



The District Court of New South Wales
Annual Review 2008

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FOREWORD BY CHIEF JUDGE

During the course of the year there have been some changes in the operations of the Court. In its criminal jurisdiction there was a marginal increase in the number of criminal cases committed for trial but there was an increase of over 15% in the number of matters committed for sentence and a 10% increase in the number of appeals against sentences imposed in the Local Court. In its civil jurisdiction there was a marginal decrease in the number of actions filed.

In the management of criminal trials the Court has continued to emphasise the need to have sexual assault trials heard within six months of committal for trial. As anticipated that has been easier to achieve in Sydney than in Sydney West and the country circuits pose the biggest problem. The centralised telephone callover system to manage criminal circuits is working well and provides us with good information about delays in any particular areas. A more flexible approach has been taken to the circuits so that some circuits are cancelled at short notice and others are created in their place to meet particular needs. We will continue to work at this because we have still not achieved our goal of having all sexual assault cases heard within six months. At the end of the year there were 99 sexual assault trials older than six months out of a total of 270. That situation has been improving slowly but other strategies will be put in place in 2009 to improve the situation further. In the overall context of criminal trials this Court continues to be by far the most efficient Court in Australia in disposing of criminal cases.

In the civil jurisdiction of the Court the efficiency of the Court has been stable. The fall in registration of civil actions in country circuits has not changed. We have maintained many of the civil circuits by adding one week of civil sittings to commence at the end of criminal sittings.

There is expected to be some change in the civil work of the Court when property disputes arising from the breakdown of de facto relationships are transferred to the Family Court. However, it is expected that the transfer of some appeals from the Supreme Court to the District Court will more than compensate for the removal of that work.

The Court remains in a strong position to conduct its business in 2009 and the Court continues to adapt its strategies to achieve its goals in its five year Strategic Plan created in 2007, which are:

1. To co-ordinate with other agencies to improve overall performance;
2. To determine cases in the most effective and efficient way;
3. To be resourced to carry out its functions, and
4. To provide for the professional development and support for the judges.

The Honourable Justice R O Blanch AM
Chief Judge

THE DISTRICT COURT

- History
- Jurisdiction
- Judiciary
- Venues
- Court Staff

History

By the middle of 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 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 2008.

CHIEF JUDGE

The Honourable Justice Reginald Oliver Blanch, A.M.

JUDGES

His Honour Judge John Lawrence O'Meally, A.M., R.F.D.*

His Honour Judge Ronald Herbert Solomon

Her Honour Judge Margaret Ann O'Toole

His Honour Judge David James Freeman

His Honour Judge William Harwood Knight

His Honour Judge John Roscoe Nield

His Honour Judge Kenneth Victor Taylor, A.M., R.F.D.

His Honour Judge Anthony Frederick Garling

His Honour Judge Christopher James Geraghty

Her Honour Judge Dianne Joy Truss

His Honour Judge Garry William Neilson

His Honour Judge Christopher John Armitage

Her Honour Judge Margaret Sidis

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, S.C.

Her Honour Judge Deborah June Payne

His Honour Judge Martin Langford Sides, Q.C.

His Honour Judge Robert Keleman, S.C.

Her Honour Judge Anne Mary Quirk

Her Honour Judge Ann Margaret Ainslie-Wallace

His Honour Judge Colin Phegan

Her Honour Judge Linda Margaret Ashford

His Honour Judge Gregory David Woods, Q.C.

His Honour Judge Anthony Francis Puckeridge, Q.C.

Her Honour Judge Helen Jane Morgan
His Honour Judge John Lester Goldring
His Honour Judge Norman Edward Delaney
His Honour Judge Jonathan Steuart Williams
His Honour Judge Kevin Patrick O'Connor,
A.M.
Her Honour Judge Jennifer Anne English
His Honour Judge Allan Hughes
Her Honour Judge Susan Jennifer Gibb
His Honour Judge Gregory Scott Hosking,
S.C.
His Honour Judge Ralph Coolahan
His Honour Judge Kevin Peter Coorey
His Honour Judge Richard Anthony Rolfe
His Honour Judge James Walter Black, Q.C.
His Honour Judge Robert Arthur Sorby
His Honour Judge Stephen Ronald Norrish,
Q.C.
Her Honour Judge Audrey Suzanne Balla
His Honour Judge Michael John Finnane,
R.F.D., Q.C.
Her Honour Judge Penelope Jane Hock
Her Honour Judge Judith Clare Gibson
His Honour Judge John Cecil Nicholson, S.C.
His Honour Judge Stephen Lewis Walmsley,
S.C.
His Honour Judge Nigel Geoffrey Rein, S.C.
His Honour Judge Anthony Martin Blackmore,
S.C.
His Honour Judge Colin Emmett O'Connor,
Q.C.
His Honour Judge Peter Graeme Berman,
S.C.
His Honour Judge Raymond Patrick
McLoughlin, S.C.
His Honour Judge Colin David Charteris, S.C.
His Honour Judge Roy David Ellis
His Honour Judge Mark Curtis Marien. S.C.
His Honour Judge Brian John Knox, S.C.
His Honour Judge Brian Harrie Kevin
Donovan, Q.C.
His Honour Judge Robert Allan Hulme, S.C.
His Honour Judge John Roger Dive

Her Honour Judge Deborah Anne Sweeney
His Honour Judge James L A Bennett, S.C.
His Honour Judge Peter Lind Johnstone
His Honour Judge William Patrick Kearns,
S.C*.
His Honour Judge Paul Vincent Conlon, S.C.
His Honour Judge Peter Raymond Zahra,
S.C.
His Honour Judge Richard Dominic Cogswell,
S.C.
Her Honour Judge Leonie Flannery, S.C.
His Honour Judge Robert Stephen Toner,
S.C.
His Honour Judge Gregory Michael Keating
His Honour Judge Paul Ivan Lakatos, S.C.
His Honour Judge Leonard Levy, S.C.
His Honour Judge Michael Elkaim, S.C.
His Honour Judge Michael King, S.C.

* denotes Members of the Dust Diseases
Tribunal

JUDICIAL APPOINTMENTS

The following Judges were appointed during 2008 on the dates indicated in the brackets after their name:

His Honour Judge Paul Ivan Lakatos, S.C.
(30 January 2008)
His Honour Judge Leonard Levy, S.C.
(15 May 2008)
His Honour Judge Michael Elkaim, S.C.
(15 May 2008)
His Honour Judge Michael King, S.C.
(17 June 2008)

JUDICIAL DEATH IN OFFICE

Sadly, on 6 May 2008, His Honour Brian Harrie Kevin Donovan, Q.C. died in office.

JUDICIAL RETIREMENTS

The following Judges retired during 2008 on the dates indicated in brackets after their name:

His Honour Judge Colin Phegan
(13 April 2008)

DISTRICT COURT JUDGE ACTING AS A JUDGE OF THE NSW SUPREME COURT

His Honour Judge Stephen Ronald Norrish, Q.C. acted as a Judge of the Supreme Court of NSW from 7 July to 29 August 2008

His Honour Judge Nigel Geoffrey Rein, S.C. acted as a Judge of the Supreme Court of NSW from 28 January to 28 March 2008

His Honour Judge Robert Allan Hulme, S.C. acted as a Judge of the Supreme Court of NSW from 3 November to 19 December 2008

DISTRICT COURT JUDGE APPOINTED TO THE SUPREME COURT OF NSW

His Honour Judge Nigel Geoffrey Rein, S.C. was appointed as a Judge of the Supreme Court of NSW on 5 May 2008

APPOINTMENTS HELD DURING 2008

His Honour Judge John Lawrence O’Meally, A.M., R.F.D., held the appointment of President of the Dust Diseases Tribunal of NSW

His Honour Judge Kevin Patrick O’Connor, A.M., held the appointment of President of the Administrative Decisions Tribunal of NSW

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

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

His Honour Judge Kenneth Victor Taylor, A.M., R.F.D. held the position of NSW Privacy Commissioner

MEDICAL TRIBUNAL OF NSW

The Honourable Justice Reginald Oliver Blanch, A.M., 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 2008:

His Honour Judge Ronald Herbert Solomon

His Honour Judge David James Freeman

His Honour Judge William Harwood Knight

His Honour Judge Kenneth Victor Taylor, A.M., R.F.D.

Her Honour Judge Margaret Sidis

Her Honour Judge Helen Gay Murrell, S.C.

His Honour Judge Robert Keleman, S.C.

Her Honour Judge Ann Margaret Ainslie-Wallace

His Honour Judge Anthony Francis Puckeridge, Q.C.

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Stephen Lewis Walmsley, S.C.

His Honour Judge Peter Lind Johnstone

ACTING JUDGES DURING 2008

Mr Graham Hamlyn Traill Armitage, Q.C.

Mr Terence Joseph Christie, Q.C.

Mr Geoffrey John Graham

Mr Peter John Johns

Mr John Cecil McGuire

Mr Joseph Anthony Moore

Mr David Louthean Patten

Mr Brian James Boulton

The Honourable Barrie Clive Hungerford, Q.C.

Mr Michael John McGrowdie

Mr Neil McLauchlan

Sir Robert Kynnersley Woods, C.B.E.

Mr Ian Barnett

JUDICIAL REGISTRAR

Section 18FA of the District Court Act 1973 provides for the appointment of a Judicial Registrar.

Ms Catherine Admonisha McDonald is the Judicial Registrar.

Venues

In 2007 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 (4 courtrooms), Penrith (3 courtrooms) and Campbelltown (3 courtrooms).

In addition, continuous sittings were conducted at Newcastle, Gosford, Wollongong and Lismore. The places where the Court sat were:

Albury, Armidale, Batemans Bay, Bathurst, Bega, Bourke, Broken Hill, Campbelltown, Coffs Harbour, Coonamble, Dubbo, East Maitland, Gosford, Goulburn, Grafton, Griffith, Inverell, Lismore, Maitland, Moree, Newcastle, Nowra, Orange, Parkes, Parramatta, Penrith, Port Macquarie, Queanbeyan, Sydney, Tamworth, Taree, Wagga Wagga, Wollongong.

Court Staff

PRINCIPAL REGISTRAR AND DIRECTOR JUDICIAL SUPPORT

The Principal Registrar and Director Judicial Support is Mr Craig Smith, who is responsible for undertaking statutory functions and delegated court functions; maintaining a collaborative approach with the judiciary in the effective management of the Court; providing effective judicial support; and, overseeing the listing and case management functions on a statewide basis.

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.

The Manager, Criminal Listings and Judicial Arrangements is Rob Fornito.

CIVIL CASE MANAGEMENT AND LISTING

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

The Manager, Civil Case Management is Jane Dunn.

STRATEGIC PLAN

- Civil Business Committee
- Criminal Business Committee
- Professional Standards (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 four major business committees that are accountable to the Policy and Planning Committee. Those Committees are:

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

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 civil disputes.

Meetings Held

The Committee consists of representatives from the judiciary, registry, NSW Attorney General's Department, the legal profession (including the Law Society of NSW and Bar Association of NSW), Insurance Council of Australia and Motor Accidents Authority.

The Committee met on 4 occasions during the year.

Activities

1. The Committee monitors the Court's Operational Performance Report. Statistical information is presented at each meeting which includes the number and types of registrations and disposals from the caseload; the percentage of cases 18 months old in the caseload; the number of cases listed before Judges; the adjournments from the judicial hearing list; the not reached rate; the results of pre-trial and status conferences; the listings for and disposals by arbitration; the number of motions listed before and dealt with by the Court; the details of the status and types of cases in the Professional Negligence List; the results of mediations conducted by Assistant Registrars; and the long hearings.

Where it becomes apparent that there is a problem in any area of the system in place for the swift and efficient disposal of civil actions by the Court it is dealt with by the Committee.

2. The Committee keeps under review the case managed system, particularly in relation to pre-trial conferences and status conferences. There was a continuation of the previously noted unsatisfactory standard of representation at pre-trial conferences and status conferences and of the falling percentage of cases ready to take a hearing date from the status conference. Pre-trial conferences continued to be listed at 2 months after filing in the hope that more cases would be ready to take a hearing date from the status conference. It had become a matter of concern that, while the Court has an extremely good record of finalisation of cases between 12 and 24 months from commencement, as evidenced by the Productivity Commission's Report which indicated that the NSW District Court was one of the leaders in timeliness of civil non-appeal matters which represent over 99 percent of all civil matters handled in the Court, there continued to be problems with practitioners being ready to proceed to hearing from the status conference.
3. A decision was made to alter the system of case management and to put in place a new Practice Note. The Committee considered the draft Practice Note at length. It had become apparent that a large number of cases were not quite ready to accept a hearing date from status conference and required extra time for preparation. This resulted in additional appearances before the Court. The Chief Judge issued Practice Note 13 on 1 September 2008. The new system provided for the Court to make any necessary orders relating to the finalisation of the case management process and at the same time, to fix a hearing date. The result was fewer attendances before the Court and the parties having a hearing date to work towards during the period of final preparation. It has been in place for in excess of 6 months and has resulted in a significant increase in the number of cases taking a hearing date from the status conference.
4. Practice Note 13 also dealt with entry of cases into the specialist lists. In many instances the specialist lists were being used to manage cases that should not have been in those lists. The cases inappropriately entered in the specialist lists were being over-managed resulting in legal costs that were not proportionate to the value of the claim. Practice Note 13 introduced a monetary limit affecting cases that could be managed in the Commercial and Construction lists. It is acknowledged that large and complex cases may need extensive case management and those cases continue to be managed in the specialist lists. Since 1.9.08 the Court controls the entry of cases into the specialist lists. The parties can make an application to have their case placed in such a list. Over the last 6 months there have been very few applications to have cases placed in the specialist lists and most cases are therefore managed in the General list. The Practice Note appears to have resulted in a more efficient system of case management. The Committee will review the operation of the Practice Note during 2009.
5. During 2008, the Committee continued to monitor the operation of the Professional Negligence List.
6. The Committee continued to track the scheme introduced at the commencement of the Civil Procedure Act for mediation of matters by Assistant Registrars of the Court if a party is otherwise unable to afford it. This programme was further expanded in the second half of 2007 following its success in 2006. The statistics continued to demonstrate that approximately 50% of cases referred to the Assistant Registrars are being resolved as a result of the mediation.
7. The Committee continues to monitor hearings estimated to take 5 days or longer. These matters are given priority when being listed and all matters have been reached over the last 5 years.

Criminal Business Committee Report

8. The Committee has considered whether or not an arbitration system should be continued as very few cases are referred to arbitration. The Committee was of the view that arbitration was still useful and should continue.

9. The number of filings in Sydney increased in 2008. However, filings in the country and Sydney West slightly decreased. There is still an unacceptably high rate of applications for adjournment of hearings, however, the case managed system allows the Court to allocate hearing dates within a short time to parties requiring a hearing date and to have the majority of those cases heard on the date allocated.

10. The Committee also discussed and examined the following issues:

- The delay being occasioned by the Court having to wait for medical assessments in motor accident cases. It is not uncommon for a case to be delayed while awaiting an assessment or a review of an assessment. A solution to this problem would result in a more speedy hearing of these cases.
- The Court now hears appeals from the Consumer, Trader and Tenancy Tribunal, costs assessment appeals and appeals from the Small Claims Division of the Local Court that were previously heard in the Supreme Court. This has resulted in a number of litigants appearing in person. The Committee has looked at methods of handling these appeals.

New Procedure for Managing Trials at Circuit Sittings

From 30 January 2008 trials at country circuit sittings have been managed pursuant to Practice Note 7. The stated aim of Practice Note 7 is:

“to achieve the same standards of efficiency in the management of the country circuit lists as occur in the rest of the State so that there is an equality in the delivery of justice throughout the State” .

The changes implemented by Practice Note 7 are:

- time for filing indictments reduced from 8 weeks to 4 weeks
- parties are to attend a telephone callover before a judge within 5 weeks of committal
- at the callover the prosecution is encouraged to settle charges and the parties encouraged to determine the issues
- matters are listed for trial at the telephone callover
- the number of trials listed at circuit sittings reduced from three to two per week in order to avoid trials being not reached

The percentage of trials ‘not reached’ in the country reduced from 16% in 2007 to 10% in 2008.

Professional Standards (Education) Committee Report

Introduction of JusticeLink

In February 2009, the JusticeLink case management system was implemented in the Court's criminal jurisdiction.

Parramatta Trial Court Complex

From 31 March 2008 the Court commenced sitting four courts at the new Parramatta Trial Court Complex.

Filming Criminal Trials

During 2008 a television production company filmed a number of trials for a forthcoming television documentary series. This program will help to improve the communities' understanding of the Court and the criminal justice system.

Management of Sexual Assault Trials

During 2008 the Court monitored the outcome of sexual assault and child sexual assault trials listed over a three month period in order to review the effectiveness of both the case management of these matters and the courtroom technology for vulnerable witnesses.

The Court continues to closely manage all sexual assault trials.

Annual Conference

The Annual Conference held in Wollongong on 25–26 March 2008 was attended by 58 judges, the judicial registrar, and the Director of Court Services. The conference focused on providing challenging and interesting educational sessions, while also providing a valuable opportunity for discussion and debate. The programme consisted of a range of sessions relevant to the day-to-day work of the court, including:

- Court of Appeal Review by The Honourable Justice Mason AC
- Serious Offenders Review Council by The Honourable David Levine RFD QC
- Criminal Law Update:
 - Evidence by His Honour Judge Woods QC
 - Sentencing by His Honour Judge Blackmore SC (paper) and His Honour Judge Ellis (presentation)
 - Other Matters by His Honour Judge Ellis
- Civil Law Update
 - Damages – Three Different Schemes by Her Honour Judge Balla
 - Commercial Law Update by His Honour Judge Johnstone
 - Other Matters by His Honour Judge Robison
- Mental Health (Criminal Procedure) Act by The Honourable Greg James QC
- Dealing with Difficult Litigants by Dr Grant Lester

National Judicial Orientation Programme

In 2008, one new judge of the Court attended the National Judicial Orientation Programme conducted by the National Judicial College of Australia, the Judicial Commission of New South Wales and the Australasian Institute of Judicial Administration.

Occasional Seminars

The Education Committee has continued to work with the Judicial Commission to organise a series of breakfast, lunch and twilight education sessions for District Court judges in the John Maddison Tower, including:

- International Criminal Tribunal for the Former Yugoslavia presented by The Honourable David Hunt AO QC
- Computer Forensics presented by Mr Matthew Westwood-Hill, Principal Computer Forensic Examiner, Forensic Digital Services Pty Ltd
- Field Trip to the Drug Court and the Compulsory Drug Treatment Correctional Centre with His Honour Judge Roger Dive, Senior Judge, Drug Court of NSW and Ms Astrid Birgden, Director, Compulsory Drug Treatment Correctional Centre
- The Suitors Fund Act presented by Mr Valentino Musico, Crown Solicitors' Office

Judgment Writing Workshop

Professor James Raymond, a legal writing consultant from New York, conducted a two day cross-jurisdictional Judgment Writing Master Class in September 2008 for 15 participants, six of whom were District Court judges. The Master Class was designed to build on the structural techniques shared in the judgment writing workshop and further develop the ability to write clear, well-structured judgments. The participants indicated that they found the Master Class extremely useful and relevant to their work.

CIVIL JURISDICTION

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

New South Wales

- Caseload

Sydney

- Caseload
- Alternative Dispute Resolution
- Residual Jurisdiction

Sydney West

Country

New South Wales

In 2008:

- Registrations fell by 2%
- Finalisations rose by 2%
- Pending cases fell by 9%
- Median time for disposals fell from 11.4 to 11.1 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. Further, actions may be transferred between registries, which can complicate matters as each registry has its own registration numbering system. 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 5,375 matters registered in 2008, compared to 5,508 in 2007.

DISPOSALS

There were 5,980 disposals in 2008, compared to 5,598 in 2007.

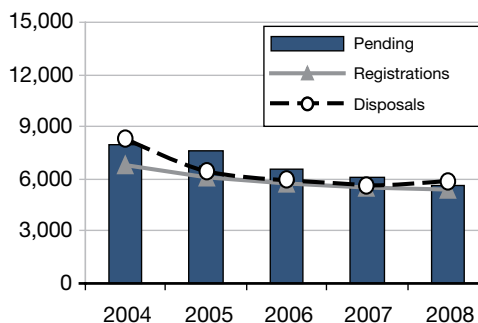
PENDING

At the end of 2008 the pending caseload was 5,602, compared to 6,125 in 2007.

COMPARISON WITH PREVIOUS YEARS

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

Figure 1. NSW Civil Caseload



DISPOSAL TIMES

In 2008, 52% of all actions completed were finalised within 12 months, with 81% being completed within 24 months. This compares to 53% and 84%, respectively, in 2007.

Of the pending caseload at the end of 2008, 17% exceeded 18 months compared to 17% in 2007 and 16% in 2006.

Sydney

In 2008:

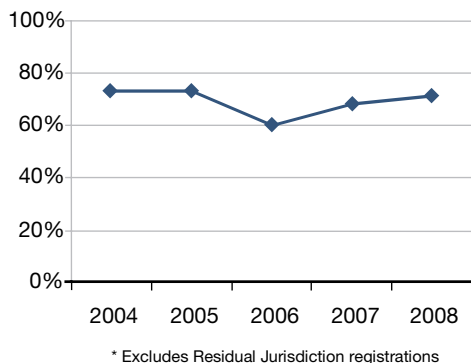
- Registrations rose by 1%
- Finalisations rose by 8%
- Pending cases fell by 8%
- Median disposal time fell from 11.3 to 10.9 months.

Caseload

In 2008, Sydney civil case managed matters represented 71% of the State's registrations and 71% 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

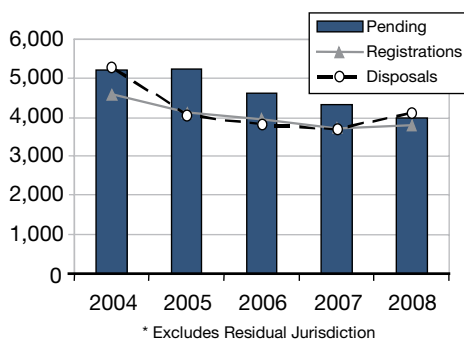
Figure 2. Sydney's % of NSW Registrations



REGISTRATIONS, DISPOSALS AND PENDING

Excluding the Residual Jurisdiction, there were 3,791 new actions commenced and 4,043 finalised in Sydney in 2008. At the end of the year there were 3,986 actions pending. Figure 3 tracks Sydney's caseload for the last five years.

Figure 3. Sydney Caseload



DISPOSAL TIMES

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

In 2008, 54% of all actions completed were finalised within 12 months, with 83% being completed within 24 months. This compares to 54% and 84%, respectively in 2007.

Of the pending caseload at the end of 2008, 17% exceeded 18 months. This is the same percentage as 2007.

HOW CASES ARE FINALISED

Table 1 below shows the breakup of how case managed list matters were completed in 2008. The categories of "Dismissed" and "Discontinued" include matters that settled without judgment being entered and/or terms of settlement being filed.

Table 1. Disposal Outcomes

Judgment following Trial	435
Default Judgment	240
Settlement Filed	1,727
Dismissed	1,083
Discontinued	432
Arbitration	4
Transferred	122
Total	4,043

Table 2 below compares two of the seven categories of disposal outcomes as against the total number of disposal outcomes. These two categories are selected because i. 'Disposed of by judgment following trial' represents the number of hearings to judgment before judges, and ii. "Disposed of by settlements filed" includes matters that settled as a result of ADR.

Table 2. Judgments/Settlements

Year	Total Disposals	Disposed of by Judgment Following Trial	Disposed of by Settlement Filed
2004	5,262 (100%)	778 (15%)	2,564 (49%)
2005	4,056 (100%)	572 (14%)	2,263 (56%)
2006	3,823 (100%)	485 (13%)	2,115 (55%)
2007	3,701 100%	414 (11%)	2,132 (58%)
2008	4,043 100%	435 (11%)	1,727 (43%)

Alternative Dispute Resolution

MEDIATION

Pursuant to Civil Practice Note 1, cases before the Sydney District Court are referred to mediation where appropriate. The referral may be either to private mediation or to court provided mediation. The Assistant Registrars in Sydney undertake the court provided mediation. In 2008 the Sydney District Court referred 476 matters to mediation (343 were referred to private mediation and 133 to court provided mediation).

Approximately 50% of matters referred to mediation by Assistant Registrars are settled. There are no available statistics in relation to settlement of matters referred to private mediators.

ARBITRATION

The arbitration scheme in operation in the Court is the "Philadelphia" scheme (named after a similar scheme in Philadelphia, Pennsylvania, USA). Under this scheme, a number of Arbitrators are rostered to attend court provided accommodation on a nominated date and the Registry provides support services. This enables multiple matters to be listed and reserve matters are allocated to Arbitrators as previous matters conclude.

In 2008, 30 matters were referred to arbitration as compared to 98 in 2007, 179 in 2006, 296 in 2005 and 605 in 2004.

This substantial drop is another indication of the changing nature of the Court's workload, with less actions being suitable for resolution through arbitration.

Sydney West

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.

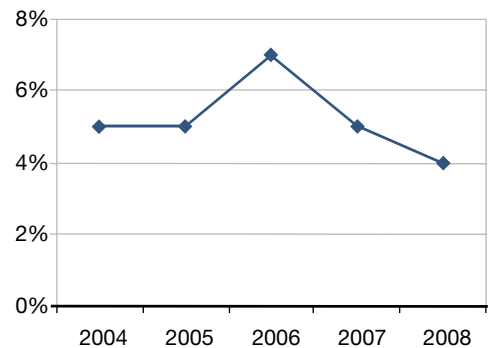
The disputes that were transferred to the District Court are commonly referred to as its "residual jurisdiction" and involve the following:

- 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 2008, 428 actions were commenced and 452 were finalised. There were a total of 201 matters on hand in the residual jurisdiction at the end of 2008.

Sydney West had 4% of the total number of new actions started in the State in 2008 (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

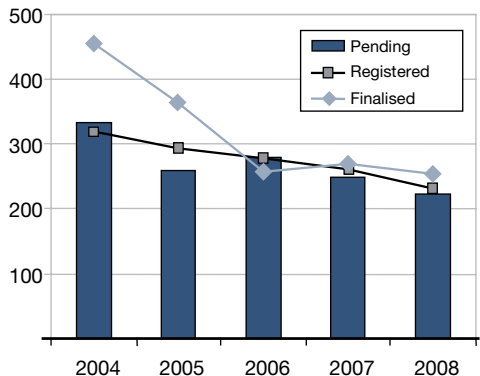


In Sydney West there were 232 matters registered and 253 dispositions throughout the year. At the end of 2008 the total pending caseload was 221, as compared to 250 the previous year.

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

Country

Figure 5. Sydney West Caseload



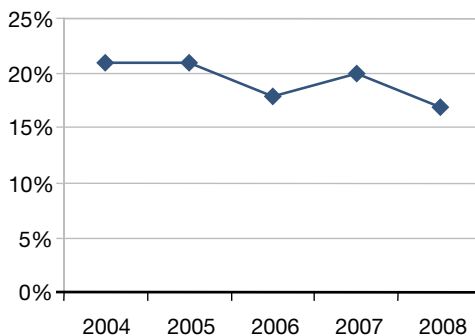
Pending matters in Sydney West fell by 13% and the median finalisation time was 9.2 months.

14% of pending matters exceeded 18 months.

Venues outside of Sydney and Sydney West had 17% of the total number of new actions started in 2008 (excluding the Court's residual jurisdiction).

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

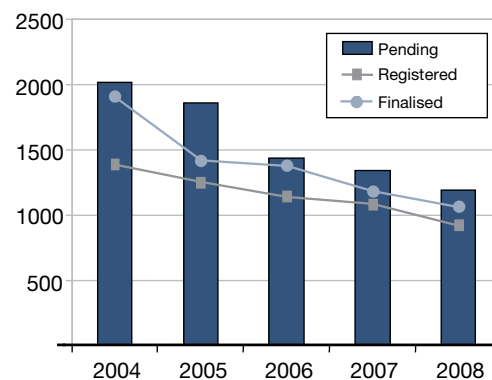
Figure 6. % of NSW Registrations



Outside of Sydney and Sydney West, there were 1,066 dispositions throughout the year. At the end of the year the total pending caseload was 1,194 as compared to 1,335 the previous year.

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

Figure 7. Country Caseload



Pending matters in the country fell by 12% and the median finalisation time was 11.2 months.

21% of pending matters exceeded 18 months.

CRIMINAL JURISDICTION

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

Trials

- Caseload
- Short Matters

Trials

In 2008:

- Trial registrations rose by 3%
- Finalisations fell by 1%
- Number of pending trials has remained stable
- Median disposals times rose from 33.2 to 34 weeks
- Average length of trials rose by 3%, from 7.5 to 7.75 days

Caseload

There were 1,785 criminal trials registered during 2008 in New South Wales, as compared to 1,726 in 2007 and 1,822 in 2006.

There were 1,782 trials finalised in 2008, as compared to 1,801 in 2007 and 1,881 in 2006.

There were 955 trials on hand at the end of 2008, as compared to 952 trials at the end of 2007.

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

Figure 8. Criminal Trial Caseload

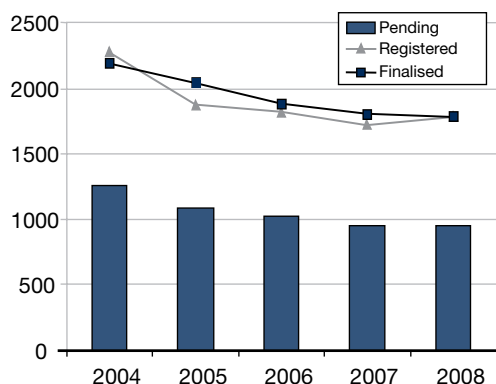
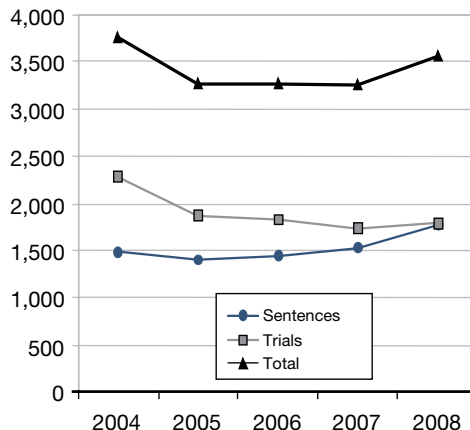


Figure 9 shows variation in trial and sentence registrations for the last 5 years.

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 2008, 38% of trial disposals where the accused was in custody were finalised within 4 months, and 10% exceeded 12 months. Where the accused was on bail, 26% of disposals occurred within 4 months, with 18% 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

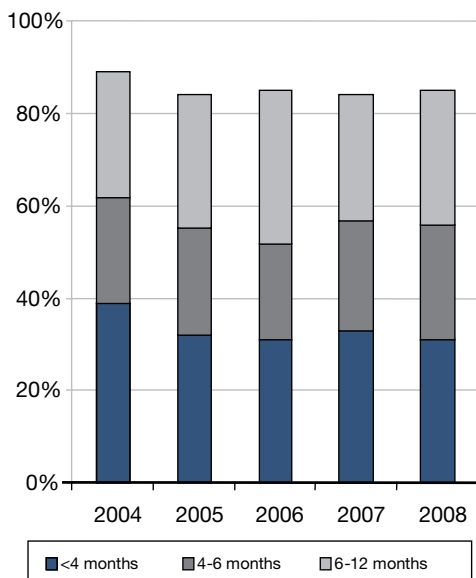


Figure 11 shows the age of all trials which were pending at the end of the year indicated.

Figure 11. All Registered Trials – Pending Matters

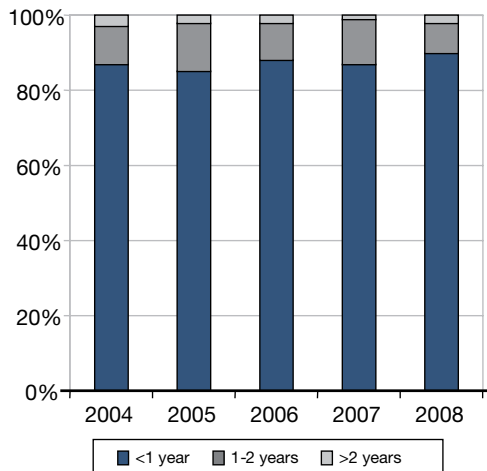
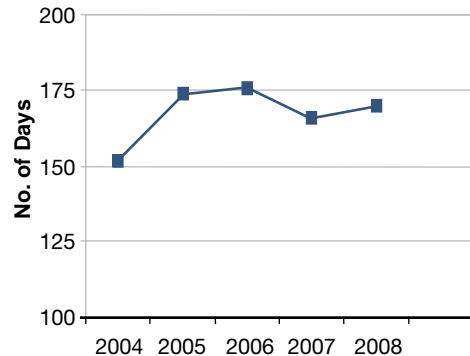


Figure 12 tracks the median disposal times, from committal to commencement of the trial, for matters finalised during the year indicated.

Figure 12. Median Disposal Times – Criminal Trials

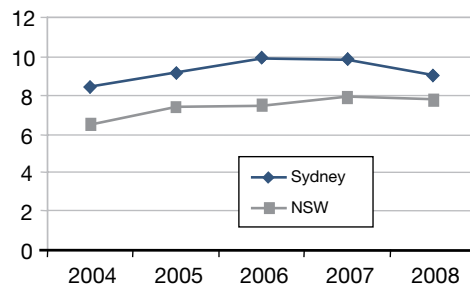


TRIAL DURATIONS

The statewide average length of criminal trials finalised in 2008 was 7.75 days, as compared to 7.25 days in 2007. In Sydney the average duration was 9.03 days in 2008, compared to 8.13 days in 2007.

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

Figure 13. Average Trial Length



TRIAL LISTING OUTCOMES

About 2,180 trials were listed for hearing in 2008.

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

Figure 14. Trial Listings Not Dealt With

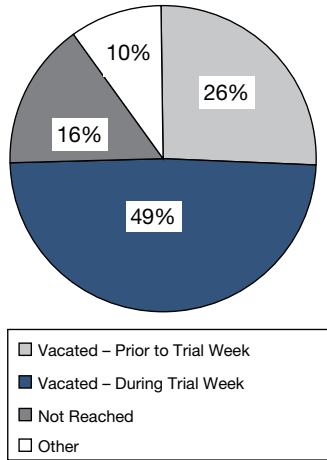


Figure 15 shows the break-up of those matters which were dealt with after being listed.

Figure 15. Trial Listings Dealt With

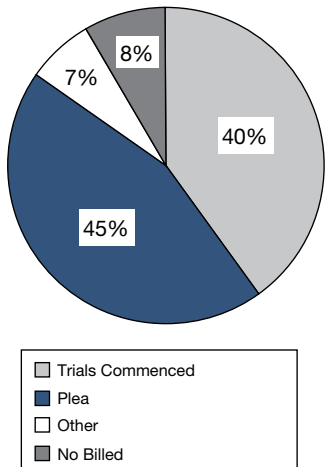


Figure 16 shows the outcome of those which commenced.

Figure 16. Trials Commenced

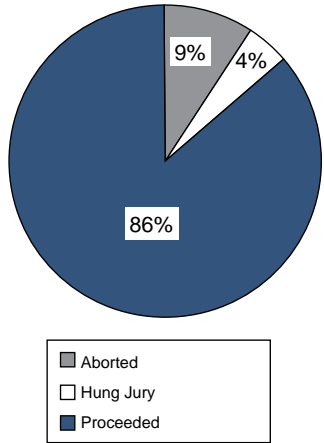


Table 3. Trial Listing Outcomes

The following table sets out trial listing outcomes for 2008

	Sydney	Sydney West	Country	Total
NOT DEALT WITH	31%	39%	35%	34%
Vacated	25%	32%	20%	26%
Prior to Trial Week	8%	15%	3%	9%
During Trial Week	17%	17%	17%	17%
Other Not Dealt With (Trial Week)	6%	7%	15%	9%
Not Reached	0%	6%	12%	6%
Other	6%	1%	2%	1%
DEALT WITH	69%	61%	65%	66%
Dealt With Prior to Trial Week	2%	6%	4%	4%
No Billed	0%	1%	0%	1%
Bench Warrant	0%	0%	0%	0%
Plea	0%	4%	4%	2%
Other (eg. deceased)	0%	0%	0%	0%
Transferred	1%	1%	0%	1%
Dealt With In Trial Week	37%	31%	38%	35%
No Billed	4%	6%	4%	5%
Bench Warrant	0%	0%	1%	0%
Plea	29%	21%	30%	27%
Other (eg. deceased)	3%	1%	1%	2%
Transferred	0%	3%	1%	1%
Trials Commenced	30%	24%	24%	26%
Aborted	3%	0%	3%	2%
Hung Jury	2%	1%	0%	1%
Proceeded	25%	22%	20%	23%

Of trials dealt with in 2008 (ie. 66% of total listings):

- 44% pleaded guilty
- 35% proceeded to verdict
- 8% were “no billed”
- 3% were transferred
- 4% were aborted
- 2% ended with a “hung jury”
- 3% were otherwise disposed
- 1% had bench warrants issued

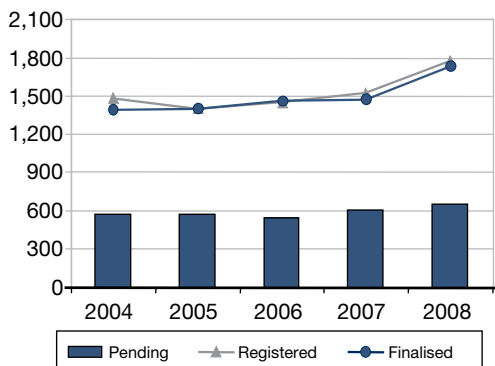
Short Matters

SENTENCES

There were 1,780 committals for sentence received in 2008 and 1,736 matters were finalised. At the end of the year there were 652 sentence matters pending, compared to 608 at the end of 2007.

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

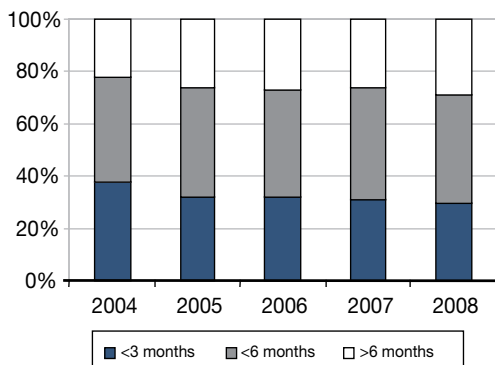
Figure 17. Sentence Caseload



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

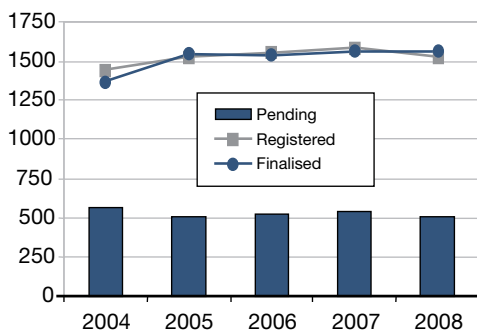


CONVICTION APPEALS

There were 1,523 conviction appeals lodged in 2008 and 1,560 finalisations. At the end of the year there were 504 conviction appeals pending, compared to 541 at the end of 2007.

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

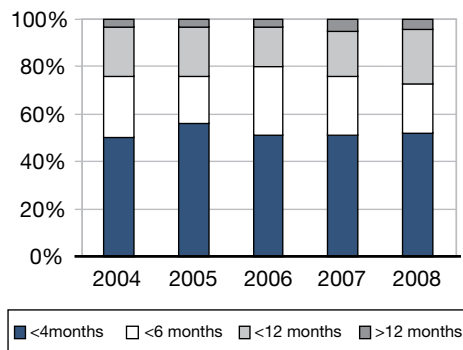
Figure 19. Conviction Appeals Caseload



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

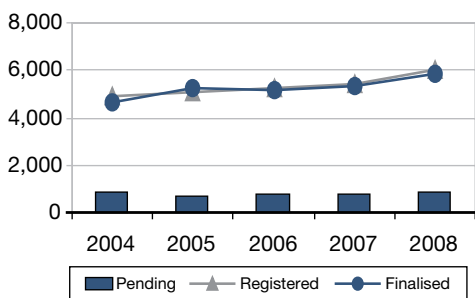


SENTENCE APPEALS

There were 5,987 sentence appeals lodged in 2008 and 5,872 finalised. At the end of the year there were 899 sentence appeals pending, compared to 784 at the end of 2007.

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

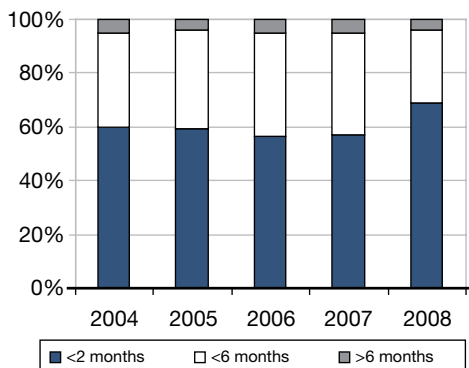
Figure 21. Sentence Appeals Caseload



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 Sitings

Table 4 sets out the number of judicial sitting weeks allocated in 2008 as published in the Court's Calendar of Sitings.

Table 4. Sitting Allocations

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	890	21.9	33%
	Civil	726	17.9	27%
Sydney West	Criminal	412	10.0	15%
	Civil	29	0.7	1%
Major Country	Criminal	160	4.0	6%
	Civil	59	1.5	2%
Other Venues	Criminal	327	8.0	12%
	Civil	65	1.6	2%
Total	Criminal	1,789	44.0	67%
	Civil	879	21.6	33%
	All	2,668	65.6	100%

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

Actual Sitings

Table 5 sets out the number of days actually sat by the court in 2008 converted into weeks (by dividing the number of days by 5)

Table 5. Actual Sitings

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	839	20.7	34%
	Civil	642	15.8	26%
Sydney West	Criminal	392	9.7	16%
	Civil	15	0.4	1%
Major Country	Criminal	152	3.7	6%
	Civil	53	1.3	2%
Other Venues	Criminal	296	7.3	12%
	Civil	44	1.1	2%
Total	Criminal	1,679	41.4	69%
	Civil	754	18.6	31%
	All	2,433	60.0	100%

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

COMPARISONS WITH 2007

Overall, there were 58 additional sitting weeks in 2008 than 2007. This resulted in 68 additional criminal sittings and 10 fewer weeks of civil sittings.

The increase in criminal sittings was as a result of an additional short matters court sitting in Sydney and an increase in the need for special fixtures.

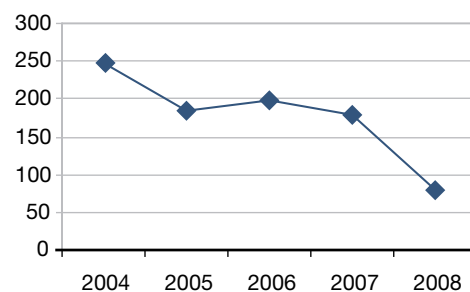
ACTING JUDGES

Acting Judges provided an extra 409 days of actual sitting. Based on the maximum of 40.6 sitting weeks per year for a permanent judge, this equated to 2 additional judges.

Table 6 lists the acting judges and the number of days each Acting Judge sat during 2008.

Figure 23 below shows the fluctuations in the number of Acting Judge weeks attained since 2004.

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 2008

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Total
Armitage G		2	1	1		1		2	1	5	1		14
Boulton		1	5	5	18			15			5		49
Christie													0
Graham		1	14	2	1	9	1	1			20	10	59
Grogan													0
Hungerford		8	15	11	10	16	6	1	3	2	16	2	90
Karpin													0
McGrowdie			2	6	1	12			1		1		23
McGuire	2	7	6	6	9	9			4	4	11	5	63
McLauchlan													0
Moore			2	2	7				1				12
Patten									1		14	2	17
Woods				16	10			5	12	15	19	5	82
Total days	2	19	45	49	56	47	7	24	23	26	87	24	409
Average days per Acting Judge 2008													31

Table 7. District Court Sitings 2008

	ALLOCATED (weeks)		AVAILABLE (days)		ACTUALLY SAT (days)		* AVERAGE RECORDED HOURS	
	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL
SYDNEY	890	726	4252	3460	4193	3212	3.89	3.63
CAMPBELLTOWN	134	0	637	0	634	0	4.73	0.00
PARRAMATTA	154	23	725	112	744	53	4.68	4.15
PENRITH	124	6	601	23	584	22	4.26	3.18
SYDNEY WEST TOTAL	412	29	1963	135	1962	75	4.57	3.87
GOSFORD	56	4	267	20	265	17	3.83	4.47
NEWCASTLE	57	41	273	196	271	204	3.92	3.57
WOLLONGONG	47	14	223	70	224	42	3.78	3.36
O/S TOTAL	160	59	763	286	760	263	3.85	3.60
ALBURY	9	6	44	25	46	20	4.91	4.75
ARMIDALE	8	1	40	5	46	1	5.11	4.00
BATEMANS BAY	0	1	0	5	0	4	0.00	1.25
BATHURST	11	3	55	15	63	6	4.33	4.67
BEGA	9	1	43	5	40	5	4.55	4.40
BOURKE	5	0	20	0	13	0	4.77	0.00
BROKEN HILL	7	1	33	4	29	1	3.10	1.00
COFFS HARBOUR	24	6	118	30	116	20	4.70	3.95
COONAMBLE	6	0	30	0	20	0	3.95	0.00
DUBBO	31	4	108	19	105	13	5.39	2.46
EAST MAITLAND	10	2	50	9	48	8	4.13	3.63
GOULBURN	12	0	60	0	64	0	4.91	0.00
GRAFTON	7	0	35	0	31	0	5.32	0.00
GRIFFITH	13	3	63	15	60	14	4.92	5.79
INVERELL	0	0	0	0	0	0	0.00	0.00
LISMORE	44	11	212	54	219	48	3.93	3.85
MOREE	4	0	20	0	17	0	3.71	0.00
NOWRA	9	1	44	5	42	5	5.12	3.60
ORANGE	13	4	63	19	77	9	4.86	4.56
PARKES	8	0	40	0	37	0	4.59	0.00
PORT MACQUARIE	28	3	137	15	132	9	4.52	3.00
QUEANBEYAN	11	2	50	21	32	7	6.03	5.00
TAMWORTH	24	3	115	29	98	8	5.47	3.63
TAREE	18	5	85	33	77	7	4.71	5.00
WAGGA WAGGA	16	8	72	46	68	34	6.22	4.65
COUNTRY TOTAL	327	65	1537	354	1480	219	4.75	4.13
STATE TOTAL	1789	879	8515	4235	8395	3769	4.20	3.66

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

ANNEXURES

- Annexure A – Civil
- Annexure B – Criminal Caseload
- Annexure C – Criminal Disposal
- Appendix D – Court Committees

Annexure A1 Civil Caseload

	Registered			Disposed			Pending		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney CML	3957	3736	3791	3823	3701	4120	4613	4315	3986
Residual Jurisdiction	388	432	428	471	445	452	238	225	201
Parramatta	175	152	178	177	188	165	186	130	153
Penrith	64	39	37	51	39	39	60	56	54
Liverpool	33	60	4	19	34	41	31	57	6
Campbelltown	7	9	13	10	7	8	4	7	8
Sydney West	279	260	232	257	268	253	281	250	221
Newcastle	317	287	255	294	308	263	401	379	371
Gosford	56	44	45	79	50	43	71	65	67
Wollongong	110	95	89	283	121	101	144	118	106
Major Country	483	426	389	656	479	407	616	562	544
Albury	47	45	29	58	47	48	58	56	37
Armidale	9	11	10	18	13	13	23	18	15
Bathurst	25	18	9	25	14	13	20	18	14
Bega	16	6	7	11	15	5	14	9	11
Broken Hill	5	7	4	8	6	0	8	9	10
Coffs Harbour	75	59	64	61	69	69	60	54	48
Dubbo	20	27	24	29	34	25	36	29	30
Griffith	21	16	18	26	30	21	43	29	26
Lismore Region	129	130	133	129	135	105	116	112	140
Lithgow	14	15	8	11	12	12	16	19	15
Maitland	27	38	32	48	37	42	34	39	29
Nowra	16	28	16	11	13	31	11	26	10
Orange	21	36	29	30	41	25	55	50	54
Port Macquarie	33	41	17	49	32	56	68	77	39
Queanbeyan	34	20	17	38	23	23	26	23	17
Tamworth	28	27	21	30	27	27	35	36	30
Taree	58	41	31	66	60	57	72	53	28
Wagga Wagga	84	89	66	72	97	86	124	116	97
Other Venues	662	654	535	720	705	658	819	773	650
NSW Total	5769	5508	5375	5927	5598	5890	6567	6125	5602

Annexure A2 Civil Disposal Times

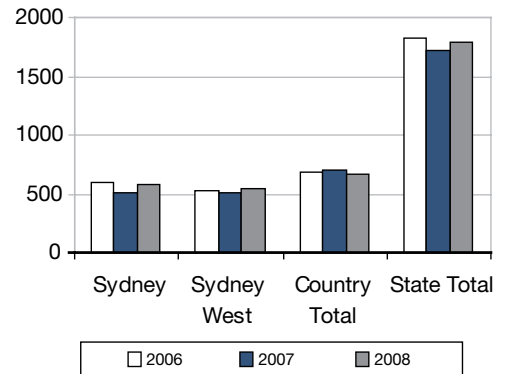
	Median Delay (mths)			% age of Cases Disposed within						% age of Pending within 18 mths		
				12 mths			24 mths					
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney CML	10.8	11.3	10.9	55%	54%	54%	83%	84%	83%	16%	17%	17%
Parramatta	10.6	9.1	9.2	54%	70%	69%	88%	91%	92%	25%	21%	17%
Penrith	8.7	8.0	9.3	73%	82%	62%	88%	95%	89%	25%	16%	8%
Liverpool	7.1	7.8	7.3	100%	86%	100%	100%	100%	100%	0%	0%	0%
Campbelltown	5.5	5.6	11.1	88%	70%	100%	100%	70%	100%	67%	0%	13%
Sydney West	10.6	7.9	9.2	60%	77%	69%	89%	89%	92%	22%	13%	14%
Newcastle	12.6	13.1	13.2	46%	44%	42%	81%	79%	85%	18%	16%	20%
Gosford	14.0	15.1	9.6	42%	34%	59%	86%	84%	86%	12%	16%	23%
Wollongong	13.3	9.4	9.9	40%	60%	66%	74%	83%	84%	22%	11%	1%
Major Country	13.2	13.1	12.0	43%	46%	49%	78%	82%	84%	18%	15%	17%
Albury	14.2	13.1	14.0	41%	47%	33%	70%	78%	79%	16%	22%	10%
Armidale	15.5	18.5	15.6	44%	14%	40%	63%	78%	60%	30%	33%	33%
Bathurst	9.8	7.3	11.3	60%	69%	67%	96%	100%	100%	6%	7%	17%
Bega	12.9	11.0	11.2	45%	60%	60%	73%	70%	60%	14%	0%	18%
Broken Hill	19.1	6.7	11.1	33%	67%	100%	78%	100%	100%	33%	38%	78%
Coffs Harbour	8.6	8.5	9.4	59%	70%	69%	84%	91%	98%	9%	6%	28%
Dubbo	15.6	12.3	12.1	31%	46%	50%	79%	89%	69%	42%	27%	14%
Griffith	20.9	15.2	9.6	23%	31%	59%	65%	62%	86%	36%	41%	29%
Lismore Region	11.9	12.7	11.0	50%	45%	51%	77%	85%	86%	7%	23%	23%
Lithgow	16.3	7.2	10.1	25%	60%	67%	75%	80%	100%	42%	44%	77%
Maitland	11.3	12.9	13.1	52%	44%	48%	84%	94%	83%	3%	28%	10%
Nowra	11.4	6.3	10.3	67%	78%	83%	92%	100%	92%	0%	0%	0%
Orange	16.2	14.7	10.4	38%	41%	67%	69%	82%	79%	50%	34%	24%
Port Macquarie	18.3	14.7	20.4	27%	43%	25%	73%	70%	59%	36%	30%	24%
Queanbeyan	10.4	11.3	9.9	53%	53%	56%	89%	74%	83%	29%	19%	6%
Tamworth	14.0	15.1	14.3	38%	53%	21%	79%	74%	75%	12%	15%	36%
Taree	12.4	13.2	10.8	49%	43%	40%	88%	83%	86%	19%	16%	40%
Wagga Wagga	14.5	11.3	12.6	40%	55%	44%	71%	83%	88%	16%	19%	26%
Other Venues	13.4	12.5	12.1	45%	51%	52%	78%	83%	85%	16%	23%	25%
NSW Total	11.5	11.4	11.1	53%	53%	52%	82%	84%	81%	16%	17%	17%

Annexure B1 Criminal Caseload

TRIALS

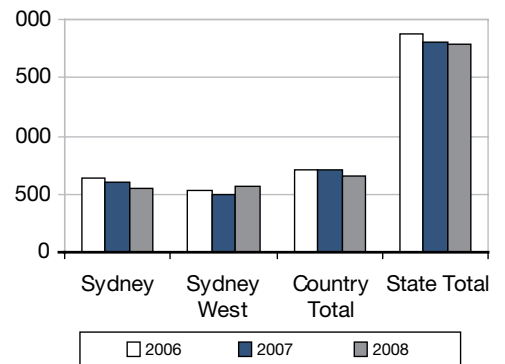
Registered

	2006	2007	2008	07/08 Variant
Sydney	599	512	577	13%
Sydney West	535	517	539	4%
Newcastle	197	205	227	11%
Gosford	56	50	55	10%
Wollongong	120	131	130	-1%
Lismore	131	133	100	-25%
Dubbo	115	112	91	-19%
Wagga Wagga	69	66	66	0%
Country Total	688	697	669	-4%
State Total	1822	1726	1785	3%



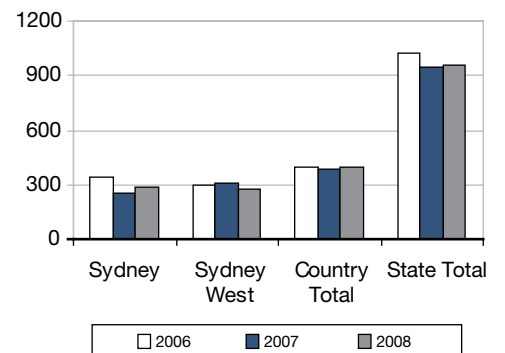
Finalised

	2006	2007	2008	07/08 Variant
Sydney	639	597	545	-9%
Sydney West	527	504	569	13%
Newcastle	213	204	216	6%
Gosford	51	66	56	-15%
Wollongong	143	138	117	-15%
Lismore	123	118	111	-6%
Dubbo	114	99	108	9%
Wagga Wagga	71	67	60	-10%
Country Total	715	700	658	-6%
State Total	1881	1801	1782	-1%



Pending

	2006	2007	2008	07/08 Variant
Sydney	339	254	286	13%
Sydney West	295	308	278	-10%
Newcastle	99	93	104	12%
Gosford	45	28	27	-4%
Wollongong	73	66	79	20%
Lismore	69	84	73	-13%
Dubbo	72	85	68	-20%
Wagga Wagga	35	35	40	14%
Country Total	393	390	391	0%
State Total	1027	952	955	0%

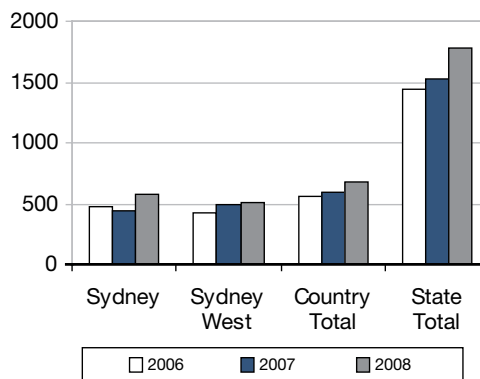


Annexure B2 Criminal Caseload

SENTENCES

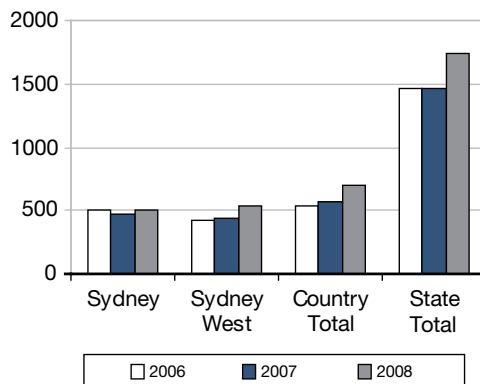
Registered

	2006	2007	2008	07/08 Variant
Sydney	476	435	583	34%
Sydney West	419	496	514	4%
Newcastle	151	156	206	32%
Gosford	79	58	86	48%
Wollongong	116	129	130	1%
Lismore	88	107	118	10%
Dubbo	55	92	78	-15%
Wagga Wagga	64	52	65	25%
Country Total	553	594	683	15%
State Total	1448	1525	1780	17%



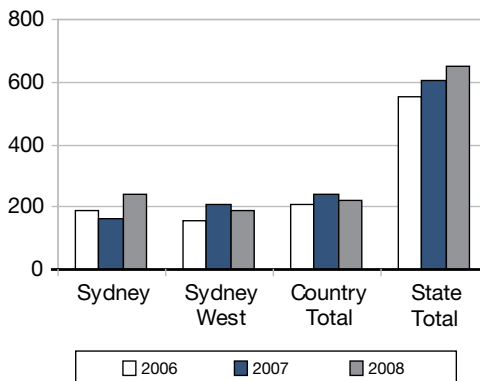
Finalised

	2006	2007	2008	07/08 Variant
Sydney	506	464	502	8%
Sydney West	421	442	531	20%
Newcastle	151	129	190	47%
Gosford	71	64	75	17%
Wollongong	122	115	148	29%
Lismore	93	92	131	42%
Dubbo	47	80	90	13%
Wagga Wagga	53	57	69	21%
Country Total	537	561	703	25%
State Total	1464	1467	1736	18%



Pending

	2006	2007	2008	07/08 Variant
Sydney	191	162	243	50%
Sydney West	154	208	191	-8%
Newcastle	47	52	68	31%
Gosford	45	37	48	30%
Wollongong	38	52	34	-35%
Lismore	26	41	28	-32%
Dubbo	26	38	26	-32%
Wagga Wagga	23	18	14	-22%
Country Total	205	239	218	-9%
State Total	550	608	652	7%

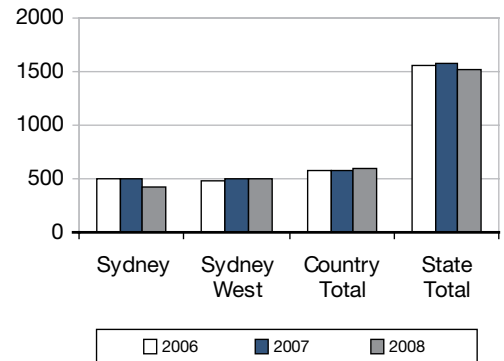


Annexure B3 Criminal Caseload

CONVICTION APPEALS

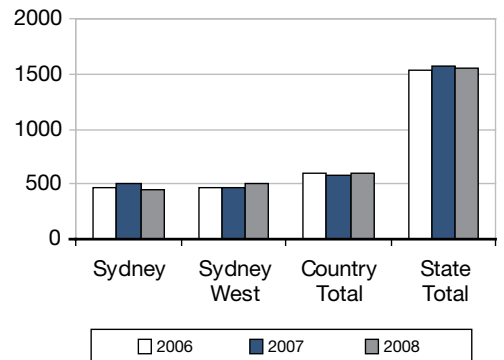
Registered

	2006	2007	2008	07/08 Variant
Sydney	495	497	424	-15%
Sydney West	476	496	509	3%
Newcastle	143	149	161	8%
Gosford	51	46	39	-15%
Wollongong	136	130	134	3%
Lismore	132	103	127	23%
Dubbo	77	108	83	-23%
Wagga Wagga	45	48	46	-4%
Country Total	584	584	590	1%
State Total	1555	1577	1523	-3%



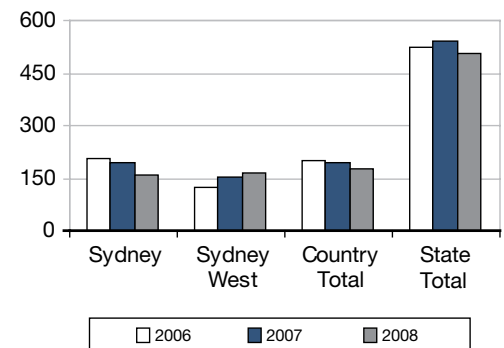
Finalised

	2006	2007	2008	07/08 Variant
Sydney	466	511	457	-11%
Sydney West	476	463	497	7%
Newcastle	143	160	157	-2%
Gosford	57	42	48	14%
Wollongong	134	133	121	-9%
Lismore	130	118	122	3%
Dubbo	81	95	101	6%
Wagga Wagga	49	42	57	36%
Country Total	594	588	606	3%
State Total	1536	1562	1560	0%



Pending

	2006	2007	2008	07/08 Variant
Sydney	206	192	159	-17%
Sydney West	122	155	167	8%
Newcastle	46	36	40	11%
Gosford	18	23	14	-39%
Wollongong	41	38	51	34%
Lismore	50	35	40	14%
Dubbo	27	40	22	-45%
Wagga Wagga	16	22	11	-50%
Country Total	198	194	178	-8%
State Total	526	541	504	-7%

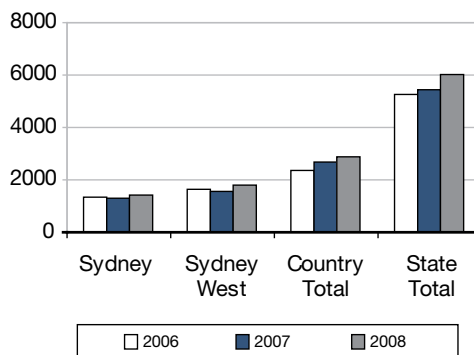


Annexure B4 Criminal Caseload

SENTENCE APPEALS

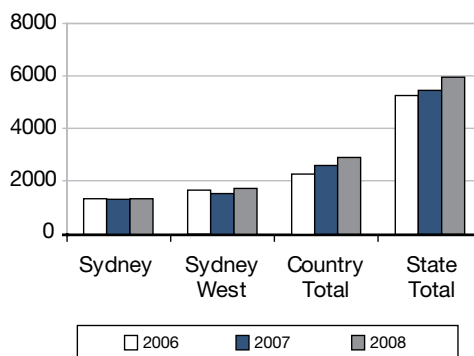
Registered

	2006	2007	2008	07/08 Variant
Sydney	1293	1252	1383	10%
Sydney West	1594	1520	1765	16%
Newcastle	708	741	801	8%
Gosford	232	211	252	19%
Wollongong	390	505	461	-9%
Lismore	423	468	485	4%
Dubbo	372	450	572	27%
Wagga Wagga	200	262	268	2%
Country Total	2325	2637	2839	8%
State Total	5212	5409	5987	11%



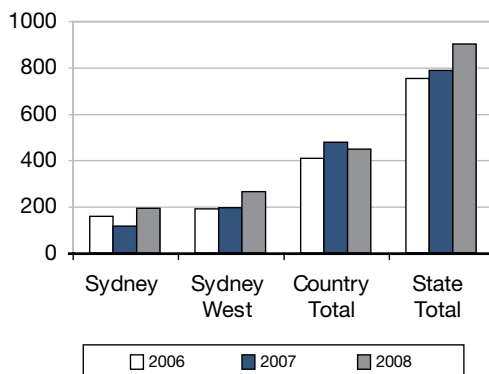
Finalised

	2006	2007	2008	07/08 Variant
Sydney	1315	1295	1307	1%
Sydney West	1630	1514	1696	12%
Newcastle	651	756	816	8%
Gosford	230	215	244	13%
Wollongong	385	469	477	2%
Lismore	402	449	483	8%
Dubbo	384	426	562	32%
Wagga Wagga	194	253	287	13%
Country Total	2246	2566	2869	12%
State Total	5191	5375	5872	9%



Pending

	2006	2007	2008	07/08 Variant
Sydney	157	114	190	67%
Sydney West	188	194	263	36%
Newcastle	136	122	107	-12%
Gosford	49	46	54	17%
Wollongong	42	78	62	-21%
Lismore	73	92	94	2%
Dubbo	54	78	88	13%
Wagga Wagga	51	60	41	-32%
Country Total	405	476	446	-6%
State Total	750	784	899	15%



Annexure C1 Compliance with Criminal Time Standards

TRIALS – REGISTERED

Accused Custody

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	34%	39%	41%	57%	64%	69%	86%	90%	90%	14%	10%	10%
Sydney West	45%	42%	37%	66%	69%	62%	94%	95%	90%	6%	5%	10%
Newcastle	56%	68%	44%	81%	88%	71%	91%	99%	96%	9%	1%	4%
Gosford	-	29%	27%	-	71%	67%	-	95%	100%	-	5%	0%
Wollongong	24%	30%	37%	43%	63%	68%	89%	88%	89%	11%	12%	11%
Lismore	42%	47%	37%	69%	51%	56%	97%	87%	93%	3%	13%	7%
Dubbo	55%	43%	21%	74%	79%	38%	100%	89%	74%	0%	11%	26%
Wagga Wagga	52%	43%	45%	72%	79%	73%	96%	100%	100%	4%	0%	0%
Country Total	47%	48%	36%	71%	72%	62%	94%	93%	91%	6%	7%	9%
State Total	41%	43%	38%	63%	68%	64%	91%	92%	90%	9%	8%	10%

Accused on Bail

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	22%	27%	32%	43%	52%	54%	81%	80%	86%	19%	20%	14%
Sydney West	31%	28%	22%	52%	54%	48%	84%	85%	79%	16%	15%	21%
Newcastle	26%	42%	35%	47%	58%	65%	80%	83%	89%	20%	17%	11%
Gosford	-	21%	19%	-	44%	42%	-	77%	77%	-	23%	23%
Wollongong	21%	21%	23%	39%	39%	47%	71%	69%	81%	29%	31%	19%
Lismore	29%	29%	18%	49%	55%	37%	84%	86%	71%	16%	14%	29%
Dubbo	14%	18%	16%	34%	29%	33%	79%	59%	74%	21%	41%	26%
Wagga Wagga	15%	20%	25%	58%	49%	47%	92%	78%	86%	8%	22%	14%
Country Total	23%	27%	24%	44%	47%	48%	79%	76%	80%	21%	24%	20%
State Total	24%	27%	26%	46%	50%	50%	81%	79%	82%	19%	21%	18%

All Trials

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	27%	32%	36%	48%	57%	61%	83%	84%	88%	17%	16%	12%
Sydney West	37%	33%	29%	57%	60%	54%	88%	89%	84%	12%	11%	16%
Newcastle	36%	52%	38%	58%	68%	67%	84%	89%	92%	16%	11%	8%
Gosford	-	23%	21%	-	52%	48%	-	83%	83%	-	17%	17%
Wollongong	22%	24%	29%	40%	47%	56%	75%	75%	84%	25%	25%	16%
Lismore	33%	36%	23%	55%	54%	42%	88%	86%	77%	12%	14%	23%
Dubbo	27%	24%	18%	47%	42%	35%	85%	67%	74%	15%	33%	26%
Wagga Wagga	29%	24%	33%	63%	54%	57%	94%	82%	91%	6%	18%	9%
Country Total	31%	34%	29%	53%	55%	53%	84%	81%	84%	16%	19%	16%
State Total	31%	33%	31%	52%	57%	56%	85%	84%	85%	15%	16%	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		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	21%	35%	32%	40%	51%	59%	76%	88%	88%	24%	12%	12%
Sydney West	42%	25%	20%	56%	55%	38%	93%	89%	82%	7%	11%	18%
Newcastle	54%	83%	26%	23%	92%	58%	100%	100%	95%	0%	0%	5%
Gosford	-	0%	0%	-	40%	33%	-	80%	100%	-	20%	0%
Wollongong	40%	13%	33%	40%	25%	67%	100%	88%	87%	0%	13%	13%
Lismore	0%	57%	57%	60%	57%	57%	100%	100%	100%	0%	0%	0%
Dubbo	44%	50%	17%	56%	50%	50%	100%	100%	83%	0%	0%	17%
Wagga Wagga	100%	25%	25%	100%	25%	63%	100%	100%	100%	0%	0%	0%
Country Total	42%	45%	29%	42%	55%	59%	100%	95%	93%	0%	5%	7%
State Total	31%	35%	27%	45%	33%	52%	86%	90%	88%	14%	10%	12%

Accused on Bail

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	13%	20%	28%	32%	46%	47%	75%	76%	88%	25%	24%	12%
Sydney West	21%	21%	4%	45%	37%	30%	77%	77%	68%	23%	23%	32%
Newcastle	10%	34%	17%	31%	44%	48%	77%	84%	86%	23%	16%	14%
Gosford	-	10%	17%	-	20%	25%	-	70%	50%	-	30%	50%
Wollongong	13%	6%	16%	23%	31%	36%	59%	63%	72%	41%	37%	28%
Lismore	10%	0%	7%	38%	27%	21%	81%	87%	57%	19%	13%	43%
Dubbo	31%	17%	13%	54%	22%	30%	85%	70%	78%	15%	30%	22%
Wagga Wagga	14%	12%	13%	14%	24%	38%	86%	76%	75%	14%	24%	25%
Country Total	13%	15%	14%	31%	30%	35%	73%	74%	73%	27%	26%	27%
State Total	15%	18%	16%	34%	38%	37%	75%	75%	76%	25%	25%	24%

All Trials

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	16%	25%	30%	35%	48%	53%	75%	80%	88%	25%	20%	12%
Sydney West	30%	22%	11%	49%	44%	34%	84%	81%	74%	16%	19%	26%
Newcastle	20%	48%	21%	30%	57%	52%	82%	89%	90%	18%	11%	10%
Gosford	-	7%	13%	-	27%	27%	-	73%	60%	-	27%	40%
Wollongong	16%	7%	23%	25%	30%	48%	64%	67%	78%	36%	33%	23%
Lismore	8%	18%	24%	42%	36%	33%	85%	91%	71%	15%	9%	29%
Dubbo	36%	24%	14%	55%	28%	34%	91%	76%	79%	9%	24%	21%
Wagga Wagga	25%	14%	19%	25%	24%	50%	87%	81%	88%	13%	19%	13%
Country Total	19%	22%	20%	34%	36%	43%	79%	79%	80%	21%	21%	20%
State Total	20%	24%	20%	38%	43%	44%	78%	80%	81%	22%	20%	19%

Annexure C3 Compliance with Criminal Time Standards

APPEALS

Conviction Appeals

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	38%	43%	52%	72%	69%	77%	98%	95%	97%	2%	5%	3%
Sydney West	66%	61%	60%	85%	84%	80%	98%	98%	96%	2%	2%	4%
Newcastle	55%	61%	77%	75%	80%	89%	96%	94%	97%	4%	6%	3%
Gosford	-	35%	62%	-	63%	82%	-	91%	96%	-	9%	4%
Wollongong	39%	47%	57%	68%	75%	83%	94%	92%	99%	6%	8%	1%
Lismore	49%	47%	61%	78%	74%	79%	98%	91%	94%	2%	9%	6%
Dubbo	57%	51%	59%	88%	77%	79%	99%	93%	95%	1%	7%	5%
Wagga Wagga	43%	55%	76%	83%	87%	90%	92%	100%	98%	8%	0%	2%
Country Total	49%	51%	65%	79%	76%	84%	96%	93%	96%	4%	7%	4%
State Total	51%	51%	60%	80%	76%	81%	97%	95%	96%	3%	5%	4%

Sentence Appeals

	Percentage of Cases Disposed within								
	2 Months			6 Months			>6 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	74%	76%	81%	98%	98%	98%	2%	2%	2%
Sydney West	60%	59%	72%	96%	96%	96%	4%	4%	4%
Newcastle	46%	48%	64%	93%	95%	96%	7%	5%	4%
Gosford	-	40%	68%	-	89%	96%	-	11%	4%
Wollongong	44%	49%	65%	92%	94%	94%	8%	6%	6%
Lismore	51%	46%	55%	96%	92%	92%	4%	8%	8%
Dubbo	44%	40%	57%	92%	88%	95%	8%	12%	5%
Wagga Wagga	34%	35%	47%	93%	96%	96%	7%	4%	4%
Country Total	45%	45%	60%	93%	93%	95%	7%	7%	5%
State Total	57%	57%	69%	96%	95%	96%	5%	5%	4%

SENTENCES

	Percentage of Cases Disposed within								
	3 Months			6 Months			>6 Months		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Sydney	32%	35%	31%	69%	73%	70%	31%	27%	30%
Sydney West	30%	23%	21%	75%	76%	66%	25%	24%	34%
Newcastle	34%	44%	43%	76%	84%	79%	24%	16%	21%
Gosford	-	16%	19%	-	43%	68%	-	57%	32%
Wollongong	23%	22%	33%	71%	74%	78%	59%	26%	22%
Lismore	38%	48%	34%	76%	87%	79%	24%	13%	21%
Dubbo	30%	37%	26%	72%	69%	62%	28%	31%	38%
Wagga Wagga	67%	28%	58%	90%	82%	86%	10%	18%	14%
Country Total	35%	34%	36%	76%	75%	76%	24%	25%	24%
State Total	32%	31%	30%	73%	74%	71%	27%	26%	29%

Annexure D

District Court Committees

CHIEF JUDGE'S POLICY AND PLANNING COMMITTEE

The Honourable Justice R O Blanch, Chief Judge (Chairman)

His Honour Judge R H Solomon (ex officio as Chair, Criminal Business Committee)

His Honour Judge K V Taylor, A.M., R.F.D. (ex officio as Chair, Resources Committee)

His Honour Judge W H Knight (ex officio as Chair, Education Committee)

His Honour Judge A F Garling (ex officio as Chair, Civil Business Committee)

His Honour Judge C J G Robison

Her Honour Judge H J Morgan

His Honour Judge J L Goldring

His Honour Judge S L Walmsley, S.C.

His Honour Judge R D Ellis

His Honour Judge M C Marien, S.C.

His Honour Judge J L A Bennett, S.C.

His Honour Judge P L Johnstone

Mr C Smith, Principal Registrar and Director Judicial Support (Secretary)

RULE COMMITTEE

The Honourable Justice R O Blanch, Chief Judge (Chairman)

His Honour Judge Garling (Deputy Chairman)

Her Honour Judge Sidis

His Honour Judge Robison

His Honour Judge Phegan

His Honour Judge Rolfe

His Honour Judge Neilson

His Honour Judge Rein SC

Mr P Khandhar, NSW Bar Association

Mr T Stern, Law Society of NSW

Mr A Grew (Secretary)

CIVIL BUSINESS COMMITTEE

His Honour Judge Garling (Convenor)

Her Honour Judge Truss

Her Honour Judge Sidis

His Honour Judge Rolfe

His Honour Judge McLoughlin, S.C.

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ISSN 1834-9978