

The District Court of New South Wales
Annual Review 2010

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### FOREWORD BY CHIEF JUDGE

In 2010 the performance of the Court continued to improve in accordance with the Strategic Plan of the Court and the commitment of the Court to continue to improve efficiencies. This can be readily gauged by the Productivity Commission Report for 2010 which indicated only 5.6% of criminal non-appeal cases took more than 12 months and only 0.4% of cases took more than two years. Those figures are the best in Australia for comparative jurisdictions in spite of the fact there are more cases in New South Wales. We also have many serious cases which take up a significant amount of hearing time in the Court. Trials which last between one and six months are common. The performance in dealing with criminal matters was an improvement over the previous year but because the performance levels are now so high, the improvement is only small.

In the civil business of the Court the Productivity Commission's figures again show New South Wales is the best performing State with only 17.2% of cases taking more than 12 months to conclude. That again was an improvement on the previous year.

The country circuit work of the Court has been maintained at a steady level, both in the criminal and civil jurisdictions. The tendency of practitioners to commence civil actions in Sydney rather than other areas where the Court sits has continued in 2010. On the other hand we appear to be succeeding in solving the problem of managing criminal trials in the circuits. That problem arises because the Court sits in the circuit courts for only limited periods during the year and if cases need to be adjourned from one circuit, they often need to be adjourned for three or four months to the next circuit. I have been managing the listing of criminal cases in the circuits by way of a telephone callover which I normally conduct with a view to maintaining a consistent approach and an insistence on readiness for trial. One result has been that the country work now represents less than 30% of the caseload of the Court whereas some years ago it was 45%.

There has been a remarkable consistency in the flow of work into the Court both in the criminal and civil jurisdictions and there is hardly any variation in the number of cases being registered in each category. The jurisdiction of the Court has remained the same except in the civil jurisdiction where de facto relationship disputes have moved to the Family Court and are gradually disappearing from our lists. A transfer to the Court of appeals from costs assessors and the Consumer, Trader and Tenancy Tribunal has compensated for the loss of the other work.

During the course of the year the Court performed a self-evaluation in accordance with the International Framework for Court Excellence. That Framework was created by a number of bodies including the World Bank. the European Commission for the Efficiency of Justice, the National Center for State Courts in the United States, the Singapore Courts and the Australasian Institute of Judicial Administration. The result of the evaluation was that this Court rates in the highest band of excellence and that is largely because this Court has for many years engaged in strategic planning and improvement of performance. The evaluation pointed out that our weakest area was in communicating the processes of the Court to the community. That is a difficult task for courts and of course this Annual Review is one way of achieving communication. We have also allowed the filming of two trials and those films will be shown as part of a television series during 2011.

I acknowledge the importance of maintaining confidence in the judicial system and it is important for there to be an understanding that the courts in New South Wales are highly professional, free of corruption and prejudice and quite independent of the other arms of government. This makes our courts some of the best in the world. When the Court makes a decision, it is a considered and impartial one based on the evidence before it. Because in an individual case some people disagree with the decision does not in any way detract from the integrity or strength of the court system. It is important to continue to try to communicate that message.

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

# THE DISTRICT COURT

- History
- Jurisdiction
- Judiciary
- Venues
- 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 2010.

#### **CHIEF JUDGE**

The Honourable Justice Reginald Oliver Blanch, AM

#### JUDGES

His Honour Judge John Lawrence O'Meally, AM, RFD\*

His Honour Judge Ronald Herbert Solomon Her Honour Judge Margaret Ann O'Toole His Honour Judge David James Freeman His Honour Judge Anthony Frederick Garling 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, SC Her Honour Judge Deborah June Payne His Honour Judge Martin Langford Sides, QC His Honour Judge Robert Keleman, SC Her Honour Judge Robert Keleman, SC Her Honour Judge Anne Mary Quirk Her Honour Judge Anne Mary Quirk His Honour Judge Gregory David Woods, QC 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 Gregory Scott Hosking, SC His Honour Judge Ralph Coolahan His Honour Judge Kevin Peter Coorey His Honour Judge Richard Anthony Rolfe 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 John Cecil Nicholson, SC
- His Honour Judge Stephen Lewis Walmsley, SC
- His Honour Judge Anthony Martin Blackmore, SC
- His Honour Judge Colin Emmett O'Connor, QC
- 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 Micheal 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
- \* denotes Members of the Dust Diseases Tribunal

#### JUDICIAL APPOINTMENTS

The following Judges were appointed during 2010 on the dates indicated in the brackets after their name:

- His Honour Judge Graham Leslie Henson (20 July 2010)
- Her Honour Judge Laura Kathleen Wells, SC (27 July 2010)
- His Honour Judge Ross Victor Letherbarrow, SC (11 August 2010)
- His Honour Judge Andrew Carl Haesler, SC (20 September 2010)

#### JUDICIAL RETIREMENTS

The following Judges retired during 2010 on the dates indicated in brackets after their name:

- His Honour Judge Kenneth Victor Taylor, AM, RFD (11 August 2010)
- His Honour Judge Anthony Francis Puckeridge, QC (28 August 2010)
- His Honour Judge Allan Hughes (17 November 2010)
- Her Honour Judge Helen Jane Morgan (18 December 2010)

#### DISTRICT COURT JUDGE APPOINTED TO THE FAMILY COURT OF AUSTRALIA

Her Honour Judge Ann Margaret Ainslie-Wallace was appointed as a Judge of the Family Court of Australia on 12 July 2010.

#### APPOINTMENTS HELD DURING 2010

- His Honour Judge John Lawrence O'Meally, AM, RFD, 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 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 Mark Curtis Marien, SC, held the position of President of the Childrens Court of NSW.
- His Honour Judge Graeme Leslie Henson held the position 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 2010:

His Honour Judge Ronald Herbert Solomon His Honour Judge David James Freeman His Honour Judge Anthony Frederick Garling Her Honour Judge Margaret Sidis Her Honour Judge Helen Gay Murrell, SC His Honour Judge Robert Keleman, SC Her Honour Judge Audrey Suzanne Balla His Honour Judge Stephen Lewis Walmsley, SC His Honour Judge Peter Lind Johnstone

His Honour Judge Michael Elkaim, SC His Honour Judge Andrew Michael Colefax, SC

#### **ACTING JUDGES DURING 2010**

Mr Terence Joseph Christie, QC Mr Geoffrey John Graham Mr Rodney Neville Madgwick, QC Mr Joseph Anthony Moore Mr John Roscoe Nield Mr Colin Phegan Mr Anthony Francis Puckeridge, QC Mr Kenneth Victor Taylor, AM, RFD Mr Garry Spencer Forno, QC The Honourable Barrie Clive Hungerford, QC Mr Neil McLauchlan, QC Mr John Kennedy McLaughlin Sir Robert Kynnersley Woods, CBE Mr Ian Barnett

#### JUDICIAL REGISTRAR, DISTRICT COURT OF NSW

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

Mr Craig Kieron Smith was appointed as Judicial Registrar on 10 February 2010.

### Venues

### Court Staff

In 2010 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 Newcastle, Gosford, Wollongong and Lismore.

The places where the Court sat were:

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

## PRINCIPAL REGISTRAR, DISTRICT COURT OF NSW

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 CASE MANAGEMENT AND LISTINGS

Implements civil case management and listing practices for the timely disposition 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 Criminal Business Committee;
- The Civil Business Committee;
- The Professional Development (Education) 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.

#### 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 four 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 operation of the specialist lists. Case management generally and also including child care appeals and appeals from the CTTT;
  - The reasons for delay by parties and applications for adjournment;
  - The proposed introduction of searchable lists;
  - The Court Information Act 2010.

### Criminal Business Committee Report

#### **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 to criminal matters.

Consultation with court users is carried out through the Criminal Business Committee. The Committee consists of representatives from the Judiciary, Criminal Listing Director, 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 NSW District Court achieved a very high assessment in a Court of Excellence report. The Court was rated as having an exceptionally well-defined innovative approach, which is fully integrated with organisational needs, practiced consistently at all areas. Performance levels were excellent in most key indicators.
- 2. The start of the law term saw the new Parramatta trial complex running to full capacity of 8 courts. The start of 2010 saw Campbelltown cut to one court with the remaining 2 courts relocated to Parramatta. Catchment areas and police area commands were looked at with some work redirected to Parramatta.
- 3. The Court continues to target older pending cases throughout the state. The ROGS (Report on Government Services) for the year continues to show NSW leading the nation in the disposal of criminal cases.
- 4. The Court continues to manage and list criminal trials in country circuits by way of a telephone call over.

- 5. A new multi accused trial court is proposed to be built on level 3 of the Downing Centre. This courtroom will also be used by the Supreme Court for large trials.
- 6. Advice was received that the Commonwealth DPP was to commence approximately 80 prosecutions relating to people smuggling.
- 7. The court continues to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

### Professional Development (Education) Committee Report

#### **Annual Conference**

The Annual Conference held in Sydney on 6 & 7 April 2010 was attended by 54 judges 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. The sessions dealt with a variety of topics from substantive law and practice to more psychological/physiological topics and to topics dealing with the skills of judges including performance review and effective communication skills. Topics included:

- Court of Appeal Review by The Honourable Justice James Allsop, President, Court of Appeal;
- Court of Criminal Appeal Review by The Honourable Justice Carolyn Simpson, Supreme Court of NSW;
- Indigenous Offenders by Professor Mick Dodson, AM;
- People with Mental Health in the Criminal Justice System by Dr Eileen Baldry, Associate Professor, School of Social Sciences and International Studies, University of NSW;
- Development of the Brain by Professor lan Hickie, AM, Executive Director, Brain & Mind Research Institute and Professor of Psychiatry, University of Sydney;
- Introduction to 360 Degree Feedback by Ms Maryanne Mooney, Director, Full Circle Feedback;
- Communicating in Court by Ms Robyn Fraser, Speech and Drama Teacher;
- Running a Consumer Trader & Tenancy Tribunal case by The Honourable Justice Peter Hall, Supreme Court of NSW;
- Delivering Oral Judgments: An Introduction by Mr Tom Wodak;
- Delivering Oral Judgments: Workshop facilitated by Mr Tom Wodak, The Honourable Murray Kellam, AO, QC, The Honourable David Lloyd, QC and Her Honour Judge Margaret Sidis;

 Q & A session about practical matters relating to the Court with a panel consisting of The Honourable Justice Reginald Blanch, AM, His Honour Judge Ronald Solomon, His Honour Judge Anthony Garling, Her Honour Judge Helen Murrell, SC, Her Honour Judge Ann Ainslie-Wallace, His Honour Judge Richard Rolfe, His Honour Judge Peter Berman, SC.

#### **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:

- "The Mental Health Legislation Amendment (Forensic Provisions) Act 2008" presented by The Honourable Greg James, QC, President, Mental Health Review Tribunal;
- "Current Issues in Sentencing" presented by Her Honour Judge Helen Murrell, SC, His Honour Judge Steve Norrish, QC and His Honour Judge Peter Berman, SC.

Seventeen judges from the Court also participated in field trips to the Silverwater Correctional Complex and the Windsor Correctional Complex.

#### **Judgment Writing Workshop**

Professor James Raymond, a legal writing consultant from New York, conducted a two day Cross-Jurisdictional Judgment Writing Workshop in September 2010 for 12 judicial officers, including two from the District Court. Through analysing and discussing their own writing, participants worked on developing their judgment writing skills and the ability to write clear, concise, well-structured judgments.

# **CIVIL JURISDICTION**

# New South Wales

Caseload

# Sydney

- Caseload
- Alternative Dispute Resolution
- 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 2010:

- Registrations fell by 3%
- Finalisations fell by 8%
- Pending cases rose by 3%
- Median time for disposals rose from 10.5 to 11.2 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 **5,158** matters registered in 2010, compared to **5,297** in 2009.

#### DISPOSALS

There were **5,088** disposals in 2010, compared to **5,531** in 2009.

#### PENDING

At the end of 2010 the pending caseload was **5,511**, compared to **5,366** in 2009.

#### **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 2010, 55% of all actions completed were finalised within 12 months, with 87% being completed within 24 months. This compares to 58% and 86%, respectively, in 2009.

Of the pending caseload at the end of 2010, 17% exceeded 12 months and not more than 24 months and 4% more than 24 months.

### SYDNEY

#### In 2010:

- Registrations rose by 1%
- Finalisations fell by 13%
- Pending cases rose by 4%
- Median disposal time rose from 10.3 to 10.9 months.

### Caseload

In 2010, Sydney civil case managed matters represented 67% of the State's registrations and 70% 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



\* exludes Residual Jurisdiction registrations

# REGISTRATIONS, DISPOSALS AND PENDING

Excluding the Residual Jurisdiction, there were **3,628** new actions commenced and **3,416** finalised in Sydney in 2010. At the end of the year there were **3,833** 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 2010, 57% of all actions completed were finalised within 12 months, with 87% being completed within 24 months. This compares to 59% and 87%, respectively in 2009.

Of the pending caseload at the end of 2010, 16% exceeded 12 months and not more than 24 months and 4% exceeded 24 months.

#### HOW CASES ARE FINALISED

Table 1 below shows the breakup of how case managed list matters were completed in 2010. 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

Total	3,416
Transferred	165
Arbitration	0
Discontinued	317
Dismissed	805
Settlement Filed	1,695
Default Judgment	102
Judgment following Trial	332

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	Disposed of by Settlement Filed
2006	3,823	485	2,115
2006	(100%)	(13%)	(55%)
0007	3,701	414	2,132
2007	(100%)	(11%)	(58%)
0000	4,043	435	1,727
2008	(100%)	(11%)	(43%)
0000	3,914	478	1,523
2009	(100%)	(12%)	(39%)
0010	3,416	332	1,695
2010	(100%)	(10%)	(50%)

### **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 2010 the Sydney District Court referred **997** matters to mediation (**842** were referred to private mediation and **155** to court provided mediation).

Approximately 46% of matters referred to mediation by Assistant Registrars were settled. There are no available statistics in relation to settlement of matters referred to private mediators.

### 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 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 2010, **299** actions were commenced and **263** were finalised. There were a total of **219** matters on hand in the residual jurisdiction at the end of 2010. Sydney West had 4% of the total number of new actions started in the State in 2010 (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 **184** matters registered and **254** dispositions throughout the year. At the end of 2010 the total pending caseload was **221**, as compared to **240** 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 fell by 8% and the median finalisation time was 10.9 months.

20% of pending cases exceeded 12 months and not more than 24 months and 4% exceeded 24 months.

## COUNTRY

Venues outside of Sydney and Sydney West had 20% of the total number of new actions started in 2010 (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 **1,155** dispositions throughout the year. At the end of the year the total pending caseload was **1,238** as compared to **1,275** the previous year.

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





Pending matters in the country fell by 3% and the median finalisation time was 12.6 months.

22% of pending cases exceeded 12 months and not more than 24 months and 5% exceeded 24 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 2010:

- Trial registrations fell by 1%
- Finalisations fell by 4%
- Number of pending trials rose by 3%
- Median disposals times fell from 35 to 34 weeks
- Average length of trials rose by 9%, from 7.84 to 8.64 days

### Caseload

There were **1,650** criminal trials registered during 2010 in New South Wales, as compared to **1,671** in 2009 and **1,785** in 2008.

There were 1,618 trials finalised in 2010, as compared to 1,681 in 2009 and 1,782 in 2008.

There were **977** trials on hand at the end of 2010, as compared to **945** trials at the end of 2009.

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 2010, 35% of trial disposals where the accused was in custody were finalised within 4 months, and 7% exceeded 12 months. Where the accused was on bail, 22% of disposals occurred within 4 months, with 12% 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 12 tracks the median disposal times, from committal to commencement of the trial, for matters finalised during the year indicated.





#### **TRIAL DURATIONS**

The statewide average length of criminal trials finalised in 2010 was **8.64** days, as compared to **7.84** days in 2009. In Sydney the average duration was **10.66** days in 2010, compared to **9.57** days in 2009.

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

Figure 13. Average Trial Length



#### TRIAL LISTING OUTCOMES

About 1,981 trials were listed for hearing in 2010.

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 that were dealt with after being listed.

#### Figure 15. Trial Listings Dealt With



Figure 16 shows the outcome of those that commenced.

#### Table 3. Trial Listing Outcomes

The following table sets out trial listing outcomes for 2010.

	Sydney	Sydney West	Country	Total
NOT DEALT WITH	30%	29%	27%	29%
Vacated	24%	24%	13%	21%
Prior to Trial Week	9%	11%	4%	8%
During Trial Week	15%	13%	8%	13%
Other Not Dealt With (Trial Week)	6%	4%	14%	8%
Not Reached	0%	3%	11%	6%
Other	6%	1%	3%	1%
DEALT WITH	70%	71%	73%	71%
Dealt With Prior to Trial Week	3%	4%	6%	4%
No Billed	1%	0%	2%	1%
Bench Warrant	0%	0%	0%	0%
Plea	2%	3%	4%	3%
Other (eg. deceased)	0%	0%	0%	0%
Transferred	0%	1%	0%	0%
Dealt With In Trial Week	31%	38%	42%	36%
No Billed	3%	6%	7%	5%
Bench Warrant	0%	0%	0%	0%
Plea	23%	28%	31%	26%
Other (eg. deceased)	4%	0%	1%	2%
Transferred	0%	4%	1%	2%
Trials Commenced	36%	30%	26%	31%
Aborted	2%	3%	2%	2%
Hung Jury	1%	1%	1%	1%
Proceeded	33%	26%	22%	28%

Of trials dealt with in 2010 (i.e. 71% of total listings):

- 48% pleaded Guilty
- 39% proceeded to verdict
- 9% were "no billed"
- 3% were transferred
- 3% were aborted
- 2% ended with a "hung Jury"
- 4% were otherwise disposed
- 0% had bench warrants issued

### Short Matters

#### SENTENCES

There were **1,784** committals for sentence received in 2010 and **1,732** matters were finalised. At the end of the year there were **722** sentence matters pending, compared to **670** at the end of 2009.

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 **1,701** conviction appeals lodged in 2010 and **1,635** finalisations. At the end of the year there were **611** conviction appeals pending, compared to **545** at the end of 2009.

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.





#### SENTENCE APPEALS

There were **5,989** sentence appeals lodged in 2010 and **5,951** finalised. At the end of the year there were **922** sentence appeals pending, compared to **884** at the end of 2009.

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.





# JUDICIAL RESOURCES

- Allocated Sittings
- Actual Sittings

### **Allocated Sittings**

Table 4 sets out the number of judicial sitting weeks allocated in 2010 as published in the Court's Calendar of Sittings.

Table 4. Sitting Allocations

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Cudmou	Criminal	865	21.3	33%
Sydney	Civil	728	17.9	28%
Sydney	Criminal	396	9.8	15%
West	Civil	29	0.7	1%
Major	Criminal	150	3.7	6%
Country	Civil	54	1.3	2%
Other	Criminal	316	7.8	12%
Venues	Civil	57	1.4	2%
	Criminal	1,727	42.5	67%
Total	Civil	868	21.4	33%
	All	2,595	63.9	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 2010 converted into weeks (by dividing the number of days by 5)

Table 5. Actual Sittings

Jurisdiction	No. of Weeks	Judge EFT	%
Criminal	775	19.1	33%
Civil	611	15.0	26%
Criminal	384	9.5	17%
Civil	28	0.7	1%
Criminal	143	3.5	6%
Civil	53	1.3	2%
Criminal	308	7.6	13%
Civil	29	0.7	1%
Criminal	1,610	39.7	69%
Civil	721	17.8	31%
All	2,331	57.4	100%
	Criminal Civil Criminal Civil Criminal Civil Criminal Civil	JurisdictionWeeksCriminal775Civil611Criminal384Civil28Criminal143Civil53Criminal308Civil29Criminal1,610Civil721	Jurisdiction         Weeks         EFT           Criminal         775         19.1           Civil         611         15.0           Criminal         384         9.5           Civil         28         0.7           Criminal         143         3.5           Civil         53         1.3           Criminal         308         7.6           Civil         29         0.7           Criminal         1,610         39.7           Civil         721         17.8

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 2009**

Overall, there were **122** fewer sitting weeks in 2010 than 2009. This included **98** fewer weeks in criminal sittings and **24** fewer weeks in civil sittings.

The decrease in sittings was due to a reduction in pending workload as a result of additional criminal weeks added to the country in the previous year (2008) to reduce trial backlogs.

#### **ACTING JUDGES**

Acting Judges provided an extra **463** days of actual sitting. Based on the maximum of 40.6 sitting weeks per year for a permanent judge, this equated to **2.3** additional judges.

Figure 26 below shows the fluctuations in the number of Acting Judge weeks attained since 2006.





#### 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.

	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	TOTAL
Boulton			4	1						3			8
Christie			1										1
Forno		1	1										2
Graham	1		2	1	11	6		6		4	13		44
Hungerford	2	4	1	8	10	7	6	11	6	2	5	5	67
Madgwick		3	4	5	10		6	11	3	3	19	1	65
McLauchlan		1								12	11		24
Moore					11				2	4	11		28
Nield			7		7	1							15
Phegan		2			12	14	2	5	2	10	7		54
Puckeridge										2	18	7	27
Woods		2	8	12	19	9	5	24	13	12	13	11	128
Total days	3	11	20	15	61	28	14	33	13	40	84	13	463
Average days per Acting Judge 2010									2010	39			

#### Table 6. Acting Judges Sitting Days 2010

	ALLOC (wee			ABLE ays)		LLY SAT iys)		* AVERAGE RECORDED HOURS	
	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	
Sydney	865	728	4,189	3,525	3,874	3,055	4.00	3.47	
Campbelltown	40	0	194	0	191	0	4.24	0.00	
Parramatta	314	25	1,519	123	1,519	92	4.60	3.53	
Penrith	42	4	203	18	209	12	3.88	2.17	
Sydney West Total	396	29	1,916	141	1,919	104	4.49	3.38	
Gosford	49	4	238	20	242	16	4.70	4.00	
Newcastle	52	36	252	177	254	210	3.82	3.36	
Wollongong	49	14	237	69	217	38	3.59	2.68	
O/S total	150	54	727	266	713	264	4.05	3.30	
Albury	8	7	40	35	41	9	5.20	2.56	
Armidale	10	3	50	14	50	4	4.38	2.75	
Bathurst	15	2	74	9	78	3	4.44	5.00	
Bega	11	2	53	10	49	4	4.20	3.75	
Bourke	3	0	15	0	11	0	5.18	0.00	
Broken Hill	6	1	29	5	29	2	4.69	0.50	
Coffs Harbour	20	5	98	25	99	10	4.92	3.40	
Coonamble	6	0	28	0	19	0	3.79	0.00	
Dubbo	27	3	133	15	138	7	4.59	3.00	
East Maitland	14	3	69	15	76	4	4.11	4.75	
Goulburn	12	0	60	0	60	0	4.47	0.00	
Grafton	12	0	60	0	56	0	4.80	0.00	
Griffith	13	1	64	4	70	2	5.51	3.00	
Lismore	40	6	194	30	204	40	4.40	5.30	
Moree	4	0	20	0	16	0	5.13	0.00	
Nowra	8	1	40	5	38	3	3.79	5.00	
Orange	12	4	59	20	61	8	4.21	1.50	
Parkes	7	0	34	0	31	0	4.23	0.00	
Port Macquarie	19	3	92	15	84	4	4.21	4.25	
Queanbeyan	12	2	58	10	37	7	3.81	3.43	
Tamworth	21	2	103	10	113	9	5.23	5.00	
Taree	18	5	88	25	82	12	3.46	2.92	
Wagga Wagga	18	7	90	34	99	18	4.40	3.67	
Country Total	316	57	1,551	281	1,541	146	4.49	3.91	
State Total	1,727	868	8,383	4,213	8,047	3,569	4.22	3.48	

#### Table 7. District Court Sittings 2010

\* "Average Recorded Hours" are based on the number of siting 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

	F	Registere	d		Disposed	ł		Pending	
	2008	2009	2010	2008	2009	2010	2008	2009	2010
Sydney CML	3,791	3,609	3,628	4,120	3,914	3,416	3,986	3,671	3,833
Residual Jurisdiction	428	384	299	452	402	263	201	183	219
Parramatta	178	227	132	165	185	206	153	195	165
Penrith	37	44	48	39	46	47	54	42	54
Liverpool	4	-	-	41	-	-	6	-	-
Campbelltown	13	8	4	8	15	1	8	0	2
Sydney West	232	279	184	253	246	254	221	237	221
Newcastle	255	269	286	263	233	371	371	400	317
Gosford	45	42	56	43	58	57	67	51	54
Wollongong	89	88	103	101	75	123	106	114	119
Major Country	389	399	445	407	366	551	544	565	490
Albury	29	41	33	48	39	36	37	39	36
Armidale	10	2	22	13	6	11	15	11	24
Bathurst	9	25	14	13	17	18	14	23	28
Bega	7	11	15	5	10	10	11	12	5
Broken Hill	4	6	4	0	10	4	10	6	8
Coffs Harbour	64	47	48	69	52	38	48	44	45
Dubbo	24	22	30	25	13	35	30	40	30
Griffith	18	17	8	21	16	9	26	27	25
Lismore Region	133	136	149	105	119	131	140	157	179
Lithgow	8	12	15	12	18	21	15	17	25
Maitland	32	40	28	42	38	29	29	33	39
Nowra	16	36	36	31	15	32	10	32	42
Orange	29	36	31	25	36	38	54	52	41
Port Macquarie	17	20	35	56	27	37	39	35	34
Queanbeyan	17	22	9	23	18	25	17	23	9
Tamworth	21	25	19	27	31	22	30	24	21
Taree	31	35	37	57	42	42	28	48	48
Wagga Wagga	66	88	69	86	96	66	97	87	109
Other Venues	535	621	602	658	603	604	650	710	748
NSW Total	5,375	5,292	4,713	5,890	5,531	5,088	5,602	5,366	5,511

### Annexure A2 Civil Disposal Times

				%'a	ige of C	ases D	Dispose	ed with	in	%'a	ge of Po	ending	%'an		ending
	Media	n Delay	(mths)	1	2 mths		2	24 mth	s		-	24 mths		24 mt	•
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010
Sydney CML	10.9	10.3	10.9	54%	59%	57%	83%	87%	87%	-	17%	16%	-	7%	4%
Parramatta	9.2	9.9	10.9	69%	60%	57%	92%	93%	90%	-	5%	23%	-	7%	4%
Penrith	9.3	9.7	12.4	62%	61%	48%	89%	78%	86%	-	13%	10%	-	0%	1%
Liverpool	7.3	-	-	100%	-	-	100%	-	-	-	-	-	-	-	-
Campbelltown	11.1	8.8	7.8	100%	75%	80%	100%	92%	100%	-	0%	0%	-	0%	0%
Sydney West	9.2	9.9	11.0	69%	61%	56%	92%	90%	90%	-	14%	20%	-	6%	4%
Newcastle	13.2	10.8	12.5	42%	53%	48%	85%	87%	83%	-	20%	17%	-	7%	2%
Gosford	9.6	10.2	10.8	59%	59%	59%	86%	94%	88%	-	21%	13%	-	4%	6%
Wollongong	9.9	11.5	11.5	66%	56%	54%	84%	94%	88%	-	18%	16%	-	5%	2%
Major Country	12.0	10.8	12.0	49%	54%	50%	84%	88%	84%	-	19%	16%	-	8%	2%
Albury	14.0	11.8	15.3	33%	51%	37%	79%	85%	77%	-	15%	14%	-	15%	3%
Armidale	15.6	4.5	0.9	40%	82%	86%	60%	100%	100%	-	33%	9%	-	44%	14%
Bathurst	11.3	7.4	12.7	67%	100%	33%	100%	100%	100%	-	23%	27%	-	9%	23%
Bega	11.2	7.8	11.2	60%	67%	67%	60%	89%	100%	-	8%	0%	-	8%	0%
Broken Hill	11.1	9.6	19.5	100%	63%	50%	100%	88%	50%	-	33%	33%	-	17%	0%
Coffs Harbour	9.4	11.5	9.4	69%	52%	63%	98%	88%	88%	-	0%	8%	-	11%	0%
Dubbo	12.1	9.5	14.1	50%	53%	45%	69%	100%	87%	-	32%	18%	-	8%	11%
Griffith	9.6	12.7	18.1	59%	50%	38%	86%	88%	63%	-	44%	39%	-	8%	26%
Lismore Region	11.0	14.0	12.2	51%	37%	47%	86%	70%	87%	-	25%	26%	-	9%	6%
Lithgow	10.1	17.4	12.9	67%	0%	41%	100%	100%	82%	-	33%	30%	-	13%	13%
Maitland	13.1	10.2	10.6	48%	55%	58%	83%	90%	91%	-	6%	31%	-	3%	0%
Nowra	10.3	8.4	13.4	83%	79%	43%	92%	89%	83%	-	0%	27%	-	0%	0%
Orange	10.4	11.1	12.4	67%	55%	46%	79%	85%	86%	-	15%	24%	-	4%	8%
Port Macquarie	20.4	14.4	11.3	25%	31%	50%	59%	77%	93%	-	0%	19%	-	12%	3%
Queanbeyan	9.9	10.4	15.3	56%	65%	38%	83%	100%	63%	-	9%	44%	-	14%	0%
Tamworth	14.3	13.7	12.6	21%	42%	47%	75%	65%	94%	-	29%	38%	-	4%	5%
Taree	10.8	12.5	12.7	40%	45%	46%	86%	72%	95%	-	18%	18%	-	3%	5%
Wagga Wagga	12.6	14.4	14.0	44%	43%	36%	88%	82%	76%	-	13%	34%	-	17%	6%
Other Venues	12.1	12.5	12.6	52%	48%	46%	85%	82%	85%	-	18%	25%	-	10%	7%
NSW Total	11.1	10.5	11.2	52%	58%	55%	81%	86%	87%	-	17%	17%	-	7%	7%

### Annexure B1 Criminal Caseload

### TRIALS

#### Registered

	2008	2009	2010	09/10 Variant
Sydney	577	546	591	8%
Sydney West	539	469	528	13%
Necastle	227	183	169	-8%
Gosford	55	43	46	7%
Wollongong	130	140	108	-23%
Lismore	100	113	71	-37%
Dubbo	91	117	77	-34%
Wagga Wagga	66	60	58	-3%
Country Total	669	656	531	-19%
State Total	1,785	1,671	1,650	-1%



#### Finalised

	2008	2009	2010	09/10 Variant	
Sydney	545	529	510	-4%	
Sydney West	569	467	514	10%	
Necastle	216	207	174	-16%	
Gosford	56	38	49	29%	
Wollongong	117	149	129	-13%	
Lismore	111	111	95	-14%	
Dubbo	108	122	99	-19%	
Wagga Wagga	60	57	58	2%	
Country Total	658	684	604	-12%	
State Total	1,782	1,681	1,618	-4%	



#### Pending

	2007	2008	2009	09/10 Variant	
Sydney	286	316	407	29%	
Sydney West	278	266	280	5%	
Necastle	104	80	75	-6%	
Gosford	27	32	29	-9%	
Wollongong	79	70	49	-30%	
Lismore	73	75	51	-32%	
Dubbo	68	63	41	-35%	
Wagga Wagga	40	43	45	5%	
Country Total	391	363	290	-20%	
State Total	955	945	977	3%	



### Annexure B2 Criminal Caseload

#### SENTENCES

#### Registered

	2008	2009	2010	09/10 Variant
Sydney	583	597	612	3%
Sydney West	514	470	509	8%
Necastle	206	186	215	16%
Gosford	86	97	84	-13%
Wollongong	130	145	138	-5%
Lismore	118	108	138	28%
Dubbo	78	90	83	-8%
Wagga Wagga	65	52	82	58%
Country Total	683	678	663	-2%
State Total	1,780	1,745	1,784	2%



#### Finalised

	2008	2009	2010	09/10 Variant
Sydney	502	569	599	5%
Sydney West	531	483	465	-4%
Necastle	190	194	188	-3%
Gosford	75	99	103	4%
Wollongong	148	149	122	-18%
Lismore	131	106	91	-14%
Dubbo	90	85	90	6%
Wagga Wagga	69	42	74	76%
Country Total	703	675	668	-1%
State Total	1,736	1,727	1,732	0%



#### Pending

	2008	2009	2010	09/10 Variant
Sydney	243	276	289	5%
Sydney West	191	173	217	25%
Necastle	68	60	87	45%
Gosford	48	46	27	-41%
Wollongong	34	30	46	53%
Lismore	28	30	22	-27%
Dubbo	26	31	23	-26%
Wagga Wagga	14	24	51	113%
Country Total	218	221	216	-2%
State Total	652	670	722	8%


# Annexure B3 Criminal Caseload

# **CONVICTION APPEALS**

### Registered

	2008	2009	2010	09/10 Variant	
Sydney	424	497	486	-2%	
Sydney West	509	475	524	10%	
Necastle	161	216	185	-14%	
Gosford	39	49	45	-8%	
Wollongong	134	160	164	3%	
Lismore	127	133	129	-3%	
Dubbo	83	122	114	-7%	
Wagga Wagga	46	46	54	17%	
Country Total	590	726	691	-5%	
State Total	1,523	1,698	1,701	0%	



# Finalised

	2008	2009	2010	09/10 Variant
Sydney	457	482	430	-11%
Sydney West	497	501	467	-7%
Necastle	157	183	206	13%
Gosford	48	46	57	24%
Wollongong	121	160	172	8%
Lismore	122	135	139	3%
Dubbo	101	110	109	-1%
Wagga Wagga	57	40	55	38%
Country Total	606	674	738	9%
State Total	1,560	1,657	1,635	-1%



### Pending

	2008	2009	2010	09/10 Variant
Sydney	159	175	231	32%
Sydney West	167	140	197	41%
Necastle	40	73	53	-27%
Gosford	14	17	5	-71%
Wollongong	51	51	43	-16%
Lismore	40	38	28	-26%
Dubbo	22	34	39	15%
Wagga Wagga	11	17	16	-6%
Country Total	178	230	183	-20%
State Total	504	545	611	12%



# Annexure B4 Criminal Caseload

# SENTENCE APPEALS

### Registered

	2008	2009	2010	09/10 Variant
Sydney	1,383	1,545	1,394	-10%
Sydney West	1,765	1,845	1,564	-15%
Necastle	801	835	881	6%
Gosford	252	289	191	-34%
Wollongong	461	430	478	11%
Lismore	485	541	546	1%
Dubbo	572	645	614	-5%
Wagga Wagga	268	277	321	16%
Country Total	2,839	3,017	3,031	0%
State Total	5,987	6,407	5,989	-7%



# Finalised

	2008	2009	2010	09/10 Variant
Sydney	1,307	1,550	1,380	-11%
Sydney West	1,696	1,927	1,557	-19%
Necastle	816	824	832	1%
Gosford	244	289	210	-27%
Wollongong	477	437	466	7%
Lismore	483	514	592	15%
Dubbo	562	629	593	-6%
Wagga Wagga	287	252	321	27%
Country Total	2,869	2,945	3,014	2%
State Total	5,872	6,422	5,951	-7%



## Pending

				09/10
	2008	2009	2010	Variant
Sydney	190	185	199	8%
Sydney West	263	181	188	4%
Necastle	107	118	167	42%
Gosford	54	54	35	-35%
Wollongong	62	55	67	22%
Lismore	94	121	75	-38%
Dubbo	88	104	125	20%
Wagga Wagga	41	66	66	0%
Country Total	446	518	535	3%
State Total	899	884	922	4%



# Annexure C1 Compliance With Criminal Time Standards

# TRIALS - REGISTERED

### Accused in Custody

				Pei	centage	e of Cas	es Disp	osed wi	ithin				
	4 Months			e	6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	
Sydney	41%	40%	32%	69%	67%	59%	90%	90%	89%	10%	10%	11%	
Sydney West	37%	34%	31%	62%	59%	69%	90%	87%	95%	10%	13%	5%	
Newcastle	44%	43%	61%	71%	75%	80%	96%	93%	97%	4%	7%	3%	
Gosford	27%	55%	38%	67%	73%	54%	100%	91%	88%	0%	9%	12%	
Wollongong	37%	35%	46%	68%	65%	73%	89%	92%	98%	11%	8%	2%	
Lismore	37%	30%	32%	56%	58%	62%	93%	77%	86%	7%	23%	14%	
Dubbo	21%	26%	28%	38%	47%	63%	74%	81%	97%	26%	19%	3%	
Wagga Wagga	45%	33%	16%	73%	52%	68%	100%	93%	100%	0%	7%	0%	
Country Total	36%	35%	43%	62%	62%	69%	91%	88%	95%	9%	12%	5%	
State Total	38%	36%	35%	64%	63%	66%	90%	88%	93%	10%	12%	7%	

# Accused on Bail

				Pei	rcentage	e of Cas	es Disp	osed wi	thin				
	4	4 Month	s	e	6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	
Sydney	32%	32%	25%	54%	57%	53%	86%	87%	92%	14%	13%	8%	
Sydney West	22%	20%	21%	48%	40%	54%	79%	84%	89%	21%	16%	11%	
Newcastle	35%	32%	30%	65%	66%	61%	89%	92%	93%	11%	8%	7%	
Gosford	19%	19%	22%	42%	37%	48%	77%	78%	85%	23%	22%	15%	
Wollongong	23%	24%	21%	47%	54%	52%	81%	87%	89%	19%	13%	11%	
Lismore	18%	23%	11%	37%	43%	36%	71%	83%	84%	29%	17%	16%	
Dubbo	16%	21%	17%	33%	40%	36%	74%	85%	77%	26%	15%	23%	
Wagga Wagga	25%	20%	7%	47%	37%	22%	86%	85%	63%	14%	15%	37%	
Country Total	24%	25%	20%	48%	51%	46%	80%	87%	84%	20%	13%	16%	
State Total	26%	26%	22%	50%	50%	50%	82%	86%	88%	18%	14%	12%	

### All Trials

				Per	rcentage	e of Cas	es Disp	osed wi	thin				
	4 Months			6	6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	
Sydney	36%	36%	28%	61%	62%	56%	88%	88%	90%	12%	12%	10%	
Sydney West	29%	26%	26%	54%	48%	60%	84%	85%	92%	16%	15%	8%	
Newcastle	38%	36%	42%	67%	69%	68%	92%	92%	94%	8%	8%	6%	
Gosford	21%	29%	30%	48%	47%	51%	83%	82%	87%	17%	18%	13%	
Wollongong	29%	28%	31%	56%	58%	61%	84%	89%	92%	16%	11%	8%	
Lismore	23%	26%	20%	42%	48%	47%	77%	81%	85%	23%	19%	15%	
Dubbo	18%	24%	21%	35%	44%	45%	74%	83%	83%	26%	17%	17%	
Wagga Wagga	33%	25%	10%	57%	43%	37%	91%	88%	75%	9%	12%	25%	
Country Total	29%	29%	29%	53%	55%	55%	84%	87%	88%	16%	13%	12%	
State Total	31%	30%	28%	56%	55%	57%	85%	87%	90%	15%	13%	10%	

# Annexure C2 Compliance With Criminal Time Standards

# **TRIALS – VERDICTS**

# Accused in Custody

				Pe	rcentag	e of Cas	es Dispo	osed wit	hin				
	4	Month	S	(	6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	
Sydney	32%	32%	16%	59%	61%	43%	88%	84%	84%	12%	16%	16%	
Sydney West	20%	19%	12%	38%	46%	58%	82%	79%	91%	18%	21%	9%	
Newcastle	26%	21%	27%	58%	50%	55%	95%	83%	82%	5%	17%	18%	
Gosford	0%	50%	33%	33%	50%	50%	100%	100%	83%	0%	0%	17%	
Wollongong	33%	8%	55%	67%	58%	64%	87%	83%	100%	13%	17%	0%	
Lismore	57%	29%	29%	57%	57%	57%	100%	100%	100%	0%	0%	0%	
Dubbo	17%	23%	15%	50%	46%	62%	83%	77%	92%	17%	23%	8%	
Wagga Wagga	25%	0%	0%	63%	43%	100%	100%	86%	100%	0%	14%	0%	
Country Total	29%	18%	31%	59%	51%	59%	93%	85%	92%	7%	15%	8%	
State Total	27%	24%	19%	52%	53%	52%	88%	83%	88%	12%	17%	12%	

# Accused on Bail

				Pe	rcentag	e of Cas	es Dispo	osed wit	hin				
	4	1 Month	s		6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010	
Sydney	28%	24%	21%	47%	47%	48%	88%	78%	88%	12%	22%	12%	
Sydney West	4%	13%	4%	30%	31%	42%	68%	78%	89%	32%	22%	11%	
Newcastle	17%	15%	23%	48%	49%	52%	86%	90%	90%	14%	10%	10%	
Gosford	17%	20%	8%	25%	20%	33%	50%	60%	75%	50%	40%	25%	
Wollongong	16%	8%	13%	36%	46%	40%	72%	77%	73%	28%	23%	27%	
Lismore	7%	15%	6%	21%	30%	18%	57%	80%	71%	43%	20%	29%	
Dubbo	13%	8%	0%	30%	15%	8%	78%	69%	50%	22%	31%	50%	
Wagga Wagga	13%	9%	9%	38%	18%	27%	75%	73%	73%	25%	27%	27%	
Country Total	14%	12%	12%	35%	37%	34%	73%	80%	76%	27%	20%	24%	
State Total	16%	17%	13%	37%	39%	41%	76%	79%	84%	24%	21%	16%	

### All Trials

				Pe	rcentag	e of Cas	es Dispo	osed wit	hin			Percentage of Cases Disposed within												
	4	4 Months			6 Months			12 Months			>12 Months													
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010												
Sydney	30%	27%	19%	53%	52%	46%	88%	81%	86%	12%	19%	14%												
Sydney West	11%	16%	8%	34%	38%	49%	74%	78%	90%	26%	22%	10%												
Newcastle	21%	17%	24%	52%	49%	52%	90%	88%	88%	10%	12%	12%												
Gosford	13%	29%	17%	27%	29%	39%	60%	71%	78%	40%	29%	22%												
Wollongong	23%	8%	31%	48%	50%	50%	78%	79%	85%	23%	21%	15%												
Lismore	24%	19%	13%	33%	37%	29%	71%	85%	79%	29%	15%	21%												
Dubbo	14%	15%	8%	34%	31%	36%	79%	73%	72%	21%	27%	28%												
Wagga Wagga	19%	6%	8%	50%	28%	33%	88%	78%	75%	13%	22%	25%												
Country Total	20%	14%	18%	43%	42%	42%	80%	82%	81%	20%	18%	19%												
State Total	20%	20%	15%	44%	45%	45%	81%	80%	86%	19%	20%	14%												

# Annexure C3 Compliance With Criminal Time Standards

# APPEALS

### **Conviction Appeals**

	Percentage of Cases Disposed within											
	4 Months			6 Months			12 Months			>12 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010
Sydney	52%	55%	38%	77%	82%	77%	97%	97%	97%	3%	3%	3%
Sydney West	60%	58%	59%	80%	79%	83%	96%	97%	99%	4%	3%	1%
Newcastle	77%	81%	66%	89%	93%	90%	97%	99%	98%	3%	1%	2%
Gosford	62%	51%	69%	82%	87%	85%	96%	98%	98%	4%	2%	2%
Wollongong	57%	64%	70%	83%	83%	91%	99%	99%	99%	1%	1%	1%
Lismore	61%	66%	62%	79%	86%	79%	94%	96%	95%	6%	4%	5%
Dubbo	59%	82%	70%	79%	94%	88%	95%	99%	98%	5%	1%	2%
Wagga Wagga	76%	70%	70%	90%	84%	91%	98%	98%	98%	2%	2%	2%
Country Total	65%	71%	67%	84%	88%	88%	96%	98%	98%	4%	2%	2%
State Total	60%	63%	57%	81%	84%	83%	96%	98%	98%	4%	2%	2%

# Sentence Appeals

		Percentage of Cases Disposed within									
	2	2 Months			6 Months			>6 Months			
	2008	2009	2010	2008	2009	2010	2008	2009	2010		
Sydney	81%	77%	74%	98%	98%	97%	2%	2%	3%		
Sydney West	72%	66%	77%	96%	96%	98%	4%	4%	2%		
Newcastle	64%	67%	61%	96%	97%	98%	4%	3%	2%		
Gosford	68%	63%	61%	96%	92%	90%	4%	8%	10%		
Wollongong	65%	66%	70%	94%	97%	98%	6%	3%	2%		
Lismore	55%	62%	45%	92%	96%	92%	8%	4%	8%		
Dubbo	57%	56%	55%	95%	96%	97%	5%	4%	3%		
Wagga Wagga	47%	60%	50%	96%	98%	98%	4%	2%	2%		
Country Total	60%	63%	57%	95%	96%	96%	5%	4%	4%		
State Total	69%	67%	66%	96%	96%	97%	4%	4%	3%		

# SENTENCES

	Percentage of Cases Disposed within								
	3 Months			e	6 Month	s	>6 Months		
	2008	2009	2010	2008	2009	2010	2008	2009	2010
Sydney	31%	29%	29%	70%	71%	66%	30%	29%	34%
Sydney West	21%	23%	23%	66%	65%	79%	34%	35%	21%
Newcastle	43%	42%	49%	79%	79%	86%	21%	21%	14%
Gosford	19%	9%	36%	68%	55%	70%	32%	45%	30%
Wollongong	33%	52%	47%	78%	89%	83%	22%	11%	17%
Lismore	34%	40%	42%	79%	78%	85%	21%	22%	15%
Dubbo	26%	41%	44%	62%	80%	72%	38%	20%	28%
Wagga Wagga	58%	59%	49%	86%	87%	91%	14%	13%	9%
Country Total	36%	39%	45%	76%	78%	81%	24%	22%	19%
State Total	30%	31%	34%	71%	72%	75%	29%	28%	25%

# Annexure D

# DISTRICT COURT COMMITTEES

# CHIEF JUDGE'S POLICY AND PLANNING COMMITTEE

- The Honourable Justice Blanch, Chief Judge, AM (Chair)
- His Honour Judge Solomon (ex officio as Chair, Criminal Business Committee)
- His Honour Judge Taylor, AM, RFD (ex officio as Chair, Education Committee, until August 2010)
- His Honour Judge Garling (ex officio as Chair, Civil Business Committee, until June 2010)
- Her Honour JudgeTruss (ex officio as Chair, Civil Business Committee, from July 2010)
- His Honour Judge Robison
- Her Honour Judge Morgan
- Her Honour Judge Balla
- His Honour Judge Toner
- His Honour Judge Levy
- Mr C Smith, Judicial Registrar (Secretary)

### **RULE COMMITTEE**

The Honourable Justice Blanch, Chief Judge (Chair) His Honour Judge Garling (Deputy Chair) Her Honour Judge Sidis His Honour Judge Robison His Honour Judge Rolfe His Honour Judge Neilson His Honour Judge Johnstone His Honour Judge Armitage Mr P Khandhar, NSW Bar Association Mr A Saxton Law Society of NSW Mr A Grew (Secretary)

## **CIVIL BUSINESS COMMITTEE**

His Honour Judge Garling (Convenor, until June 2010) Her Honour Judge Truss (Convenor from July 2010) Her Honour Judge Sidis His Honour Judge Rolfe His Honour Judge McLoughlin, SC His Honour Judge Johnstone His Honour Judge Colefax, SC (from October 2010) Mr C Smith, Judicial Registrar Ms J Hall, Insurance Council of Australia Ms J Probert, Motor Accidents Authority

- Mr P Deakin, QC, NSW Bar Association
- Ms L King, SC, NSW Bar Association
- Mr A McMurran, Law Society of NSW
- Mr A Saxton, Law Society of NSW
- Ms J Dunn, Civil List and Case Manager, District Court

# **CRIMINAL BUSINESS COMMITTEE**

- His Honour Judge Solomon (Chair)
- Mr J Kiely, Crown Prosecutor
- Mr M lerace, Senior Public Defender
- Mr R Fornito, Criminal Listing Director, District Court
- Mr D Giddy, NSW Law Society
- Ms C Girotto, Office of the Director of Public Prosecutions (NSW)
- Ms E Mackenzie, Office of the Director of Public Prosecutions (Commonwealth)
- Mr R Kozanecki, Legal Aid Commission
- Ms K Traill, Bar Association of NSW
- Mr J Styles, Aboriginal Legal Service
- Ms J Garvey, Judicial Support Coordinator, District Court (Secretary)

## PROFESSIONAL DEVELOPMENT (EDUCATION) COMMITTEE

His Honour Judge Taylor, AM, RFD (Chair until August 2010) Her Honour Judge Sidis Her Honour Judge Ashford (Chair from August 2010) His Honour Judge Woods, QC His Honour Judge Nicholson, SC Her Honour Judge Sweeney His Honour Judge Zahra, SC His Honour Judge Cogswell, SC His Honour Judge Lakatos, SC His Honour Judge Elkaim, SC His Honour Judge Colefax, SC Mr C Smith, Judicial Registrar Ms R Windeler, Education Director, Judicial Commission of NSW

# JUDICIAL SUPPORT COMMITTEE

His Honour Judge Solomon His Honour Judge Taylor, AM, RFD (until August 2010) His Honour Judge Garling Her Honour Judge Truss Her Honour Judge Sidis 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 (Chair) 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 V Blackmore, Acting Director, Library Services
- Ms S Ramsey, Manager, Information Resources
- Ms J Dennison, Manager, Downing Centre Library
- Ms M Wearin, Research Officer, Dust Diseases Tribunal

## JOHN MADDISON TOWER AND DOWNING CENTRE BUILDING COMMITTEE

- His Honour Judge Robison
- His Honour Judge Kearns
- Deputy Chief Magistrate Culver
- Federal Magistrate Raphael
- Mr C Smith, Judicial Registrar, District Court
- Ms B Toomey, Sheriff's Officer
- Ms P Olsoen, Principal Registrar, District Court
- Ms J Haywood, Executive Officer, Chief Magistrates Office
- Mr R Gounder, Facilities Manager, Asset Management Services
- Mr R Cowburn, Building Manager, John Maddison Tower & Downing Centre
- Mr K Breen, Judicial Support Officer

## JUSTICELINK COMMITTEE

- His Honour Judge King His Honour Judge Rolfe His Honour Judge Finnane, RFD, QC Mr C Smith, Judicial Registrar Mr R Fornito, Criminal Listing Director Ms J Dunn, Civil List and Case Manager, District Court Ms J Mathison, Manager, Justicelink Business Support Group Ms N Ubrihien, Justicelink Project
- Ms R Liston, Justicelink Project

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