards against improbity.' Later, in *In the Sussex Justices Case* (1924), Chief Justice Lord Hewart wrote: 'justice should not only be done but should manifestly and undoubtedly be seen to be done'.

Fair and accurate reporting

Journalists and the judiciary would agree that open justice is contingent upon 'fair and accurate reporting' by accredited journalists. Courts have long recognised that for many and varied reasons 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.

The clear and present risk is that prejudicial material can circulate rapidly online, in real time, and be accessible on a juror's mobile phone. Nowhere is this risk more apparent than in complex and serious criminal cases that come within the jurisdiction of the Supreme Court. Judges are concerned that a misstep by the media may cause a trial to be aborted, with all the attending cost to the public and the reputation of the criminal justice system. An errant publication may prejudice the right of the accused to a fair trial, cause a jury to be discharged, identify or endanger the life of protected or vulnerable witnesses.

Professional journalists understand their obligations, such as those under the Children (Criminal Proceedings) Act. 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. What is heard in court is often distinct from what is admitted as evidence. 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 facilitates fair and accurate reporting mainly through a reference service for more than 350 journalists who submit their enquiries to media@courts.nsw.gov.au. All enquiries are treated with the strictest confidence. The number of such enquiries increased steadily since 2018, peaking in 2021 at 6,500 before reducing to approximately 5,900 in 2022 (with 16,900 incoming emails).

Media enquiries are classified according to the following categories and, using the quantity of email received as a proxy for staff resources, the proportion of the total that each represents is provided in brackets.

| | |
|--|---|
| Case management (40 percent) | Requests for information which can facilitate accurate reporting and may include bail conditions, hearing dates, charges, age of the accused, spelling checks of counsel appearing witnesses, and jury empanelment dates. |
| Virtual Court (24 percent) | Requests for AVL links, updates and information during interruptions to the AVL feed (such as during hearings in closed court). |
| Access to documents (12 percent) | <p>Requests for access to documents in current matters such as victim impact statements, Crown case statements and bail bundles, agreed facts, and affidavits. These may extend to more complex requests, such as access to other documents in closed cases, often requiring a file to be retrieved from the Government Records Repository.</p> <p>All requests for access to documents on a court file are assessed in accordance with Practice Note SC Gen 2.</p> |
| Access to exhibits (7 percent) | Requests by television news organisations for access to CCTV or Police bodycam footage and ERISPs. |
| NPOs (8 percent) | Requests for information about the existence, currency or content of non-publication or suppression orders. |
| Requests to film (2 percent) | Requests to film high-profile judgments being delivered (e.g., <i>R v Dawson</i>), but may include requests by documentary makers to film in a courtroom. |
| Other (6 percent) | Requests for statistics or other requests, such as those relating to a different jurisdiction. |

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.

That said, as the media unit's own statistics show, the Virtual Courtroom presents occasional technical and procedural challenges, particularly where a matter must be heard in closed session, and currently these are resolved only through close cooperation and communication (most often via email) between journalists, the media unit and the judge's associate.

The Bicentenary of the Supreme Court

In May 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 Legislative Council of NSW, the Court will participate in a program of lectures, exhibitions, interviews, publications and open days, showcasing notable cases, the lives of the Chief Justices, important social and political developments and heritage buildings. This will culminate in a ceremonial sitting of the Court on 17 May 2024 and gala reception at Government House on 18 May 2024.

Priorities

A priority for the media unit in 2023 and 2024 will be to assist journalists to better plan and prepare for covering Supreme Court trials in the medium term, together with improved dissemination of information about Virtual Courtroom hearings and non-publication orders.



Admission to the legal profession

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 Robert 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 4 February and 12 December 2022, 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 2,865 Australian lawyers were admitted.

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

In 2022 the Court's nominees were the Hon. Justice Payne, the Hon. Justice Lindsay and Margaret Allars SC.

Legal Profession Admission Board Examinations Committee

SUPREME COURT MEMBERS DURING 2022

The Honourable Justice Hamill (Chair)

The Honourable Justice Darke

The Honourable Justice Peden

Legal Profession Admission Board Legal Qualifications Committee

SUPREME COURT MEMBERS DURING 2022

The Honourable Justice Robb (Chair)

The Honourable Justice Button

Legal Services Council Admissions Committee

SUPREME COURT MEMBERS DURING 2022

The Honourable Acting Justice Emmett AO (Chair)

The Honourable Justice Henry

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

Trans-Tasman admissions

The Supreme Court Registry liaises with the Legal Profession Admission Board in performing the task of managing applications from legal practitioners from New Zealand under the *Trans-Tasman Mutual Recognition Act 1997* (the Act).

In 2022, 61 New Zealand practitioners were enrolled under the Act.

| | |
|------|----|
| 2019 | 71 |
| 2020 | 35 |
| 2021 | 49 |
| 2022 | 61 |

Pro Bono **scheme**

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 2022, the Court made 25 referrals under the Scheme: one referral was made in a Court of Appeal case and 24 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 |

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.





3

APPENDICES



Appendix I

Supreme Court Committees

CHIEF JUSTICE'S EXECUTIVE COMMITTEE

The Chief Justice's Executive Committee was established in August 2011 to facilitate contemporaneous consideration and resolution of significant operational strategic issues. The Committee met weekly throughout 2022, except during periods when the Chief Justice was not available to hold a meeting.

Members

The Honourable Andrew Bell, Chief Justice (Chair)
The Honourable Justice Beech-Jones
The Honourable Justice Ward
Mr Chris D'Aeth, Executive Director and Principal Registrar

ALTERNATIVE DISPUTE RESOLUTION STEERING COMMITTEE

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

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

Members

The Honourable Justice Ward (Chair)
The Honourable Justice Hallen
The Honourable Justice Adams
Rebel Kenna, Director, Assistant Principal Registrar and Prothonotary

Ms Leonie Walton, Equity Registrar
Mr Nicholas Flaskas, Senior Deputy Registrar (Secretary)
Mr Ian Davidson SC (Bar Assoc rep)
Ms Mary Walker
Caroline Hutchinson (Coleman Greig Lawyers)

BICENTENARY PLANNING COMMITTEE

Members

The Honourable Andrew Bell, Chief Justice
The Honourable Justice Ward
The Honourable Justice Leeming
The Honourable Justice Kunc
The Honourable Justice Wright

BUILDING COMMITTEE

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

Members

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

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 Honourable Justice Basten (Chair)

The Honourable Justice Hoeben AM RFD
(until September)

The Honourable Justice Leeming

The Honourable Justice Payne

The Honourable Justice White

The Honourable Justice McCallum

The Honourable Justice Johnson

The Honourable Justice Harrison

The Honourable Justice Garling RFD

The Honourable Justice Black

The Honourable Justice Wright

Mr Chris D'Aeth, Executive Director and
Principal Registrar

Ms Una Doyle, Education Director,
Judicial Commission of NSW (Convenor)

INFORMATION TECHNOLOGY COMMITTEE

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

Members

The Honourable Justice Garling RFD (Chair)

The Honourable Justice Beech-Jones

The Honourable Justice Gleeson

The Honourable Justice Sackar

Mr Chris D'Aeth, Executive Director and
Principal Registrar

Nick Sanderson-Gough, Manager,
Court Operations & Communications

Ms Jane Mathison, Information & Digital Services

Mr Jay Huntley, Information & Digital Services

Mr Peter Xenos, Information & Digital Services

Mr Paul Falconer, Information & Digital Services

Ms Sal Austin, Director, Digital Reform Project
(CTSD)

JUDICIAL REMUNERATION COMMITTEE

Members

The Honourable Justice Rothman AM

The Honourable Justice Sackar

The Honourable Acting Justice Schmidt AM

MEDIA COMMITTEE

Members

The Honourable Justice Payne (Chair)

The Honourable Justice Lonergan

The Honourable Justice Rees

Supreme Court User and Liaison Groups

ADOPTIONS LIST USERS GROUP

Members

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

COMMERCIAL LIST USERS GROUP

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

Members

The Honourable Justice Hammerschlag (Chair)
The Honourable Justice Ward
The Honourable Justice Parker
The Honourable Justice Ball

The Honourable Justice Stevenson
Mr Mark Ashhurst SC, University Chambers
Mr Ziv Ben-Arie, Mills Oakley
Mr Tim Breakspear, Banco Chambers
Mr Graeme Johnson, Herbert Smith Freehills (Law Society rep)
Mr Malcolm Stephens, Allens (Law Society rep)
Mr Francis Hicks, Blackstone Chambers
Dr Ruth Higgins, Banco Chambers Ms Elisa Holmes, Eleven Wentworth
Mr David Jury, HWL Ebsworth Lawyers
Mr Nick Kidd SC, 7 Went Selborne Chambers
Mr Duncan Miller SC, 7 Went Selborne Chambers
Mr Robert Newlinds SC, Banco Chambers
Mr Peter Pether, King & Wood Mallesons
Ms Georgia Quick, Ashurst
Ms Nuala Simpson, 7 Wentworth Chambers
Dr Kristina Stern SC, 6 Selborne Chambers
Mr David Sulan, Banco Chambers
Ms Vanessa Whittaker, Banco Chambers

COMMON LAW CIVIL USERS GROUP

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

Members

The Honourable Justice Beech-Jones
The Honourable Justice Garling RFD
The Honourable Justice Fagan
Rebel Kenna, Director, Assistant Principal Registrar and Prothonotary
Ms Karen Jones, Common Law Case Management Registrar
Mr Peter Deakin KC, Sir James Martin Chambers

Mr Eugene Romaniuk SC, Jack Shand Chambers
Ms Lorna McFee, New South Wales Bar Association
Ms Kathleen Harris, Law Society New South Wales
Ms Ramina Kamar, Law Society New South Wales

CORPORATIONS LIST USERS GROUP

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

Members

The Honourable Justice Black
The Honourable Justice Rees
Ms Rebel Kenna, Director and Prothonotary
Ms Leonie Walton, Registrar, Equity
Mr Damian Allen (8 Windeyer Chambers)
Mr Charles Bavin (Hunt & Hunt)
Mr Andrew Carter (Ashurst)
Mr Miles K Condon SC (16th Floor Wardell Chambers)
Mr Doran Cook SC (Blackstone Chambers)
Mr Glen Cussen (Kemp Strang)
Mr Steven Golledge (3 St James Hall Chambers)
Ms Georgina Hayden (ASIC)
Mr Michael Hayter (Gillis Delaney)
Mr Ben Hely, Herbert Smith Freehills
Mr Luke Hastings, Herbert Smith Freehills
Mr Michael Hughes (Minter Ellison)
Aamena Hussein (Craddock Murray Neumann)
Mr Jim Johnson (Frederick Jordan Chambers)
Mr Roger D. Marshall SC (Ground Floor Wentworth Chambers)
Mr Khaled Metlej (Craddock Murray Neumann)
Mr David McCrostie (Turks Legal)
Mr Alexander Morris (Mallesons)

Mr Michael Murray (Insolvency Practitioners of Australia)
Mr Robert Newlinds SC (Banco Chambers)
Ms Denise North (Insolvency Practitioners of Australia)
Mr Malcolm Oakes SC (Tenth Floor Chambers)
Ms Maria O'Brien (Baker McKenzie)
Mr David Pritchard SC (3 St James Hall Chambers)
Mr David Stack (Blackstone Chambers)
Mr Jim Thomson (13 Wentworth Selborne Chambers)

COURT OF CRIMINAL APPEAL/CRIME USERS GROUP

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

Members

The Honourable Justice Hoeben AM RFD (Chair)
The Honourable Justice Johnson
The Honourable Justice R. A. Hulme
Mr Chris D'Aeth, Executive Director and Principal Registrar
Ms Rebel Kenna, Director and Prothonotary
Mr George Galanis, Registrar, Court of Criminal Appeal
Mr Phillip Ingram SC, Office of the Director of Public Prosecutions
Ms Ellen McKenzie, Commonwealth Director of Public Prosecutions
Ms Janet Witmer, Legal Aid Commission New South Wales
Ms Madeleine Schneider, Legal Aid Commission New South Wales

Ms Clair Wasley, Aboriginal Legal Services
New South Wales/Australian Capital Territory

Mr S. Odgers SC, New South Wales Bar Association

Ms Elizabeth Hall, District Court of New South Wales

Mr David Giddy, Law Society New South Wales

Ms Pam Olsoen, Senior Registrar, Local Court

EQUITY LIAISON GROUP

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

Members

The Honourable Justice Ward (Chair)

The Honourable Justice Slattery AM (Mil) RAN

Ms Leonie Walton, Registrar, Equity

Mr C. R. C. Newlinds SC

Mr Greg A. Sirtes SC

Ms Vanessa Whittaker SC

Mr M. Ashhurst SC

Mr M. K. Condon SC

Ms A. M. Kennedy

Mr J. K. Martin

Mr B. J. Miller

Ms P. G. Suttor

Mr Charles Alexander (Queens Square Chambers)

Mr Scott Baxter, Thompson Eslick Slrs
(Law Society rep)

Ms Sylvia Fernandez, Thomson Geer
(Law Society rep)

LAW COURTS LIBRARY ADVISORY COMMITTEE

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

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

Members

The Honourable Justice Basten

The Honourable Justice Macfarlan

The Honourable Acting Justice Emmett AO

POSSESSION LIST USERS GROUP

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

Members

The Honourable Justice Davies
Ms Rebel Kenna, Prothonotary and Director & Assistant Principal Registrar
Ms Karen Jones, Common Law Case Management Registrar
Ms Naomi Ubrihien, Manager Client Services
Mr Milio Cesta-Incani, Manager Listings
Mr Tim Sherrard, Dentons Australia
Mr Campbell Hudson, Dentons Australia
Mr Richard Lewin, Dentons Australia
Ms Danielle Kuti, Dentons Australia
Ms Emma Hodgman, Dentons Australia
Mr Gary Koning, Dentons Australia
Mr Rod Cameron, Hicksons
Mr Marc Rossi, Hicksons
Ms Alexandra Kelly, Financial Rights Legal Centre
Ms Amy Knox, Financial Rights Legal Centre
Ms Alice Lin, Financial Rights Legal Centre
Ms Lara Song, Financial Rights Legal Centre
Ms Nerida Walker, Legal Aid NSW
Ms Clarissa Mirarchi, Legal Aid NSW
Ms Sera Erikozu, Norton Rose Fulbright Australia
Ms Kate Cooper, Bransgroves
Mr Matthew Bransgrove, Bransgroves
Ms Sarah Elbarhoun, Bransgroves
Ms Christina Jabbour, Bransgroves
Ms Erin Couper, Bransgroves
Ms Vivienne Zheng, Bransgroves
Ms Caitilin Watson, Atkinson Vinden
Ms Nora Minassian, Thomson Geer
Ms Kimberley Wells, Thomson Geer
Ms Pip Nagam, Thomson Geer
Ms Lauren Hatton, Thomson Geer
Ms Khoterra Shaw, Thomson Geer
Ms Angela Gallichan, Hall & Wilcox

Ms Kathryn Brann, Summer Lawyers
Ms Debra Sweikert, Summer Lawyers
Mr Andrew Hack, Summer Lawyers
Ms Elisabeth McGready, Summer Lawyers
Ms Elizabeth Mead, Summer Lawyers
Ms Buse Harper, Summer Lawyers
Ms Sana Wais, Summer Lawyers
Ms Samantha Parsons, Summer Lawyers
Ms Zanne Lau, Summer Lawyers
Mr Nicholas Chrisp, Summer Lawyers
Mr Rhys Graham, Summer Lawyers
Mr Michael Rose, 9th Floor Wentworth Chambers
Ms Samantha Tang, Galilee Solicitors
Mr Simon Duke, Galilee Solicitors
Ms Katherine Joy, Galilee Solicitors
Ms Narmin Audish, Legalstream
Mr Matthew Pike, HWL Ebsworth
Ms Julie Talakovski, HWL Ebsworth
Mr Adam Young, HWL Ebsworth

PROBATE USERS GROUP

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

Members

The Honourable Justice Lindsay
The Honourable Justice Hallen
Mr Chris D'Aeth, Executive Director and Principal Registrar
Ms Rebel Kenna, Director and Prothonotary
Ms Louise Brown, Senior Deputy Registrar
Mr Jonathan Simpkins SC

Mr John Armfield
Professor R. Croucher, Macquarie University
(representing New South Wales Law Schools)
Ms P. Vines, University of New South Wales
Mr R. Neal, Law Society of New South Wales
Ms P. Suttor, Law Society of New South Wales
Ms R. Pollard, New South Wales Trustee and
Guardian
Mr P. Whitehead (representing trustee companies)
Mr M. Willmott, New South Wales Bar Association

PROFESSIONAL NEGLIGENCE LIST USERS GROUP

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

Members

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

Representatives on other bodies

AUSTRALIAN CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION (ACICA) JUDICIAL LIAISON COMMITTEE

Supreme Court representatives

The Honourable Justice Stevenson
The Honourable Justice Rees

AUSTRALIAN JUDICIAL OFFICERS ASSOCIATION (FORMERLY THE JUDICIAL CONFERENCE OF AUSTRALIA)

Supreme Court representative

The Honourable Justice Walton (Vice President)

AUSTRALASIAN JOINT JUDGES’ COMMITTEE

Supreme Court representative

The Honourable Justice Stevenson (Chair)

BOARD OF STATE RECORDS AUTHORITY OF NEW SOUTH WALES

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

Supreme Court representative

The Honourable Justice Lindsay

CASELAW GOVERNANCE COMMITTEE

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

Supreme Court representatives

The Honourable Justice Basten, Court of Appeal of NSW (Chair)

Mr Chris D'Aeth, Executive Director & Principal Registrar, Supreme Court of NSW

CIVIL BENCH BOOK

Supreme Court representatives

The Honourable Justice Garling RFD

The Honourable Justice Kunc

COLLEGE OF LAW

Supreme Court representative

The Honourable Justice Hallen

COSTS ASSESSMENT RULES COMMITTEE

Supreme Court representatives

The Honourable Justice Brereton AM RFD (Chair)

COUNCIL OF CHIEF JUSTICES

HARMONISATION OF RULES COMMITTEE

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

The convenor of the Committee is appointed by the Council of Chief Justices. Other members are nominated by the head of each participating jurisdiction for one or more specific area projects, for the monitoring adopted harmonised rules of court or for both.

Representatives of the Supreme Court

The Honourable Justice Hammerschlag

The Honourable Justice Rein

CRIMINAL TRIAL BENCH BOOK

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

Supreme Court representatives

The Honourable Rod Howie KC (Chair)
The Honourable Justice Johnson
The Honourable Justice R. A. Hulme

JOINT CONFERENCE ON SENTENCING (NJCA & AUSTRALIAN NATIONAL UNIVERSITY, FACULTY OF LAW)

Supreme Court representative

The Honourable Justice Fagan

JUDGES' HANDBOOK COMMITTEE

Supreme Court representatives

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

JUDICIAL COMMISSION OF NEW SOUTH WALES

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

Supreme Court representative

The Honourable Andrew Bell, Chief Justice
(President and Chair)

SUPREME COURT RULES COMMITTEE

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

Members

The Honourable Andrew Bell, Chief Justice (Chair)
The Honourable Justice Ward, President of the Court of Appeal
The Honourable Justice Meagher
The Honourable Justice Adamson
The Honourable Justice Lindsay
The Honourable Justice Darke
The Honourable Justice Wright
Ms Rebel Kenna, Director and Prothonotary (Secretary)
Ms Carol Webster SC (NSW Bar Association representative)
Mr Mark Walsh SC (alternate NSW Bar Association representative)
Ms Sylvia Fernandez, Law Society of New South Wales
Mr David Hing (alternate Law Society of New South Wales)

LAW ADMISSIONS CONSULTATIVE COMMITTEE

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

Supreme Court representative

The Honourable Justice Kunc

LAW EXTENSION COMMITTEE (SYDNEY UNIVERSITY)

Supreme Court representative

The Honourable Justice White (Chief Justice's nominee)

LAW REFORM COMMISSION

The Honourable Justice Brereton, AM RFD
(Deputy Chair)

LEGAL PROFESSION ADMISSION BOARD

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

Supreme Court representatives

The Honourable Andrew Bell, Chief Justice

The Honourable Arthur Emmett AO KC
(Presiding Member)

The Honourable Justice Payne

The Honourable Justice Lindsay

LEGAL PROFESSION ADMISSION BOARD EXAMINATIONS COMMITTEE

Supreme Court representatives

The Honourable Justice Hamill (Chair)

The Honourable Justice Darke

LEGAL PROFESSION ADMISSION BOARD LEGAL QUALIFICATIONS COMMITTEE

Supreme Court representatives

The Honourable Justice Robb (Chair)

The Honourable Justice Button

LEGAL SERVICES COUNCIL ADMISSIONS COMMITTEE

Supreme Court representatives

The Honourable Arthur Emmett AO KC (Chair)

The Honourable Justice Henry

NATIONAL ADMISSIONS COMMITTEE

Supreme Court representative

The Honourable Justice White

NATIONAL JUDICIAL ORIENTATION PROGRAM COMMITTEE

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

Supreme Court representative

The Honourable Justice Harrison (Chair)

NGARA YURA (JUDICIAL COMMISSION ABORIGINAL LIAISON COMMITTEE)

Supreme Court representatives

The Honourable Justice Dina Yehia

NSW LAW REPORTING LIAISON COMMITTEE

Supreme Court representatives

The Honourable Andrew Bell, Chief Justice

The Honourable Justice Basten

The Honourable Justice Meagher

The Honourable Justice Leeming

The Honourable Justice Adamson

The Honourable Justice Lindsay

PARLIAMENTARY COUNSEL'S CONSULTATIVE GROUP

Supreme Court representatives

The Honourable Justice Basten

The Honourable Justice Leeming

The Honourable Justice Beech-Jones

PROGRAMS ADVISORY COMMITTEE (NATIONAL JUDICIAL COLLEGE OF AUSTRALIA)

Representatives of the Supreme Court

The Honourable Justice Harrison

The Honourable Justice Stevenson

STANDING ADVISORY COMMITTEE OF THE JUDICIAL COMMISSION ON JUDICIAL EDUCATION

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

Supreme Court representative

The Honourable Justice Basten (Chair)

STANDING INTERNATIONAL FORUM ON COMMERCIAL COURTS (SIFOCC) – WORKING GROUP

Supreme Court representative

The Honourable Justice Hammerschlag

SYDNEY INSTITUTE OF CRIMINOLOGY ADVISORY COMMITTEE

Supreme Court representative

The Honourable Andrew Bell, Chief Justice

UNIFORM RULES COMMITTEE

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

Supreme Court representatives

The Honourable Andrew Bell, Chief Justice (Chair)

The Honourable Justice Ward, President of the
Court of Appeal

Rebel Kenna, Director and Prothonotary (Secretary)

The Honourable Justice Adamson

The Honourable Justice Lindsay

WRITING BETTER JUDGMENTS PLANNING COMMITTEE (NATIONAL JUDICIAL COLLEGE OF AUSTRALIA)

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

Supreme Court representatives

The Honourable Justice Stevenson

The Honourable Acting Justice Schmidt AM

Appendix II

The Honourable Andrew Bell, Chief Justice

CONFERENCES

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| 10 March | NSW Bar Association's Retirement function for Chief Justice Bathurst (NSW Bar Association Common Room) |
| 11 March | Official guest, Women Lawyers Association of NSW 70 th Anniversary Dinner (Sheraton Grand Hyde Park) |
| 22 March | Attendance at the swearing-in ceremony for the Hon. Helen Bowskill, Chief Justice of Queensland (Banco Court, Brisbane) |
| 25 March | Official guest, Bench and Bar Annual Dinner (Hyatt Regency Sydney) |
| 28 March | Official guest, Law Society of New South Wales Opening of Law Term Dinner (Hyatt Regency Sydney) |
| 4 April | Official guest for the Special Sitting of the District Court of New South Wales for the inaugural Walama List |
| 11 April | Attendance at the Council of Chief Justices meeting (Crowne Plaza Hotel, Hobart) |
| 19 April | Official guest, District Court of New South Wales Annual Conference Dinner (Beta Events, Sydney) |
| 21 April | 2022 Spigelman Oration, 'Implications' delivered by Justice James Edelman (Banco Court, Sydney) |
| 29 April | Official guest, Australian Bar Association National Conference Dinner (W Hotel, Melbourne) |
| 10 June | Attendance at the swearing-in ceremony for Justice Elizabeth Raper (Federal Court, Sydney) |
| 15 June | Attendance at the Children's Court Surry Hills to observe the Youth Koori Court List |
| 22 June | Attendance at the Paul Byrne Memorial Lecture delivered by Justice Peter Hamill (University of Sydney) |
| 23 June | Official guest, Federal Circuit and Family Court of Australia Plenary Dinner (Intercontinental Hotel, Double Bay) |
| 29 June | Attendance at the John Mac Foundation event for Refugee Week (Gilbert + Tobin offices, Barangaroo) |
| 30 June | Attendance at the Diverse Women in Law – Inaugural Senior Practitioners Industry Gap Event (Herbert Smith Freehills offices, Sydney) |
| 21 July | Attendance at the swearing-in ceremony for His Honour Judge Huw Baker SC (District Court of New South Wales) |
| 28 July | Attendance at the swearing-in ceremony for His Honour Judge William Fitzsimmons SC (District Court of New South Wales) |
| 1 Aug | Attendance at the swearing-in ceremony for Her Honour Judge Pauline David (District Court of New South Wales) |
| 18 Aug | Official guest, St Paul's College Foundation Dinner (University of Sydney) |

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| 29 Aug | Official guest, Land and Environment Court of New South Wales 40 th Anniversary Conference Dinner (Strangers' Room, Parliament House, Sydney) |
| 6 Sep | Attendance at the Environment and Planning Law Association (NSW) and the Australian Institute of Administrative Law (NSW Chapter) joint seminar, 'The intersections of Policy and Law in administrative law in the environmental context' (Supreme Court, Sydney) |
| 11 Sep | Official guest at the Proclamation Ceremony for the new Sovereign (Parliament House, Sydney) |
| 21 Sep | Attendance at the Memorial Service to commemorate the life and service of Her Majesty Queen Elizabeth II (St Andrew's Cathedral, Sydney) |
| 3 October | Attendance at the Council of Chief Justices meeting (Supreme Court, Perth) |
| 17 October | Attendance at the swearing-in ceremony for the Hon. Justice Jayne Jagot (High Court of Australia, Canberra) |
| 20 October | Official guest, Fourth full meeting of the Standing International Forum of Commercial Courts (SIFOCC) Conference Dinner (Government House, Sydney) |
| 24 October | Attendance at the swearing-in ceremony for His Honour Judge Kevin Andronos SC (District Court of New South Wales) |
| 8 November | Official guest, Welcome Reception hosted by the Southwest Slopes Law Society (The Riverine Club) on the occasion of the Court of Appeal sitting in Wagga Wagga (on 9 Nov 2022 with Justices Meagher and Mitchelmore) |
| 11 November | Official guest and laying a wreath at the Remembrance Day Service (Cenotaph Martin Place) |
| 11 November | Official guest at the Aboriginal Legal Service's 50th Anniversary Gala Dinner (Sofitel Wentworth Hotel, Sydney) |
| 15 November | Attendance at the swearing-in ceremony for Justice Sarah Pritchard (Land and Environment Court of New South Wales, Banco Court) |
| 17 November | Attendance at memorial function for Ms Janet Coombs AM (NSW Bar Association Common Room) |
| 1 December | Official guest, Welcome Reception hosted by the Newcastle Law Society (Newcastle Customs House) on the occasion of the Court of Criminal Appeal sitting in Newcastle (on 2 Dec 2022 with President Ward and Justice Wilson) |
| 6 December | Official guest, Law Society of New South Wales Members Annual Dinner (MCA Sydney) |
| 15 December | Credential visit - Law Society of New South Wales: incoming President Ms Cassandra Banks; immediate Past President Ms Joanne van der Plaats; Senior Vice President Mr Brett McGrath; Junior Vice President Ms Jennifer Ball; and CEO Ms Sonja Stewart |

SPEAKING ENGAGEMENTS

| | |
|-----------------------|---|
| 7 March 2022 | Occasional address at swearing-in ceremony as 18th Chief Justice of New South Wales Speech for Admission Ceremonies of new lawyers |
| 9 March | Private swearing-in ceremony for Justice Julie Ward as President of the Court of Appeal (Supreme Court, Sydney) |
| 15 March | ABC Radio Sydney, 'Interview with the new Chief Justice of New South Wales', conducted by morning presenter Mr James Valentine |
| 17 March | Interview with Mr Chris Merritt and Ms Sally Layson, Rule of Law Education Centre to discuss the Rule of Law in Australia (via Zoom and also later published in <i>The Australian</i> and on YouTube) |
| 21 March | Private swearing-in ceremony for Justice David Hammerschlag as Chief Judge in Equity (Supreme Court, Sydney) |
| 28 March | Swearing-in ceremony for Justice Anna Mitchelmore (Banco Court, Sydney) |
| 31 March – 1 April | National Judicial College of Australia Program – Judicial Officers with Leadership Responsibilities, Welcome and Closing Addresses and sessional facilitator (Mount Lofty House, Adelaide) |
| 6 April | Swearing-in ceremony for Justice Elisabeth Peden (Banco Court, Sydney) |
| 19 April | Private swearing-in ceremony for Justice Mark Richmond (Supreme Court, Sydney) |
| 20 April | Guest speaker, District Court of New Wales Annual Conference, 'Some Key Decisions of the Court of Appeal in 2021' (Sydney) |
| 21 April | Swearing-in ceremony for Justice Jeremy Kirk (Banco Court, Sydney) |
| 22 April | Welcome Remarks, Australian Institute of Judicial Administration & Supreme Court of New South Wales 10th Appellate Judges' Conference (Banco Court, Sydney) |
| 30 April | Australian Bar Association National Conference, session member – 'The Enduring Legacy for the Courts and the profession of the year(s) that have passed' (State Library of Victoria, Melbourne) |
| 2 May | Remarks at the farewell reception to mark the occasion of the retirement of Mr Ernie Schmatt AM PSM, Chief Executive of the Judicial Commission of New South Wales (Supreme Court, Sydney) |
| 4 May | University of Sydney Distinguished Alumni Series: 'In conversation with the Hon. Andrew Bell, Chief Justice of NSW Supreme Court', hosted by alumna Ms Nicole Abadee (University of Sydney) |
| 5 May | Swearing-in ceremony for Justice Michael Meek (Banco Court, Sydney) |
| 26 May | Closing Address, New South Wales Bar Association Bar Practice Course (NSW Bar Association Common Room) |
| 1 June | Keynote speaker, Legal Aid NSW Criminal Law Conference, 'When an accused goes into evidence' (Novotel Darling Square, Sydney) |
| 1 June | Presiding Judge, Macquarie University Law Society Championship Mooting Competition - Grand Final (Banco Court, Sydney) |

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| 16 June | Guest speaker, NJCA Judgment Writing Conference, 'A Chief Justice's perspective on the challenges of judgment writing' (H. C. Coombs Centre, Kirribilli) |
| 18 June | Dinner address, St Paul's College Union, 'Amongst the Portraits' (St Paul's College, University of Sydney) |
| 26 June | Official Host and welcome remarks at the official farewell of the Australian Maccabiah Games team (Government House, Sydney) |
| 28 June | Official Host and welcome remarks at Music@theHouse featuring the Sydney Lawyers Orchestra (Government House, Sydney) Interview with Mr Ingmar Taylor SC for <i>Bar News</i> Winter Edition article 'An interview with the Hon A. S. Bell, the new Chief Justice of New South Wales' |
| 4 July | Swearing-in ceremony for Justice Dina Yehia (Banco Court, Sydney) |
| 6 July | Welcome remarks on the occasion of the book launch of B. McDonald, B. Chen, J. Gordon (eds) <i>Dynamic and Principled: The Influence of Sir Anthony Mason</i> (Federation Press, 2022) (Banco Court, Sydney) |
| 11 July | Swearing-in ceremony for Justice Nicholas Chen (Banco Court, Sydney) |
| 14 July | Welcome address to the Multicultural NSW event for Recommended National Standards for working with Interpreters in Court (Banco Court, Sydney) |
| 21 July | Book launch of E. Peden and W. Muddle, <i>Strata Law in New South Wales</i> (Thomson Reuters, 2021) and E. Peden and W. Muddle, <i>Joske's Law and Procedure at Meetings in Australia</i> (12 th ed, Thomson Reuters, 2021) (Supreme Court, Sydney) |
| 22 July | Dinner speaker, Allens Linklaters 200-year Anniversary Gala Dinner, (Carriageworks, Sydney) |
| 9 Aug | Keynote speaker, Mitsui & Co (Australia) - Mitsui Educational Foundation Alumni Reunion (NSW), (Circular Quay, Sydney) |
| 17 Aug | Luncheon address at the launch of The Moriah Foundation Trusted Advisors Network, 'The Importance of Institutions in Modern Society' (Darling Harbour, Sydney) |
| 17 Aug | 5th Sir James Martin Oration, 'On classic ground: Martin's monument and civilizational yearnings in colonial New South Wales' (Gilbert + Tobin offices, Barangaroo) |
| 19 – 20 Aug | Supreme Court Annual Conference, 'Opening & Closing Addresses' and chair of session presented by the Hon. Justice Stephen Gageler AC (Hydro Majestic Hotel, Blue Mountains) |
| 25 Aug | Welcome Remarks at the 2022 Bathurst Lecture, 'Issues Affecting Company Directors in Relation to Cyber Security' presented by Mr David Gonski AC (Banco Court, Sydney) |
| 27 Aug | Official Host and welcome remarks at the reception for Korean War Veterans (Government House, Sydney) |
| 29 Aug | Opening Address, 40 th Anniversary Conference of the Land and Environment Court of New South Wales, 'A Model of Judicial Sustainable Development: The Land and Environment Court of New South Wales at 40' (Parliament House, Sydney) |

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| 2 Sep | Official Host and Presenter of the Youth Community Service Awards, the Order of Australia Association NSW Branch (Government House, Sydney) |
| 2 Sep | Dinner address, Bench and Bar Spring Dinner, 'Welcome to Spring!' (Hyatt Regency Hotel, Sydney) |
| 3 Sep | Official Host and Presenter of awards at the Queen's Scout and Baden-Powell Awards (Government House, Sydney) |
| 5 Sep | Opening Plenary Session speaker, Law Society of New South Wales Annual Conference, 'The trusted legal profession' (Law Society of New South Wales) |
| 17 Sep | Keynote speaker, Newcastle Law School's 30th Anniversary Dinner Ball featuring the Sir Ninian Stephen Annual Lecture, 'Innovative Justice' (Newcastle City Hall) |
| 21 Sep | Closing Address, New South Wales Bar Association Bar Practice Course, (NSW Bar Association Common Room) |
| 28 Sep | Keynote speaker, Farewell event for Mr Ross Anderson and launch of the Ross Anderson Scholarship, 'Remarks on the retirement of Mr Ross Anderson' (The Great Hall, University of Sydney) |
| 8 October | Sessional speaker, Australian Judicial Officers Association Colloquium, 'Australian Courts and the Extraterritorial Operation of Laws: some introductory themes and issues' (Henry Jones Art Hotel, Hobart) |
| 11 October | Swearing-in ceremony for Justice Sarah McNaughton (Banco Court, Sydney) |
| 19 October | Congratulatory Remarks, Silks Bows Ceremony (Banco Court, Sydney) |
| 20 October | Fourth full meeting of SIFOCC, Introduction to Welcome to Country Speaker, Uncle Allan Murray (Banco Court, Sydney) Introduction to Keynote speaker the Hon. Sundaresh Menon, Chief Justice of Singapore, 'SIFoCC playing its part as a cornerstone of a transnational system of justice' (Banco Court, Sydney) |
| 21 October | Luncheon address to delegates of the Fourth full meeting of SIFOCC, 'Overlooking Sydney Harbour' Final remarks with co-host the Hon. James Allsop AC, Chief Justice of the Federal Court of Australia (Supreme Court, Sydney) |
| 26 October | Presentation of the Scrolls to the new Silks (NSW Bar Association Common Room) |
| 9 November | Remarks on the occasion of the first sitting of the Court of Appeal in Wagga Wagga (Wagga Wagga Court House) |
| 16 November | Opening Remarks, 18 th Conference of Chief Justices of Asia and the Pacific, co-hosting with Chief Justice Cheung (Hong Kong) (online) |
| 17 November | Judicial session speaker, 18 th Conference of Chief Justices of Asia and the Pacific, 'Interaction and co-operation between judiciaries' (online) Closing Remarks, 18 th Conference of Chief Justices of Asia and the Pacific, co-hosting with Chief Justice Cheung (Hong Kong) (online) |

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| 17 November | Introductory Remarks at the 5 th ADR Annual Address, 'The Elusive Butterfly of Social Justice' presented by the Hon. Robert French AC (Banco Court, Sydney) |
| 21 November | Guest speaker, LAWASIA 35 th Annual Conference, 'Interaction and co-operation between judiciaries' (Hilton Hotel, Sydney) |
| 29 November | Host of welcome event for new barristers called to the NSW Bar (Chief Justice's Garden) |
| 5 December | Swearing-in ceremony as 31 st Lieutenant-Governor of New South Wales (Government House, Sydney) |
| 7 December | Introductory Remarks at the 10 th John Lehane Memorial Lecture, 'Trusts and trustees – their successes and successors' presented by Justice Mark Leeming (Banco Court, Sydney) |

PUBLICATIONS

A. S. Bell and James Monaghan, 'What Albert Did and What Albert Did Next: Albert Bathurst Piddington – the High Court judge who never sat' in Sarah McKibbin, Jeremy Patrick, Marcus K. Harmes (eds), *The Impact of Law's History – What's Past is Prologue* (Palgrave Modern Legal History, Palgrave Macmillan, 2022)

Andrew Bell, 'Sir Anthony Mason and the conflict of laws – a critical appraisal' in Barbara McDonald, Ben Chen and Jeffrey Gordon (eds), *Dynamic and Principled: The Influence of Sir Anthony Mason* (Federation Press, 2022)

Andrew Bell, 'Foreword' in Peter M. Biscoe, *Freezing and Search Orders* (3rd ed, LexisNexis, 2022)

Andrew Bell, 'The Hon. Justice John Basten – An Appreciation' (Supreme Court, 2022)

Andrew Bell, 'NSW Court of Appeal: a year in review 2021' (Supreme Court, 2022)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Chair of the Supreme Court Executive Committee

President of the Judicial Commission of NSW

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

The Honourable Justice Julie Ward, President of the Court of Appeal

CONFERENCES

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| 30 March – 1 April | National Judicial College of Australia, Judicial Officers with Leadership Responsibilities, 2022 conference (Adelaide, SA) |
| 3 – 8 April | National Judicial Orientation Program (Gold Coast, QLD) |
| 19 – 20 August | Supreme Court Annual Conference (Medlow Bath, NSW) |
| 7 – 10 September | University of Western Australia Law School Causation Conference (Perth, WA) |
| 20 – 21 October | 4 th Full Meeting of the Standing International Forum of Commercial Courts (Sydney) |
| 14 – 15 November | National Judicial Orientation Program (Adelaide) |
| 16 – 17 November | 18 th Conference of Chief Justices of Asia and the Pacific (remote) |

SPEAKING ENGAGEMENTS

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|-------------|---|
| 25 February | Presenter – 7th Judicial Seminar on Commercial Litigation, ‘AI and Tech-enabled Justice’ (Sydney) |
| 27 April | Presenter – NSW Bar Association, ‘Succession Litigation in the 21 st Century - Time, money, evidence and experts’ seminar (Sydney) |
| 17 May | Judge of the 2022 Sir John Peden Contract Law Moot (Sydney) |
| 31 May | Special address – University of Sydney 2022 Prize Giving Ceremony, (Sydney) |
| 1 June | Chair – Australian Institute of Administrative Law – National Lecture for 2022 ‘Administrative Law in the Common Law Tradition’ (Sydney) |
| 9 June | Introduction speaker – Launch of Michael Gvozdenovic and Stephen Puttick – Current Issues in Competition Law’ (Sydney) |
| 17 June | Guest Speaker – Commercial Law Association of Australia - Seminar June Judges Series - ‘Equity’s path to Justice’ (Sydney) |
| 11 July | Occasional Speaker – University of Newcastle Graduation Ceremony – (Newcastle) |
| 9 September | Speaker at the University of Western Australia Law School Causation Conference ‘Willpower Has No Voltage: Problems with Causation in Equitable Estoppel’ (Perth) |
| 4 October | Keynote address and Judge at the Grand Final of the Baker McKenzie National Women’s Moot 2022 (Sydney) |
| 5 October | Speaker at the NSW Bar Association Continuing Professional Development, CPD Category ‘Barristers’ Skills’ – ‘Appellate Advocacy – Performance Strategies and Techniques’ (Sydney) |
| 7 October | After dinner address – Resolution Institute 2022 International Conference (Sydney) |
| 20 October | Vote of thanks – The Standing International Forum of Commercial Courts conference (Sydney) |

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| 2 November | Closing address – Resolution Institute workshop Successful Mediation Advocacy (Sydney) |
| 4 November | Chair 2022 NCAT Member Conference ‘Cognitive and social biases in decision making’ (Sydney) |
| 4 November | Guest Speaker – Annual Dinner of Newcastle Law Society ‘Legal Luminaries and Brazen Law-Breakers’ (Newcastle) |
| 23 November | Moderator – Women’s Insolvency Network Australia Great Debate 2023 (Sydney) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Advisory Committee Member of the Australian Law Reform Commission

Member of the Legal Qualifications Committee

Chair of the Supreme Court ADR Steering Committee

Member and Fellow of The Australian Academy of Law

Member of the AIJA Council

Member of the Australian Association of Women’s Judges

Member of the Judicial Commission

DELEGATIONS AND INTERNATIONAL ASSISTANCE

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| 13 October | Meeting with the Deputy Chief Justice of the Supreme People’s Court of Vietnam and delegation |
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The Honourable Justice Anthony Meagher

CONFERENCES

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| 19 – 20 August | Supreme Court Judges’ Conference, Medlow Bath, Blue Mountains |
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SPEAKING ENGAGEMENTS

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| 28 September | Australian Insurance Law Association – Presentation on COVID-19 Business Interruption Test Cases |
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APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Sydney Symphony Orchestra – Non-Executive Director

The Honourable Justice Fabian Gleeson

CONFERENCES

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|----------------|---|
| 22 April | Appellate Judges' Conference, NSW Supreme Court |
| 19 – 20 August | Supreme Court Judges' Conference (Medlow Bath, NSW) |

SPEAKING ENGAGEMENTS

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| 18 February | Commercial Law Association, Contract Law Master Class, Dixon Room, NSW State Library, Chairperson |
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The Honourable Justice Mark Leeming

CONFERENCES

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| 24 February | 7 th Judicial Seminar on Commercial Litigation, Sydney |
| 22 April | AIJA 7th Appellate Judges Conference, Sydney |
| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
| 6 – 7 October | Landmark Cases in the Law of Punitive Damages, Keble College, Oxford, UK |
| 10 – 11 December | Covid-19 and other issues in Australian Constitutional Law (Second Symposium to Honour Professor Leslie Zines), Canberra |

SPEAKING ENGAGEMENTS

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| 11 February | Judge, Jessup International Mooting Competition, Australian semi-final |
| 24 February | 'Penalty Clauses and Restraints of Trade: Storm-warnings, statutes and style' (Paper presented to 7th Judicial Seminar on Commercial Litigation) |
| 3 March | Cook and the (Literary) Pirates (paper presented to 'Mapping the Pacific' conference) State Library of NSW |
| 4 April | 'Knowledge and Approval - The complex interplay between statute and judge-made law' (Paper presented to Succession and Elder Law Series, Banco Court, Supreme Court of NSW) |
| 22 April | 'Jurisdictional error: its content and importance', introduction to presentations by Justices Jagot and Walker at AIJA Appellate Judges Conference |
| 27 April | 'Recent Decisions of the Court of Appeal and Court of Criminal Appeal', Presentation to Land and Environment Court, Judicial Commission, Sydney |
| 19 August | ' <i>Harris v Digital Pulse Pty Ltd</i> – Behind the Scenes' (Paper presented to Supreme Court of NSW Annual Conference, Medlow Bath) |

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| 24 August | Guest lecturer, 'Confidential Information', Macquarie University |
| 7 October | ' <i>Harris v Digital Pulse Pty Ltd</i> ' (Paper presented to Landmark Cases on Punitive Damages conference, Keble College, Oxford, UK) |
| 13 October | 'Penalties in Australia, the United Kingdom and Singapore' (Presentation to Institute of European and Comparative Law, Oxford, UK) |
| 7 December | 'Trusts and trustees: their success and successors' (Tenth John Lehane Memorial Lecture, Banco Court, Supreme Court of NSW) |
| 10 December | Commentary on A. Robertson, 'Judicial review of non-statutory powers' (Presentation to Second Symposium to Honour Professor Leslie Zines, ANU, Canberra) |

PUBLICATIONS

'Well Hidden Equity – Four Equity Eucalypts' 96 ALJ 102

Book review of N. Duxbury, 'The Intricacies of Dicta and Dissent' 81 *Cambridge Law Journal* 417

'The Modern Approach to Statutory Construction' in B McDonald et al (eds), *Dynamic and Principled: The Influence of Sir Anthony Mason* (Federation Press)

'Justice Basten and the New Frontiers of Administrative Law: Crime, Tort and Contract' 29 *Australian Journal of Administrative Law* 92

'Penalties in Australia, the United Kingdom and Singapore – Storm-warnings, statutes and style' 51 *Australian Bar Review* 377

'Cook and the (Literary) Pirates' 92 *Journal of the ANZ Map Society* 45-52 (with I. Alexander)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Challis Lecturer in Equity, University of Sydney

Advisory Committee, Francis Forbes Society

Director, The Federation Press Pty Ltd

Editorial Board member: *Australian Bar Review*, *Journal of Equity*

Member of Panel of Referees, *Journal of the Malaysian Judiciary*

Visiting Fellow, Brasenose College, University of Oxford (October – November)

Visitor, Institute of European and Comparative Law, University of Oxford (October – November)

Distinguished Visitor, Dickson Poon School of Law, King's College London (October – November)

Honorary Bencher, Lincoln's Inn

The Honourable Justice Anthony Payne

CONFERENCES

| | |
|----------------|---|
| 19 – 20 August | Supreme Court Judges' Conference (Medlow Bath, NSW) |
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SPEAKING ENGAGEMENTS

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| 18 March | Speech – TLC Tax & Equity 6 th Annual Seminar 2022, 'State Taxes Litigation: Some Observations from the Bench' (Sydney) |
| 4 November | Keynote Address – NCAT Member Conference 2022, 'Making Good Decisions' (Sydney) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member, NSW Supreme Court – Education Committee

Member, NSW Legal Profession Admissions Board

The Honourable Justice Robert Beech-Jones

CONFERENCES

| | |
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| 31 March – 1 April | National Judicial College of Australia (Adelaide) |
| 19 – 20 August | Supreme Court Judges' Conference (Medlow Bath, NSW) |
| 7 – 9 October | Australian Judicial Officers Association Conference (Hobart) |

SPEAKING ENGAGEMENTS

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| 5 March | Oration – NSW Bar Association Regional Conference Series 'What does the Common Law Division Do?' (Sydney) |
| 22 March | Oration – College of Law – Litigation Masterclass 'What does the Common Law Division Do?' (Sydney) |
| 1 April | Oration – a National Judicial College of Australia 'Criminal Appeals' (Adelaide) |
| 2 June | Oration – a Local Courts of NSW Annual Conference 'Criminal Law Update' and 'Moral Culpability and Objective Gravity' (Sydney) |
| 16 November | Oration – a NSW Bar Association 'Applications to the Duty Judge' (Sydney) |

DELEGATIONS AND INTERNATIONAL ASSISTANCE

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| 4 May | Official visit - His Excellency Mr Nguyen Tat Thanh, Ambassador of Vietnam with Madame Nguyen Tu Huyen, Spouse of the Ambassador, Mrs Dang Thuy Chi, Education Official, Embassy of Vietnam and Mrs Chau Le, Political Officer and PA to the Ambassador, Embassy of Vietnam |
| 15 June | Official visit - His Excellency Mr Manpreet Vohra, High Commissioner of India to Australia with Mr Sanjay K. Muluka, Acting Consul-General of India in Sydney |
| 30 June | Official visit - His Excellency Mr Radu Gabriel Safta, Ambassador of Romania and Mr Iulian Nitu, Consul-General of Romania in Sydney |
| 18 July | 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) |
| 26 October | Official visit - Mr Shuichi Tokuda, Consul-General of Japan with Ms Minako Tateno, Vice Consul in charge of the Political Section |
| 22 November | Official visit - His Excellency Mr Paolo Crudele, Ambassador of Italy with Mr Andrea De Felip, Consul General of Italy in Sydney |

The Honourable Justice David Hammerschlag

PUBLICATIONS

Hammerschlag's Commercial Court Handbook (LexisNexis, 2nd ed, 2022)

Case Managing Building Litigation during COVID-19: 'Will We Go Back to the Way We Were?' (2022)
Vol. 37 No. 5

The Honourable Justice Anna Mitchelmore

CONFERENCES

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| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
| 14 – 18 November | The Australasian Institute of Judicial Administration Conference (Glenelg, South Australia) |

SPEAKING ENGAGEMENTS

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| 25 May | NSW Bar Association, Bar Practice Course, 'Self-Represented Litigants: Duties to the Court' (Sydney) |
| 16 September | Speech, Council of Australasian Tribunals Conference, 'Review of, and Appeals From, Tribunal Decisions: An Overview' (Sydney) |
| 29 September | Australian Government Solicitor, Equitable Briefing Event (Sydney) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member of the NSW Law Reform Commission

The Honourable Justice Michael Walton

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Chair of the Clubs Advisory Committee at the University of Sydney |
| Honorary Professorial Fellow with the Sydney Business School of the University of Wollongong |
| President of the Australian Judicial Officers' Association |
| President of the University of Sydney Lawn Tennis Club |
| Editorial Committee of the <i>Australian Journal of Labour Law</i> |
| Eat Drink Give Charity (Patron) |

The Honourable Justice Stephen Rothman AM

CONFERENCES

| | |
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| 15 March | Ngara Yura Program Webinar: 'A story of resistance: Fred Maynard & the Australian Aboriginal Progressive Association.' [Emeritus Professor John Maynard, The University of Newcastle] (Sydney) |
| 21 April | NSW Bar Association 8th Spigelman Public Law Oration: 'Implications' [Edelman J (Sydney)] |
| 10 November | Ngara Yura Committee of the Judicial Commission of NSW / Francis Forbes Society for Australian Legal History Presentation: 'The fallacy of protectionism' [McCallum CJ, ACT Supreme Court] (Sydney) |

SPEAKING ENGAGEMENTS

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| 25 February | Admissions Ceremony (Newcastle) |
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APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Co-Commissioner (part-time) – Australian Law Reform Commission |
| Director; Board Member & Chair Workplace Relations Committee – NSW Association of Independent Schools |
| Co-Chair – Australian Council of Jewish Schools |
| Board Member – International Association of Jewish Lawyers and Jurists |
| Advisory Committee Member – Australian Law Reform Commission Inquiry into the Religious Exemptions in Anti-Discrimination Law |
| Life Governor – Moriah War Memorial College |
| Honorary Life Member; Executive Member – NSW Jewish Board of Deputies |
| Committee Member – Rabinovitch Trust Advisory Committee |

The Honourable Justice Ian Harrison

CONFERENCES

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| 19 – 20 August | Supreme Court Judges' Conference (Medlow Bath, NSW) |
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SPEAKING ENGAGEMENTS

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| 19 April | District Court Conference After Dinner Speech (Sydney) |
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The Honourable Acting Justice R. A. Hulme

CONFERENCES

| | |
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| 19 – 20 August | Supreme Court Judges' Conference (Medlow Bath, NSW) |
| 15 – 16 November | National Judicial College of Australia – Brisbane – National Judicial Orientation Program – Court Craft – The Trial from Hell |

PUBLICATIONS

| |
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| Co-author <i>Criminal Law News</i> , LexisNexis Butterworths |
| Court of Criminal Appeal Round-up, 2021 District Court Annual Conference |

PARTICIPATION IN WORKING GROUPS/COMMITTEES

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| Chair, Criminal Trial Courts Bench Book Committee |
| Member, Court of Criminal Appeal and Crime Users Groups |

The Honourable Justice Michael Slattery AM AM (MIL) RAN

CONFERENCES

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| 19 – 20 August | Supreme Court judges conference, Hydro Majestic, Medlow Bath |
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SPEAKING ENGAGEMENTS

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| 5 March | After-dinner speech 'Reflections on seven years as Judge Advocate General of the ADF: 2014 to 2021' |
| 7 April | Speech to ADF military officers in training 'The Operation of the ADF discipline system' |
| 18 June | Judge Advocate General's Advocacy Workshop – 'The Art of Cross-Examination' |
| 5 August | Speech at the 21 st anniversary of the Indigenous Barristers Trust – the Mum Shirl Fund, 'The Foundation and Achievements of the Trust' |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Trustee of the Indigenous Barristers Trust – The Mum Shirl Fund since 2006 |
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The Honourable Justice David Davies

CONFERENCES

19 – 20 August Supreme Court Judges' Conference (Medlow Bath, NSW)

The Honourable Justice Michael Ball

CONFERENCES

19 – 20 August Supreme Court Judges' Conference (Medlow Bath, NSW)

PUBLICATIONS

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

The Honourable Justice Peter Garling

CONFERENCES

19 – 20 August Supreme Court Judges' Conference (Medlow Bath, NSW)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Honorary Patron, CanRevive Inc

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

Chair, NSW Supreme Court – IT Committee

Member, NSW Supreme Court – Education Committee

The Honourable Justice Ashley Black

CONFERENCES

| | |
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| 4 – 5 June | Law Council of Australia Corporate Law Workshop, Blue Mountains |
| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |

SPEAKING ENGAGEMENTS

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|-------------|---|
| 25 February | Court to Court Communications Protocol – Comments of 7th Judicial Seminar on Commercial Litigation (attended from Sydney) |
| 8 July | Practice in the Corporations List and Recent Case Law – Commercial Law Association Seminar (Sydney) |
| | Courses in financial services regulation at University of Sydney and University of New South Wales |

PUBLICATIONS

Joint author (with R. P. Austin), *Austin & Black's Annotations to the Corporations Act* (ongoing update)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Adjunct Professor, Faculty of Law, University of Sydney

Fellow, Australian Academy of Law

The Honourable Justice Christine Adamson

CONFERENCES

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| 7 – 9 October | Australian Judicial Officers Association, 2022 Colloquium (Hobart) |
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SPEAKING ENGAGEMENTS

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| 15 – 16 November | National Judicial College of Australia, National Judicial Orientation Program – Court Craft – The Trial from Hell (Adelaide) |
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APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member, Supreme Court Rules Committee

Member, Uniform Rules Committee

Chair, Criminal Trials Bench Book Committee

The Honourable Justice James Stevenson

CONFERENCES

20 – 21 October Attended - Standing International Forum of Commercial Courts Fourth Full Meeting (Sydney)

SPEAKING ENGAGEMENTS

24 – 25 February Presenter - The 7th Judicial Seminar on Commercial Litigation, 'Arbitral Award Challenges and Anti-suit Injunctions in the Arbitral Sphere' (Singapore, attended and presented via Zoom)

June Presenter - National Judicial College of Australia 'Writing Better Judgments' Course (Sydney)

30 June – 1 July Presenter - National Judicial College of Australia 'Oral Judgments' Course (Sydney)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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

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

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

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

The Honourable Justice Richard Button

CONFERENCES

30 June, Criminal Trials Bench Book Committee (Sydney)
25 August

The Honourable Justice Geoff Lindsay AM

CONFERENCES

| | |
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| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
| 10 – 11 September | Blue Mountains Law Society Succession Law Conference (Katoomba, NSW) (in person) |

SPEAKING ENGAGEMENTS

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|--------------|---|
| 23 February | College of Law CPD (Zoom) – Wills and Estates Seminar – The Province and Nature of Probate Law and Practice |
| 3 March | NSW Bar Association Succession and Elder Law Committee – 'Probate Law and Practice: An Introduction' |
| 22 March | UNSW Edge Wills and Estate Intensive – 'What is a Will and Why Does It Matter'? |
| 14 June | NSW Civil and Administrative Tribunal (NCAT) Guardianship Division Training Seminar – NCAT'S Protective Jurisdiction in Context |
| 28 September | The NSW Trustee and Guardian Training Seminar 28 September 2022 'In the Service of Others: The Context, Nature and Purpose of Work of the NSW Trustee and the Public Guardian in the Protection of a Vulnerable Person' |
| 13 October | Western Sydney University Elder Law Webinar 13 October 2022 'Enduring Agents': Creation, Use and Abuse of Enduring Powers of Attorney and Enduring Guardianship Appointments |
| 16 November | STEP Australia (NSW Branch) Lecture Court 13A Law Courts Building 16 November 2022 'Equity's Challenge: Maintenance of Standards in Deployment of Enduring Powers of Attorney and Enduring Guardianship Appointments' |

PUBLICATIONS

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| Editor, <i>Australian Bar Review</i> (since 1996) |
| Co-Editor, <i>NSW Civil Procedure Handbook</i> , 2019 (Thomson Reuters) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| State Archives Board |
| Legal Profession Admissions Board |
| 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 Francois Kunc

CONFERENCES

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| 7 – 9 October | AJOA Colloquium, Hobart |
| 29 – 30 October | AIJA Indigenous Youth Justice Conference |

SPEAKING ENGAGEMENTS

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| 17 February | ‘An Introduction to Judgment Writing’ Online Presentation to the national workshop of the Anthropocene Judgments Program |
| 22 February | Presentation on family provision applications to NSW Bar Association Succession and Elder Law Committee judges’ series |
| 18 June | Toongabbie Legal Centre Advocacy Workshop Keynote Presentation on ‘Advocacy – The Judge’s Perspective’ |
| 2 July | Toongabbie Legal Centre – Strategic Planning Day |
| 14 July | Expert Panellist – Multicultural NSW launch of Recommended National Standards for Working with Interpreters in Courts and Tribunals, Second Edition |
| 14 October | Participant in ‘The future of judicial reform in Australia – An Academic and Judicial Symposium’ held by the UNSW Gilbert + Tobin Centre of Public Law |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| 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, <i>The Australian Law Journal</i> |
| Member Editorial Board, Journal of Equity |
| Member, Legal Services Council Admissions Committee |
| Director, Opera Australia Capital Fund |

The Honourable Justice Rowan Darke

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| <i>Butterworths Property Reports</i> , General Editor |
| Civil Trials Bench Book Committee, Member |
| Legal Profession Admission Board Examinations Committee, Member |

The Honourable Justice Robertson Wright

CONFERENCES

19 – 20 August Supreme Court Judges' Conference (Medlow Bath, NSW)

SPEAKING ENGAGEMENTS

4 November NCAT Conference

DELEGATIONS AND INTERNATIONAL ASSISTANCE

15 June Japanese Consul's Dinner

The Honourable Justice Peter Hamill

CONFERENCES

5 May 2022 Cultural Diversity Justice Network Conference (Adelaide)

SPEAKING ENGAGEMENTS

19 April District Court Annual Conference, 'Sentencing and Bugmy' (Sydney)

22 June Paul Byrne SC Memorial Lecture, 'They're all good cases' (Sydney, University of Sydney)

29 September Diverse Women in Law Well-Being and Wellness Health Coaching Circuit, Keynote address, "Dealing with Trauma and Stress in the Legal Profession" (Sydney, Wotton + Kearney)

PUBLICATIONS

'They're all good cases: Paul Byrne SC Memorial Lecture 22 June 2022', *Current Issues in Criminal Justice*, 2022, Vol 34, Issue 3, published 19 September 2022.

'They're all good cases: Paul Byrne SC Memorial Lecture 22 June 2022', *Bar News*, 2022, published Summer 2022.

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member, Cultural Diversity Justice Network

Co-Chair, LPAB Exams Committee

Member, Judicial Commission's Supreme Court Education Committee

The Honourable Justice Helen Wilson

SPEAKING ENGAGEMENTS

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|------------|---|
| 19 April | <ul style="list-style-type: none">– ‘A Balanced Summing Up, and Assessing Objective Gravity’; District Court Annual Conference 2022– ‘The New Consent Laws’ (co-written and presented with Judge Sarah Huggett, District Court of New South Wales) |
| 13 October | Presented a paper on the ‘Administration of Juvenile Justice in New South Wales’ to a Delegation of Judges from Vietnam with & hosted by Ward P. |

PUBLICATIONS

Co-author (with Justice Hulme) *Criminal Law News*, LexisNexis Butterworths

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Criminal Law List Judge of the Common Law Division July 2022 - Ongoing

The Honourable Justice Natalie Adams

CONFERENCES

19 – 20 August Supreme Court Judges’ Conference, Medlow Bath, Blue Mountains

SPEAKING ENGAGEMENTS

| | |
|------------|---|
| 31 March | Bar Association CPD programme - Evidence in chief re-examination presentation with Phillip Boulten SC and Tim Game SC |
| 19 April | District Court Annual Conference 2022 – presenter ‘Criminal Law Review/Common Themes in CCA Appeals’ |
| 30 June | DWL 2022 - Senior Practitioners Industry Gap Event |
| 8 December | Bar Association CPD programme – ‘Addresses’ presentation with Tim Game SC and Phillip Boulten SC |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member – ADR Steering Committee

Chair – Committee overseeing a joint conference on sentencing held by the National Judicial College of Australia and the Australian National University College of Law

Member – Ngara Yuru Committee

Chair – Sentencing Bench Book Committee

The Honourable Justice Trish Henry

SPEAKING ENGAGEMENTS

13 May Bar Practice Course: Court-annexed Alternative Dispute Resolution (ADR) Programs in the Supreme Court of New South Wales (Bar Association)

9 September Bar Practice Course: Court-annexed Alternative Dispute Resolution (ADR) Programs in the Supreme Court of New South Wales (Bar Association)

The Honourable Justice Mark Ierace

CONFERENCES

12 March Public Defenders Criminal Law Conference (Sydney)

19 – 20 August Supreme Court Judges' Conference, Medlow Bath, Blue Mountains

SPEAKING ENGAGEMENTS

12 March Oration – Public Defenders Criminal Law Conference, 'Thoughts on the new Mental Health and Cognitive Impairment Act – Its application in Indictable and Local Court Proceedings' (Sydney)

25 January Oration - Supreme and Federal Courts Judges' Conference 'Russia and Ukraine: options for international civil and criminal accountability for aggression, war crimes and crimes against humanity' (Christchurch, New Zealand)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member, Supreme Court Education Committee

24 September 2022 – Judge: Bar Practice Course Final Mock Trial (Sydney)

24 October 2022 – Judge: Criminal Law Moot, University of Sydney (Sydney)

The Honourable Justice Richard Cavanagh

CONFERENCES

| | |
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| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
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SPEAKING ENGAGEMENTS

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| 23 June | Grand Final of the UTS LSS Sally Varnham 2022 Torts Moot |
| 20 July | AILA Twilight Seminar Series 2022 (Guest Speaker) – 'The <i>Civil Liability Act ...</i> has it served its purpose?' |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Legal Qualifications Committee (Legal Profession Admission Board) (recently appointed Chairman) |
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The Honourable Justice Kate Williams

CONFERENCES

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|----------------|--|
| 18 May | The Whitmore Lecture, presented by Professor Megan Davis: 'The Uluru Statement from the Heart - the next step for Australian democracy' (Queens Square, Sydney) |
| 19 – 20 August | Supreme Court of NSW Annual Conference (Hydro Majestic Hotel, Medlow Bath) |
| 25 August | The Bathurst lecture, presented by Mr David Gonski AC on the topic of 'Issues affecting company directors in relation to cyber security' (Banco Court, Sydney) |
| 20 October | SIFoCC Keynote Address by the Hon. Sundaresh Menon, Chief Justice of Singapore on the topic of 'Commercial Courts playing their part as a foundation of national, international and transnational justice systems' (Banco Court, Sydney) |

SPEAKING ENGAGEMENTS

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| 25 February | 7 th Judicial Seminar on Commercial Litigation, 'Complexification in Commercial Disputes and Technology Tutorials', (Singapore, Virtual) |
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The Honourable Justice Hament Dhanji

CONFERENCES

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|----------------|--|
| 3 – 8 April | National Judicial College of Australia, National Judicial Orientation Program (NJOP) (Gold Coast, QLD) |
| 26 April | Judicial Council on Cultural Diversity (JCCD) Launch - Recommended National Standards for Working with Interpreters in Courts and Tribunals Second Edition (Webinar) |
| 14 May | Ngara Yura Program: Community Visit to the Dharawal community of La Perouse (Sydney) |
| 18 May | 2022 Whitmore Lecture: 'The Uluru Statement from the Heart - the next step for Australian democracy' by Professor Megan Davis (Sydney) |
| 22 June | Paul Byrne Memorial Lecture delivered by Justice Hamill: They're all good cases: Paul Byrne SC (Sydney) |
| 19 – 20 August | Supreme Court Annual Conference (Blue Mountains) |
| 20 October | First Nations Speaker Series 2022: Mr Peter Cooley (Webinar) |
| 24 November | Diverse Women in Law (DWL): Inaugural Storytelling and Cultural Showcase – Keynote address by Her Excellency, the Honourable Margaret Beazley AC QC and an opening address by DWL Chairperson, the Honourable Justice Yehia (Sydney) |

SPEAKING ENGAGEMENTS

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| 26 March | Reasonable Cause Criminal CPD Conference (Sydney) |
| 30 June | Diverse Women in Law (DWL): Panel member - 2022 Senior Practitioners Industry Gap Panel (Sydney) |
| 27 September | Law Society's Cultural Diversity Networking Event: Keynote Address – 'Cultural Diversity in the Law: It's not a revolution' (Sydney) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Member of the Judicial Council on Diversity and Inclusion (JCIDI) Committee

Member of the Diversity Inclusion Justice Network (DIJN) Committee

The Honourable Justice Elisabeth Peden

CONFERENCES

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| 29 April | Australian Bar Association Conference (Sydney) |
| 7 July | Ada Evans Memorial Launch – Celebrating the Women of Sydney Law School (Government House, Sydney) |
| 19 – 20 August | Supreme Court Judges’ Conference, Medlow Bath, Blue Mountains |
| 14 – 18 November | National Judicial Orientation Program (Adelaide) |

SPEAKING ENGAGEMENTS

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|----------------|---|
| 4 August | Presentation, Specialist Accreditation Conference 2023 ‘Construction of Contracts’ (International Convention Centre, Sydney) |
| 17 May | Judge and moot question writer for Sydney University and Macquarie University John Peden Moot |
| 1 November | Presentation, NSW Bar Association, New Barristers’ Committee Judicial Q & A (Sydney) |
| 12 – 13 August | Presentation, Sydney Law School Inspiring Legal Research Conference: New Scholarly Horizons and Career Pathways Workshop (Sydney), ‘Why engage in postgraduate research?’ |

PUBLICATIONS

John Carter, John Eldridge and Elisabeth Peden, ‘Doctrinal Landmark: *Codelfa Construction Pty Ltd v State Rail Authority of New South Wales*’ in Barbara McDonald, Ben Chen and Jeffrey Gordon (eds) *Dynamic and Principled - The Influence of Sir Anthony Mason* (2022, Federation Press)

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

Committee Member, Legal Practitioners Admissions Board, Examinations Committee

Editor, Commercial Law Quarterly

Editorial Board, Journal of Contract Law

The Honourable Justice Mark Richmond

CONFERENCES

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| 19 – 20 August | Supreme Court Judges’ Conference, Medlow Bath, Blue Mountains |
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The Honourable Justice Michael Meek

CONFERENCES

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| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
| 15 – 18 November | National Judicial Orientation Program Conference (Adelaide) |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Chancellor of the Diocese of Sydney Anglican Church of Australia (Sydney Diocese); Member of the Standing Committee of the of the Sydney Diocese; Member of the Synod of the Sydney Diocese |
| Member of the Anglican Church of Australia Appellate Tribunal |
| Member of the Standing Committee of the Anglican Church of Australia |

The Honourable Justice Dina Yehia

CONFERENCES

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| 4 – 5 June | Indigenous Justice Conference |
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SPEAKING ENGAGEMENTS

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|--------------|--|
| 8 March | 2022 Speech for New South Wales Bar Association's International Women's Day Event on 'Breaking the Bias and Racial Equality' |
| 14 April | Speech at Muslim Lawyers Network - 'Diversity in the profession and equal access to justice in the courts' |
| 19 September | Keynote Speech at Civil Law Conference Legal Aid Commission |
| 29 September | Speech at Diverse Women in Law (DWL) Wellbeing Event |
| 30 September | Speech at the book launch of Maithri Panagoda, Pursuing a Vision of Justice |

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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| Diverse Women in Law Court Observation Program – Local, District & Supreme Court |
| Council Member – The Australasian Institute of Judicial Administration Incorporated |
| Chair of Ngara Yura Committee |
| Member of Bugmy Bar Book Committee |
| Member of Judicial Committee Sentencing Bench Book |
| Chair, Diverse Women in Law |

The Honourable Justice John Basten

CONFERENCES

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|-----------------|---|
| 11 February | Gilbert + Tobin Constitutional Law Conference (Sydney) |
| 21 – 22 April | AIJA 10 th Appellate Judge’s Conference (Sydney) |
| 19 – 20 August | Supreme Court Judges’ Conference, Medlow Bath, Blue Mountains |
| 9 – 11 November | Zines Symposium (Canberra) |

SPEAKING ENGAGEMENTS

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| 22 April | ‘A Few Personal Reflections’ – AIJA 10th Appellate Judges’ Conference (Sydney) |
| 30 November | Graduation Ceremony – UNSW Faculty of Law & Justice – ‘Occasional Address’ (Sydney) |

PUBLICATIONS

Section Editor, ‘Statutory Interpretation’, *Australian Law Journal*

APPOINTMENTS TO LEGAL, CULTURAL OR BENEVOLENT ORGANISATIONS

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

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

The Honourable Acting Justice John Griffiths

CONFERENCES

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| 10 – 11 December | Symposium in Honour of Professor Leslie Zines AO (Canberra, Australia) (co-convened with Professor James Stellios FAAL) |
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SPEAKING ENGAGEMENTS

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| 19 May | Keynote Address – Land and Environment Court Annual Conference 2022 ‘Judicial and Administrative Review of Non-Statutory Executive Power’ |
| 27 May | Address – Personal Injury Commission’s Annual Member Conference 2022 ‘Apprehended Bias and the Personal Injury Commission’ |
| 10 December | Symposium in Honour of Professor Leslie Zines AO 2022, ‘Intergovernmental Immunities’ |

The Honourable Acting Justice Monika Schmidt AM

CONFERENCES

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|------------------|---|
| 5 – 6 April | National Judicial Orientation Program - Conference (Gold Coast) |
| 16 – 17 June | Refresher Judgment Writing (Darling Harbour, Sydney) |
| 19 – 20 August | Supreme Court Judges' Conference, Medlow Bath, Blue Mountains |
| 4 – 7 October | Writing Better Judgments Conference (Hobart) |
| 15 – 18 November | National Judicial Orientation Program Conference (Adelaide) |

SPEAKING ENGAGEMENTS

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| 6 April | Presenter 'Preparing to Deliver an "Ex Temp"' (National Judicial Orientation Program - Conference Gold Coast) |
| 16 – 17 June | Refresher Judgment Writing Darling Harbour - Welcome; Presenter 'The Story So Far'; Chaired 'A Tale of Two Judgments'; Recap of the Day; 'How Architecture can Improve a Judgment; Takeaways, Reflections', Close of Conference. |
| 30 June – 1 July | Facilitator of two group work sessions, one each day, Oral Decisions Conference (UTS Sydney) |
| 30 August | 'Modern Slavery' - Talking Heads Series – Australian Government Attorney-General's Department |
| 5 – 7 October | Writing Better Judgments Conference – Hobart - Welcome and Introduction to Conference; Presenter 'Issue Identification and Resolution: the Conceptual Framework'; Key Points and Daily Wrap up; Daily Program Outline and Key Learning Objectives; Presenter 'Key Points'; 'How Structure Facilitates Decision Making'; and Daily Program Outline and Key Learning Objectives; 'Managing Procrastination and Competing Priorities' |
| 16 – 18 November | Presenter 'Preparing to Deliver an "Ex Temp"' and 'Judgment Writing Parts 1 and 2' – (National Judicial Orientation Program Conference Adelaide) |

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 of the National Judicial College's Judgment Writing Program |
| Chair of the National Judicial College's Refresher Judgment Writing Program |
| Member of the Advisory Board for the Master of Labour Law and Relations (MLLR), Sydney Law School |

Supreme Court of New South Wales

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