



The District Court of New South Wales
Annual Review 2012

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FOREWORD BY CHIEF JUDGE

The most significant feature of 2012 was the increase in criminal cases committed for trial. During the course of the year there were 1,876 committals for trial compared to 1,576 in 2011 and 1,650 in 2010. The average length of a criminal trial in the District Court is just under two weeks and although a large number of trial matters eventually plead guilty or are dealt with in some way other than by trial, they do constitute the major work of the Court. During the course of the year the Court disposed of almost exactly the same number of criminal trials as in 2011. The end result was therefore an increase in trial registrations of 19% but it has led to an increase in the trial caseload of 34%, such that at the end of the year there were 1,363 trials awaiting a hearing compared to 1,019 at the end of 2011.

Neither the Court nor the criminal justice system as a whole can cope with an increase of criminal trials of such magnitude with the same degree of efficiency as has occurred in the past. The number of criminal trials outstanding at the end of the year is more than at any time since the year 2000. The inevitable result will be an increase in the delay in having criminal trials heard and that has an impact on the ability of the prosecution to prove its case, the welfare of victims awaiting the finalisation of matters and the anxiety of accused awaiting trial, particularly where bail is refused and the accused spends a longer time in custody awaiting trial.

The Australian Productivity Commission's Annual Report again indicates this Court is the most efficient trial court in Australia, although again we have failed to meet the Australian standard of having less than 10% of cases more than 12 months old. That Report indicated we had 10.6% of cases more than 12 months old. It cannot be expected that this figure will improve, bearing in mind the significant increase in criminal trial registrations.

During the course of 2012 the Court also absorbed the Workplace Health and Safety prosecutions previously dealt with by the Industrial Relations Commission. There were 106 prosecutions registered. Only 19 have been dealt with because of pending appeals. Once those appeals are finalised a more accurate assessment will be able to be made of the likely impact on the Court of these cases.

During the course of the year the Court was also involved in hearing people smuggling trials. Fortunately because the Commonwealth prosecuting authorities took a different view of the way these matters were to be disposed of, they have now almost entirely disappeared from the Court lists. On the other hand the fact that for a significant part of 2012 the Court was conducting three such trials at any given time constituted a significant drain on the resources of the Court.

The civil business of the Court has remained largely steady as it has for a number of years past. The Court normally sits 15 judges in Sydney. The management problem with the civil list is to ensure all cases are heard when they are listed and in 2012 in Sydney there were almost no civil trials not reached on the day listed for trial. Again the Productivity Commission Report for the year ended 30 June 2012 showed this Court as being one of the most efficient civil trial courts in Australia. Throughout the year in order to maintain a presence of the Court in its civil jurisdiction at some country venues, it has been necessary to provide a civil sittings of one week at the end of criminal sittings. This has been done because of the importance in providing this service to as broad an area of country venues as possible.

**The Honourable Justice R O Blanch AM
Chief Judge**

THE DISTRICT COURT

- History
- Jurisdiction
- Judiciary
- Court Staff

History

By the middle of the 19th Century the court system in New South Wales consisted of:

- The Supreme Court of New South Wales which, under the Third Charter of Justice sealed in 1823, had a criminal and civil jurisdiction similar to that of the superior Courts of England;
- Courts of General and Quarter Sessions which could deal with “crimes and misdemeanours not punishable by death”;
- Courts of Requests in Sydney and the County of Cumberland, with a civil jurisdiction not exceeding £30; and
- Courts of Petty Sessions, which dealt with criminal misdemeanours in a summary way and had a civil jurisdiction up to £10 (or £30 if the defendant consented).

With the discovery of gold in 1851 the Colony's population increased and became more dispersed. Litigation grew as the Colony prospered, and crime was not declining. The Supreme Court began to fall seriously into arrears, and this was not helped by the fact that it did not visit a lot of towns. Courts of Quarter Sessions were also few in number and had no civil jurisdiction.

By the mid 1850's there were calls for a revision of the court system, to meet the growing needs of the Colony. As a result, the *District Court Act 1858* (22 Vic No 18) was assented to on 12 November 1858.

This Act established District Courts, as courts of records, to replace Courts of Requests and divided the Colony into Districts. It conferred upon the District Courts a civil jurisdiction.

It also provided for the appointment of a District Court judge as Chairman of any Court of Quarter Sessions or General Sessions, to be held within the limits of the District for which that judge was appointed.

The purpose of the Act was briefly described in *The Practice of the District Courts of NSW by W.J. Foster and C.E.R. Murray (Sydney, 1870)*, as follows:

“District Courts were established by the Legislature for the purpose of simplifying legal proceedings in the recovery of amounts under £200, and lessening the expenses of attending such proceedings, as well as to relieving the Supreme Court of some portion of the overwhelming civil business which the rapid progress of the colony had lately engendered.

The Act providing for the institution of these Courts also extended the jurisdiction of Courts of General and Quarter Sessions of the Peace, and prepared the way for a great increase in their numbers, under the presidency of District Court judges as Chairmen, whereby criminal proceedings have been much facilitated, especially in the more distant and outlying portions of the country...”

The *District Courts Act 1858* remained in force until 1973, although the jurisdiction of the Court was increased from time to time.

The *District Court Act 1973* commenced on 1 July 1973. It abolished the District Courts and Courts of Quarter Sessions and established one District Court of New South Wales, with a statewide criminal and civil jurisdiction.

Jurisdiction

The District Court is the intermediate Court in the State's judicial hierarchy. It is a trial court and has an appellate jurisdiction. In addition, the judges of the Court preside over a range of tribunals.

In its criminal jurisdiction, the Court may deal with all criminal offences except murder, treason and piracy.

In its civil jurisdiction the Court may deal with:

- All motor accident cases, irrespective of the amount claimed;
- Other claims to a maximum amount of \$750,000, although it may deal with matters exceeding this amount if the parties consent.

In addition, the Court may deal with equitable claims or demands for recovery of money or damages for amounts not exceeding \$750,000.

The Court is also empowered to deal with applications under the *De Facto Relationships Act 1984*, the *Family Provisions Act 1982* and the *Testator Family Maintenance and Guardianship of Infants Act 1916* that involve amounts, or property to the value of, not more than \$250,000.

Judiciary

The following were the judges of the Court as at **31 December 2012**.

Chief Judge

The Honourable Justice Reginald Oliver
Blanch AM*

Judges

His Honour Judge Ronald Herbert Solomon
Her Honour Judge Dianne Joy Truss
His Honour Judge Garry William Neilson
His Honour Judge Christopher John Armitage
His Honour Judge Christopher John George Robison
Her Honour Judge Robyn Christine Tupman
His Honour Judge James Patrick Curtis*
Her Honour Judge Helen Gay Murrell SC
Her Honour Judge Deborah June Payne
His Honour Judge Martin Langford Sides QC
His Honour Judge Robert Keleman SC
Her Honour Judge Anne Mary Quirk
Her Honour Judge Linda Margaret Ashford
His Honour Judge Gregory David Woods QC
His Honour Judge Norman Edward Delaney
His Honour Judge Jonathan Steuart Williams
His Honour Judge Kevin Patrick O'Connor AM
Her Honour Judge Jennifer Anne English
Her Honour Judge Susan Jennifer Gibb
His Honour Judge Kevin Peter Coorey
His Honour Judge James Walter Black QC
His Honour Judge Robert Arthur Sorby
His Honour Judge Stephen Ronald Norrish QC
Her Honour Judge Audrey Suzanne Balla
His Honour Judge Michael John Finnane RFD QC*
Her Honour Judge Penelope Jane Hock
Her Honour Judge Judith Clare Gibson
His Honour Judge Stephen Lewis Walmsley SC
His Honour Judge Anthony Martin Blackmore SC

His Honour Judge Peter Graeme Berman SC
 His Honour Judge Raymond Patrick McLoughlin SC
 His Honour Judge Colin David Charteris SC
 His Honour Judge Roy David Ellis
 His Honour Judge Mark Curtis Marien SC
 His Honour Judge Brian John Knox SC
 His Honour Judge John Roger Dive
 Her Honour Judge Deborah Anne Sweeney
 His Honour Judge James Leonard Alexandre Bennett SC
 His Honour Judge Peter Lind Johnstone
 His Honour Judge William Patrick Kearns SC*
 His Honour Judge Paul Vincent Conlon SC
 His Honour Judge Peter Raymond Zahra SC
 His Honour Judge Richard Dominic Cogswell SC
 Her Honour Judge Leonie Flannery SC
 His Honour Judge Robert Stephen Toner SC
 His Honour Judge Gregory Michael Keating
 His Honour Judge Paul Ivan Lakatos SC
 His Honour Judge Leonard Levy SC
 His Honour Judge Michael Elkaim SC
 His Honour Judge Michael King SC
 His Honour Judge David Clement Frearson SC
 His Honour Judge Andrew Michael Colefax SC
 Her Honour Judge Helen Syme
 His Honour Michael Ivan Bozic SC
 His Honour John North
 His Honour Judge Graham Leslie Henson
 Her Honour Judge Laura Kathleen Wells SC
 His Honour Judge Ross Victor Letherbarrow SC
 His Honour Judge Andrew Carl Haesler SC
 Her Honour Judge Donna Mary Lisa Woodburne SC
 Her Honour Judge Elizabeth Margaret Olsson SC
 His Honour Judge Clive Vaughan Jeffreys

* denotes Member of the Dust Diseases Tribunal

Appointments

The following Judges were appointed during 2012 on the dates indicated in brackets after their name:

His Honour Judge David Ulric Arnott SC (13 February 2012)
 His Honour Judge Peter George Maiden SC (12 March 2012)
 His Honour Judge Phillip Gregory Mahony SC (19 March 2012)
 His Honour Judge Christopher Phillip Hoy SC (16 April 2012)
 His Honour Judge Phillip Thomas Taylor SC (16 April 2012)
 His Honour Judge Gordon Bruce Lerve (31 May 2012)
 His Honour Judge Ian Hartley McClintock SC (24 September 2012)
 His Honour Judge Christopher Bruce Craigie SC (15 October 2012)
 Her Honour Judge Sarah Jane Huggett (15 October 2012)

Retirements

The following Judges retired during 2012 on the dates indicated in brackets after their name:

Her Honour Judge Margaret Sidi (11 April 2012)
 His Honour Judge Richard Anthony Rolfe (13 April 2012)
 Her Honour Judge Margaret Ann O'Toole (31 May 2012)
 His Honour Judge Anthony Frederick Garling (29 June 2012)
 His Honour Judge John Cecil Nicholson SC (29 June 2012)
 His Honour Judge Colin Emmett O'Connor QC (29 June 2012)

Acting Judge of the Supreme Court of NSW

His Honour Judge Stephen Lewis Walmsley SC acted as a Judge of the Supreme Court of NSW from 30 January 2012 to 30 June 2012.

Appointments Held

The Honourable Justice Reginald Oliver Blanch AM, held the appointment of President of the Dust Diseases Tribunal of NSW.

His Honour Judge Kevin Patrick O'Connor AM, held the appointment of President of the Administrative Decisions Tribunal of NSW.

His Honour Judge Mark Curtis Marien SC, held the appointment of President of the Children's Court of NSW.

His Honour Judge John Roger Dive held the appointment of Senior Judge of the Drug Court of NSW.

His Honour Judge Peter Lind Johnstone held the appointment of President of the Children's Court of NSW.

His Honour Judge Gregory Michael Keating held the appointment of President of the Workers Compensation Commission of NSW.

His Honour Judge Graeme Leslie Henson held the appointment of Chief Magistrate of the Local Court of NSW.

Medical Tribunal of NSW

The Honourable Justice Reginald Oliver Blanch AM, Chief Judge, held the appointment of Chairperson of the Medical Tribunal of New South Wales.

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31 December 2012:

Her Honour Judge Helen Gay Murrell SC

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Stephen Lewis Walmsley SC

His Honour Judge Peter Lind Johnstone

Her Honour Judge Leonie Flannery SC

His Honour Judge Paul Ivan Lakatos SC

His Honour Judge Michael Elkaim SC

His Honour Judge Leonard Levy SC

His Honour Judge Andrew Michael Colefax SC

His Honour Judge Phillip Gregory Mahony SC

The Honourable Justice Anna Frances Backman

The Honourable Justice Conrad Gerard Staff

Acting Judges (in alphabetical order)

Mr Warwick John Andrew CBE

Mr Ian Barnett

Mr Terence Joseph Christie QC

Mr Garry Spencer Forno QC

Mr David James Freeman

Mr Anthony Frederick Garling

Mr Geoffrey John Graham

Mr Gregory Scott Hosking SC

The Honourable Barrie Clive Hungerford QC

Mr Luigi Maria Baliano Lamprati

Mr Rodney Neville Madgwick QC

The Honourable Francis Marks

Mr Neil Ferguson McLaughlan QC

Mr John Kennedy McLaughlin

Ms Helen Jane Morgan

Mr John Cecil Nicholson SC

Mr John Roscoe Nield

Mr Colin Emmett O'Connor QC

Mr Colin Phegan

Mr Anthony Francis Puckeridge QC

Ms Margaret Sidis

Mr Kenneth Victor Taylor AM RFD

Judicial Registrar

Mr James Howard is the Judicial Registrar and exercises functions pursuant to Section 18FA of the *District Court Act 1973*.

Court Staff

Venues

In 2012 the Court sat permanently in Sydney at the Downing Centre, 143-147 Liverpool Street, Sydney (in crime), where it occupies 17 courtrooms, and at the John Maddison Tower, 86 Goulburn Street, Sydney, where it occupies 22 courtrooms (mostly in civil).

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (8 courtrooms), Penrith (1 courtroom) and Campbelltown (1 courtroom).

In addition, continuous sittings were conducted at Gosford, Lismore, Newcastle and Wollongong.

Other places where the Court sat were:

Albury, Armidale, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Dubbo, East Maitland, Goulburn, Grafton, Griffith, Lismore, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth, Taree, and Wagga Wagga.

Principal Registrar

Ms Pam Olsoen is the Principal Registrar and exercises functions pursuant to Section 18H(3) of the *District Court Act 1973*.

Criminal Listings and Judicial Arrangements

Schedules cases in accordance with Court policy; prepares lists, allocates courtrooms, and co-ordinates the assignment of judges to venues throughout the State.

Mr Robert Fornito is the District Court Criminal Listing Director. Pursuant to Section 123 of the *Criminal Procedure Act 1986*, the Criminal Listing Director is responsible to the Chief Judge in making arrangements for the listing of criminal proceedings.

Civil Listings and Case Management

Implements civil case management and listing practices for the timely finalisation of cases, schedules cases, prepares lists and allocates courtrooms.

Ms Jane Dunn is the Civil List and Case Manager and works in conjunction with the Civil List Judge and the Judicial Registrar in making arrangements for the listing of civil proceedings.

STRATEGIC PLAN

- Civil Business Committee
- Criminal Business Committee
- Professional Development (Education) Committee

Civil Business Committee Report

In August 2007 the Court introduced its third Strategic Plan. The first such plan was adopted in 1995 and it provided a template for significant changes in the way the Court operated as did the second Strategic Plan in 2000.

The Strategic Plan articulates the values of the Court and sets out the goals to be achieved over 2007-2012 in carrying out this role in line with these values.

The Court is committed to discharging its responsibilities to ensure:

- That the Court is accessible to the public and those who need to use its services;
- The effective determination of cases in an orderly, cost effective and expeditious manner. The equal protection of the law to all;
- The independence of the Judges of the Court, and the Court as a branch of our system of government;
- Accountability for the performance of the Court and its use of public funds;
- The highest standard of excellence in the functioning of the Court.

As in past plans, the Court will continue to maintain a Policy and Planning Committee to provide advice to the Chief Judge on matters relating to the business of the Court. There are also three major business committees that are accountable to the Policy and Planning Committee. Those Committees are:

- The Civil Business Committee;
- The Criminal Business Committee;
- The Professional Development (Education) Committee.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's objective of providing a system for the earliest, most effective and efficient resolution of civil disputes.

The Committee

The Committee consists of judges of the Court, the Judicial Registrar, the Civil List and Case Manager and representatives of the Law Society of NSW, the Bar Association of NSW, the Insurance Council of Australia and the Motor Accidents Authority.

Activities

The Committee met on three occasions during the year and matters considered included:

1. The Court's Operational Performance Report with up-to-date statistical information presented at each meeting.
2. Proposed amendments to the rules and practice notes.
3. Particular concerns of the various representatives and matters which the Court wished to bring to their attention.
4. The Committee considered a wide range of issues including:
 - The components of the caseload by cause of action;
 - Pre-action protocols under Part 2A of the *Civil Procedure Act*;
 - The *Court Information Act*;
 - The review of the *Civil Procedure Act*;
 - The review of the Costs assessment regime;
 - The *Motor Accidents Compensation Act*, in particular, late claims, s109 applications and the review of the legislation;
 - Judicial movements including the availability of funding for acting judges as affecting the civil jurisdiction;
 - The transfer of matters from the Supreme Court;

Criminal Business Committee Report

- Practical aspects of amendments to the form of affidavits necessitated by the *Identification Legislation Amendment Act*;
- Practical aspects of discovery;
- The amendment of Practice Note 8 – Early Return of Subpoena and the new subpoena forms;
- Adherence to timetable orders and the attendance indicator statistics in the Professional Negligence List;
- Analysis of the ADR, and in particular the mediation, referral statistics and their comparison with previous years;
- Better case management of construction cases;
- Inadequate preparation for approval applications;
- Fixing cases for hearing by email;
- Increases in filing fees.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's goal of providing a system for the earliest, most effective and efficient resolution of criminal matters.

Consultation with court users is carried out through the Criminal Business Committee. The Committee consists of a judge of the Court, the Criminal Listing Director and representatives from the Law Society of NSW, Bar Association of NSW, Legal Aid, Commonwealth and State DPP's, Aboriginal Legal Service, Public Defenders and Crown Prosecutors.

Activities

The Committee met on four occasions during the year.

1. The Court continued to target older pending cases throughout the state. The ROGS (Report on Government Services) as at 30 June 2012 continues to show NSW leading the nation in the finalisation of criminal cases.
2. The Court continues to manage and list criminal trials in country circuits by way of a telephone call over.
3. The average length of trials in Sydney dropped slightly to 10.98 days (compared to 11.93 days in 2011). The statewide trial average was 8.71 days, unchanged from last year.
4. There has been a significant increase in criminal trial registrations in 2012. Statewide there was a 19% increase made up of a increases of 13% in Sydney, 30% in Sydney West and 17% in the Country.
5. A new state of the art multi accused courtroom commenced sitting in April 2012. The courtroom is designed to accommodate 18 accused and 36 legal representatives at the bar table.
6. The District Court commenced hearing prosecutions under the *Work Health and Safety Act* from the start of 2012. These matters were previously dealt with by the Industrial Court of NSW. The Court registered 106 prosecutions in 2012 dealing with 19, with 87 pending.

Professional Development (Education) Committee Report

7. The Court continued to deal with people smuggler trials. 17 individual people smuggler matters were committed for trial to the District Court. 7 individuals who had been committed prior to 2012 did not proceed to trial but were discontinued on the basis of the possibility that the person was under 18 years of age. 55 individuals came before the court in 38 trials. 5 of these 55 were re trials (at the second trial 3 were withdrawn, 1 convicted and 1 acquitted).

An overall breakdown of the results of the trials of these 55 matters is as follows: –

- Hung jury – 1;
- Convicted – 13;
- Acquitted – 22;
- Withdrawn – 7;
- Jury discharged – 3;
- Trial vacated by defence – 1;
- Plea – 3;
- Directed verdict – 2;
- Pleas to substituted charge – 3.

8. The Court continues to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

Terms of Reference

The District Court, in partnership with the Judicial Commission of New South Wales, provides a continuing judicial education program for judges. The program aims to:

- Enhance professional expertise;
- Facilitate the development of judicial knowledge and skills;
- Promote the pursuit of juristic excellence.

With a focus on interactive learning, the program is based on enhancing skills, attitudes and knowledge in a judicially relevant environment.

Sessions range from orientation programs for new judges and an annual conference to specialist seminars on practical matters, social awareness issues and legislative changes. The focus in education for District Court judges is on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills.

The Professional Development (Education) Committee, composed of judges and the Judicial Commission's Education Director, develops each education program based on the identified needs of judges. Judges are involved in the development and delivery of the education program to ensure its relevance to the judicial role. A member of the Committee is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

During 2012, judges:

- Continued to receive focused and tailored training to meet their educational needs;
- Attended 162 days of face-to-face judicial education organised by the Judicial Commission, an average of 2.3 days of judicial education per judge.

Activities Annual Conference

The Annual Conference held on the Central Coast on 10 – 11 April 2012 was attended by 49 judges, 1 acting judge, a judge from the District Court of New Zealand and the Judicial Registrar. The conference focused on providing challenging and interesting educational sessions, while also providing a valuable opportunity for discussion and debate. The program consisted primarily of sessions relevant to the day-to-day work of a judge. Topics for the conference were determined by the Education Committee based on previous evaluation reports, suggestions by colleagues and suggestions from the Judicial Commission. The sessions dealt with a variety of topics including substantive law and practice, ethics, sentencing issues, civil law topics, the relationship between gambling and offending, and Intensive Correction Orders. Topics included:

- Court of Appeal Review by The Honourable Justice Margaret Beazley AO, NSW Court of Appeal;
- Current Issues in Sentencing by Her Honour Judge Deborah Payne;
- Are Courts Self-Serving? by Dr Simon Longstaff, Executive Director of St James Ethics Centre, Sydney;
- Workcover Prosecutions by The Honourable Justice Stephen Rothman, AM, Supreme Court of NSW;
- Court of Criminal Appeal Review by The Honourable Justice Robert A Hulme, Supreme Court of NSW;
- Buildings by Her Honour Judge Elizabeth Olsson SC;
- Medical Tribunals by Her Honour Judge Audrey Balla;
- Impartiality and Disqualification by Her Honour Judge Dianne Truss;
- Problem Gambling and its Relationship to Offending by Mr Anthony Sobb, Chairman and Founder, Oakdene House Foundation and Mr Tom Simpson, Education Officer, Oakdene House Foundation;

- Intensive Correction Orders 12 Months On by Ms Rosemary Caruana, Assistant Commissioner, Community Offender Management, Corrective Services NSW;
- Q & A: Everything you wanted to know but did not like to ask with a panel of judges consisting of The Honourable Justice Reg Blanch AM, His Honour Judge Ron Solomon, Her Honour Judge Dianne Truss and His Honour Judge Peter Berman SC.

Occasional Seminars

The Education Committee has continued to work with the Judicial Commission to organise a series of twilight education sessions for District Court judges. These seminars provide useful, informative and timely information on a range of topical matters relevant to the work of the District Court. They aim to enhance judicial performance and assist in the further development of judicial skills and knowledge. Seminars were held on the following topics:

- “Convention on Rights of the Child”, The Honourable Jennifer Boland AM, Twilight Seminar, 7 March 2012;
- “Controlling the Court”, The Honourable Michael Campbell QC, Twilight Seminar, 20 March 2012;
- “Cybercrime, Technology Trends and Electronic Evidence”, Mr Matthew Nevin, Project Manager eCourt and Prosecution Support, High Tech Crime Operations, Australian Federal Police, Twilight Seminar, 13 June 2012;
- “Referring Matters to the Mental Health Review Tribunal”, Professor Dan Howard SC, President, Mental Health Review Tribunal and Ms Sarah Hanson, Forensic Team Leader, Twilight Seminar, 14 August 2012.

Judges also attended a number of cross-jurisdictional events, including:

- “Advanced Judicial Writing”, Professor Bryan A Garner, Distinguished Research Professor of Law, SMU Dedman School of Law and President of LawProse, Inc, 30 July 2012;
- “Developments in Question Trails”, The Honourable Justice Rob Chambers, Supreme Court of NZ, The Honourable Justice Reg Blanch AM and The Honourable Justice Monika Schmidt, Twilight Seminar, 29 November 2012.

Judicial Orientation

One new judge of the Court attended the National Judicial Orientation Program at Glenelg in May 2012 and two new judges attended the program held at Broadbeach in October/November 2012. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration.

Ngara Yura Program

Judges continued to participate in the Judicial Commission’s Ngara Yura Program, which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Judges participated in the following Ngara Yura Program events:

- “Community Visit to Redfern”, 9 March 2012;
- “Indigenous Peoples in International Law”, Professor Megan Davis, Expert Member, United Nations Permanent Forum on Indigenous Issues and Director, Indigenous Law Centre, Faculty of Law, The University of New South Wales, Twilight Seminar, 28 March 2012;
- “Tribal Warrior Cultural Cruise”, Tribal Warrior Association, Field Trip, 13 October 2012.

CIVIL JURISDICTION

New South Wales

- Caseload

Sydney

- Caseload
- Residual Jurisdiction

Sydney West

Country

NEW SOUTH WALES

Full statistical data on the Court's civil operations is set out in Annexures A (1) and (2).

In 2012:

- Registrations fell by less than 1%
- Finalisations rose by 3%
- Pending cases fell by 1%
- Median finalisation time rose from 11.7 to 12.2 months

Caseload

EXPLANATORY BACKGROUND

Comparing registrations and finalisations is not an exact science. For example, a matter in the course of its life may, for various reasons, be registered more than once. Multiple parties and cross actions can further affect the equation. Cases determined at arbitration can be re-heard. A matter previously dismissed can be restored or a retrial may be ordered. Registries also conduct stock-takes of cases on hand during the course of the year, with pending statistics being adjusted as necessary.

It is therefore important to view comparisons of registrations and finalisations against pending caseload with some caution, as it is often difficult to reconcile the figures. However, they are helpful in providing general trends concerning the incoming and outgoing work of the Court.

REGISTRATIONS

There were **4,849** matters registered in 2012, compared to **4,844** in 2011.

FINALISATIONS

There were **4,956** matters finalised in 2012, compared to **4,822** in 2011.

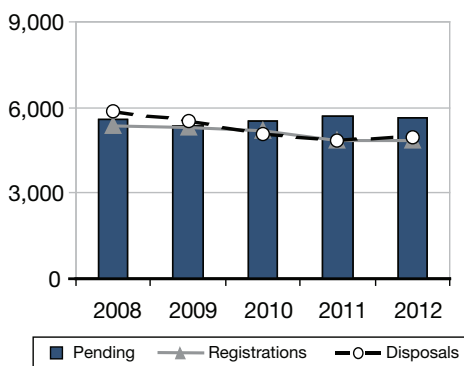
PENDING

At the end of 2012 the pending caseload was **5,629**, compared to **5,712** in 2011.

COMPARISON WITH PREVIOUS YEARS

Figure 1 below tracks the Court's caseload for the past 5 years.

Figure 1. NSW Civil Caseload



FINALISATION TIMES

In 2012, **50%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **87%**, respectively, in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** more than 24 months.

SYDNEY

In 2012:

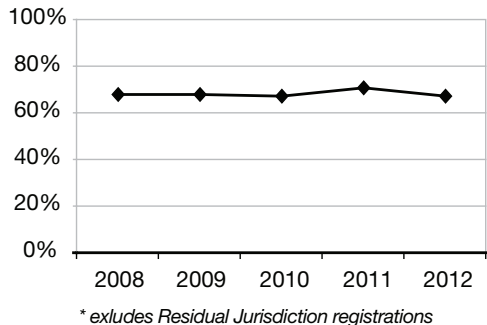
- Registrations fell by 4%
- Finalisations rose by 1%
- Pending cases fell by 5%
- Median finalisation time fell from 11.7 to 10.8 months

Caseload

In 2012, Sydney civil case managed matters represented **67%** of the State's registrations and **68%** of the matters on hand.

Figure 2 below shows the ratio of new civil actions commencing in Sydney, as compared to the whole State for the past 5 years.

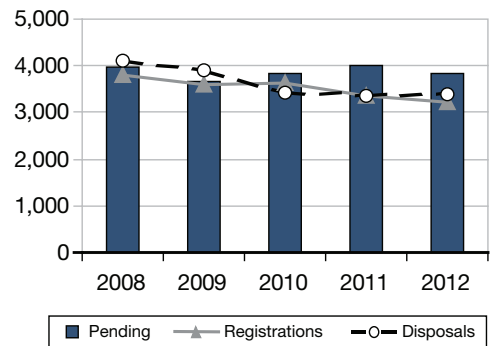
Figure 2. Sydney's % of NSW Registrations



REGISTRATIONS, FINALISATIONS AND PENDING

Excluding the Residual Jurisdiction, there were **3,225** new actions registered and **3,393** finalised in Sydney in 2012. At the end of the year there were **3,824** actions pending. Figure 3 tracks Sydney's caseload for the last five years.

Figure 3. Sydney Caseload



FINALISATION TIMES

The Court's ideal time standard for civil cases is to achieve a **90%** finalisation rate within 12 months of commencement, and **100%** within 2 years.

In 2012, **52%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **86%**, respectively in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** exceeded 24 months.

History

By the middle of the 19th Century the court system in New South Wales consisted of:

- The Supreme Court of New South Wales which, under the Third Charter of Justice sealed in 1823, had a criminal and civil jurisdiction similar to that of the superior Courts of England;
- Courts of General and Quarter Sessions which could deal with “crimes and misdemeanours not punishable by death”;
- Courts of Requests in Sydney and the County of Cumberland, with a civil jurisdiction not exceeding £30; and
- Courts of Petty Sessions, which dealt with criminal misdemeanours in a summary way and had a civil jurisdiction up to £10 (or £30 if the defendant consented).

With the discovery of gold in 1851 the Colony's population increased and became more dispersed. Litigation grew as the Colony prospered, and crime was not declining. The Supreme Court began to fall seriously into arrears, and this was not helped by the fact that it did not visit a lot of towns. Courts of Quarter Sessions were also few in number and had no civil jurisdiction.

By the mid 1850's there were calls for a revision of the court system, to meet the growing needs of the Colony. As a result, the *District Court Act 1858* (22 Vic No 18) was assented to on 12 November 1858.

This Act established District Courts, as courts of records, to replace Courts of Requests and divided the Colony into Districts. It conferred upon the District Courts a civil jurisdiction.

It also provided for the appointment of a District Court judge as Chairman of any Court of Quarter Sessions or General Sessions, to be held within the limits of the District for which that judge was appointed.

The purpose of the Act was briefly described in *The Practice of the District Courts of NSW by W.J. Foster and C.E.R. Murray (Sydney, 1870)*, as follows:

“District Courts were established by the Legislature for the purpose of simplifying legal proceedings in the recovery of amounts under £200, and lessening the expenses of attending such proceedings, as well as to relieving the Supreme Court of some portion of the overwhelming civil business which the rapid progress of the colony had lately engendered.

The Act providing for the institution of these Courts also extended the jurisdiction of Courts of General and Quarter Sessions of the Peace, and prepared the way for a great increase in their numbers, under the presidency of District Court judges as Chairmen, whereby criminal proceedings have been much facilitated, especially in the more distant and outlying portions of the country...”

The *District Courts Act 1858* remained in force until 1973, although the jurisdiction of the Court was increased from time to time.

The *District Court Act 1973* commenced on 1 July 1973. It abolished the District Courts and Courts of Quarter Sessions and established one District Court of New South Wales, with a statewide criminal and civil jurisdiction.

Jurisdiction

The District Court is the intermediate Court in the State's judicial hierarchy. It is a trial court and has an appellate jurisdiction. In addition, the judges of the Court preside over a range of tribunals.

In its criminal jurisdiction, the Court may deal with all criminal offences except murder, treason and piracy.

In its civil jurisdiction the Court may deal with:

- All motor accident cases, irrespective of the amount claimed;
- Other claims to a maximum amount of \$750,000, although it may deal with matters exceeding this amount if the parties consent.

In addition, the Court may deal with equitable claims or demands for recovery of money or damages for amounts not exceeding \$750,000.

The Court is also empowered to deal with applications under the *De Facto Relationships Act 1984*, the *Family Provisions Act 1982* and the *Testator Family Maintenance and Guardianship of Infants Act 1916* that involve amounts, or property to the value of, not more than \$250,000.

Judiciary

The following were the judges of the Court as at **31 December 2012**.

Chief Judge

The Honourable Justice Reginald Oliver
Blanch AM*

Judges

His Honour Judge Ronald Herbert Solomon
Her Honour Judge Dianne Joy Truss
His Honour Judge Garry William Neilson
His Honour Judge Christopher John Armitage
His Honour Judge Christopher John George Robison
Her Honour Judge Robyn Christine Tupman
His Honour Judge James Patrick Curtis*
Her Honour Judge Helen Gay Murrell SC
Her Honour Judge Deborah June Payne
His Honour Judge Martin Langford Sides QC
His Honour Judge Robert Keleman SC
Her Honour Judge Anne Mary Quirk
Her Honour Judge Linda Margaret Ashford
His Honour Judge Gregory David Woods QC
His Honour Judge Norman Edward Delaney
His Honour Judge Jonathan Steuart Williams
His Honour Judge Kevin Patrick O'Connor AM
Her Honour Judge Jennifer Anne English
Her Honour Judge Susan Jennifer Gibb
His Honour Judge Kevin Peter Coorey
His Honour Judge James Walter Black QC
His Honour Judge Robert Arthur Sorby
His Honour Judge Stephen Ronald Norrish QC
Her Honour Judge Audrey Suzanne Balla
His Honour Judge Michael John Finnane RFD QC*
Her Honour Judge Penelope Jane Hock
Her Honour Judge Judith Clare Gibson
His Honour Judge Stephen Lewis Walmsley SC
His Honour Judge Anthony Martin Blackmore SC

His Honour Judge Peter Graeme Berman SC
 His Honour Judge Raymond Patrick McLoughlin SC
 His Honour Judge Colin David Charteris SC
 His Honour Judge Roy David Ellis
 His Honour Judge Mark Curtis Marien SC
 His Honour Judge Brian John Knox SC
 His Honour Judge John Roger Dive
 Her Honour Judge Deborah Anne Sweeney
 His Honour Judge James Leonard Alexandre Bennett SC
 His Honour Judge Peter Lind Johnstone
 His Honour Judge William Patrick Kearns SC*
 His Honour Judge Paul Vincent Conlon SC
 His Honour Judge Peter Raymond Zahra SC
 His Honour Judge Richard Dominic Cogswell SC
 Her Honour Judge Leonie Flannery SC
 His Honour Judge Robert Stephen Toner SC
 His Honour Judge Gregory Michael Keating
 His Honour Judge Paul Ivan Lakatos SC
 His Honour Judge Leonard Levy SC
 His Honour Judge Michael Elkaim SC
 His Honour Judge Michael King SC
 His Honour Judge David Clement Frearson SC
 His Honour Judge Andrew Michael Colefax SC
 Her Honour Judge Helen Syme
 His Honour Michael Ivan Bozic SC
 His Honour John North
 His Honour Judge Graham Leslie Henson
 Her Honour Judge Laura Kathleen Wells SC
 His Honour Judge Ross Victor Letherbarrow SC
 His Honour Judge Andrew Carl Haesler SC
 Her Honour Judge Donna Mary Lisa Woodburne SC
 Her Honour Judge Elizabeth Margaret Olsson SC
 His Honour Judge Clive Vaughan Jeffreys
 * denotes Member of the Dust Diseases Tribunal

Appointments

The following Judges were appointed during 2012 on the dates indicated in brackets after their name:

His Honour Judge David Ulric Arnott SC (13 February 2012)
 His Honour Judge Peter George Maiden SC (12 March 2012)
 His Honour Judge Phillip Gregory Mahony SC (19 March 2012)
 His Honour Judge Christopher Phillip Hoy SC (16 April 2012)
 His Honour Judge Phillip Thomas Taylor SC (16 April 2012)
 His Honour Judge Gordon Bruce Lerve (31 May 2012)
 His Honour Judge Ian Hartley McClintock SC (24 September 2012)
 His Honour Judge Christopher Bruce Craigie SC (15 October 2012)
 Her Honour Judge Sarah Jane Huggett (15 October 2012)

Retirements

The following Judges retired during 2012 on the dates indicated in brackets after their name:

Her Honour Judge Margaret Sidi (11 April 2012)
 His Honour Judge Richard Anthony Rolfe (13 April 2012)
 Her Honour Judge Margaret Ann O'Toole (31 May 2012)
 His Honour Judge Anthony Frederick Garling (29 June 2012)
 His Honour Judge John Cecil Nicholson SC (29 June 2012)
 His Honour Judge Colin Emmett O'Connor QC (29 June 2012)

Acting Judge of the Supreme Court of NSW

His Honour Judge Stephen Lewis Walmsley SC acted as a Judge of the Supreme Court of NSW from 30 January 2012 to 30 June 2012.

Appointments Held

The Honourable Justice Reginald Oliver Blanch AM, held the appointment of President of the Dust Diseases Tribunal of NSW.

His Honour Judge Kevin Patrick O'Connor AM, held the appointment of President of the Administrative Decisions Tribunal of NSW.

His Honour Judge Mark Curtis Marien SC, held the appointment of President of the Children's Court of NSW.

His Honour Judge John Roger Dive held the appointment of Senior Judge of the Drug Court of NSW.

His Honour Judge Peter Lind Johnstone held the appointment of President of the Children's Court of NSW.

His Honour Judge Gregory Michael Keating held the appointment of President of the Workers Compensation Commission of NSW.

His Honour Judge Graeme Leslie Henson held the appointment of Chief Magistrate of the Local Court of NSW.

Medical Tribunal of NSW

The Honourable Justice Reginald Oliver Blanch AM, Chief Judge, held the appointment of Chairperson of the Medical Tribunal of New South Wales.

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31 December 2012:

Her Honour Judge Helen Gay Murrell SC

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Stephen Lewis Walmsley SC

His Honour Judge Peter Lind Johnstone

Her Honour Judge Leonie Flannery SC

His Honour Judge Paul Ivan Lakatos SC

His Honour Judge Michael Elkaim SC

His Honour Judge Leonard Levy SC

His Honour Judge Andrew Michael Colefax SC

His Honour Judge Phillip Gregory Mahony SC

The Honourable Justice Anna Frances Backman

The Honourable Justice Conrad Gerard Staff

Acting Judges (in alphabetical order)

Mr Warwick John Andrew CBE

Mr Ian Barnett

Mr Terence Joseph Christie QC

Mr Garry Spencer Forno QC

Mr David James Freeman

Mr Anthony Frederick Garling

Mr Geoffrey John Graham

Mr Gregory Scott Hosking SC

The Honourable Barrie Clive Hungerford QC

Mr Luigi Maria Baliano Lamprati

Mr Rodney Neville Madgwick QC

The Honourable Francis Marks

Mr Neil Ferguson McLaughlan QC

Mr John Kennedy McLaughlin

Ms Helen Jane Morgan

Mr John Cecil Nicholson SC

Mr John Roscoe Nield

Mr Colin Emmett O'Connor QC

Mr Colin Phegan

Mr Anthony Francis Puckeridge QC

Ms Margaret Sidis

Mr Kenneth Victor Taylor AM RFD

Judicial Registrar

Mr James Howard is the Judicial Registrar and exercises functions pursuant to Section 18FA of the *District Court Act 1973*.

Court Staff

Venues

In 2012 the Court sat permanently in Sydney at the Downing Centre, 143-147 Liverpool Street, Sydney (in crime), where it occupies 17 courtrooms, and at the John Maddison Tower, 86 Goulburn Street, Sydney, where it occupies 22 courtrooms (mostly in civil).

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (8 courtrooms), Penrith (1 courtroom) and Campbelltown (1 courtroom).

In addition, continuous sittings were conducted at Gosford, Lismore, Newcastle and Wollongong.

Other places where the Court sat were:

Albury, Armidale, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Dubbo, East Maitland, Goulburn, Grafton, Griffith, Lismore, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth, Taree, and Wagga Wagga.

Principal Registrar

Ms Pam Olsoen is the Principal Registrar and exercises functions pursuant to Section 18H(3) of the *District Court Act 1973*.

Criminal Listings and Judicial Arrangements

Schedules cases in accordance with Court policy; prepares lists, allocates courtrooms, and co-ordinates the assignment of judges to venues throughout the State.

Mr Robert Fornito is the District Court Criminal Listing Director. Pursuant to Section 123 of the *Criminal Procedure Act 1986*, the Criminal Listing Director is responsible to the Chief Judge in making arrangements for the listing of criminal proceedings.

Civil Listings and Case Management

Implements civil case management and listing practices for the timely finalisation of cases, schedules cases, prepares lists and allocates courtrooms.

Ms Jane Dunn is the Civil List and Case Manager and works in conjunction with the Civil List Judge and the Judicial Registrar in making arrangements for the listing of civil proceedings.

STRATEGIC PLAN

- Civil Business Committee
- Criminal Business Committee
- Professional Development (Education) Committee

Civil Business Committee Report

In August 2007 the Court introduced its third Strategic Plan. The first such plan was adopted in 1995 and it provided a template for significant changes in the way the Court operated as did the second Strategic Plan in 2000.

The Strategic Plan articulates the values of the Court and sets out the goals to be achieved over 2007-2012 in carrying out this role in line with these values.

The Court is committed to discharging its responsibilities to ensure:

- That the Court is accessible to the public and those who need to use its services;
- The effective determination of cases in an orderly, cost effective and expeditious manner. The equal protection of the law to all;
- The independence of the Judges of the Court, and the Court as a branch of our system of government;
- Accountability for the performance of the Court and its use of public funds;
- The highest standard of excellence in the functioning of the Court.

As in past plans, the Court will continue to maintain a Policy and Planning Committee to provide advice to the Chief Judge on matters relating to the business of the Court. There are also three major business committees that are accountable to the Policy and Planning Committee. Those Committees are:

- The Civil Business Committee;
- The Criminal Business Committee;
- The Professional Development (Education) Committee.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's objective of providing a system for the earliest, most effective and efficient resolution of civil disputes.

The Committee

The Committee consists of judges of the Court, the Judicial Registrar, the Civil List and Case Manager and representatives of the Law Society of NSW, the Bar Association of NSW, the Insurance Council of Australia and the Motor Accidents Authority.

Activities

The Committee met on three occasions during the year and matters considered included:

1. The Court's Operational Performance Report with up-to-date statistical information presented at each meeting.
2. Proposed amendments to the rules and practice notes.
3. Particular concerns of the various representatives and matters which the Court wished to bring to their attention.
4. The Committee considered a wide range of issues including:
 - The components of the caseload by cause of action;
 - Pre-action protocols under Part 2A of the *Civil Procedure Act*;
 - The *Court Information Act*;
 - The review of the *Civil Procedure Act*;
 - The review of the Costs assessment regime;
 - The *Motor Accidents Compensation Act*, in particular, late claims, s109 applications and the review of the legislation;
 - Judicial movements including the availability of funding for acting judges as affecting the civil jurisdiction;
 - The transfer of matters from the Supreme Court;

Criminal Business Committee Report

- Practical aspects of amendments to the form of affidavits necessitated by the *Identification Legislation Amendment Act*;
- Practical aspects of discovery;
- The amendment of Practice Note 8 – Early Return of Subpoena and the new subpoena forms;
- Adherence to timetable orders and the attendance indicator statistics in the Professional Negligence List;
- Analysis of the ADR, and in particular the mediation, referral statistics and their comparison with previous years;
- Better case management of construction cases;
- Inadequate preparation for approval applications;
- Fixing cases for hearing by email;
- Increases in filing fees.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's goal of providing a system for the earliest, most effective and efficient resolution of criminal matters.

Consultation with court users is carried out through the Criminal Business Committee. The Committee consists of a judge of the Court, the Criminal Listing Director and representatives from the Law Society of NSW, Bar Association of NSW, Legal Aid, Commonwealth and State DPP's, Aboriginal Legal Service, Public Defenders and Crown Prosecutors.

Activities

The Committee met on four occasions during the year.

1. The Court continued to target older pending cases throughout the state. The ROGS (Report on Government Services) as at 30 June 2012 continues to show NSW leading the nation in the finalisation of criminal cases.
2. The Court continues to manage and list criminal trials in country circuits by way of a telephone call over.
3. The average length of trials in Sydney dropped slightly to 10.98 days (compared to 11.93 days in 2011). The statewide trial average was 8.71 days, unchanged from last year.
4. There has been a significant increase in criminal trial registrations in 2012. Statewide there was a 19% increase made up of a increases of 13% in Sydney, 30% in Sydney West and 17% in the Country.
5. A new state of the art multi accused courtroom commenced sitting in April 2012. The courtroom is designed to accommodate 18 accused and 36 legal representatives at the bar table.
6. The District Court commenced hearing prosecutions under the *Work Health and Safety Act* from the start of 2012. These matters were previously dealt with by the Industrial Court of NSW. The Court registered 106 prosecutions in 2012 dealing with 19, with 87 pending.

Professional Development (Education) Committee Report

7. The Court continued to deal with people smuggler trials. 17 individual people smuggler matters were committed for trial to the District Court. 7 individuals who had been committed prior to 2012 did not proceed to trial but were discontinued on the basis of the possibility that the person was under 18 years of age. 55 individuals came before the court in 38 trials. 5 of these 55 were re trials (at the second trial 3 were withdrawn, 1 convicted and 1 acquitted).

An overall breakdown of the results of the trials of these 55 matters is as follows: –

- Hung jury – 1;
- Convicted – 13;
- Acquitted – 22;
- Withdrawn – 7;
- Jury discharged – 3;
- Trial vacated by defence – 1;
- Plea – 3;
- Directed verdict – 2;
- Pleas to substituted charge – 3.

8. The Court continues to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

Terms of Reference

The District Court, in partnership with the Judicial Commission of New South Wales, provides a continuing judicial education program for judges. The program aims to:

- Enhance professional expertise;
- Facilitate the development of judicial knowledge and skills;
- Promote the pursuit of juristic excellence.

With a focus on interactive learning, the program is based on enhancing skills, attitudes and knowledge in a judicially relevant environment.

Sessions range from orientation programs for new judges and an annual conference to specialist seminars on practical matters, social awareness issues and legislative changes. The focus in education for District Court judges is on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills.

The Professional Development (Education) Committee, composed of judges and the Judicial Commission's Education Director, develops each education program based on the identified needs of judges. Judges are involved in the development and delivery of the education program to ensure its relevance to the judicial role. A member of the Committee is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

During 2012, judges:

- Continued to receive focused and tailored training to meet their educational needs;
- Attended 162 days of face-to-face judicial education organised by the Judicial Commission, an average of 2.3 days of judicial education per judge.

Activities Annual Conference

The Annual Conference held on the Central Coast on 10 – 11 April 2012 was attended by 49 judges, 1 acting judge, a judge from the District Court of New Zealand and the Judicial Registrar. The conference focused on providing challenging and interesting educational sessions, while also providing a valuable opportunity for discussion and debate. The program consisted primarily of sessions relevant to the day-to-day work of a judge. Topics for the conference were determined by the Education Committee based on previous evaluation reports, suggestions by colleagues and suggestions from the Judicial Commission. The sessions dealt with a variety of topics including substantive law and practice, ethics, sentencing issues, civil law topics, the relationship between gambling and offending, and Intensive Correction Orders. Topics included:

- Court of Appeal Review by The Honourable Justice Margaret Beazley AO, NSW Court of Appeal;
- Current Issues in Sentencing by Her Honour Judge Deborah Payne;
- Are Courts Self-Serving? by Dr Simon Longstaff, Executive Director of St James Ethics Centre, Sydney;
- Workcover Prosecutions by The Honourable Justice Stephen Rothman, AM, Supreme Court of NSW;
- Court of Criminal Appeal Review by The Honourable Justice Robert A Hulme, Supreme Court of NSW;
- Buildings by Her Honour Judge Elizabeth Olsson SC;
- Medical Tribunals by Her Honour Judge Audrey Balla;
- Impartiality and Disqualification by Her Honour Judge Dianne Truss;
- Problem Gambling and its Relationship to Offending by Mr Anthony Sobb, Chairman and Founder, Oakdene House Foundation and Mr Tom Simpson, Education Officer, Oakdene House Foundation;

- Intensive Correction Orders 12 Months On by Ms Rosemary Caruana, Assistant Commissioner, Community Offender Management, Corrective Services NSW;
- Q & A: Everything you wanted to know but did not like to ask with a panel of judges consisting of The Honourable Justice Reg Blanch AM, His Honour Judge Ron Solomon, Her Honour Judge Dianne Truss and His Honour Judge Peter Berman SC.

Occasional Seminars

The Education Committee has continued to work with the Judicial Commission to organise a series of twilight education sessions for District Court judges. These seminars provide useful, informative and timely information on a range of topical matters relevant to the work of the District Court. They aim to enhance judicial performance and assist in the further development of judicial skills and knowledge. Seminars were held on the following topics:

- “Convention on Rights of the Child”, The Honourable Jennifer Boland AM, Twilight Seminar, 7 March 2012;
- “Controlling the Court”, The Honourable Michael Campbell QC, Twilight Seminar, 20 March 2012;
- “Cybercrime, Technology Trends and Electronic Evidence”, Mr Matthew Nevin, Project Manager eCourt and Prosecution Support, High Tech Crime Operations, Australian Federal Police, Twilight Seminar, 13 June 2012;
- “Referring Matters to the Mental Health Review Tribunal”, Professor Dan Howard SC, President, Mental Health Review Tribunal and Ms Sarah Hanson, Forensic Team Leader, Twilight Seminar, 14 August 2012.

Judges also attended a number of cross-jurisdictional events, including:

- “Advanced Judicial Writing”, Professor Bryan A Garner, Distinguished Research Professor of Law, SMU Dedman School of Law and President of LawProse, Inc, 30 July 2012;
- “Developments in Question Trails”, The Honourable Justice Rob Chambers, Supreme Court of NZ, The Honourable Justice Reg Blanch AM and The Honourable Justice Monika Schmidt, Twilight Seminar, 29 November 2012.

Judicial Orientation

One new judge of the Court attended the National Judicial Orientation Program at Glenelg in May 2012 and two new judges attended the program held at Broadbeach in October/November 2012. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration.

Ngara Yura Program

Judges continued to participate in the Judicial Commission’s Ngara Yura Program, which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Judges participated in the following Ngara Yura Program events:

- “Community Visit to Redfern”, 9 March 2012;
- “Indigenous Peoples in International Law”, Professor Megan Davis, Expert Member, United Nations Permanent Forum on Indigenous Issues and Director, Indigenous Law Centre, Faculty of Law, The University of New South Wales, Twilight Seminar, 28 March 2012;
- “Tribal Warrior Cultural Cruise”, Tribal Warrior Association, Field Trip, 13 October 2012.

CIVIL JURISDICTION

New South Wales

- Caseload

Sydney

- Caseload
- Residual Jurisdiction

Sydney West

Country

NEW SOUTH WALES

Full statistical data on the Court's civil operations is set out in Annexures A (1) and (2).

In 2012:

- Registrations fell by less than 1%
- Finalisations rose by 3%
- Pending cases fell by 1%
- Median finalisation time rose from 11.7 to 12.2 months

Caseload

EXPLANATORY BACKGROUND

Comparing registrations and finalisations is not an exact science. For example, a matter in the course of its life may, for various reasons, be registered more than once. Multiple parties and cross actions can further affect the equation. Cases determined at arbitration can be re-heard. A matter previously dismissed can be restored or a retrial may be ordered. Registries also conduct stock-takes of cases on hand during the course of the year, with pending statistics being adjusted as necessary.

It is therefore important to view comparisons of registrations and finalisations against pending caseload with some caution, as it is often difficult to reconcile the figures. However, they are helpful in providing general trends concerning the incoming and outgoing work of the Court.

REGISTRATIONS

There were **4,849** matters registered in 2012, compared to **4,844** in 2011.

FINALISATIONS

There were **4,956** matters finalised in 2012, compared to **4,822** in 2011.

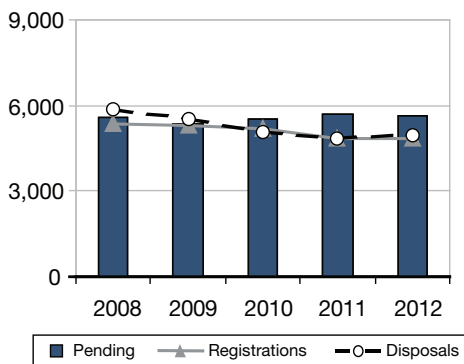
PENDING

At the end of 2012 the pending caseload was **5,629**, compared to **5,712** in 2011.

COMPARISON WITH PREVIOUS YEARS

Figure 1 below tracks the Court's caseload for the past 5 years.

Figure 1. NSW Civil Caseload



FINALISATION TIMES

In 2012, **50%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **87%**, respectively, in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** more than 24 months.

SYDNEY

In 2012:

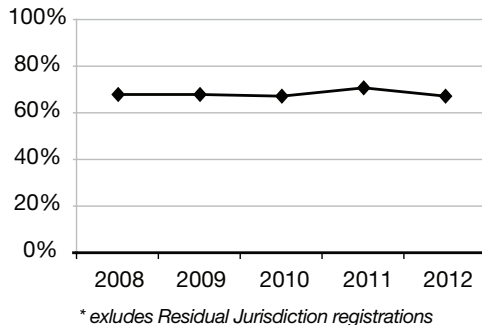
- Registrations fell by 4%
- Finalisations rose by 1%
- Pending cases fell by 5%
- Median finalisation time fell from 11.7 to 10.8 months

Caseload

In 2012, Sydney civil case managed matters represented **67%** of the State's registrations and **68%** of the matters on hand.

Figure 2 below shows the ratio of new civil actions commencing in Sydney, as compared to the whole State for the past 5 years.

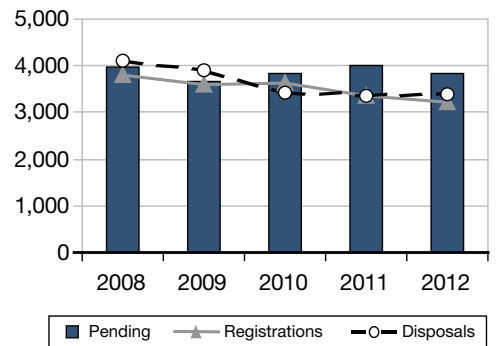
Figure 2. Sydney's % of NSW Registrations



REGISTRATIONS, FINALISATIONS AND PENDING

Excluding the Residual Jurisdiction, there were **3,225** new actions registered and **3,393** finalised in Sydney in 2012. At the end of the year there were **3,824** actions pending. Figure 3 tracks Sydney's caseload for the last five years.

Figure 3. Sydney Caseload



FINALISATION TIMES

The Court's ideal time standard for civil cases is to achieve a **90%** finalisation rate within 12 months of commencement, and **100%** within 2 years.

In 2012, **52%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **86%**, respectively in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** exceeded 24 months.

HOW CASES ARE FINALISED

Table 1 below shows the break up of how case managed list matters were finalised in 2012. The categories of “Dismissed” and “Discontinued” include matters that settled without judgment being entered and/or terms of settlement being filed.

Table 1. Finalisation Outcomes

Judgment following Trial	301
Default Judgment	25
Settlement Filed	2,010
Dismissed	554
Discontinued	366
Arbitration	0
Transferred	137
Total	3,393

Table 2 below compares two of the seven categories of finalised outcomes as against the total number of finalised outcomes. These two categories are selected because i. ‘Finalised following trial’ represents the number of hearings to judgment before judges, and ii. “Finalised by settlement filed” includes matters that settled as a result of ADR.

Table 2. Judgments/Settlements

Year	Total Finalised	Finalised by Judgment following Trial	Finalised by Settlement filed
2008	4,043 (100%)	435 (11%)	1,727 (43%)
2009	3,914 (100%)	478 (12%)	1,523 (39%)
2010	3,416 (100%)	332 (10%)	1,695 (50%)
2011	3,369 (100%)	276 (8%)	1,802 (53%)
2012	3,393 (100%)	301 (9%)	2,010 (59%)

Residual Jurisdiction

The *Compensation Court Repeal Act 2002* abolished the Compensation Court, and transferred the Compensation Court’s jurisdiction to the Workers Compensation Commission or the District Court. The Act commenced on 1 January 2004.

The disputes that were transferred to the District Court are commonly referred as its “residual jurisdiction” and involve the following:

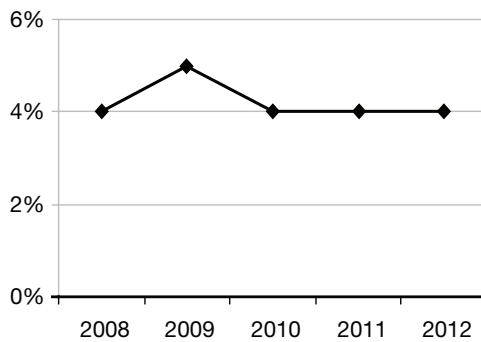
- *The Police Act 1990* concerning police officers “hurt on duty” and the *Police Regulation (Superannuation) Act 1906* concerning the payment of superannuation benefits to police officers;
- *Payment under the Police Regulations (Superannuation) Act 1906*, paid to STC (the SAS Trustee Corporation continued under the *Superannuation Administration Act 1996*) and special risk benefits payable by the Commissioner of Police;
- *The Workers’ Compensation Act 1987* concerning workers in or about a coal mine;
- *The Workers Compensation (Dust Diseases) Act 1942*;
- The Sporting Injuries Insurance Scheme;
- *The Workers’ Compensation (Bush Fire, Emergency & Rescue Services) Act 1987*.

During 2012, **354** actions were commenced and **310** were finalised. There were a total of **191** matters on hand in the residual jurisdiction at the end of 2012.

SYDNEY WEST

Sydney West had **4%** of the total number of new actions started in the State in 2012 (excluding the Court's residual jurisdiction). Figure 4 below tracks the variation in the proportional rate of registrations in Sydney West.

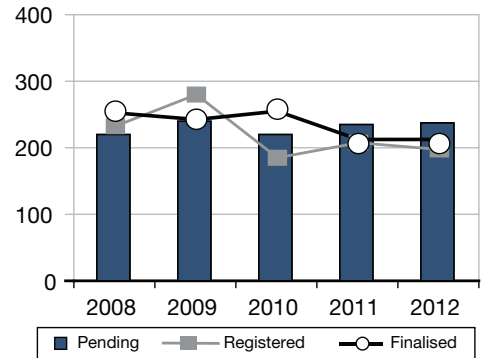
Figure 4. % Of NSW Registrations



In Sydney West there were **198** matters registered and **212** finalisations throughout the year. At the end of 2012 the total pending caseload was **237**, as compared to **235** the previous year.

Figure 5 shows comparative registrations, finalisations and pending caseloads for the past 5 years.

Figure 5. Sydney West Caseload



Pending matters in Sydney West rose by **1%** and the median finalisation time was **11.3** months.

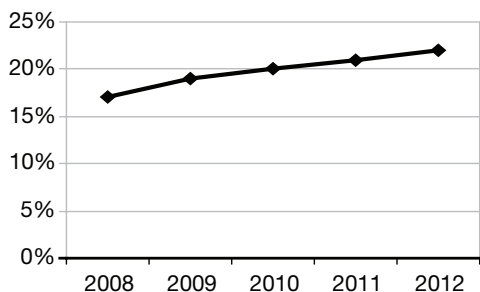
18% of pending cases exceeded 12 months and not more than 24 months and **6%** exceeded 24 months.

COUNTRY

Venues outside of Sydney and Sydney West had **22%** of the total number of new actions started in 2012 (excluding the Court's Residual Jurisdiction).

Figure 6 tracks the proportional rate of registrations for Country venues.

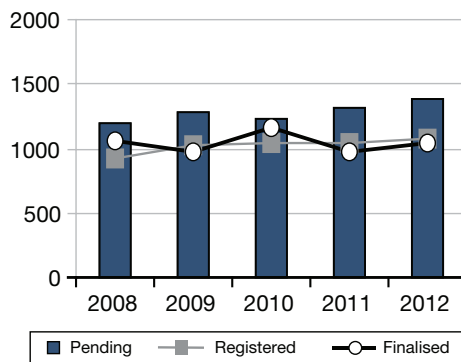
Figure 6. % Of NSW Registrations



Outside of Sydney and Sydney West, there were **1,041** finalisations throughout the year. At the end of the year the total pending caseload was **1,377** as compared to **1,323** the previous year.

Figure 7 shows comparative registrations, finalisations and pending caseloads for the past 5 years.

Figure 7. Country Civil Caseload



Pending matters in the country rose by **4%** and the median finalisation time was **12.8** months.

19% of pending cases exceeded 12 months and not more than 24 months and **7%** exceeded 24 months.

CRIMINAL JURISDICTION

Full statistical data on the Court's criminal operations is set out in Annexures B and C

Trials

- Caseload
- Trial Listing Outcomes
- Short Matters

Jurisdiction

The District Court is the intermediate Court in the State's judicial hierarchy. It is a trial court and has an appellate jurisdiction. In addition, the judges of the Court preside over a range of tribunals.

In its criminal jurisdiction, the Court may deal with all criminal offences except murder, treason and piracy.

In its civil jurisdiction the Court may deal with:

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- Other claims to a maximum amount of \$750,000, although it may deal with matters exceeding this amount if the parties consent.

In addition, the Court may deal with equitable claims or demands for recovery of money or damages for amounts not exceeding \$750,000.

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Judiciary

The following were the judges of the Court as at **31 December 2012**.

Chief Judge

The Honourable Justice Reginald Oliver
Blanch AM*

Judges

His Honour Judge Ronald Herbert Solomon
Her Honour Judge Dianne Joy Truss
His Honour Judge Garry William Neilson
His Honour Judge Christopher John Armitage
His Honour Judge Christopher John George Robison
Her Honour Judge Robyn Christine Tupman
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 His Honour Judge Graham Leslie Henson
 Her Honour Judge Laura Kathleen Wells SC
 His Honour Judge Ross Victor Letherbarrow SC
 His Honour Judge Andrew Carl Haesler SC
 Her Honour Judge Donna Mary Lisa Woodburne SC
 Her Honour Judge Elizabeth Margaret Olsson SC
 His Honour Judge Clive Vaughan Jeffreys

* denotes Member of the Dust Diseases Tribunal

Appointments

The following Judges were appointed during 2012 on the dates indicated in brackets after their name:

His Honour Judge David Ulric Arnott SC (13 February 2012)
 His Honour Judge Peter George Maiden SC (12 March 2012)
 His Honour Judge Phillip Gregory Mahony SC (19 March 2012)
 His Honour Judge Christopher Phillip Hoy SC (16 April 2012)
 His Honour Judge Phillip Thomas Taylor SC (16 April 2012)
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 His Honour Judge Ian Hartley McClintock SC (24 September 2012)
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The following Judges retired during 2012 on the dates indicated in brackets after their name:

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 His Honour Judge John Cecil Nicholson SC (29 June 2012)
 His Honour Judge Colin Emmett O'Connor QC (29 June 2012)

Acting Judge of the Supreme Court of NSW

His Honour Judge Stephen Lewis Walmsley SC acted as a Judge of the Supreme Court of NSW from 30 January 2012 to 30 June 2012.

Appointments Held

The Honourable Justice Reginald Oliver Blanch AM, held the appointment of President of the Dust Diseases Tribunal of NSW.

His Honour Judge Kevin Patrick O'Connor AM, held the appointment of President of the Administrative Decisions Tribunal of NSW.

His Honour Judge Mark Curtis Marien SC, held the appointment of President of the Children's Court of NSW.

His Honour Judge John Roger Dive held the appointment of Senior Judge of the Drug Court of NSW.

His Honour Judge Peter Lind Johnstone held the appointment of President of the Children's Court of NSW.

His Honour Judge Gregory Michael Keating held the appointment of President of the Workers Compensation Commission of NSW.

His Honour Judge Graeme Leslie Henson held the appointment of Chief Magistrate of the Local Court of NSW.

Medical Tribunal of NSW

The Honourable Justice Reginald Oliver Blanch AM, Chief Judge, held the appointment of Chairperson of the Medical Tribunal of New South Wales.

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31 December 2012:

Her Honour Judge Helen Gay Murrell SC

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Stephen Lewis Walmsley SC

His Honour Judge Peter Lind Johnstone

Her Honour Judge Leonie Flannery SC

His Honour Judge Paul Ivan Lakatos SC

His Honour Judge Michael Elkaim SC

His Honour Judge Leonard Levy SC

His Honour Judge Andrew Michael Colefax SC

His Honour Judge Phillip Gregory Mahony SC

The Honourable Justice Anna Frances Backman

The Honourable Justice Conrad Gerard Staff

Acting Judges (in alphabetical order)

Mr Warwick John Andrew CBE

Mr Ian Barnett

Mr Terence Joseph Christie QC

Mr Garry Spencer Forno QC

Mr David James Freeman

Mr Anthony Frederick Garling

Mr Geoffrey John Graham

Mr Gregory Scott Hosking SC

The Honourable Barrie Clive Hungerford QC

Mr Luigi Maria Baliano Lamprati

Mr Rodney Neville Madgwick QC

The Honourable Francis Marks

Mr Neil Ferguson McLaughlan QC

Mr John Kennedy McLaughlin

Ms Helen Jane Morgan

Mr John Cecil Nicholson SC

Mr John Roscoe Nield

Mr Colin Emmett O'Connor QC

Mr Colin Phegan

Mr Anthony Francis Puckeridge QC

Ms Margaret Sidis

Mr Kenneth Victor Taylor AM RFD

Judicial Registrar

Mr James Howard is the Judicial Registrar and exercises functions pursuant to Section 18FA of the *District Court Act 1973*.

Court Staff

Venues

In 2012 the Court sat permanently in Sydney at the Downing Centre, 143-147 Liverpool Street, Sydney (in crime), where it occupies 17 courtrooms, and at the John Maddison Tower, 86 Goulburn Street, Sydney, where it occupies 22 courtrooms (mostly in civil).

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (8 courtrooms), Penrith (1 courtroom) and Campbelltown (1 courtroom).

In addition, continuous sittings were conducted at Gosford, Lismore, Newcastle and Wollongong.

Other places where the Court sat were:

Albury, Armidale, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Dubbo, East Maitland, Goulburn, Grafton, Griffith, Lismore, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth, Taree, and Wagga Wagga.

Principal Registrar

Ms Pam Olsoen is the Principal Registrar and exercises functions pursuant to Section 18H(3) of the *District Court Act 1973*.

Criminal Listings and Judicial Arrangements

Schedules cases in accordance with Court policy; prepares lists, allocates courtrooms, and co-ordinates the assignment of judges to venues throughout the State.

Mr Robert Fornito is the District Court Criminal Listing Director. Pursuant to Section 123 of the *Criminal Procedure Act 1986*, the Criminal Listing Director is responsible to the Chief Judge in making arrangements for the listing of criminal proceedings.

Civil Listings and Case Management

Implements civil case management and listing practices for the timely finalisation of cases, schedules cases, prepares lists and allocates courtrooms.

Ms Jane Dunn is the Civil List and Case Manager and works in conjunction with the Civil List Judge and the Judicial Registrar in making arrangements for the listing of civil proceedings.

STRATEGIC PLAN

- Civil Business Committee
- Criminal Business Committee
- Professional Development (Education) Committee

Civil Business Committee Report

In August 2007 the Court introduced its third Strategic Plan. The first such plan was adopted in 1995 and it provided a template for significant changes in the way the Court operated as did the second Strategic Plan in 2000.

The Strategic Plan articulates the values of the Court and sets out the goals to be achieved over 2007-2012 in carrying out this role in line with these values.

The Court is committed to discharging its responsibilities to ensure:

- That the Court is accessible to the public and those who need to use its services;
- The effective determination of cases in an orderly, cost effective and expeditious manner. The equal protection of the law to all;
- The independence of the Judges of the Court, and the Court as a branch of our system of government;
- Accountability for the performance of the Court and its use of public funds;
- The highest standard of excellence in the functioning of the Court.

As in past plans, the Court will continue to maintain a Policy and Planning Committee to provide advice to the Chief Judge on matters relating to the business of the Court. There are also three major business committees that are accountable to the Policy and Planning Committee. Those Committees are:

- The Civil Business Committee;
- The Criminal Business Committee;
- The Professional Development (Education) Committee.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's objective of providing a system for the earliest, most effective and efficient resolution of civil disputes.

The Committee

The Committee consists of judges of the Court, the Judicial Registrar, the Civil List and Case Manager and representatives of the Law Society of NSW, the Bar Association of NSW, the Insurance Council of Australia and the Motor Accidents Authority.

Activities

The Committee met on three occasions during the year and matters considered included:

1. The Court's Operational Performance Report with up-to-date statistical information presented at each meeting.
2. Proposed amendments to the rules and practice notes.
3. Particular concerns of the various representatives and matters which the Court wished to bring to their attention.
4. The Committee considered a wide range of issues including:
 - The components of the caseload by cause of action;
 - Pre-action protocols under Part 2A of the *Civil Procedure Act*;
 - The *Court Information Act*;
 - The review of the *Civil Procedure Act*;
 - The review of the Costs assessment regime;
 - The *Motor Accidents Compensation Act*, in particular, late claims, s109 applications and the review of the legislation;
 - Judicial movements including the availability of funding for acting judges as affecting the civil jurisdiction;
 - The transfer of matters from the Supreme Court;

Criminal Business Committee Report

- Practical aspects of amendments to the form of affidavits necessitated by the *Identification Legislation Amendment Act*;
- Practical aspects of discovery;
- The amendment of Practice Note 8 – Early Return of Subpoena and the new subpoena forms;
- Adherence to timetable orders and the attendance indicator statistics in the Professional Negligence List;
- Analysis of the ADR, and in particular the mediation, referral statistics and their comparison with previous years;
- Better case management of construction cases;
- Inadequate preparation for approval applications;
- Fixing cases for hearing by email;
- Increases in filing fees.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's goal of providing a system for the earliest, most effective and efficient resolution of criminal matters.

Consultation with court users is carried out through the Criminal Business Committee. The Committee consists of a judge of the Court, the Criminal Listing Director and representatives from the Law Society of NSW, Bar Association of NSW, Legal Aid, Commonwealth and State DPP's, Aboriginal Legal Service, Public Defenders and Crown Prosecutors.

Activities

The Committee met on four occasions during the year.

1. The Court continued to target older pending cases throughout the state. The ROGS (Report on Government Services) as at 30 June 2012 continues to show NSW leading the nation in the finalisation of criminal cases.
2. The Court continues to manage and list criminal trials in country circuits by way of a telephone call over.
3. The average length of trials in Sydney dropped slightly to 10.98 days (compared to 11.93 days in 2011). The statewide trial average was 8.71 days, unchanged from last year.
4. There has been a significant increase in criminal trial registrations in 2012. Statewide there was a 19% increase made up of a increases of 13% in Sydney, 30% in Sydney West and 17% in the Country.
5. A new state of the art multi accused courtroom commenced sitting in April 2012. The courtroom is designed to accommodate 18 accused and 36 legal representatives at the bar table.
6. The District Court commenced hearing prosecutions under the *Work Health and Safety Act* from the start of 2012. These matters were previously dealt with by the Industrial Court of NSW. The Court registered 106 prosecutions in 2012 dealing with 19, with 87 pending.

Professional Development (Education) Committee Report

7. The Court continued to deal with people smuggler trials. 17 individual people smuggler matters were committed for trial to the District Court. 7 individuals who had been committed prior to 2012 did not proceed to trial but were discontinued on the basis of the possibility that the person was under 18 years of age. 55 individuals came before the court in 38 trials. 5 of these 55 were re trials (at the second trial 3 were withdrawn, 1 convicted and 1 acquitted).

An overall breakdown of the results of the trials of these 55 matters is as follows: –

- Hung jury – 1;
- Convicted – 13;
- Acquitted – 22;
- Withdrawn – 7;
- Jury discharged – 3;
- Trial vacated by defence – 1;
- Plea – 3;
- Directed verdict – 2;
- Pleas to substituted charge – 3.

8. The Court continues to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

Terms of Reference

The District Court, in partnership with the Judicial Commission of New South Wales, provides a continuing judicial education program for judges. The program aims to:

- Enhance professional expertise;
- Facilitate the development of judicial knowledge and skills;
- Promote the pursuit of juristic excellence.

With a focus on interactive learning, the program is based on enhancing skills, attitudes and knowledge in a judicially relevant environment.

Sessions range from orientation programs for new judges and an annual conference to specialist seminars on practical matters, social awareness issues and legislative changes. The focus in education for District Court judges is on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills.

The Professional Development (Education) Committee, composed of judges and the Judicial Commission's Education Director, develops each education program based on the identified needs of judges. Judges are involved in the development and delivery of the education program to ensure its relevance to the judicial role. A member of the Committee is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

During 2012, judges:

- Continued to receive focused and tailored training to meet their educational needs;
- Attended 162 days of face-to-face judicial education organised by the Judicial Commission, an average of 2.3 days of judicial education per judge.

Activities Annual Conference

The Annual Conference held on the Central Coast on 10 – 11 April 2012 was attended by 49 judges, 1 acting judge, a judge from the District Court of New Zealand and the Judicial Registrar. The conference focused on providing challenging and interesting educational sessions, while also providing a valuable opportunity for discussion and debate. The program consisted primarily of sessions relevant to the day-to-day work of a judge. Topics for the conference were determined by the Education Committee based on previous evaluation reports, suggestions by colleagues and suggestions from the Judicial Commission. The sessions dealt with a variety of topics including substantive law and practice, ethics, sentencing issues, civil law topics, the relationship between gambling and offending, and Intensive Correction Orders. Topics included:

- Court of Appeal Review by The Honourable Justice Margaret Beazley AO, NSW Court of Appeal;
- Current Issues in Sentencing by Her Honour Judge Deborah Payne;
- Are Courts Self-Serving? by Dr Simon Longstaff, Executive Director of St James Ethics Centre, Sydney;
- Workcover Prosecutions by The Honourable Justice Stephen Rothman, AM, Supreme Court of NSW;
- Court of Criminal Appeal Review by The Honourable Justice Robert A Hulme, Supreme Court of NSW;
- Buildings by Her Honour Judge Elizabeth Olsson SC;
- Medical Tribunals by Her Honour Judge Audrey Balla;
- Impartiality and Disqualification by Her Honour Judge Dianne Truss;
- Problem Gambling and its Relationship to Offending by Mr Anthony Sobb, Chairman and Founder, Oakdene House Foundation and Mr Tom Simpson, Education Officer, Oakdene House Foundation;

- Intensive Correction Orders 12 Months On by Ms Rosemary Caruana, Assistant Commissioner, Community Offender Management, Corrective Services NSW;
- Q & A: Everything you wanted to know but did not like to ask with a panel of judges consisting of The Honourable Justice Reg Blanch AM, His Honour Judge Ron Solomon, Her Honour Judge Dianne Truss and His Honour Judge Peter Berman SC.

Occasional Seminars

The Education Committee has continued to work with the Judicial Commission to organise a series of twilight education sessions for District Court judges. These seminars provide useful, informative and timely information on a range of topical matters relevant to the work of the District Court. They aim to enhance judicial performance and assist in the further development of judicial skills and knowledge. Seminars were held on the following topics:

- “Convention on Rights of the Child”, The Honourable Jennifer Boland AM, Twilight Seminar, 7 March 2012;
- “Controlling the Court”, The Honourable Michael Campbell QC, Twilight Seminar, 20 March 2012;
- “Cybercrime, Technology Trends and Electronic Evidence”, Mr Matthew Nevin, Project Manager eCourt and Prosecution Support, High Tech Crime Operations, Australian Federal Police, Twilight Seminar, 13 June 2012;
- “Referring Matters to the Mental Health Review Tribunal”, Professor Dan Howard SC, President, Mental Health Review Tribunal and Ms Sarah Hanson, Forensic Team Leader, Twilight Seminar, 14 August 2012.

Judges also attended a number of cross-jurisdictional events, including:

- “Advanced Judicial Writing”, Professor Bryan A Garner, Distinguished Research Professor of Law, SMU Dedman School of Law and President of LawProse, Inc, 30 July 2012;
- “Developments in Question Trails”, The Honourable Justice Rob Chambers, Supreme Court of NZ, The Honourable Justice Reg Blanch AM and The Honourable Justice Monika Schmidt, Twilight Seminar, 29 November 2012.

Judicial Orientation

One new judge of the Court attended the National Judicial Orientation Program at Glenelg in May 2012 and two new judges attended the program held at Broadbeach in October/November 2012. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration.

Ngara Yura Program

Judges continued to participate in the Judicial Commission’s Ngara Yura Program, which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Judges participated in the following Ngara Yura Program events:

- “Community Visit to Redfern”, 9 March 2012;
- “Indigenous Peoples in International Law”, Professor Megan Davis, Expert Member, United Nations Permanent Forum on Indigenous Issues and Director, Indigenous Law Centre, Faculty of Law, The University of New South Wales, Twilight Seminar, 28 March 2012;
- “Tribal Warrior Cultural Cruise”, Tribal Warrior Association, Field Trip, 13 October 2012.

CIVIL JURISDICTION

New South Wales

- Caseload

Sydney

- Caseload
- Residual Jurisdiction

Sydney West

Country

NEW SOUTH WALES

Full statistical data on the Court's civil operations is set out in Annexures A (1) and (2).

In 2012:

- Registrations fell by less than 1%
- Finalisations rose by 3%
- Pending cases fell by 1%
- Median finalisation time rose from 11.7 to 12.2 months

Caseload

EXPLANATORY BACKGROUND

Comparing registrations and finalisations is not an exact science. For example, a matter in the course of its life may, for various reasons, be registered more than once. Multiple parties and cross actions can further affect the equation. Cases determined at arbitration can be re-heard. A matter previously dismissed can be restored or a retrial may be ordered. Registries also conduct stock-takes of cases on hand during the course of the year, with pending statistics being adjusted as necessary.

It is therefore important to view comparisons of registrations and finalisations against pending caseload with some caution, as it is often difficult to reconcile the figures. However, they are helpful in providing general trends concerning the incoming and outgoing work of the Court.

REGISTRATIONS

There were **4,849** matters registered in 2012, compared to **4,844** in 2011.

FINALISATIONS

There were **4,956** matters finalised in 2012, compared to **4,822** in 2011.

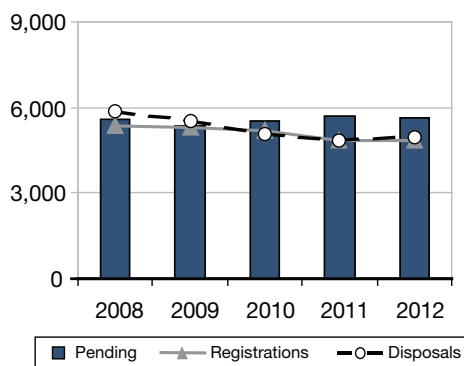
PENDING

At the end of 2012 the pending caseload was **5,629**, compared to **5,712** in 2011.

COMPARISON WITH PREVIOUS YEARS

Figure 1 below tracks the Court's caseload for the past 5 years.

Figure 1. NSW Civil Caseload



FINALISATION TIMES

In 2012, **50%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **87%**, respectively, in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** more than 24 months.

SYDNEY

In 2012:

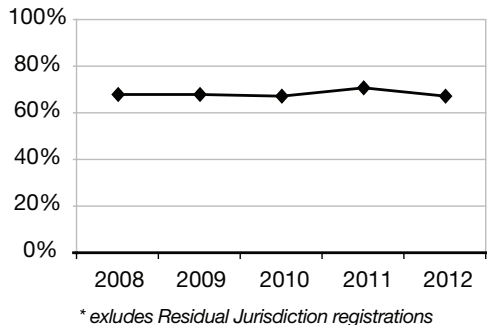
- Registrations fell by 4%
- Finalisations rose by 1%
- Pending cases fell by 5%
- Median finalisation time fell from 11.7 to 10.8 months

Caseload

In 2012, Sydney civil case managed matters represented **67%** of the State's registrations and **68%** of the matters on hand.

Figure 2 below shows the ratio of new civil actions commencing in Sydney, as compared to the whole State for the past 5 years.

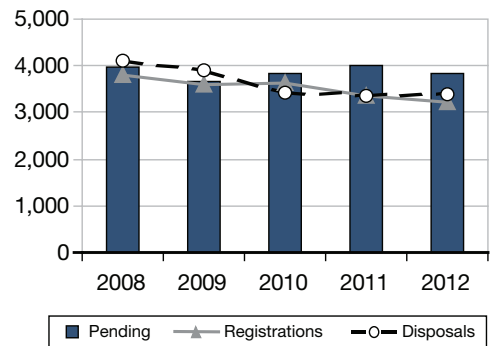
Figure 2. Sydney's % of NSW Registrations



REGISTRATIONS, FINALISATIONS AND PENDING

Excluding the Residual Jurisdiction, there were **3,225** new actions registered and **3,393** finalised in Sydney in 2012. At the end of the year there were **3,824** actions pending. Figure 3 tracks Sydney's caseload for the last five years.

Figure 3. Sydney Caseload



FINALISATION TIMES

The Court's ideal time standard for civil cases is to achieve a **90%** finalisation rate within 12 months of commencement, and **100%** within 2 years.

In 2012, **52%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **86%**, respectively in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** exceeded 24 months.

History

By the middle of the 19th Century the court system in New South Wales consisted of:

- The Supreme Court of New South Wales which, under the Third Charter of Justice sealed in 1823, had a criminal and civil jurisdiction similar to that of the superior Courts of England;
- Courts of General and Quarter Sessions which could deal with “crimes and misdemeanours not punishable by death”;
- Courts of Requests in Sydney and the County of Cumberland, with a civil jurisdiction not exceeding £30; and
- Courts of Petty Sessions, which dealt with criminal misdemeanours in a summary way and had a civil jurisdiction up to £10 (or £30 if the defendant consented).

With the discovery of gold in 1851 the Colony's population increased and became more dispersed. Litigation grew as the Colony prospered, and crime was not declining. The Supreme Court began to fall seriously into arrears, and this was not helped by the fact that it did not visit a lot of towns. Courts of Quarter Sessions were also few in number and had no civil jurisdiction.

By the mid 1850's there were calls for a revision of the court system, to meet the growing needs of the Colony. As a result, the *District Court Act 1858* (22 Vic No 18) was assented to on 12 November 1858.

This Act established District Courts, as courts of records, to replace Courts of Requests and divided the Colony into Districts. It conferred upon the District Courts a civil jurisdiction.

It also provided for the appointment of a District Court judge as Chairman of any Court of Quarter Sessions or General Sessions, to be held within the limits of the District for which that judge was appointed.

The purpose of the Act was briefly described in *The Practice of the District Courts of NSW by W.J. Foster and C.E.R. Murray (Sydney, 1870)*, as follows:

“District Courts were established by the Legislature for the purpose of simplifying legal proceedings in the recovery of amounts under £200, and lessening the expenses of attending such proceedings, as well as to relieving the Supreme Court of some portion of the overwhelming civil business which the rapid progress of the colony had lately engendered.

The Act providing for the institution of these Courts also extended the jurisdiction of Courts of General and Quarter Sessions of the Peace, and prepared the way for a great increase in their numbers, under the presidency of District Court judges as Chairmen, whereby criminal proceedings have been much facilitated, especially in the more distant and outlying portions of the country...”

The *District Courts Act 1858* remained in force until 1973, although the jurisdiction of the Court was increased from time to time.

The *District Court Act 1973* commenced on 1 July 1973. It abolished the District Courts and Courts of Quarter Sessions and established one District Court of New South Wales, with a statewide criminal and civil jurisdiction.

Jurisdiction

The District Court is the intermediate Court in the State's judicial hierarchy. It is a trial court and has an appellate jurisdiction. In addition, the judges of the Court preside over a range of tribunals.

In its criminal jurisdiction, the Court may deal with all criminal offences except murder, treason and piracy.

In its civil jurisdiction the Court may deal with:

- All motor accident cases, irrespective of the amount claimed;
- Other claims to a maximum amount of \$750,000, although it may deal with matters exceeding this amount if the parties consent.

In addition, the Court may deal with equitable claims or demands for recovery of money or damages for amounts not exceeding \$750,000.

The Court is also empowered to deal with applications under the *De Facto Relationships Act 1984*, the *Family Provisions Act 1982* and the *Testator Family Maintenance and Guardianship of Infants Act 1916* that involve amounts, or property to the value of, not more than \$250,000.

Judiciary

The following were the judges of the Court as at **31 December 2012**.

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The Honourable Justice Reginald Oliver
Blanch AM*

Judges

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Her Honour Judge Dianne Joy Truss
His Honour Judge Garry William Neilson
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His Honour Judge Mark Curtis Marien SC, held the appointment of President of the Children's Court of NSW.

His Honour Judge John Roger Dive held the appointment of Senior Judge of the Drug Court of NSW.

His Honour Judge Peter Lind Johnstone held the appointment of President of the Children's Court of NSW.

His Honour Judge Gregory Michael Keating held the appointment of President of the Workers Compensation Commission of NSW.

His Honour Judge Graeme Leslie Henson held the appointment of Chief Magistrate of the Local Court of NSW.

Medical Tribunal of NSW

The Honourable Justice Reginald Oliver Blanch AM, Chief Judge, held the appointment of Chairperson of the Medical Tribunal of New South Wales.

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31 December 2012:

Her Honour Judge Helen Gay Murrell SC

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Stephen Lewis Walmsley SC

His Honour Judge Peter Lind Johnstone

Her Honour Judge Leonie Flannery SC

His Honour Judge Paul Ivan Lakatos SC

His Honour Judge Michael Elkaim SC

His Honour Judge Leonard Levy SC

His Honour Judge Andrew Michael Colefax SC

His Honour Judge Phillip Gregory Mahony SC

The Honourable Justice Anna Frances Backman

The Honourable Justice Conrad Gerard Staff

Acting Judges (in alphabetical order)

Mr Warwick John Andrew CBE

Mr Ian Barnett

Mr Terence Joseph Christie QC

Mr Garry Spencer Forno QC

Mr David James Freeman

Mr Anthony Frederick Garling

Mr Geoffrey John Graham

Mr Gregory Scott Hosking SC

The Honourable Barrie Clive Hungerford QC

Mr Luigi Maria Baliano Lamprati

Mr Rodney Neville Madgwick QC

The Honourable Francis Marks

Mr Neil Ferguson McLaughlan QC

Mr John Kennedy McLaughlin

Ms Helen Jane Morgan

Mr John Cecil Nicholson SC

Mr John Roscoe Nield

Mr Colin Emmett O'Connor QC

Mr Colin Phegan

Mr Anthony Francis Puckeridge QC

Ms Margaret Sidis

Mr Kenneth Victor Taylor AM RFD

Judicial Registrar

Mr James Howard is the Judicial Registrar and exercises functions pursuant to Section 18FA of the *District Court Act 1973*.

Court Staff

Venues

In 2012 the Court sat permanently in Sydney at the Downing Centre, 143-147 Liverpool Street, Sydney (in crime), where it occupies 17 courtrooms, and at the John Maddison Tower, 86 Goulburn Street, Sydney, where it occupies 22 courtrooms (mostly in civil).

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (8 courtrooms), Penrith (1 courtroom) and Campbelltown (1 courtroom).

In addition, continuous sittings were conducted at Gosford, Lismore, Newcastle and Wollongong.

Other places where the Court sat were:

Albury, Armidale, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Dubbo, East Maitland, Goulburn, Grafton, Griffith, Lismore, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth, Taree, and Wagga Wagga.

Principal Registrar

Ms Pam Olsoen is the Principal Registrar and exercises functions pursuant to Section 18H(3) of the *District Court Act 1973*.

Criminal Listings and Judicial Arrangements

Schedules cases in accordance with Court policy; prepares lists, allocates courtrooms, and co-ordinates the assignment of judges to venues throughout the State.

Mr Robert Fornito is the District Court Criminal Listing Director. Pursuant to Section 123 of the *Criminal Procedure Act 1986*, the Criminal Listing Director is responsible to the Chief Judge in making arrangements for the listing of criminal proceedings.

Civil Listings and Case Management

Implements civil case management and listing practices for the timely finalisation of cases, schedules cases, prepares lists and allocates courtrooms.

Ms Jane Dunn is the Civil List and Case Manager and works in conjunction with the Civil List Judge and the Judicial Registrar in making arrangements for the listing of civil proceedings.

STRATEGIC PLAN

- Civil Business Committee
- Criminal Business Committee
- Professional Development (Education) Committee

Civil Business Committee Report

In August 2007 the Court introduced its third Strategic Plan. The first such plan was adopted in 1995 and it provided a template for significant changes in the way the Court operated as did the second Strategic Plan in 2000.

The Strategic Plan articulates the values of the Court and sets out the goals to be achieved over 2007-2012 in carrying out this role in line with these values.

The Court is committed to discharging its responsibilities to ensure:

- That the Court is accessible to the public and those who need to use its services;
- The effective determination of cases in an orderly, cost effective and expeditious manner. The equal protection of the law to all;
- The independence of the Judges of the Court, and the Court as a branch of our system of government;
- Accountability for the performance of the Court and its use of public funds;
- The highest standard of excellence in the functioning of the Court.

As in past plans, the Court will continue to maintain a Policy and Planning Committee to provide advice to the Chief Judge on matters relating to the business of the Court. There are also three major business committees that are accountable to the Policy and Planning Committee. Those Committees are:

- The Civil Business Committee;
- The Criminal Business Committee;
- The Professional Development (Education) Committee.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's objective of providing a system for the earliest, most effective and efficient resolution of civil disputes.

The Committee

The Committee consists of judges of the Court, the Judicial Registrar, the Civil List and Case Manager and representatives of the Law Society of NSW, the Bar Association of NSW, the Insurance Council of Australia and the Motor Accidents Authority.

Activities

The Committee met on three occasions during the year and matters considered included:

1. The Court's Operational Performance Report with up-to-date statistical information presented at each meeting.
2. Proposed amendments to the rules and practice notes.
3. Particular concerns of the various representatives and matters which the Court wished to bring to their attention.
4. The Committee considered a wide range of issues including:
 - The components of the caseload by cause of action;
 - Pre-action protocols under Part 2A of the *Civil Procedure Act*;
 - The *Court Information Act*;
 - The review of the *Civil Procedure Act*;
 - The review of the Costs assessment regime;
 - The *Motor Accidents Compensation Act*, in particular, late claims, s109 applications and the review of the legislation;
 - Judicial movements including the availability of funding for acting judges as affecting the civil jurisdiction;
 - The transfer of matters from the Supreme Court;

Criminal Business Committee Report

- Practical aspects of amendments to the form of affidavits necessitated by the *Identification Legislation Amendment Act*;
- Practical aspects of discovery;
- The amendment of Practice Note 8 – Early Return of Subpoena and the new subpoena forms;
- Adherence to timetable orders and the attendance indicator statistics in the Professional Negligence List;
- Analysis of the ADR, and in particular the mediation, referral statistics and their comparison with previous years;
- Better case management of construction cases;
- Inadequate preparation for approval applications;
- Fixing cases for hearing by email;
- Increases in filing fees.

Terms of Reference

To monitor, report and advise on any matter relating to the Court's goal of providing a system for the earliest, most effective and efficient resolution of criminal matters.

Consultation with court users is carried out through the Criminal Business Committee. The Committee consists of a judge of the Court, the Criminal Listing Director and representatives from the Law Society of NSW, Bar Association of NSW, Legal Aid, Commonwealth and State DPP's, Aboriginal Legal Service, Public Defenders and Crown Prosecutors.

Activities

The Committee met on four occasions during the year.

1. The Court continued to target older pending cases throughout the state. The ROGS (Report on Government Services) as at 30 June 2012 continues to show NSW leading the nation in the finalisation of criminal cases.
2. The Court continues to manage and list criminal trials in country circuits by way of a telephone call over.
3. The average length of trials in Sydney dropped slightly to 10.98 days (compared to 11.93 days in 2011). The statewide trial average was 8.71 days, unchanged from last year.
4. There has been a significant increase in criminal trial registrations in 2012. Statewide there was a 19% increase made up of increases of 13% in Sydney, 30% in Sydney West and 17% in the Country.
5. A new state of the art multi accused courtroom commenced sitting in April 2012. The courtroom is designed to accommodate 18 accused and 36 legal representatives at the bar table.
6. The District Court commenced hearing prosecutions under the *Work Health and Safety Act* from the start of 2012. These matters were previously dealt with by the Industrial Court of NSW. The Court registered 106 prosecutions in 2012 dealing with 19, with 87 pending.

Professional Development (Education) Committee Report

7. The Court continued to deal with people smuggler trials. 17 individual people smuggler matters were committed for trial to the District Court. 7 individuals who had been committed prior to 2012 did not proceed to trial but were discontinued on the basis of the possibility that the person was under 18 years of age. 55 individuals came before the court in 38 trials. 5 of these 55 were re trials (at the second trial 3 were withdrawn, 1 convicted and 1 acquitted).

An overall breakdown of the results of the trials of these 55 matters is as follows: –

- Hung jury – 1;
- Convicted – 13;
- Acquitted – 22;
- Withdrawn – 7;
- Jury discharged – 3;
- Trial vacated by defence – 1;
- Plea – 3;
- Directed verdict – 2;
- Pleas to substituted charge – 3.

8. The Court continues to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

Terms of Reference

The District Court, in partnership with the Judicial Commission of New South Wales, provides a continuing judicial education program for judges. The program aims to:

- Enhance professional expertise;
- Facilitate the development of judicial knowledge and skills;
- Promote the pursuit of juristic excellence.

With a focus on interactive learning, the program is based on enhancing skills, attitudes and knowledge in a judicially relevant environment.

Sessions range from orientation programs for new judges and an annual conference to specialist seminars on practical matters, social awareness issues and legislative changes. The focus in education for District Court judges is on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills.

The Professional Development (Education) Committee, composed of judges and the Judicial Commission's Education Director, develops each education program based on the identified needs of judges. Judges are involved in the development and delivery of the education program to ensure its relevance to the judicial role. A member of the Committee is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

During 2012, judges:

- Continued to receive focused and tailored training to meet their educational needs;
- Attended 162 days of face-to-face judicial education organised by the Judicial Commission, an average of 2.3 days of judicial education per judge.

Activities Annual Conference

The Annual Conference held on the Central Coast on 10 – 11 April 2012 was attended by 49 judges, 1 acting judge, a judge from the District Court of New Zealand and the Judicial Registrar. The conference focused on providing challenging and interesting educational sessions, while also providing a valuable opportunity for discussion and debate. The program consisted primarily of sessions relevant to the day-to-day work of a judge. Topics for the conference were determined by the Education Committee based on previous evaluation reports, suggestions by colleagues and suggestions from the Judicial Commission. The sessions dealt with a variety of topics including substantive law and practice, ethics, sentencing issues, civil law topics, the relationship between gambling and offending, and Intensive Correction Orders. Topics included:

- Court of Appeal Review by The Honourable Justice Margaret Beazley AO, NSW Court of Appeal;
- Current Issues in Sentencing by Her Honour Judge Deborah Payne;
- Are Courts Self-Serving? by Dr Simon Longstaff, Executive Director of St James Ethics Centre, Sydney;
- Workcover Prosecutions by The Honourable Justice Stephen Rothman, AM, Supreme Court of NSW;
- Court of Criminal Appeal Review by The Honourable Justice Robert A Hulme, Supreme Court of NSW;
- Buildings by Her Honour Judge Elizabeth Olsson SC;
- Medical Tribunals by Her Honour Judge Audrey Balla;
- Impartiality and Disqualification by Her Honour Judge Dianne Truss;
- Problem Gambling and its Relationship to Offending by Mr Anthony Sobb, Chairman and Founder, Oakdene House Foundation and Mr Tom Simpson, Education Officer, Oakdene House Foundation;

- Intensive Correction Orders 12 Months On by Ms Rosemary Caruana, Assistant Commissioner, Community Offender Management, Corrective Services NSW;
- Q & A: Everything you wanted to know but did not like to ask with a panel of judges consisting of The Honourable Justice Reg Blanch AM, His Honour Judge Ron Solomon, Her Honour Judge Dianne Truss and His Honour Judge Peter Berman SC.

Occasional Seminars

The Education Committee has continued to work with the Judicial Commission to organise a series of twilight education sessions for District Court judges. These seminars provide useful, informative and timely information on a range of topical matters relevant to the work of the District Court. They aim to enhance judicial performance and assist in the further development of judicial skills and knowledge. Seminars were held on the following topics:

- “Convention on Rights of the Child”, The Honourable Jennifer Boland AM, Twilight Seminar, 7 March 2012;
- “Controlling the Court”, The Honourable Michael Campbell QC, Twilight Seminar, 20 March 2012;
- “Cybercrime, Technology Trends and Electronic Evidence”, Mr Matthew Nevin, Project Manager eCourt and Prosecution Support, High Tech Crime Operations, Australian Federal Police, Twilight Seminar, 13 June 2012;
- “Referring Matters to the Mental Health Review Tribunal”, Professor Dan Howard SC, President, Mental Health Review Tribunal and Ms Sarah Hanson, Forensic Team Leader, Twilight Seminar, 14 August 2012.

Judges also attended a number of cross-jurisdictional events, including:

- “Advanced Judicial Writing”, Professor Bryan A Garner, Distinguished Research Professor of Law, SMU Dedman School of Law and President of LawProse, Inc, 30 July 2012;
- “Developments in Question Trails”, The Honourable Justice Rob Chambers, Supreme Court of NZ, The Honourable Justice Reg Blanch AM and The Honourable Justice Monika Schmidt, Twilight Seminar, 29 November 2012.

Judicial Orientation

One new judge of the Court attended the National Judicial Orientation Program at Glenelg in May 2012 and two new judges attended the program held at Broadbeach in October/November 2012. This five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging. It is conducted by the National Judicial College of Australia with the assistance of the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration.

Ngara Yura Program

Judges continued to participate in the Judicial Commission’s Ngara Yura Program, which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Judges participated in the following Ngara Yura Program events:

- “Community Visit to Redfern”, 9 March 2012;
- “Indigenous Peoples in International Law”, Professor Megan Davis, Expert Member, United Nations Permanent Forum on Indigenous Issues and Director, Indigenous Law Centre, Faculty of Law, The University of New South Wales, Twilight Seminar, 28 March 2012;
- “Tribal Warrior Cultural Cruise”, Tribal Warrior Association, Field Trip, 13 October 2012.

CIVIL JURISDICTION

New South Wales

- Caseload

Sydney

- Caseload
- Residual Jurisdiction

Sydney West

Country

NEW SOUTH WALES

Full statistical data on the Court's civil operations is set out in Annexures A (1) and (2).

In 2012:

- Registrations fell by less than 1%
- Finalisations rose by 3%
- Pending cases fell by 1%
- Median finalisation time rose from 11.7 to 12.2 months

Caseload

EXPLANATORY BACKGROUND

Comparing registrations and finalisations is not an exact science. For example, a matter in the course of its life may, for various reasons, be registered more than once. Multiple parties and cross actions can further affect the equation. Cases determined at arbitration can be re-heard. A matter previously dismissed can be restored or a retrial may be ordered. Registries also conduct stock-takes of cases on hand during the course of the year, with pending statistics being adjusted as necessary.

It is therefore important to view comparisons of registrations and finalisations against pending caseload with some caution, as it is often difficult to reconcile the figures. However, they are helpful in providing general trends concerning the incoming and outgoing work of the Court.

REGISTRATIONS

There were **4,849** matters registered in 2012, compared to **4,844** in 2011.

FINALISATIONS

There were **4,956** matters finalised in 2012, compared to **4,822** in 2011.

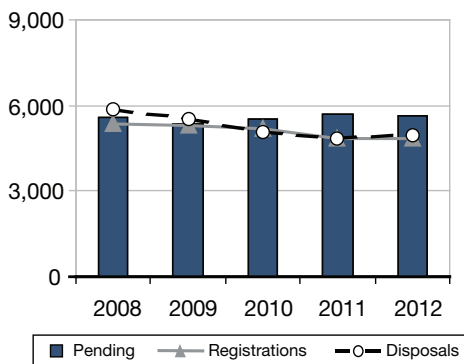
PENDING

At the end of 2012 the pending caseload was **5,629**, compared to **5,712** in 2011.

COMPARISON WITH PREVIOUS YEARS

Figure 1 below tracks the Court's caseload for the past 5 years.

Figure 1. NSW Civil Caseload



FINALISATION TIMES

In 2012, **50%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **87%**, respectively, in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** more than 24 months.

SYDNEY

In 2012:

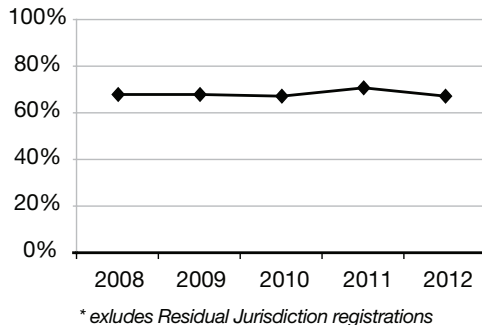
- Registrations fell by 4%
- Finalisations rose by 1%
- Pending cases fell by 5%
- Median finalisation time fell from 11.7 to 10.8 months

Caseload

In 2012, Sydney civil case managed matters represented **67%** of the State's registrations and **68%** of the matters on hand.

Figure 2 below shows the ratio of new civil actions commencing in Sydney, as compared to the whole State for the past 5 years.

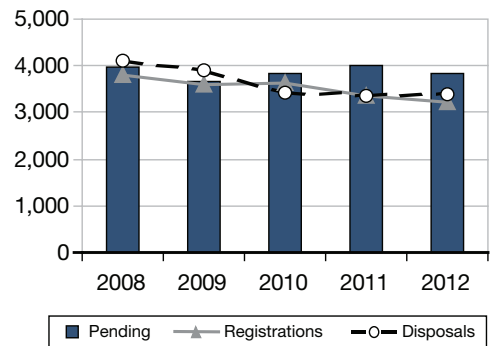
Figure 2. Sydney's % of NSW Registrations



REGISTRATIONS, FINALISATIONS AND PENDING

Excluding the Residual Jurisdiction, there were **3,225** new actions registered and **3,393** finalised in Sydney in 2012. At the end of the year there were **3,824** actions pending. Figure 3 tracks Sydney's caseload for the last five years.

Figure 3. Sydney Caseload



FINALISATION TIMES

The Court's ideal time standard for civil cases is to achieve a **90%** finalisation rate within 12 months of commencement, and **100%** within 2 years.

In 2012, **52%** of all actions finalised were completed within 12 months, with **88%** being completed within 24 months. This compares to **52%** and **86%**, respectively in 2011.

Of the pending caseload at the end of 2012, **17%** exceeded 12 months and not more than 24 months and **5%** exceeded 24 months.

HOW CASES ARE FINALISED

Table 1 below shows the break up of how case managed list matters were finalised in 2012. The categories of “Dismissed” and “Discontinued” include matters that settled without judgment being entered and/or terms of settlement being filed.

Table 1. Finalisation Outcomes

Judgment following Trial	301
Default Judgment	25
Settlement Filed	2,010
Dismissed	554
Discontinued	366
Arbitration	0
Transferred	137
Total	3,393

Table 2 below compares two of the seven categories of finalised outcomes as against the total number of finalised outcomes. These two categories are selected because i. ‘Finalised following trial’ represents the number of hearings to judgment before judges, and ii. “Finalised by settlement filed” includes matters that settled as a result of ADR.

Table 2. Judgments/Settlements

Year	Total Finalised	Finalised by Judgment following Trial	Finalised by Settlement filed
2008	4,043 (100%)	435 (11%)	1,727 (43%)
2009	3,914 (100%)	478 (12%)	1,523 (39%)
2010	3,416 (100%)	332 (10%)	1,695 (50%)
2011	3,369 (100%)	276 (8%)	1,802 (53%)
2012	3,393 (100%)	301 (9%)	2,010 (59%)

Residual Jurisdiction

The *Compensation Court Repeal Act 2002* abolished the Compensation Court, and transferred the Compensation Court’s jurisdiction to the Workers Compensation Commission or the District Court. The Act commenced on 1 January 2004.

The disputes that were transferred to the District Court are commonly referred as its “residual jurisdiction” and involve the following:

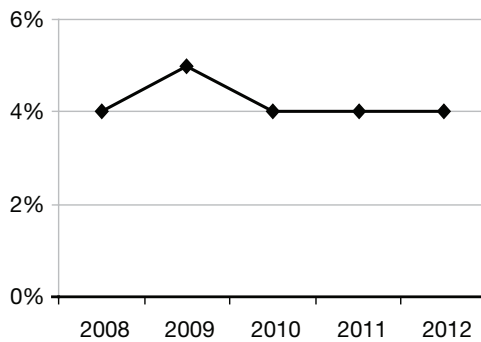
- *The Police Act 1990* concerning police officers “hurt on duty” and the *Police Regulation (Superannuation) Act 1906* concerning the payment of superannuation benefits to police officers;
- *Payment under the Police Regulations (Superannuation) Act 1906*, paid to STC (the SAS Trustee Corporation continued under the *Superannuation Administration Act 1996*) and special risk benefits payable by the Commissioner of Police;
- *The Workers’ Compensation Act 1987* concerning workers in or about a coal mine;
- *The Workers Compensation (Dust Diseases) Act 1942*;
- The Sporting Injuries Insurance Scheme;
- *The Workers’ Compensation (Bush Fire, Emergency & Rescue Services) Act 1987*.

During 2012, **354** actions were commenced and **310** were finalised. There were a total of **191** matters on hand in the residual jurisdiction at the end of 2012.

SYDNEY WEST

Sydney West had **4%** of the total number of new actions started in the State in 2012 (excluding the Court's residual jurisdiction). Figure 4 below tracks the variation in the proportional rate of registrations in Sydney West.

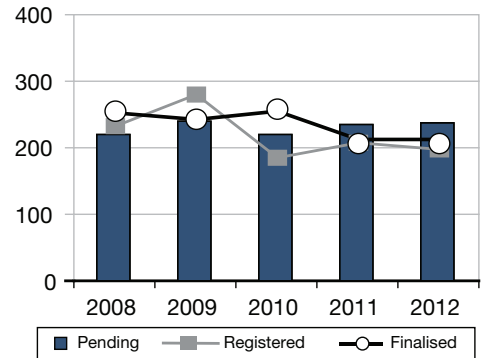
Figure 4. % Of NSW Registrations



In Sydney West there were **198** matters registered and **212** finalisations throughout the year. At the end of 2012 the total pending caseload was **237**, as compared to **235** the previous year.

Figure 5 shows comparative registrations, finalisations and pending caseloads for the past 5 years.

Figure 5. Sydney West Caseload



Pending matters in Sydney West rose by **1%** and the median finalisation time was **11.3** months.

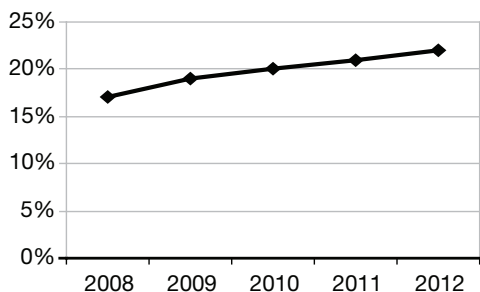
18% of pending cases exceeded 12 months and not more than 24 months and **6%** exceeded 24 months.

COUNTRY

Venues outside of Sydney and Sydney West had **22%** of the total number of new actions started in 2012 (excluding the Court's Residual Jurisdiction).

Figure 6 tracks the proportional rate of registrations for Country venues.

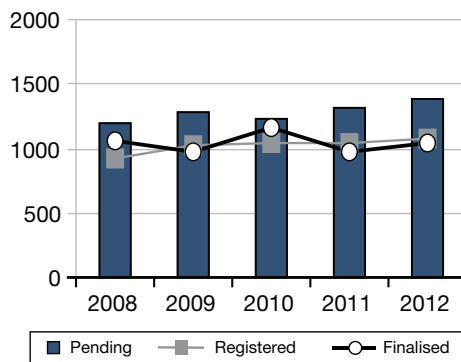
Figure 6. % Of NSW Registrations



Outside of Sydney and Sydney West, there were **1,041** finalisations throughout the year. At the end of the year the total pending caseload was **1,377** as compared to **1,323** the previous year.

Figure 7 shows comparative registrations, finalisations and pending caseloads for the past 5 years.

Figure 7. Country Civil Caseload



Pending matters in the country rose by **4%** and the median finalisation time was **12.8** months.

19% of pending cases exceeded 12 months and not more than 24 months and **7%** exceeded 24 months.

CRIMINAL JURISDICTION

Full statistical data on the Court's criminal operations is set out in Annexures B and C

Trials

- Caseload
- Trial Listing Outcomes
- Short Matters

TRIALS

In 2012:

- Registrations rose by 19%
- Finalisations fell by less than 1%
- Pending trials rose by 34%
- Median finalisation time remained steady at 38 weeks
- Average length of trials fell from 8.79 to 8.71 days

Caseload

There were **1,876** criminal trials registered during 2012 in New South Wales, as compared to **1,576** in 2011 and **1,650** in 2010.

There were **1,532** trials finalised in 2012, as compared to **1,534** in 2011 and **1,618** in 2010.

There were **1,363** trials on hand at the end of 2012, as compared to **1,019** trials at the end of 2011.

Figure 8 tracks the statewide trends in the criminal trial caseload for the past 5 years.

Figure 8. Criminal Trial Caseload

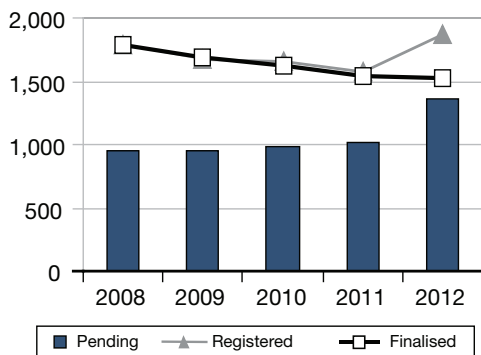
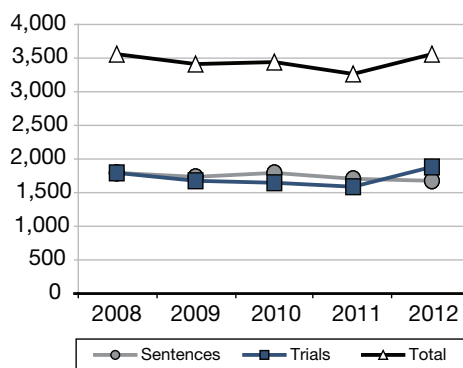


Figure 9 shows variation in trial and sentence registrations for the last 5 years.

Figure 9. Trial and Sentence Registrations



Sentence hearings are far less demanding on victims. They also absorb far less resources than trials. It is therefore important to ensure that in appropriate cases guilty pleas are entered at the earliest possible time, preferably at the committal stage.

TIME STANDARDS

The Court's ideal time standards for the commencement of criminal trials are:

- **90%** of cases within 4 months of committal, or such other event which causes the proceedings; and
- **100%** of cases within 1 year.

In 2012, **28%** of trial finalisations where the accused was in custody were finalised within 4 months, and **12%** exceeded 12 months. Where the accused was on bail, **16%** of finalisations occurred within 4 months, with **17%** exceeding 12 months.

Figure 10 sets out comparative compliance rates with time standards for all trials finalised.

Figure 10. All Registered Trials Finalised – Time Standards Compliance Rate

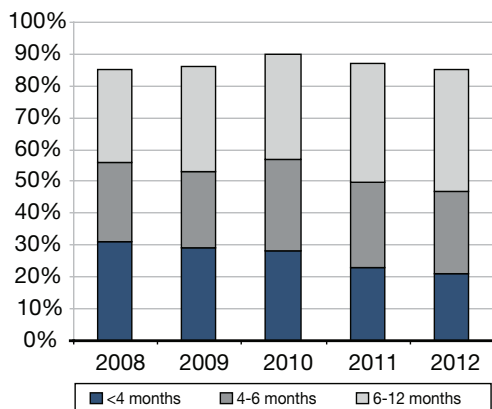


Figure 11 shows the age of all trials which were pending at the end of the year indicated.

Figure 11. All Registered Trials – Pending Matters

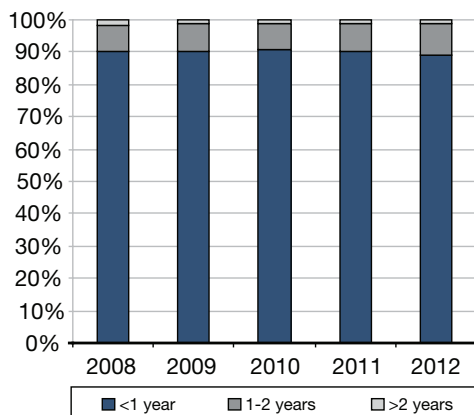
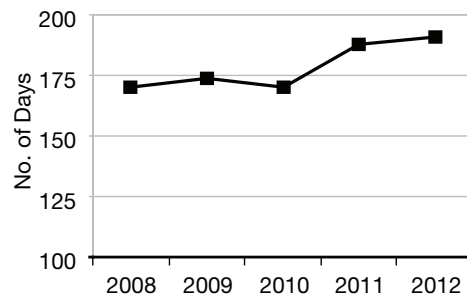


Figure 12 tracks the median finalisation times, from committal to commencement of the trial, for matters finalised during the year indicated.

Figure 12. Median Finalisation Times – Criminal Trials

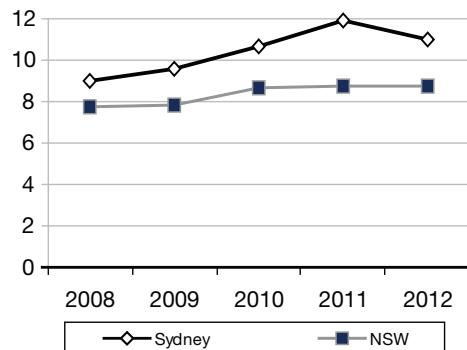


TRIAL DURATIONS

The statewide average length of criminal trials finalised in 2012 was **8.71** days, as compared to **8.79** days in 2011. In Sydney the average duration was **10.98** days in 2012, compared to **11.62** days in 2011.

Figure 13 illustrates the fluctuating rise in the average trial duration time.

Figure 13. Average Trial Length



TRIAL LISTING OUTCOMES

About **2,078** trials were listed for hearing in 2012.

Figure 14 shows the break up of those matters not dealt with.

Figure 14. Trial Listings Not Dealt With

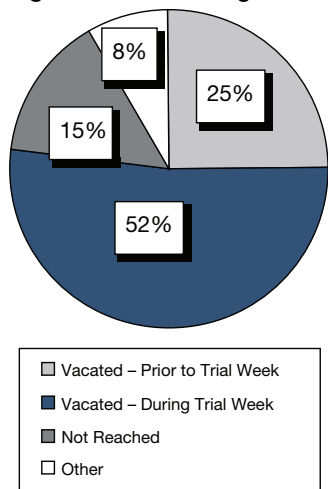


Figure 16 shows the outcome of those that commenced.

Figure 16. Trials Commenced

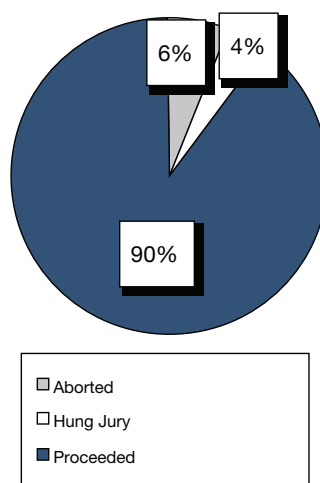


Figure 15 shows the break-up of those matters that were dealt with after being listed.

Figure 15. Trial Listings Dealt With

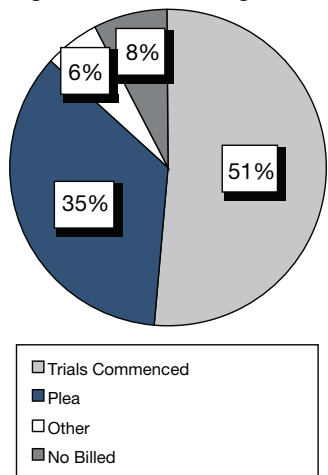


Table 3. Trial Listing Outcomes

The following table sets out trial listing outcomes for 2012.

	Sydney	Sydney West	Country	Total
NOT DEALT WITH	27%	28%	28%	27%
Vacated	23%	21%	19%	21%
Prior to Trial Week	7%	8%	6%	7%
During Trial Week	16%	13%	13%	14%
Other Not Dealt With (Trial Week)	4%	7%	9%	6%
Not Reached	0%	7%	7%	6%
Other	4%	1%	2%	1%
DEALT WITH	73%	72%	73%	73%
Dealt With Prior to Trial Week	3%	3%	2%	3%
No Billed	1%	1%	0%	1%
Bench Warrant	0%	0%	0%	0%
Plea	2%	1%	2%	2%
Other (eg. deceased)	0%	0%	0%	0%
Transferred	0%	0%	0%	0%
Dealt With In Trial Week	30%	34%	35%	33%
No Billed	5%	5%	5%	5%
Bench Warrant	0%	1%	1%	1%
Plea	22%	24%	26%	24%
Other (eg. deceased)	3%	1%	1%	2%
Transferred	0%	3%	1%	2%
Trials Commenced	40%	35%	36%	37%
Aborted	2%	3%	3%	2%
Hung Jury	2%	1%	2%	1%
Proceeded	36%	31%	32%	33%

Of trials dealt with in 2012 (i.e. 73% of total listings):

- 35% pleaded Guilty
- 46% proceeded to verdict
- 8% were “no billed”
- 2% were transferred
- 3% were aborted
- 2% ended with a “hung Jury”
- 3% were otherwise disposed
- 1% had bench warrants issued

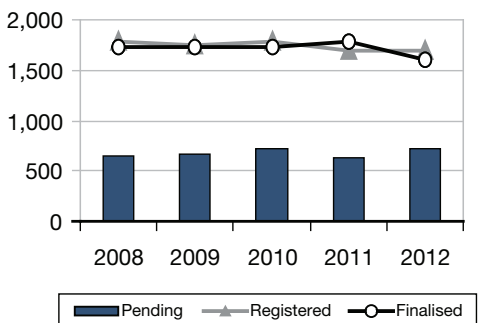
SHORT MATTERS

SENTENCES

There were **1,691** committals for sentence received in 2012 and **1,876** matters were finalised. At the end of the year there were **728** sentence matters pending, compared to **637** at the end of 2011.

Figure 17 tracks the sentence caseload for the last 5 years.

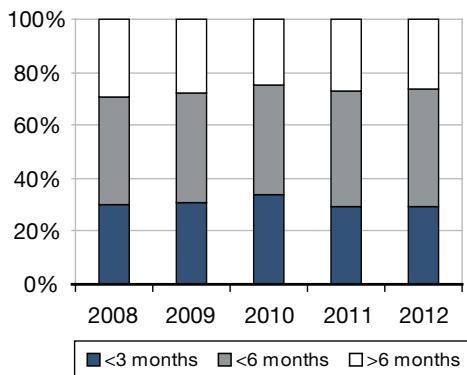
Figure 17. Sentence Caseload



The ideal time standard from committal for sentence to hearing is 3 months in **90%** of cases, with **100%** being completed within 6 months.

Figure 18 illustrates compliance rates with time standards.

Figure 18. Compliance with Time Standards

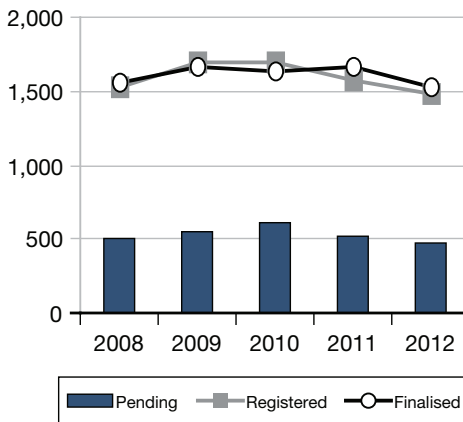


CONVICTION APPEALS

There were **1,487** conviction appeals lodged in 2012 and **1,529** finalisations. At the end of the year there were **480** conviction appeals pending, compared to **522** at the end of 2011.

Figure 19 tracks the conviction appeal caseload for the last 5 years.

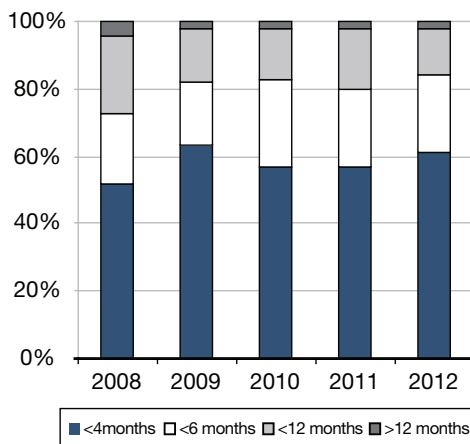
Figure 19. Conviction Appeals Caseload



The ideal time standard from lodgement to finalisation is 4 months in **90%** of cases, with **100%** being completed within 12 months.

Figure 20 illustrates compliance rates with time standards.

Figure 20. Compliance with Time Standards

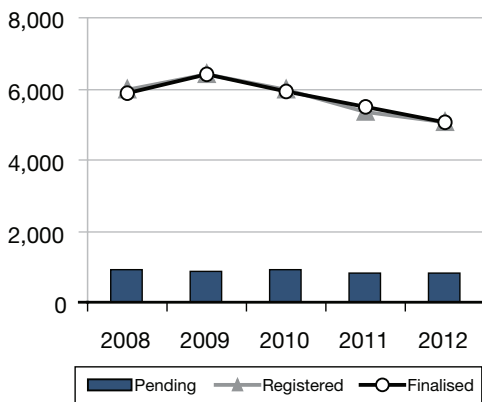


SENTENCE APPEALS

There were **5,065** sentence appeals lodged in 2012 and **5,049** finalised. At the end of the year there were **815** sentence appeals pending, compared to **799** at the end of 2011.

Figure 21 tracks the sentence appeals caseload for the last 5 years.

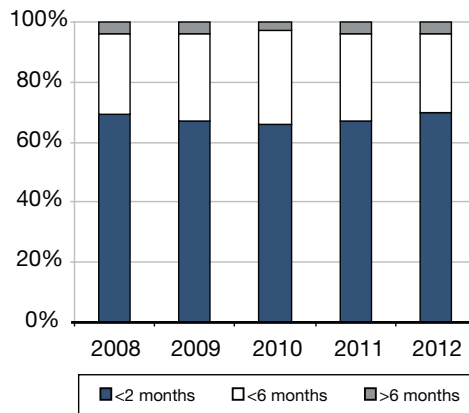
Figure 21. Sentence Appeals Caseload



The ideal time standard from lodgement to finalisation for sentence appeals is 2 months in **90%** of cases, with **100%** being completed within 6 months.

Figure 22 illustrates compliance rates with time standards.

Figure 22. Compliance with Time Standards



JUDICIAL RESOURCES

- Allocated Sitings
- Actual Sitings

Allocated Sittings

Table 4 sets out the number of judicial sitting weeks allocated in 2012 as published in the Court's Calendar of Sittings.

Table 4. Sitting Allocations

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	866	21.3	34%
	Civil	701	17.3	27%
Sydney West	Criminal	408	10.0	16%
	Civil	16	0.4	1%
Major Country	Criminal	297	7.3	12%
	Civil	53	1.3	2%
Other Venues	Criminal	154	3.8	6%
	Civil	39	1.0	2%
Total	Criminal	1,725	42.5	68%
	Civil	809	19.9	32%
	All	2,534	62.4	100%

Judge EFT is calculated at 40.6 sitting weeks p.a. – i.e. 52 weeks less judicial vacations, public holidays and Annual Judges' Conference

Actual Sittings

Table 5 sets out the number of days actually sat by the court in 2012 converted into weeks (by dividing the number of days by 5)

Table 5. Actual Sittings

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	841	20.7	33%
	Civil	589	14.5	24%
Sydney West	Criminal	548	13.5	22%
	Civil	10	0.2	0%
Major Country	Criminal	289	7.1	12%
	Civil	30	0.7	1%
Other Venues	Criminal	148	3.6	6%
	Civil	41	1.0	2%
Total	Criminal	1,826	45.0	73%
	Civil	670	16.5	27%
	All	2,496	61.5	100%

Judge EFT is calculated at 40.6 sitting weeks p.a. – i.e. 52 weeks less judicial vacations, public holidays and Annual Judges' Conference

COMPARISONS WITH 2011

Overall, there was an increase of **2** weeks for sittings in 2012 compared to 2011. This included **26** extra weeks in criminal sittings and **24** fewer weeks in civil sittings.

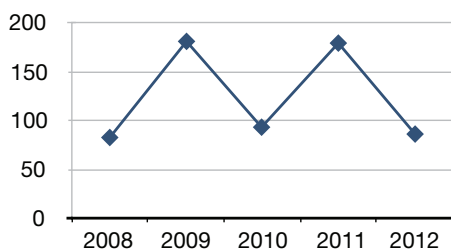
The increase in sittings was due to an increase in pending workload as a result of additional criminal weeks added to Sydney West to finalise pending Commonwealth People Smuggler trials.

ACTING JUDGES

Acting Judges provided an extra **427** days of actual sitting. Based on the maximum of **40.6** sitting weeks per year for a permanent judge, this equated to **2.1** additional judges.

Figure 23 below shows the fluctuations in the number of Acting Judge weeks attained since 2008.

Figure 23. Acting Judge Weeks



SITTING DETAILS

The final table sets out the allocated, available and actual sittings at all venues, as well as the average daily recorded sitting hours.

Table 6. Acting Judges Sitting Days 2012

	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	TOTAL
Andrew		3								22	3	2	30
Freeman	1						4	1	13		13		32
Garling							2				2	1	5
Graham		2	1	1	5	6	22	4	3	4	3		51
Hosking						4	1		10	4	15		34
Hungerford		1	1					6	3				11
Madgwick		2		1	1		18	7	10	7		2	48
Marks										20	2	7	29
McLauchlan		1											1
Nicholson							1	3	10	18	9	2	43
O'Connor										15	1		16
Phegan					9	2		15	10	14	11	3	64
Puckeridge	1	3		3	1	4	13	1	9	20			55
Sidis										5	1		6
Taylor			1	1									2
Total days	2	12	3	6	16	16	61	37	68	129	60	17	427
	Average days per Acting Judge												28

Table 7. District Court Sitings 2012

	ALLOCATED (weeks)		AVAILABLE (days)		ACTUALLY SAT (days)		* AVERAGE RECORDED HOURS	
	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL
Sydney	866	701	4,186	3,393	4,205	2,944	4.08	3.24
Campbelltown	45	0	218	0	282	0	4.54	0.00
Parramatta	321	16	1,540	79	2,166	48	2.99	3.96
Penrith	42	0	203	0	294	0	5.00	0.00
Sydney West Total	408	16	1,961	79	2,742	48	3.36	3.96
Gosford	42	4	204	20	205	11	4.44	3.82
Newcastle	62	26	300	127	311	163	4.23	3.42
Wollongong	50	9	243	45	222	30	3.83	3.23
O/S total	154	39	747	192	738	204	4.17	3.41
Albury	14	3	68	15	62	12	4.39	3.08
Armidale	11	2	55	10	54	2	4.78	3.50
Bathurst	12	1	59	5	56	0	4.38	0.00
Bega	11	1	53	5	53	2	3.89	1.50
Bourke	3	0	14	0	15	0	4.53	0.00
Broken Hill	4	1	19	5	17	2	5.41	3.50
Coffs Harbour	20	4	97	20	90	17	4.41	4.65
Coonamble	4	0	18	0	13	0	3.00	0.00
Dubbo	35	3	173	15	186	0	4.25	0.00
East Maitland	11	3	55	15	59	6	3.59	1.83
Goulburn	9	0	45	0	49	0	4.84	0.00
Grafton	9	0	45	0	45	0	4.58	0.00
Griffith	12	1	59	5	59	0	5.41	0.00
Lismore	38	9	183	45	185	43	3.57	4.74
Moree	4	0	19	0	19	0	6.47	0.00
Nowra	6	1	30	5	31	5	5.13	5.00
Orange	9	4	44	20	53	5	4.51	4.00
Parkes	3	0	15	0	17	0	3.47	0.00
Port Macquarie	20	3	99	13	99	11	4.01	4.73
Queanbeyan	9	2	45	9	39	2	3.90	4.00
Tamworth	10	4	50	19	49	7	5.31	2.86
Taree	18	2	89	9	82	6	4.26	4.17
Wagga Wagga	25	9	123	44	113	29	3.96	3.55
Country Total	297	53	1,457	259	1,445	149	4.28	4.03
State Total	1,725	809	8,351	3,923	9,130	3,345	3.90	3.29

* "Average Recorded Hours" are based on the number of sitting hours during which proceedings were recorded, as provided by the Reporting Services Branch, NSW Department of Justice & Attorney General. This is often less than the actual hours the Court sat.

ANNEXURES

- Annexure A – Civil Caseload
- Annexure B – Criminal Caseload
- Annexure C – Compliance With Criminal Time Standards
- Annexure D – Court Committees

Annexure A1 Civil Caseload

	Registered			Disposed			Pending		
	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney CML	3,628	3,362	3,225	3,416	3,369	3,393	3,833	4,007	3,824
Residual Jurisdiction	299	239	354	263	270	310	219	147	191
Parramatta	132	170	162	206	181	167	165	195	189
Penrith	48	37	32	47	31	41	54	40	45
Liverpool	-	-	-	-	-	-	-	-	-
Campbelltown	4	0	4	1	0	4	2	0	3
Sydney West	184	207	198	254	212	212	221	235	237
Newcastle	286	276	250	371	281	275	317	327	299
Gosford	56	59	63	57	24	64	54	85	88
Wollongong	103	116	124	123	86	106	119	144	167
Major Country	445	451	437	551	391	445	490	556	554
Albury	33	29	51	36	20	29	36	46	68
Armidale	22	9	14	11	15	17	24	19	17
Bathurst	14	15	16	18	23	14	28	22	25
Bega	15	4	7	10	3	9	5	9	10
Broken Hill	4	0	5	4	5	1	8	2	6
Coffs Harbour	48	44	40	38	40	39	45	55	55
Dubbo	30	26	27	35	24	22	30	36	39
Griffith	8	13	30	9	13	18	25	20	36
Lismore Region	149	119	141	131	164	118	179	149	166
Lithgow	15	7	15	21	12	10	25	14	26
Maitland	28	19	26	29	21	37	39	32	25
Nowra	36	53	22	32	38	49	42	57	31
Orange	31	18	35	38	26	25	41	33	43
Port Macquarie	35	55	43	37	46	39	34	60	61
Queanbeyan	9	11	21	25	12	13	9	11	20
Tamworth	19	19	30	22	23	12	21	17	35
Taree	37	30	34	42	16	32	48	43	52
Wagga Wagga	69	114	78	66	79	112	109	142	108
Other Venues	602	585	635	604	580	596	748	767	823
NSW Total	5,158	4,844	4,849	5,088	4,822	4,956	5,511	5,712	5,629

Annexure A2

Civil Finalisation Times

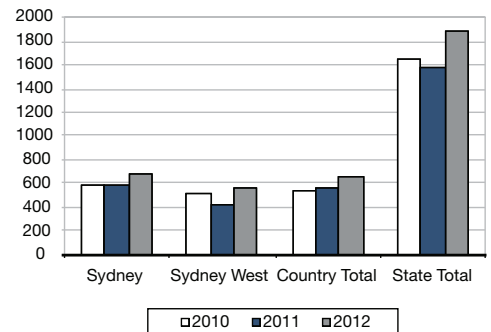
	Median Delay (mths)			% 'age of Cases Disposed within						% 'age of Pending > 12 mths < 24 mths			% 'age of Pending > 24 mths		
				12 mths			24 mths								
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney CML	10.9	11.7	12.1	57%	52%	52%	87%	86%	88%	16%	22%	17%	4%	5%	5%
Parramatta	10.9	11.7	11.0	57%	53%	56%	90%	89%	89%	23%	24%	18%	4%	5%	6%
Penrith	12.4	7.8	13.3	48%	58%	39%	86%	81%	93%	10%	7%	15%	1%	4%	3%
Liverpool	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Campbelltown	7.8	0.0	2.4	80%	0%	50%	100%	0%	100%	0%	0%	0%	0%	0%	0%
Sydney West	11.0	11.2	11.3	56%	54%	52%	90%	88%	90%	20%	22%	18%	4%	5%	6%
Newcastle	12.5	10.7	13.5	48%	57%	40%	83%	91%	90%	17%	26%	19%	2%	3%	4%
Gosford	10.8	13.2	12.9	59%	40%	41%	88%	90%	88%	13%	30%	22%	6%	5%	8%
Wollongong	11.5	10.6	10.7	54%	58%	54%	88%	93%	88%	16%	21%	21%	2%	4%	6%
Major Country	12.0	10.9	12.9	50%	56%	43%	84%	92%	89%	16%	26%	20%	2%	3%	5%
Albury	15.3	12.0	11.5	37%	50%	55%	77%	89%	86%	14%	28%	17%	3%	5%	8%
Armidale	0.9	10.8	18.6	86%	56%	24%	100%	78%	65%	9%	41%	20%	14%	12%	13%
Bathurst	12.7	17.7	14.3	33%	14%	26%	100%	71%	86%	27%	32%	26%	23%	0%	13%
Bega	11.2	6.0	16.7	67%	50%	22%	100%	50%	78%	0%	63%	11%	0%	0%	22%
Broken Hill	19.5	16.1	36.3	50%	0%	0%	50%	100%	0%	33%	0%	0%	0%	100%	0%
Coffs Harbour	9.4	11.6	11.8	63%	54%	54%	88%	92%	97%	8%	20%	28%	0%	2%	8%
Dubbo	14.1	11.3	13.9	45%	53%	50%	87%	82%	86%	18%	26%	18%	11%	12%	11%
Griffith	18.1	19.6	10.5	38%	14%	44%	63%	71%	61%	39%	11%	9%	26%	22%	9%
Lismore Region	12.2	13.0	12.6	47%	50%	48%	87%	90%	89%	26%	27%	15%	6%	8%	7%
Lithgow	12.9	10.4	31.7	41%	55%	30%	82%	73%	40%	30%	17%	14%	13%	42%	27%
Maitland	10.6	14.2	12.7	58%	27%	43%	91%	87%	70%	31%	34%	13%	0%	16%	4%
Nowra	13.4	13.5	10.1	43%	41%	57%	83%	84%	96%	27%	18%	32%	0%	2%	7%
Orange	12.4	14.1	17.1	46%	53%	36%	86%	88%	64%	24%	37%	8%	8%	17%	8%
Port Macquarie	11.3	9.5	12.4	50%	59%	46%	93%	88%	90%	19%	16%	19%	3%	9%	9%
Queanbeyan	15.3	15.8	10.5	38%	40%	62%	63%	80%	92%	44%	9%	10%	0%	0%	5%
Tamworth	12.6	12.8	10.9	47%	40%	67%	94%	85%	75%	38%	18%	15%	5%	6%	6%
Taree	12.7	12.4	10.9	46%	42%	47%	95%	75%	88%	18%	19%	20%	5%	3%	5%
Wagga Wagga	14.0	13.8	13.4	36%	39%	36%	76%	80%	83%	34%	16%	29%	6%	11%	8%
Other Venues	12.6	13.2	12.7	46%	45%	45%	85%	85%	84%	25%	23%	18%	7%	9%	8%
NSW Total	11.2	11.7	12.2	55%	52%	50%	87%	87%	88%	17%	22%	17%	7%	5%	5%

Annexure B1 Criminal Caseload

TRIALS

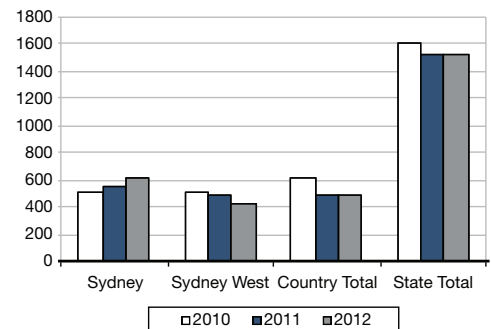
Registered

	2010	2011	2012	11/12 Variant
Sydney	591	594	671	13%
Sydney West	528	427	553	30%
Newcastle	169	186	216	16%
Gosford	46	58	77	33%
Wollongong	108	122	141	16%
Lismore	71	59	82	39%
Dubbo	77	81	83	2%
Wagga Wagga	58	47	53	13%
Country Total	531	555	652	17%
State Total	1,650	1,576	1,876	19%



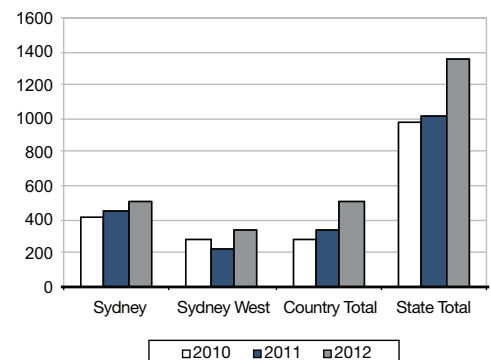
Finalised

	2010	2011	2012	11/12 Variant
Sydney	510	557	606	9%
Sydney West	514	480	433	-10%
Newcastle	174	150	156	4%
Gosford	49	51	70	37%
Wollongong	129	105	105	0%
Lismore	95	70	52	-26%
Dubbo	99	73	61	-16%
Wagga Wagga	58	48	49	2%
Country Total	604	497	493	-1%
State Total	1,618	1,534	1,532	-0%



Pending

	2010	2011	2012	11/12 Variant
Sydney	407	444	509	15%
Sydney West	280	227	347	53%
Newcastle	75	111	171	54%
Gosford	29	36	43	19%
Wollongong	49	66	102	55%
Lismore	51	40	70	75%
Dubbo	41	51	73	43%
Wagga Wagga	45	44	48	9%
Country Total	290	348	507	46%
State Total	977	1,019	1,363	34%

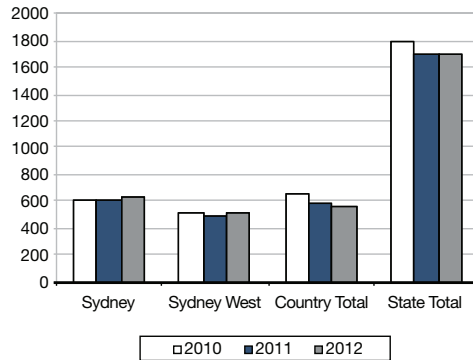


Annexure B2 Criminal Caseload

SENTENCES

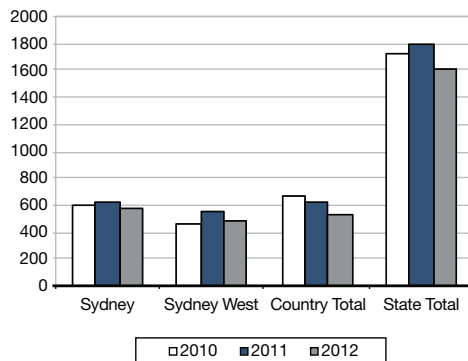
Registered

	2010	2011	2012	11/12 Variant
Sydney	612	604	625	3%
Sydney West	509	505	510	1%
Newcastle	215	205	174	-15%
Gosford	84	71	68	-4%
Wollongong	138	109	121	11%
Lismore	138	94	80	-15%
Dubbo	83	60	61	2%
Wagga Wagga	82	54	52	-4%
Country Total	663	593	556	-6%
State Total	1,784	1,702	1,691	-1%



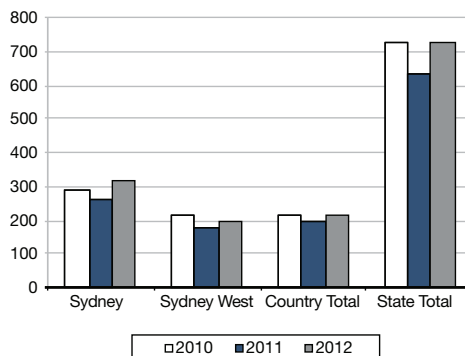
Finalised

	2010	2011	2012	11/12 Variant
Sydney	599	628	576	-8%
Sydney West	465	542	490	-10%
Newcastle	188	214	174	-19%
Gosford	103	76	65	-14%
Wollongong	122	131	105	-20%
Lismore	91	83	81	-2%
Dubbo	90	65	60	-8%
Wagga Wagga	74	48	49	2%
Country Total	668	617	534	-13%
State Total	1,732	1,787	1,600	-10%



Pending

	2010	2011	2012	11/12 Variant
Sydney	289	265	314	18%
Sydney West	217	180	200	11%
Newcastle	87	78	78	0%
Gosford	27	22	25	14%
Wollongong	46	24	40	67%
Lismore	22	33	32	-3%
Dubbo	23	18	19	6%
Wagga Wagga	51	17	20	18%
Country Total	216	192	214	11%
State Total	722	637	728	14%

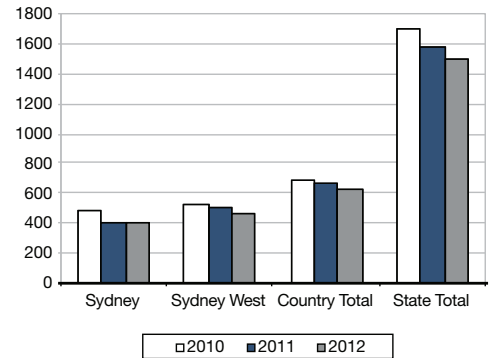


Annexure B3 Criminal Caseload

CONVICTION APPEALS

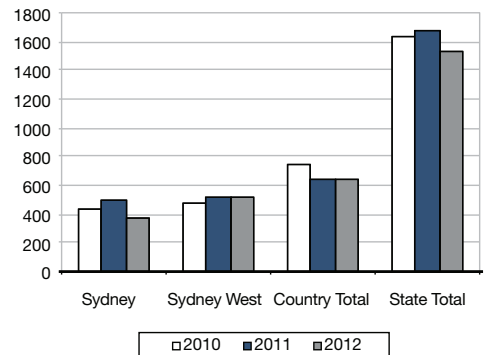
Registered

	2010	2011	2012	11/12 Variant
Sydney	486	406	395	-3%
Sydney West	524	502	469	-7%
Newcastle	185	156	172	10%
Gosford	45	36	52	44%
Wollongong	164	169	139	-18%
Lismore	129	132	101	-23%
Dubbo	114	128	115	-10%
Wagga Wagga	54	48	44	-8%
Country Total	691	669	623	-7%
State Total	1,701	1,577	1,487	-6%



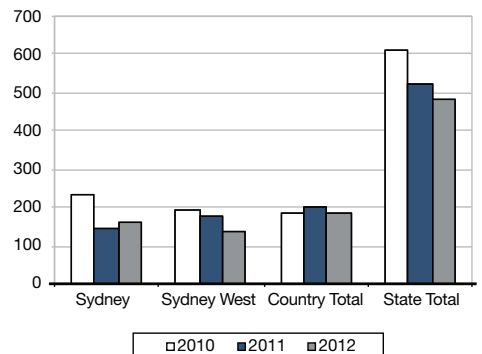
Finalised

	2010	2011	2012	11/12 Variant
Sydney	430	494	374	-24%
Sydney West	467	523	512	-2%
Newcastle	206	179	152	-15%
Gosford	57	29	48	66%
Wollongong	172	150	169	13%
Lismore	139	111	105	-5%
Dubbo	109	126	129	2%
Wagga Wagga	55	54	40	-26%
Country Total	738	649	643	-1%
State Total	1,635	1,666	1,529	-8%



Pending

	2010	2011	2012	11/12 Variant
Sydney	231	143	164	15%
Sydney West	197	176	133	-24%
Newcastle	53	29	49	69%
Gosford	5	12	16	33%
Wollongong	43	62	32	-48%
Lismore	28	49	45	-8%
Dubbo	39	41	27	-34%
Wagga Wagga	16	10	14	40%
Country Total	183	203	183	-10%
State Total	611	522	480	-8%

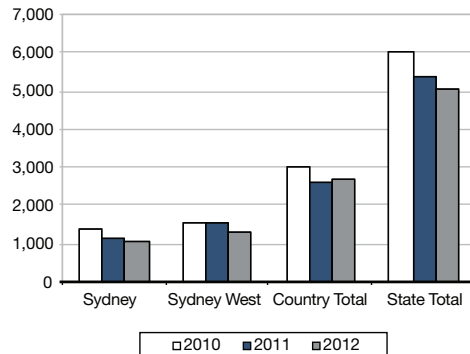


Annexure B4 Criminal Caseload

SENTENCE APPEALS

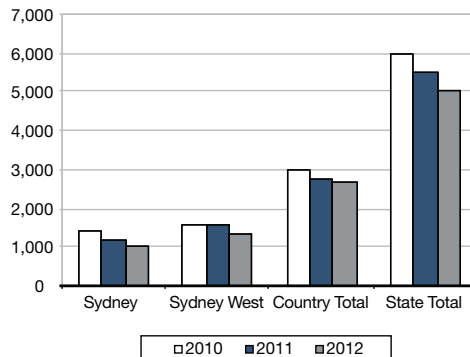
Registered

	2010	2011	2012	11/12 Variant
Sydney	1,394	1,136	1,065	-6%
Sydney West	1,564	1,581	1,296	-18%
Newcastle	881	791	791	0%
Gosford	191	187	201	7%
Wollongong	478	559	622	11%
Lismore	546	338	385	14%
Dubbo	614	517	480	-7%
Wagga Wagga	321	240	225	-6%
Country Total	3,031	2,632	2,704	3%
State Total	5,989	5,349	5,065	-5%



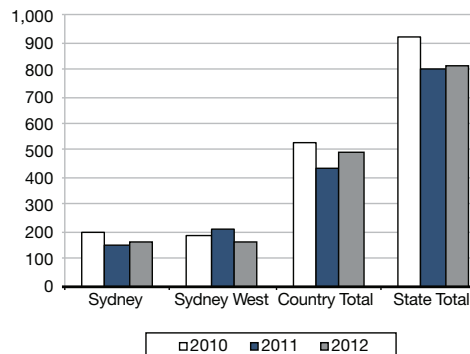
Finalised

	2010	2011	2012	11/12 Variant
Sydney	1,380	1,181	1,056	-11%
Sydney West	1,557	1,560	1,344	-14%
Newcastle	832	836	740	-11%
Gosford	210	193	202	5%
Wollongong	466	529	642	21%
Lismore	592	328	397	21%
Dubbo	593	580	450	-22%
Wagga Wagga	321	265	218	-18%
Country Total	3,014	2,731	2,649	-3%
State Total	5,951	5,472	5,049	-8%



Pending

	2010	2011	2012	11/12 Variant
Sydney	199	154	163	6%
Sydney West	188	209	161	-23%
Newcastle	167	122	173	42%
Gosford	35	29	28	-3%
Wollongong	67	97	77	-21%
Lismore	75	85	73	-14%
Dubbo	125	62	92	48%
Wagga Wagga	66	41	48	17%
Country Total	535	436	491	13%
State Total	922	799	815	2%



Annexure C1

Compliance with Criminal Time standards

TRIALS – REGISTERED

Accused Custody												
	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	32%	22%	19%	59%	49%	43%	89%	84%	81%	11%	16%	19%
Sydney West	31%	31%	32%	69%	62%	56%	95%	91%	94%	5%	9%	6%
Newcastle	61%	36%	34%	80%	79%	67%	97%	97%	96%	3%	3%	4%
Gosford	38%	43%	54%	54%	71%	65%	88%	100%	92%	12%	0%	8%
Wollongong	46%	41%	43%	73%	72%	65%	98%	94%	94%	2%	6%	6%
Lismore	32%	31%	33%	62%	47%	53%	86%	84%	97%	14%	16%	3%
Dubbo	28%	38%	18%	63%	67%	48%	97%	92%	88%	3%	8%	12%
Wagga Wagga	16%	21%	21%	68%	57%	36%	100%	79%	71%	0%	21%	29%
Country Total	43%	36%	35%	69%	68%	60%	95%	92%	93%	5%	8%	7%
State Total	35%	29%	28%	66%	58%	52%	93%	88%	88%	7%	12%	12%

Accused on Bail												
	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	25%	16%	10%	53%	39%	33%	92%	84%	79%	8%	16%	21%
Sydney West	21%	19%	25%	54%	46%	58%	89%	87%	90%	11%	13%	10%
Newcastle	30%	28%	10%	61%	61%	46%	93%	96%	85%	7%	4%	15%
Gosford	22%	20%	31%	48%	43%	49%	85%	83%	78%	15%	17%	22%
Wollongong	21%	29%	22%	52%	58%	53%	89%	94%	94%	11%	6%	6%
Lismore	11%	23%	12%	36%	43%	59%	84%	80%	83%	16%	20%	17%
Dubbo	17%	18%	5%	36%	43%	29%	77%	92%	67%	23%	8%	33%
Wagga Wagga	7%	8%	13%	22%	32%	21%	63%	62%	67%	37%	38%	33%
Country Total	20%	23%	15%	46%	50%	44%	84%	88%	81%	16%	12%	19%
State Total	22%	19%	16%	50%	45%	44%	88%	86%	83%	12%	14%	17%

All Trials

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	28%	19%	14%	56%	43%	37%	90%	84%	80%	10%	16%	20%
Sydney West	26%	23%	27%	60%	52%	58%	92%	88%	91%	8%	12%	9%
Newcastle	42%	31%	20%	68%	68%	55%	94%	96%	90%	6%	4%	10%
Gosford	30%	27%	39%	51%	51%	55%	87%	88%	83%	13%	12%	17%
Wollongong	31%	33%	30%	61%	63%	58%	92%	94%	94%	8%	6%	6%
Lismore	20%	26%	21%	47%	44%	56%	85%	82%	89%	15%	18%	11%
Dubbo	21%	25%	10%	45%	51%	36%	83%	92%	75%	17%	8%	25%
Wagga Wagga	10%	12%	15%	37%	39%	24%	75%	67%	68%	25%	33%	32%
Country Total	29%	27%	22%	55%	56%	50%	88%	89%	85%	12%	11%	15%
State Total	28%	23%	21%	57%	50%	47%	90%	87%	85%	10%	13%	15%

Annexure C2

Compliance with Criminal Time standards

TRIALS – VERDICTS

Accused Custody												
	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	16%	18%	5%	43%	43%	25%	84%	78%	67%	16%	22%	33%
Sydney West	12%	22%	8%	58%	48%	28%	91%	88%	88%	9%	12%	12%
Newcastle	27%	9%	13%	55%	55%	56%	82%	91%	100%	18%	9%	0%
Gosford	33%	25%	50%	50%	50%	50%	83%	100%	50%	17%	0%	50%
Wollongong	55%	0%	33%	64%	40%	40%	100%	80%	87%	0%	20%	13%
Lismore	29%	57%	29%	57%	57%	57%	100%	100%	100%	0%	0%	0%
Dubbo	15%	22%	0%	62%	33%	25%	92%	44%	100%	8%	56%	0%
Wagga Wagga	0%	33%	0%	100%	67%	0%	100%	67%	100%	0%	33%	0%
Country Total	31%	23%	22%	59%	49%	45%	92%	79%	92%	8%	21%	8%
State Total	19%	20%	10%	52%	45%	31%	88%	81%	79%	12%	19%	21%

Accused on Bail												
	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	21%	15%	2%	48%	39%	22%	88%	83%	71%	12%	17%	29%
Sydney West	4%	4%	12%	42%	37%	42%	89%	79%	85%	11%	21%	15%
Newcastle	23%	16%	5%	52%	48%	29%	90%	100%	68%	10%	0%	32%
Gosford	8%	0%	0%	33%	30%	8%	75%	80%	58%	25%	20%	42%
Wollongong	13%	10%	13%	40%	35%	43%	73%	85%	90%	27%	15%	10%
Lismore	6%	22%	5%	18%	33%	47%	71%	67%	74%	29%	33%	26%
Dubbo	0%	16%	0%	8%	37%	0%	50%	95%	33%	50%	5%	67%
Wagga Wagga	9%	0%	0%	27%	45%	8%	73%	64%	46%	27%	36%	54%
Country Total	12%	12%	5%	34%	39%	26%	76%	86%	65%	24%	14%	35%
State Total	13%	11%	6%	41%	38%	29%	84%	83%	72%	16%	17%	28%

All Trials

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	19%	17%	3%	46%	40%	23%	86%	81%	69%	14%	19%	31%
Sydney West	8%	11%	10%	49%	41%	37%	90%	83%	86%	10%	17%	14%
Newcastle	24%	14%	7%	52%	50%	37%	88%	97%	78%	12%	3%	22%
Gosford	17%	7%	13%	39%	36%	19%	78%	86%	56%	22%	14%	44%
Wollongong	31%	8%	20%	50%	36%	42%	85%	84%	89%	15%	16%	11%
Lismore	13%	38%	12%	29%	44%	50%	79%	81%	81%	21%	19%	19%
Dubbo	8%	18%	0%	36%	36%	7%	72%	79%	52%	28%	21%	48%
Wagga Wagga	8%	7%	0%	33%	50%	7%	75%	64%	50%	25%	36%	50%
Country Total	18%	15%	10%	42%	42%	32%	81%	84%	73%	19%	16%	27%
State Total	15%	15%	7%	45%	41%	29%	86%	82%	75%	14%	18%	25%

Annexure C3

Compliance With Criminal Time Standards

APPEALS

Conviction Appeals

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	38%	44%	53%	77%	75%	84%	97%	97%	97%	3%	3%	3%
Sydney West	59%	54%	60%	83%	78%	84%	99%	99%	98%	1%	1%	2%
Newcastle	66%	71%	79%	90%	87%	91%	98%	99%	99%	2%	1%	1%
Gosford	69%	71%	73%	85%	89%	89%	98%	100%	100%	2%	0%	0%
Wollongong	70%	66%	65%	91%	85%	81%	99%	97%	99%	1%	3%	1%
Lismore	62%	65%	53%	79%	81%	83%	95%	97%	98%	5%	3%	2%
Dubbo	70%	73%	66%	88%	88%	81%	98%	99%	95%	2%	1%	5%
Wagga Wagga	70%	69%	68%	91%	80%	78%	98%	94%	98%	2%	6%	3%
Country Total	67%	69%	68%	88%	85%	84%	98%	98%	98%	2%	2%	2%
State Total	57%	57%	61%	83%	80%	84%	98%	98%	98%	2%	2%	2%

Sentence Appeals

	Percentage of Cases Disposed within								
	2 Months			6 Months			>6 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	74%	75%	78%	97%	96%	97%	3%	4%	3%
Sydney West	77%	77%	77%	98%	97%	97%	2%	3%	3%
Newcastle	61%	54%	56%	98%	96%	97%	2%	4%	3%
Gosford	61%	69%	73%	90%	94%	95%	10%	6%	5%
Wollongong	70%	69%	72%	98%	96%	98%	2%	4%	2%
Lismore	45%	53%	54%	92%	93%	93%	8%	7%	7%
Dubbo	55%	57%	66%	97%	97%	95%	3%	3%	5%
Wagga Wagga	50%	43%	61%	98%	92%	92%	2%	8%	8%
Country Total	57%	57%	63%	96%	95%	96%	4%	5%	4%
State Total	66%	67%	70%	97%	96%	96%	3%	4%	4%

SENTENCES

	Percentage of Cases Disposed within								
	3 Months			6 Months			>6 Months		
	2010	2011	2012	2010	2011	2012	2010	2011	2012
Sydney	29%	24%	23%	66%	63%	67%	34%	37%	33%
Sydney West	23%	19%	23%	79%	74%	77%	21%	26%	23%
Newcastle	49%	37%	35%	86%	77%	78%	14%	23%	22%
Gosford	36%	40%	23%	70%	81%	72%	30%	19%	28%
Wollongong	47%	50%	53%	83%	86%	88%	17%	14%	12%
Lismore	42%	46%	49%	85%	77%	78%	15%	23%	23%
Dubbo	44%	44%	38%	72%	81%	81%	28%	19%	0%
Wagga Wagga	49%	49%	40%	91%	96%	87%	9%	4%	13%
Country Total	45%	43%	40%	81%	81%	80%	19%	19%	20%
State Total	31%	34%	29%	72%	75%	74%	28%	25%	26%

Annexure D

District Court Committees

Chief Judge's Policy and Planning Committee

The Honourable Justice Blanch AM, Chief Judge (Chairperson)
His Honour Judge Solomon (ex officio as Chair, Criminal Business Committee)
Her Honour Judge Truss (ex officio as Chair, Civil Business Committee)
Her Honour Judge Ashford (ex officio as Chair, Professional Development – Education Committee)
His Honour Judge Neilson
Her Honour Judge Gibb
His Honour Judge Blackmore SC
His Honour Judge Lakatos SC
His Honour Judge Letherbarrow SC
Her Honour Judge Woodburne SC
Her Honour Judge Huggett
Mr J Howard, Judicial Registrar (Secretary)

Rule Committee

The Honourable Justice Blanch AM, Chief Judge (Chairperson)
Her Honour Judge Truss (Deputy Chairperson)
His Honour Judge Neilson
His Honour Judge Robison
His Honour Judge Armitage
His Honour Judge Levy SC
Her Honour Judge Olsson SC
His Honour Judge Mahony SC
Mr P Khandhar, NSW Bar Association
Mr A Saxton, Law Society of NSW
Mr A Grew (Secretary)

Civil Business Committee

Her Honour Judge Truss (Chairperson)
Her Honour Judge Sidis (until April)
His Honour Judge Rolfe (until April)
His Honour Judge McLoughlin SC
His Honour Judge Johnstone (until June)
His Honour Judge Colefax SC
His Honour Judge Letherbarrow SC (from June)
Her Honour Judge Olsson SC (from June)
His Honour Judge Mahony SC (from June)
Mr C Smith, Judicial Registrar (until October)
Mr J Howard, Judicial Registrar (from October)
Ms J Hall, Insurance Council of Australia
Ms J Probert, Motor Accidents Authority (until June)
Ms B Cassidy, Motor Accidents Authority (from June)
Mr P Deakin QC, NSW Bar Association
Mr L King SC, NSW Bar Association
Mr A McMurrin, Law Society of NSW
Mr T Stern, Law Society of NSW
Ms J Dunn, Civil List and Case Manager, District Court

Criminal Business Committee

His Honour Judge Solomon (Chairperson)
Mr J Kiely, Crown Prosecutor
Mr M Ierace, Senior Public Defender
Mr D Giddy, NSW Law Society
Ms C Giroto, Office of the Director of Public Prosecutions (NSW)
Ms E Mackenzie, Office of the Director of Public Prosecutions (Commonwealth)
Ms J Boulos, Legal Aid Commission
Ms K Traill, Bar Association of NSW
Mr J Styles, Aboriginal Legal Service
Mr R Fornito, Criminal Listing Director
Ms J Garvey, Judicial Support Co-ordinator (Secretary)

Professional Development (Education) Committee

Her Honour Judge Ashford (Chairperson)
Her Honour Judge Sidis (until April)
His Honour Judge Neilson (from July)
His Honour Judge Woods QC
Her Honour Judge Hock
His Honour Judge Nicholson SC (until June)
His Honour Judge Berman QC
His Honour Judge Zahra SC
His Honour Judge Lakatos SC
His Honour Judge Elkaim SC
Her Honour Judge Wells SC
His Honour Judge Lerve (from July)
Mr C Smith, Judicial Registrar (until October)
Mr J Howard, Judicial Registrar (from October)
Ms R Windeler, Education Director, Judicial Commission of NSW (Convenor)

Judicial Support Committee

His Honour Judge Solomon
His Honour Judge Garling (until June)
Her Honour Judge Truss
Her Honour Judge Sidis (until April)
Her Honour Judge Ashford

Judicial Commission, Standing Advisory Committee of Judicial Education

His Honour Judge Nicholson SC

Judicial Commission, Ngara Yura Committee

His Honour Judge Norrish QC (Chairperson)
His Honour Judge Nicholson SC

Judicial Commission, Criminal Trial Courts Bench Book Committee

His Honour Judge Lakatos SC

Downing Centre Library Committee

Her Honour Judge Truss
His Honour Judge Coorey
Deputy Chief Magistrate Culver
Magistrate Farnan
Ms L Fairbairn, Director, Library Services
Ms V Blackmore, Manager, Client Services
Ms S Ramsay, Manager, Information Resources
Ms M Wearin, Research Officer, Dust Diseases Tribunal

John Maddison Tower and Downing Centre Building Committee

His Honour Judge Robison
His Honour Judge Kearns SC
Magistrate Raphael, Federal Court
Mr C Smith, Judicial Registrar (until October)
Mr J Howard, Judicial Registrar (from October)
Ms B Toomey, Sheriff's Officer (until July)
Ms K Byrne, Sheriff's Officer (from July)
Ms P Olsoen, Principal Registrar
Ms P Green, Registrar, Administrative Decisions Tribunal
Ms J Haywood, Executive Officer, Chief Magistrates Office
Mr R Gounder, Facilities Manager, Asset Management Services
Mr R Cowburn, Senior Facilities Manager, John Maddison Tower & Downing Centre
Mr K Breen, Judicial Support Officer

Judicial Electronic Case Management Steering Committee

His Honour Judge King SC

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