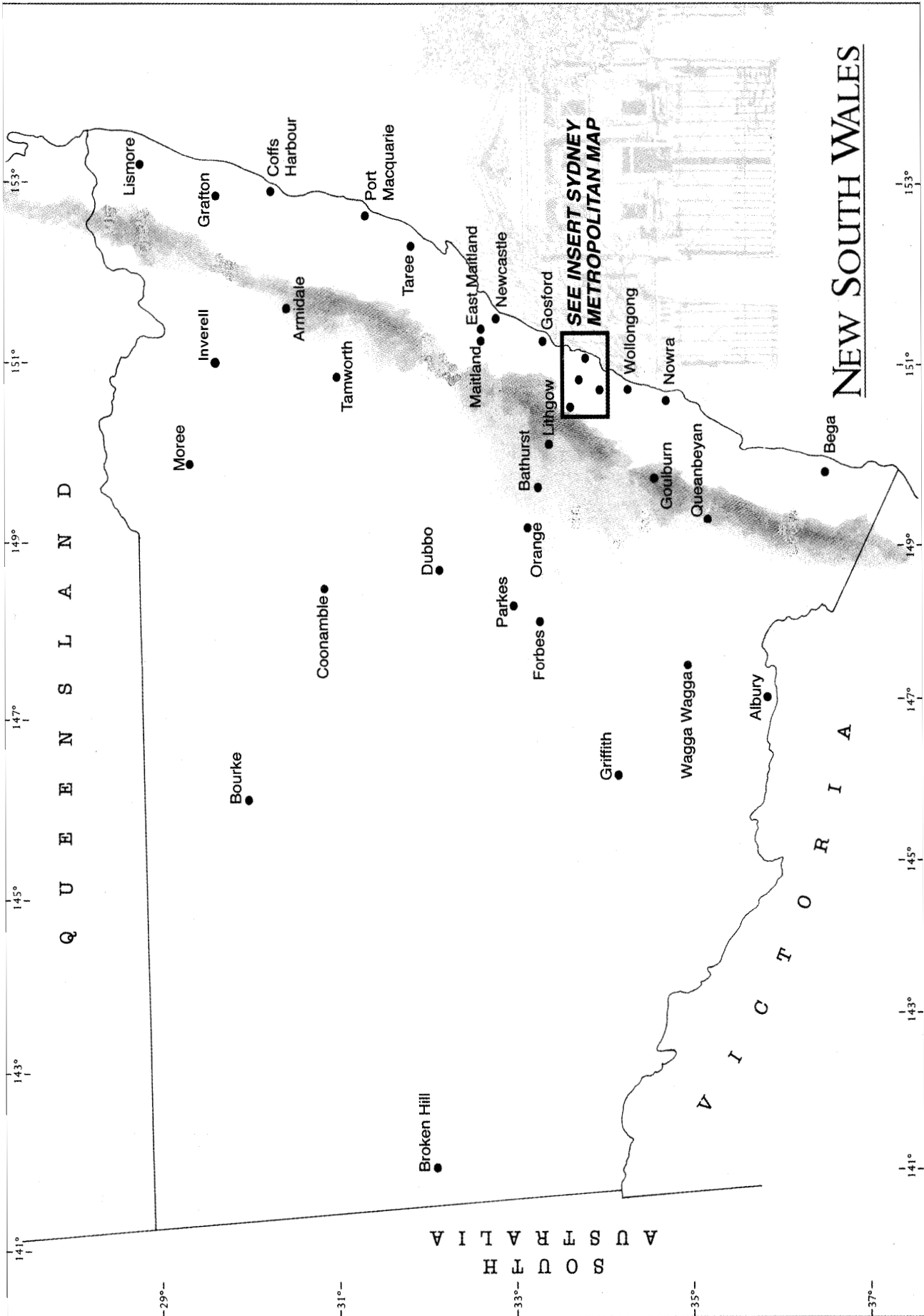




# The District Court of New South Wales



Annual Review  
2004



**NEW SOUTH WALES**

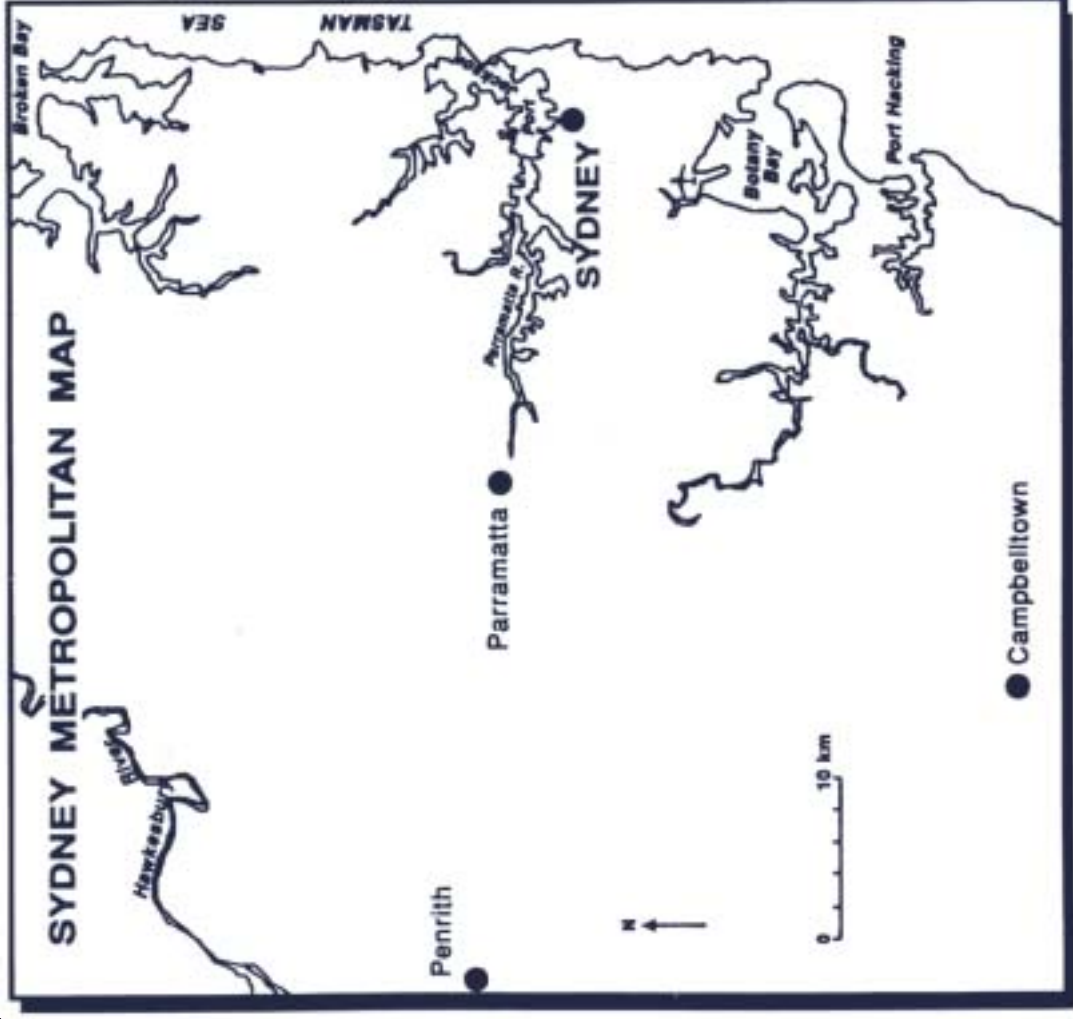
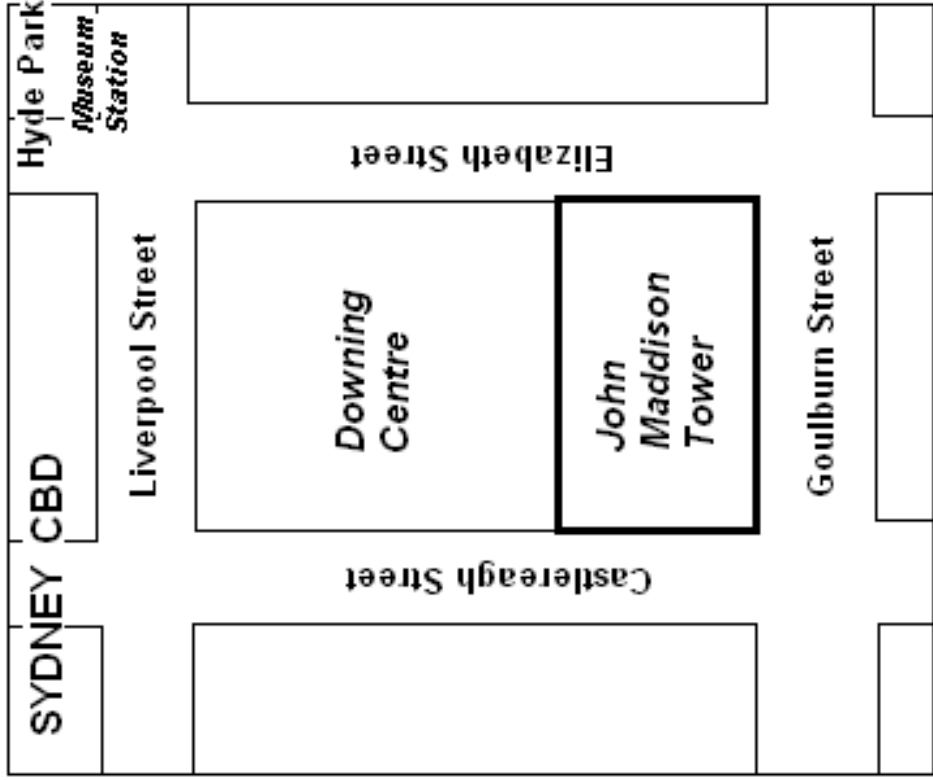
SEE INSERT SYDNEY METROPOLITAN MAP

QUEENSLAND

VICTORIA

SOUTH AUSTRALIA

# DISTRICT COURT OF NSW - SITTING VENUES



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*Cover Photograph: Downing Centre Court, Sydney*

**FOREWORD**

*by*  
**Chief Judge**

The Court in its criminal jurisdiction has continued to perform efficiently. Although it is the largest jury trial court in Australia, it has maintained its position as the most efficient in Australia by comparison with the other Courts at the same level. It continues to be a high priority of the Court to hear cases as quickly as possible and that is an important goal in the interests of justice and the community.

The significant changes in the business of the Court over the past few years have been in the civil business of the Court. The Government has passed legislation restricting the ability to commence legal actions claiming damages for personal injuries and has introduced a cap on legal fees where verdicts for personal injuries are under \$100,000. In anticipation of this legislation a large volume of cases was commenced in the year 2001 and the level of new cases registered has declined since then. If the variations caused by these factors during 2001 to 2003 are ignored, a comparison of filings indicates that 15,070 actions were commenced in 2000 and 6,275 actions were commenced in 2004. The effect of the various changes to the law has consequently been to reduce by more than half the number of cases coming before this Court.

Normally such a reduction in filings might lead to an expectation that fewer cases would require a hearing by the Court. In fact that has not happened. What has occurred is that the arbitration system run by the Court has almost ceased to exist and the demand for court time has marginally increased. This is because the allowable fees do not cover both an arbitration and a court hearing. It is also clear to me that under the present system there are cases where people have been injured but they are unable to bring claims for compensation before the Court because of the expense in preparing the cases.

A major issue for the Court continues to be the level of resourcing for the Court which to my observation is lower than any equivalent Court in the country. There is a particular problem with obtaining transcripts in a timely fashion both in the daily hearing of cases and also where transcripts are required to review matters on appeal. There is still no adequate computerised case management system and case management is done manually. It is a tribute to those who work in the Court that the business of the Court has been handled so effectively with such limited resources. It is to be hoped that attempts to address these deficiencies will be more successful in the coming year.

The Honourable Justice R O Blanch, A.M.  
**Chief Judge**

# THE DISTRICT COURT

## HISTORY

By the middle of 19<sup>th</sup> 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 £10; and
- Courts of Petty Sessions, which primarily dealt with summary criminal matters and had a very limited civil jurisdiction.

With the discovery of gold in 1851 the 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 was passed.

This Act established District Courts, as courts of records, to be held at proclaimed places and divided the Colony into Districts. 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 Act remained in force until the District Court Act 1973. This abolished the District Courts and Courts of Quarter Sessions and established the 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**

Section 12 of the District Court Act 1973 provides that the Court shall be composed of a Chief Judge and such other Judges as the Governor may from time to time appoint.

The following were the Judges of the Court as at 31 December 2004.

### **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 John Cecil McGuire

His Honour Judge Kenneth Peter Shadbolt

His Honour Judge Ronald Herbert Solomon

His Honour Judge Geoffrey John Graham

Her Honour Judge Margaret Ann O'Toole

His Honour Judge David James Freeman

His Honour Judge Joseph Bede Phelan

His Honour Judge William Harwood Knight

His Honour Judge John Roscoe Nield

His Honour Judge Graham Hamlyn Traill  
Armitage, Q.C.

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

Her Honour Judge Angela Jeanne Stirling Karpin

His Honour Judge Anthony Frederick Garling

His Honour Judge Philip Ronald Bell

His Honour Judge Christopher James Geraghty

His Honour Judge Brian Ross Maguire, Q.C.

His Honour Judge Alan David Bishop

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 Brian William Duck \*

His Honour Judge Christopher John George  
Robison

Her Honour Judge Robyn Christine Tupman

His Honour Judge Robert William Bellea

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

The Honourable Judge Francis John Walker,  
Q.C. \*

Her Honour Judge Ann Margaret Ainslie-Wallace

His Honour Judge Terence Fenwick Marley  
Naughton, Q.C.

His Honour Judge Colin Phegan

His Honour Judge Ian John Dodd

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

Her Honour Judge Megan Fay Latham

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 Derek Michael Price

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, Q.C.

His Honour Judge Stephen Lewis Walmsley,  
Q.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.

*(\* denotes Members of the Dust Diseases Tribunal)*

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### **JUDICIAL APPOINTMENT DURING 2004**

His Honour Judge Mark Curtis Marien, S.C. was appointed on 3 February 2004.

### **JUDICIAL RETIREMENTS DURING 2004**

The following Judges retired during 2004 on the dates indicated in brackets after their name:

His Honour Judge Terence Joseph Christie, Q.C. (11 March 2004)

His Honour Judge Harvey Leslie Cooper (22 March 2004)

Her Honour Judge Cecily Elizabeth Backhouse, Q.C. (27 March 2004)

His Honour Judge Philip Adrian Twigg, Q.C. (31 March 2004)

His Honour Judge John Kevin O'Reilly, Q.C. (13 June 2004)

His Honour Judge Peter John Johns \* (5 October 2004)

His Honour Judge Paul David Urquhart (4 November 2004)

His Honour Judge David Louthean Patten (16 November 2004)

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

His Honour Judge William Harwood Knight acted as a Judge of the Supreme Court of NSW from 15 November to 17 December 2004.

### **APPOINTMENTS HELD DURING 2004**

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 New South Wales.

His Honour Judge Derek Michael Price held the appointment of Chief Magistrate of the Local Courts of New South Wales.

His Honour Judge Kenneth Victor Taylor, A.M., R.F.D., was appointed Acting Commissioner of

the NSW Health Care Complaints Commission for the period 22 March 2004 to 22 March 2005. His Honour also held the appointment of Deputy Judge Advocate General of the Australian Defence Force.

### **MEDICAL TRIBUNAL OF NSW**

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

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31st December 2004:

His Honour Judge John Cecil McGuire

His Honour Judge Ronald Herbert Solomon

His Honour Judge Geoffrey John Graham

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

His Honour Judge Anthony Francis Puckeridge, Q.C.

His Honour Judge Stephen Lewis Walmsley, Q.C.

Her Honour Judge Ann Margaret Ainslie-Wallace

### **ACTING JUDGES DURING 2004**

Section 18 of the District Court Act 1973 provides that the Governor may appoint a person to act as a Judge for a time not exceeding 12 months. The following people held a Commission as an Acting Judge during the course of 2004:

Mr Warwick John Andrew, C.B.E.

Miss Cecily Elizabeth Backhouse, Q.C.

Mr Ian Phillip Barnett

Mr Julian Block

Mr Brian James Boulton

Mr Ian Sautelle Bowden

Mr Clifford James Boyd-Boland

Dr Leroy Certoma

Emeritus Professor Michael Rainsford  
Chesterman

Mr Terrence Joseph Christie, Q.C.

Mr Peter Evan Coleman, Q.C.

Mr Harvey Leslie Cooper

The Honourable Jerrold Sydney Cripps, Q.C.

Mr Thomas Swanson Davidson, Q.C.



## *The Court*

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Mr John Roger Dive  
Mr William Thomas Ducker  
Emeritus Professor Helen Elizabeth Craig  
Gamble  
Mr Joseph Xavier Gibson, Q.C.  
Mr Peter Rex Grogan  
Mr Brian John Herron, Q.C.  
The Honourable Walter John Holt, Q.C.  
The Honourable Barrie Clive Hungerford, Q.C.  
Mr Peter John Johns  
Mr Barrie Richard Kinchington, Q.C.  
Mr Frederick Angus Kirkham  
Mr Michael John McGrowdie  
Mr James Alexander McIntyre, R.F.D., S.C.  
Mr Barry Edmund Mahoney, Q.C.  
Mr Neil James Harley Milson  
Mr Joseph Anthony Moore  
Mr Brian Francis Murray, Q.C.  
The Honourable John Anthony Nader, R.F.D.,  
Q.C.  
Mr Edward Alton Mawdsley Nash  
Ms Jillian Mary Orchiston  
Mr John Kevin O'Reilly, Q.C.  
Mr David Louthean Patten  
Mr David Sydney Shillington, Q.C.  
Mr Philip Adrian Twigg, Q.C.  
Mr Michael Alan Viney, Q.C.  
Mr Brian Cecil Maclaren Wall, Q.C.  
Sir Robert Kynnersley Woods, C.B.E.

### **JUDICIAL REGISTRAR**

Section 18FA was added to the District Court Act 1973 during the year. This section provides for the appointment of a Judicial Registrar.

Effective from 8 November, 2004 Ms Catherine Admonisha McDonald was appointed as the Judicial Registrar.

### **VENUES**

In 2003 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 (in civil), where it occupies 20 courtrooms.

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (4 courtrooms), Penrith (2 courtrooms) and Campbelltown (4 courtrooms). In addition, continuous sittings were conducted at Newcastle, Gosford, Wollongong and Lismore.

The proclaimed places where the Court may sit and where there is a registrar, are as follows (those places in italics are where the Court did not sit in either of its jurisdictions during 2003):

Albury, Armidale, Bathurst, Bega, Bourke, *Braidwood*, Broken Hill, Campbelltown, *Casino*, *Cessnock*, *Cobar*, Coffs Harbour, *Condobolin*, *Cooma*, Coonamble, *Cootamundra*, *Corowa*, *Cowra*, *Deniliquin*, Dubbo, East Maitland, Forbes, *Glen Innes*, Gosford, Goulburn, Grafton, Griffith, *Gundagai*, *Gunnedah*, *Hay*, Inverell, *Kempsey*, *Leeton*, Lismore, Lithgow, *Liverpool*, Maitland, Moree, *Moruya*, *Moss Vale*, *Mudgee*, *Murwillumbah*, *Muswellbrook*, *Narrabri*, *Narrandera*, Newcastle, Nowra, *Nyngan*, Orange, Parkes, Parramatta, Penrith, Port Macquarie, Queanbeyan, *Quirindi*, *Scone*, *Singleton*, Sydney, Tamworth, Taree, *Tumut*, Wagga Wagga, *Walgett*, *Wellington*, *Wentworth*, Wollongong, *Wyalong*, Yass, Young.

## **COURT STAFF**

### **ATTORNEY GENERAL'S DEPARTMENT**

Although the Court is constituted by its judiciary, there is close collaboration with the Court's staff to ensure efficient and effective operations. These staff members are officers of the Attorney General's Department, which provides the Court with the necessary corporate, financial, administrative, registry and other support services.

The head of the Department is Mr Laurie Glanfield, Director General.

Mr Tim McGrath is the Assistant Director General, Courts and Tribunals.

### **CHIEF EXECUTIVE OFFICER AND PRINCIPAL REGISTRAR**

The position of Principal Courts Administrator was redesignated as Chief Executive Officer and Principal Registrar during the year. This position is held by Mr Craig Smith, who is responsible for all the Court's administrative operations on a statewide basis. He is the focal point for the delivery of Departmental services to the Court and for promoting and maintaining a collaborative approach with the judiciary in the effective management of the Court.

Mr Smith oversees the provision of the registry services to the Court. He ensures that Government and Court policy are effectively implemented and proper objectives for the Court and Department are achieved. He oversees the provision of the registry services to the Court.

In addition, the Chief Executive Officer ensures that the various component offices of the Court operate to maximum efficiency and that proper judicial, departmental and community expectations and needs are met effectively.

As at 31 December 2004, the Chief Executive Officer was directly assisted by:

Policy Officer: Ken Sims  
Executive Assistant: Elizabeth Hall

### **ASSISTANT REGISTRARS, SYDNEY**

The Registrar and Assistant Registrars exercise quasi-judicial powers relating to interlocutory applications, review of matters under case management and conducting status conferences, call-over of matters awaiting hearing, the examination of judgment debtors, the return of subpoenas and providing procedural advice to the legal profession and the public. They also assist the Judges and the Judicial Registrar in case management of the lists.

As at 31 December 2003 the Assistant Registrars were:

Tony Grew  
Mark Fukuda-Oddie

### **SUPPORT SERVICES UNIT**

The Support Services area provides direct support, by means of administrative and technological services, to the Judges of the Court and the Chief Executive Officer. The Manager of the Unit is also responsible for over-sighting budget and accounting processes, as well as the administration and use of resources provided to the Court, including Associates and Tipstaves.

Manager Support Services: Bill Coombs

### **COURT RESULTS AND PERFORMANCE**

The Court Results and Performance Unit prepares statistical and other strategic information on the Court's performance and management of its caseload.

Manager, Court Results  
and Performance: Jason McDonald

### **REGISTRY OFFICE**

The Registry Office provides administrative and clerical support to the Court, in a close partnership with the judiciary. It is co-located in the John Maddison Tower and the Downing Centre and consists of a number of components.

Registry Manager (Acting): Kylie Nicholls

**CIVIL CASE MANAGEMENT AND LISTING** - implements civil case management and listing practices for the timely disposition of cases coming before the Court in accordance with the Court's timetable: schedules cases; prepares lists and allocates courtrooms.

Manager, Civil Case  
Management and Listing: Jane Dunn

**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.

Manager, Criminal Listings  
and Judicial Arrangements: Rob Fornito

**CLIENT SERVICES** - provide registration, counter, information and enquiry services, undertake post-hearing procedures (including giving effect to Court decisions) and the tracking and storage of files, exhibits and subpoenaed material.

Manager, Client Services: Tony Bella

### **REGISTRIES OUTSIDE OF SYDNEY**

The Registrar of the Local Court at all proclaimed District Court places outside of Sydney is also the Registrar of the District Court.



## STRATEGIC PLAN

The Court introduced its inaugural Strategic Plan in July 1995. Basically, this was a statement from an independent judiciary to the community on how the Court would exercise the authority entrusted to it and how it would account for carrying out its functions.

Under this plan, the Court identified its primary goals as:

- **Access** - to ensure that the Court is accessible to the public and those who need to use its services.
- **Case Management** - to discharge the Court's responsibilities in an orderly, cost effective and expeditious manner.
- **Equality and Fairness** - to provide to all equal protection of the law.
- **Independence and Accountability** - to promote and protect the independence of the Judges of the Court and account for the performance of the Court and its use of public funds.
- **Professionalism** - to encourage excellence in the functioning of the Court.

In 2000, the Court issued its second Strategic Plan. The aim of this was to improve upon the first plan, assisted by the experience gained over the previous 5 years.

As in the past, the Policy and Planning Committee represents the Judges of the Court and reviews any advice, information or proposals referred to it by other court committees. It also provides advice to the Chief Judge on matters relating to administration.

In addition to the Policy and Planning Committee, the second Strategic Plan established four major working committees - the Criminal Business Committee, the Civil Business Committee, the Professional Standards Committee and the Resources Committee. Each of these Committees has developed a business plan, which form part of the overall strategic plan of the Court.

### **CIVIL BUSINESS 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 met on 5 occasions during the year.

#### **ACTIVITIES**

1. A Civil List Guideline for Judges was finalised and copies provided to the Judges transferred from the former Compensation Court.
2. A review ("stocktake") of all pending civil actions was undertaken at the start of the year to better identify the nature of the Court's list.
3. The increasing complexity of the Court's civil list and the reduction in the suitability of matters for arbitration, is a matter of concern. In an attempt to address this, nearly all long matters are now first being referred to an outside source for mediation.
3. A Judicial Registrar was appointed to overview the Court's case management process and the timely disposition of actions.
4. Input was made into the development and future implementation of the Uniform Civil Procedure Rules.
5. A procedure was adopted for dealing with applications under section 198M of the Legal Practitioners Act.

### **CRIMINAL BUSINESS COMMITTEE**

#### **TERMS OF REFERENCE**

To monitor, report and advise on any matter relating to the Court's goal of providing a system

## **Strategic Plan**

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for the earliest, most effective and efficient resolution of civil disputes

### **MEETINGS HELD**

Consultation with court users is carried out through the Criminal Listing Review Committee which met on 3 occasions during the year.

### **ACTIVITIES**

1. A guide to the Organisation of the Criminal Courts was finalised and is available to Judges.
2. Continued preparation for the introduction of Courtlink (a statewide multi-jurisdictional computerised case management system).
3. As a result of a shift in the Court's caseload, sittings decreased at Penrith. This coincided with opening of a new courtroom (a short-matters court) in the Downing Centre.
4. Following the inclusion of section 294B of the Criminal Procedure Act, the Court is examining the provision of more closed-circuit television facilities and remote witness rooms.
5. Continued to maintain a collaborative approach in its partnership with the Court's stakeholders in its criminal jurisdiction.

### **PROFESSIONAL STANDARDS (EDUCATION) COMMITTEE**

#### **TERMS OF REFERENCE**

To:

1. develop mechanisms for the prompt dissemination of information to Judges about relevant legal developments
2. provide programmes for continuing education
3. establish induction/training procedures for new Judges and Acting Judges
4. develop a mentoring program for Judges
5. identify and instigate methods for improving courtroom management to enable the Court to promote itself as a body of high standing and diverse jurisdiction.

### **ACTIVITIES**

1. The Annual Conference was held at the Grand Mercure Heritage Resort, Bowral on 13 and

14 April 2004. As in previous years, the topics included both Criminal and Civil Law updates and a review of decisions by the Court of Appeal. Topics of general and specific interest made up the remainder of the programme. The sessions included:

- ◆ Criminal Law Update presented by Justice Howie.
  - ◆ Recurring Themes presented by President Mason AC.
  - ◆ Civil Law Update presented by Judge Sidis.
  - ◆ What Muslims think Judges Need to Know about Islam by Mr. Ali Roude OAM (Islamic Council of New South Wales Inc.) and Ms. Nada Roude (Ethnic Affairs Commission).
  - ◆ Dealing with Judicial Stress presented by Professor Trevor Waring, Chancellor, University of Newcastle.
2. Papers submitted by presenters are made available to all participants in both hard copy and in electronic form.
  3. One new judge of the Court attended the National Judicial Orientation Programme at the Crowne Plaza, Coogee Beach in October 2004. The Programme for newly appointed judges was developed by the Judicial Commission of New South Wales and the Australian Institute of Judicial Administration (AIJA) and is now run by the National Judicial College of Australia.
  4. An initiative of the Education Committee has been to organise a number of breakfast and lunch education sessions in the John Maddison Tower. Judges attended these and twilight sessions at the Judicial Commission. Topics for these occasional seminars included Aboriginal Women Offenders, Alcohol and Drugs, Prosecutorial Independence, Judicial Stress, and Criminal Law and Procedure. Judges of the Court also participated in a weekend visit to an Aboriginal community in Walgett.

## CIVIL JURISDICTION

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

### NEW SOUTH WALES

- In 2004:
- ❖ Registrations fell by 14%
  - ❖ Finalisations fell by 36%
  - ❖ Pending cases fell by 13%
  - ❖ Median time for disposals fell from 14.4 to 14.2 months

The fall in the caseload is due to the tort law reforms, which has also produced a change in the nature of the work coming before the Court.

## 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.

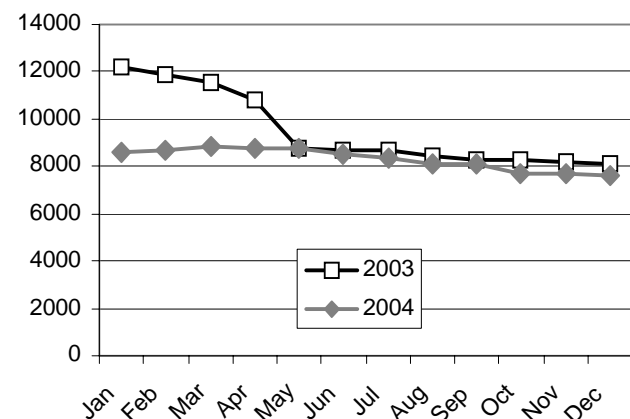
### REGISTRATIONS

There were 6,789 matters registered in 2004, compared to 7,912 matters registered in 2003.

These are a marked reduction on the level of the registrations that occurred in 2001 (20,784 registrations) and 2002 (12,686 registration), which were prompted by the announcement of legislative changes aimed at reducing civil litigation in personal injury cases.

The annual figures suggest that registrations are still falling. However, towards the end of 2004 these seemed to be levelling off. Figure 1 below shows, on a running 12 monthly basis, the yearly registration figure at the end of each month during 2003 compared with the same period in 2004.

**Figure 1. Running 12 Monthly Registrations**



### DISPOSALS

The number of dispositions in 2004 was 8,305, compared to 12,931 in 2003 and 16,857 in 2002.

**PENDING**

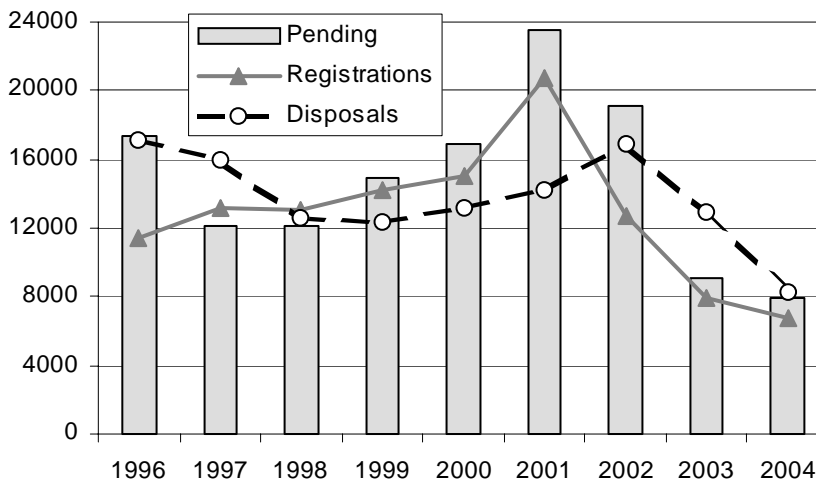
The pending caseload at the end of 2004 was 7,959, as compared to 9,104 in 2003.

Although the pending caseload is lower, the matters in it are requiring more hearing time. This is because the cases coming before the Court are more complex, less likely to settle and fewer are suitable for arbitration.

This changing caseload is illustrated in Figure 7 on page 19, which shows a rise in the number of matters finalised by judgment in recent years. These are the cases which take up the bulk of judicial time. However, matters that take up little judicial time such as settlements, have fallen substantially as illustrated in the same graph.

Figure 2 below tracks the Court's caseload since 1996. Table 1 (underneath Figure 2) lists the major factors that have influenced the caseload.

**Figure 2. NSW Civil Caseload**



**Table 1. Factors Influencing the Civil Caseload**

Year	Influencing Factor
1996	The Court made a concerted effort during the first 18 months after the commencement of case management, to dispose of pre-1996 matters. These efforts quickly eliminated many of the actions which had remained active, resulting in a higher disposal rate.
1997	The Court's jurisdiction was increased in July. (Note: the figures in the graph do not include some 3,000 matters transferred from the Supreme Court prior to 30 June 1998, for which special arrangements had been made).
1997	There was a marked increase in registrations at the end of 1997, due to Part 12 rule 4C of the District Court Rules taking effect (actions commenced prior to 1 January 1996 were deemed dismissed if the Praecipe for Trial had not been filed by 1 January 1998).
1999	The Motor Accidents Compensation Act commenced limiting access to the Court in relation to motor accident claims. The impact of the amendments has been a gradual (although substantial) reduction in these types of claims, which formerly represented a significant proportion of the Court's caseload.
2001	Legislative changes in relation to work related accidents and medical negligence prompted a rush of filings during the year prior to the changes.
2002	Further legislative changes aimed at reducing civil litigation (personal injuries claims) prompted a rush of filings in the first half of the year, with a marked drop occurring the second half after the amendments became effective.
2003	A significant decrease in the number of matters suitable for arbitration (as a result of legislative amendments in 1999, 2001 and 2002) reduced the Court's capacity to finalise actions through this quick and inexpensive alternative dispute resolution mech
2004	The Court was vested with the residual jurisdiction of the NSW Compensation Court with its abolition from 1 January 2004. As a result, additional judges were available to assist during the first half of 2004.

## **DISPOSAL TIMES**

In 2004, 43% of all actions completed were finalised within 12 months, with 72% being completed within 24 months. This compares to 39% and 85%, respectively, in 2003.

Of the pending caseload at the end of 2004, 21% exceeded 18 months compared to 27% in 2003.

These improved figures suggests that the backlogs of more complicated matters generated as a result of the rush in filings following the legislative changes in 2001 and 2002 are now being overcome.

## **CASE MANAGEMENT**

On 6 December 1995, the Chief Judge introduced a procedure of case management in the Court's civil jurisdiction. The new procedure was contained in Practice Note 33. The Court took control of all contested civil actions commenced after 31 December 1995 from the time the action was instigated.

Practice Note 33 heralded the introduction of case management. It abolished Praecipies for Trial. Actions were no longer to be stood over generally, but would always be adjourned to a specific date. It implemented a timetable with which parties must comply and actions were not to commence until they were ready to meet those requirements. This timetable prescribed a Review date and a Status Conference date, 5 and 7 months respectively after filing of the Statement of Claim.

## **CIVIL BUSINESS COMMITTEE'S PLAN**

In 2000, the Court established a Civil Business Committee. Under that Committee's plan the Court's business is to be conducted in accordance with the following standards:

- ◇ 90% of cases disposed of within 12 months of initiation and 100% within 2 years, apart from exception cases in which continuing review should occur;
- ◇ deferred cases which cannot comply with the time standard are included in a list by order of a Judge and its status reviewed regularly;

- ◇ all cases are to be offered a hearing date within 12 months of initiation;
- ◇ motions are to be offered a hearing date within 2 months, or if they are filed in the long motions list a hearing date within 3 months of filing;
- ◇ not reached cases are to be offered the next available dates for hearing not more than 3 months after the not reached hearing date and will be given priority on that date;
- ◇ rehearings from arbitrations are to be offered the next available hearing date and must take a date within 6 months of the application being filed.

The business plan also prescribes that cases are to comply with Practice Note 33, and if not would be subject to the orders set out therein. In addition:

- ◇ any case not allocated a hearing date within 18 months of commencement will be listed before a Judge to show cause why the action or defence should not be dismissed;
- ◇ any case not allocated a hearing date within 2 years of commencement can expect to be dismissed unless a Judge has extended the time for allocation of a hearing date within the 2 year period;
- ◇ long motions not fixed for hearing within 6 months of filing to be dismissed unless a Judge extends the time;
- ◇ arbitration rehearings not fixed within 6 months of filing to be dismissed, unless a Judge extends the time;;
- ◇ transferred cases to be listed before a Registrar within 3 weeks, and if not listed for hearing after two call-overs, to be referred to the List Judge to show cause;
- ◇ matters not ready to be listed for hearing at a Status Conference and one subsequent further call-over, to be referred to the List Judge to show cause
- ◇ failure to comply with orders of the Court may result in dismissal on first failure, and will result in dismissal on second failure;
- ◇ all cases suitable for arbitration will be so fixed.

Cases will not be listed for hearing unless they are ready for hearing. It is the responsibility of the legal advisers to ascertain the availability of their clients and witnesses before a hearing date is



taken. Accordingly:

- ◇ cases will not be adjourned, except in exceptional circumstances;
- ◇ applications for adjournment will generally not be heard on the day of hearing;
- ◇ where appropriate, cost orders will be made in a sum of money payable within a nominated time and legal practitioners may be called upon to show cause why they should not personally pay the costs ordered.

Cases not listed before a Judge on the hearing date will be listed before the List Judge in the reserve hearing list.

### **REVISED PRACTICE NOTE 33**

During 2001 and the first half of 2002, there was a marked increase in the civil caseload, mainly due to legislative changes. In an attempt to address the situation, the Court reviewed its civil case management strategy and reissued Practice Note 33, effective from 1 January 2002.

The revised Practice Note continued the emphasis on early preparation of cases and of case management generally. Overall, it was designed to further assist the Court in meeting its time standards and there was considerable consultation with the legal profession and other interested bodies prior to its introduction.

Under the former Practice Note, the parties were given a timetable with which they were required to comply. However, cases were often not being prepared within the time prescribed which resulted in many matters going to the List Judge for a directions hearing (often on more than one occasion). One of the differences under the revised Practice Note is that the system now requires the parties at a pre-trial conference to set their own timetable (within the 12 months time standard), to which they must adhere. That timetable will result in cases being allocated a hearing date from the status conference and, as a result, the case being concluded within 12 months of its commencement.

The revised Practice Note also abolished the Review Date and instead the Pre-Trial Conference now takes place 3 months after the commencement of the proceedings. Seven

months after commencement, at a Status Conference, each party must file a certificate setting out details of all documents served, the dates they were served and any future matters to be attended to. Unless orders are made at the Status Conference, the Court generally will not permit the service of any further documents.

### **ALTERNATIVE DISPUTE RESOLUTION**

The revised Practice Note 33 stressed that the Court proposed to continue to finalise as many matters as possible through alternative dispute resolution systems. Most matters are referred to arbitration or Court managed mediation, and this may be done at any time.

In fact during 2001 and 2002, the Court was proactive in promoting alternative dispute resolution as a means of dealing with the large influx of work coming in. Some of the measures it employed were:

- ◇ issuing arbitration guidelines
- ◇ generally referring matters to arbitrations prior to listing matters for hearing before a Judge
- ◇ allocating arbitration sittings at 10 identified regional centres

As a result of these initiatives, some 2,900 matters were finalised in 2001 after referral to arbitration and about 4,400, in 2002.

However, with the changing nature of the Court's caseload, the number of matters suitable for arbitration has decreased. As a result, less than 2,500 matters were finalised by arbitration in 2003 and just under 700 in 2004.

### **FUTURE ISSUES FACING THE COURT**

The immediate issue facing the Court is the continued disposal of the long contested matters still pending. These resulted from the surge of matters filed in 2001/2002, prior to the workers' compensation reform legislation and the tort law reform legislation.

The long term issue is to ensure the timely disposition of cases, many of which because of their more complex and contentious nature are not suitable for arbitration, nor are they likely to settle.

With the Court disposing of just over 8,000 in 2004, it can be considered that this is the caseload that it is capable of handling given the same level of case complexity and judicial resources.

# SYDNEY

In 2004:

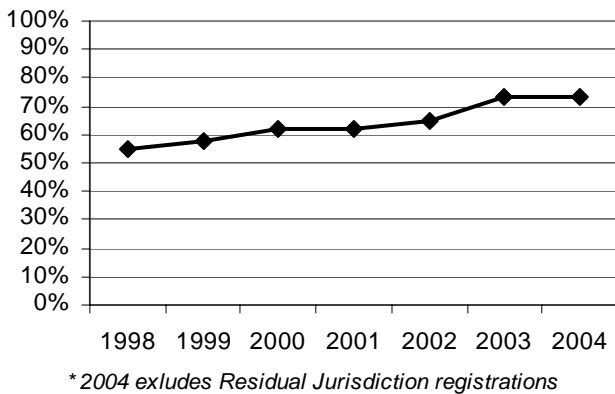
- ❖ Registrations fell by 21%
- ❖ Finalisations fell by 33%
- ❖ Pending cases fell by 14%
- ❖ Median time for disposals remained at 14.4 months

## CASELOAD

In 2004, Sydney civil case managed matters represented 69% of the State's disposals and matters on hand.

Since 1998 the ratio of new civil actions commencing in Sydney, as compared to the whole State, has gradually increased from 55% to 73%. The rise is shown in Figure 3 below.

**Figure 3. Sydney's % of NSW Registrations**



## REGISTRATIONS, DISPOSALS AND PENDING

There were 4,570 new actions commenced and 5,262 actions finalised in Sydney in 2004. At the end of the year there were 5,193 actions pending. Figure 4 at the bottom of the page tracks Sydney's caseload since 1996.

## DISPOSAL TIMES

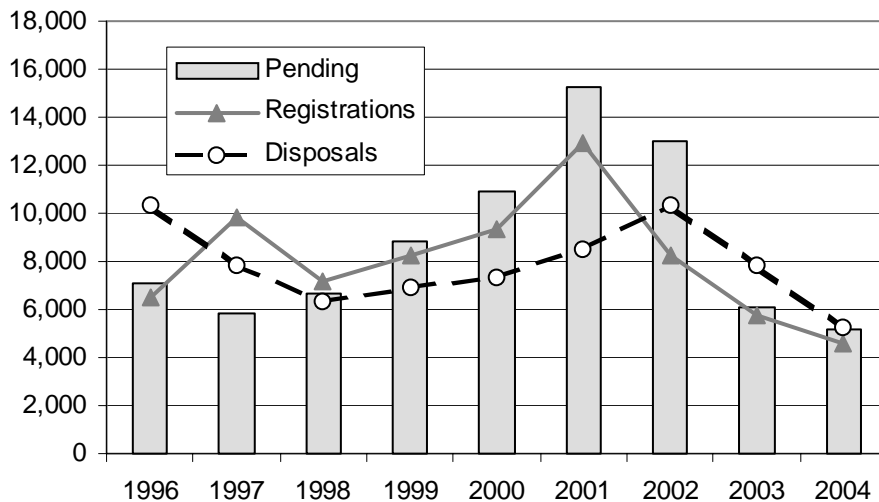
The Court's ideal time standard for civil cases is to achieve a 90% disposition rate within 12 months of commencement, and 100% within 2 years.

In 2004, 43% of all actions completed were finalised within 12 months, with 72% being completed within 24 months. This compares to 41% and 84%, respectively, in 2003.

Of the pending caseload at the end of 2004, 20% exceeded 18 months compared to 24% in 2003.

Of matters commenced in 2004 (excluding matters assigned to the Not Ready List), 24% were completed during the year. For matters commenced in 2003, 59% were completed within 12 months, and 80% within 24 months.

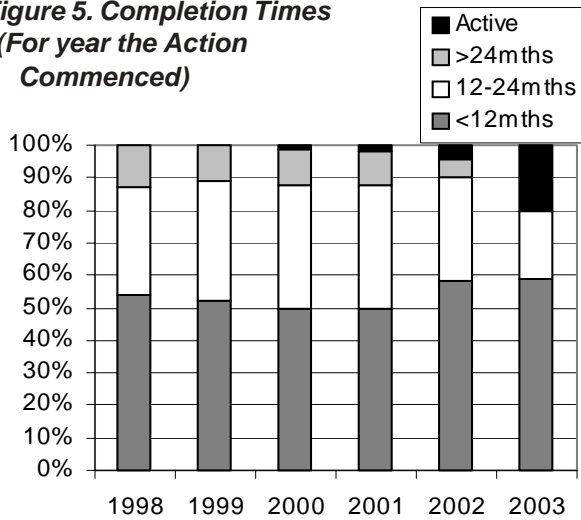
**Figure 4. Sydney Caseload**



This graph should be viewed in light of the "Influencing Factors" set out on page 14.

Figure 5 below compares, as at 31 December 2004, the disposition time for matters commenced each year in Sydney, on a percentage basis, from 1998 to 2003 (2004 has not been included as no actions commenced could have been completed outside of 12 months).

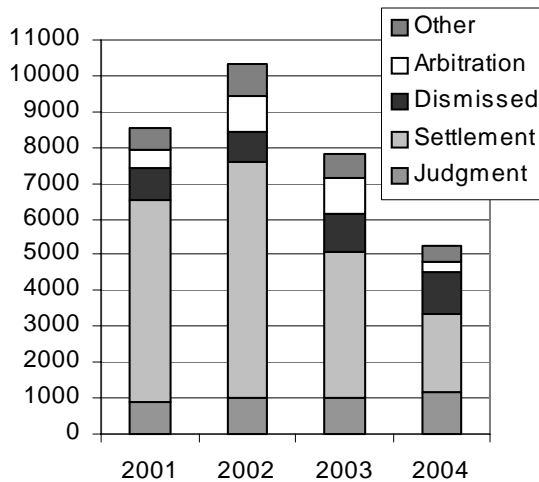
**Figure 5. Completion Times (For year the Action Commenced)**



**MANNER OF DISPOSAL**

Figure 6 compares the manner in which civil actions in the last 4 years have been disposed.

**Figure 6. Method of Finalisation**



This graph clearly indicates that in the last few years the manner in which cases are being disposed has changed as a result of the drop in settlements and arbitrations.

**Table 1. Disposal Outcomes**

Judgment	Settlement	Dismissed	Arbitration	Discontinued	Transferred	Total
1,148	2,230	1,157	260	366	101	5,262

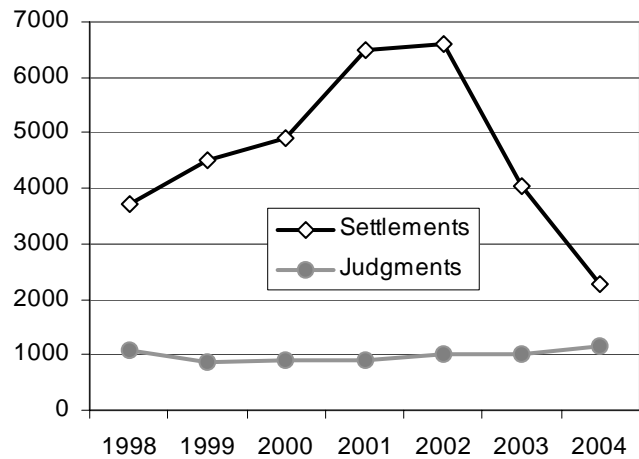
Table 1 (at the bottom of the page) sets out the break-up of how matters were completed in 2004.

It shows that in 2004, 1,148 matters resulted in a court judgment. However, in 2001 when the disposal figure was almost double that of 2004, the number of court judgments was only 916.

Figure 7 below shows there has been a significant drop in recent years the number of settlements, but an increase in the number of court judgments.

Despite the fall in registrations, the number of court judgments have increased.

**Figure 7. Judgments/Settlements**



Settlements consume minimal court time. It is judgments that place the demand on court time. There was an increase in judgments in 2004.

**CIVIL ARBITRATION**

There are two different arbitration schemes in operation in the Court. One is the general scheme, where the Arbitrator provides the accommodation and facilities for the arbitration.

The other, and more common system, 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

## ***Civil Jurisdiction***

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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 2004, 605 matters were referred to arbitration as compared to 1,973 matters in 2003 and 6,575 matters in 2002.

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

Of the 593 matters disposed at arbitration during the year, 333 were settled and 260 resulted in awards.

### ***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 are paid to STC (the SAS Trustee Corporation continued under the Superannuation Administration Act 1996) and special risk benefits are payable by the Commissioner of Police
- The Coal Mining Act concerning coal mining matters
- The Workers Compensation (Dust Diseases) Act 1942
- The Sporting Injuries Insurance Scheme
- The Workers' Compensation (Bush Fire, Emergency & Rescue Services) Act 1987.

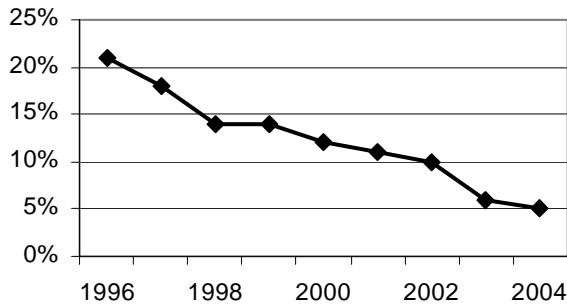
During 2004, 514 actions were commenced and 684 were finalised. Taking into account the pending matters, which were transferred to the Court under

the transitional provisions of the Act, there were a total of 417 matters on hand in the residual jurisdiction at the end of 2004.

## SYDNEY WEST

Sydney West had 5% of the total number of new actions started in the State in 2004 (excluding the Court's residual jurisdiction). Figure 8 below tracks the fall in the proportional rate of registrations in Sydney West.

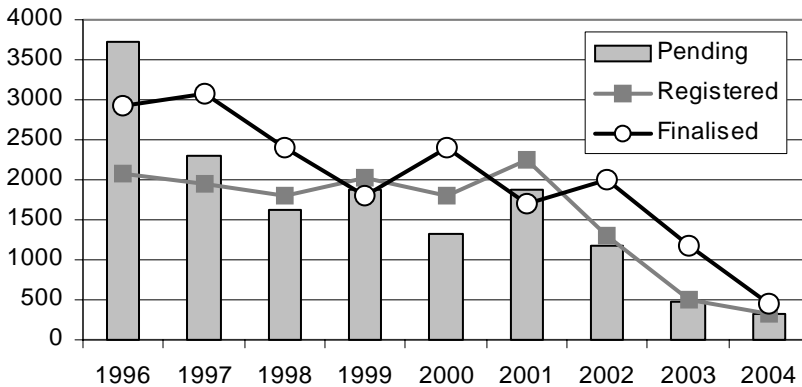
**Figure 8. % of NSW Registrations**



In Sydney West there were 319 matters registered and 456 dispositions throughout the year. At the end of 2004 the total pending caseload was 332, as compared to 469 the previous year.

Figure 9 shows comparative registrations, finalisations and pending caseloads since 1996.

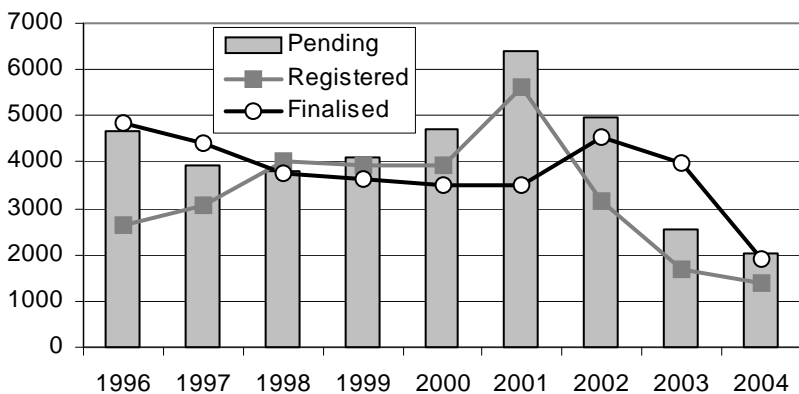
**Figure 9. Sydney West Caseload**



Pending matters in Sydney West fell by 29% and the median finalisation time was 10.1 months.

16% of pending matters exceeded 18 months.

**Figure 11. Country Caseload**



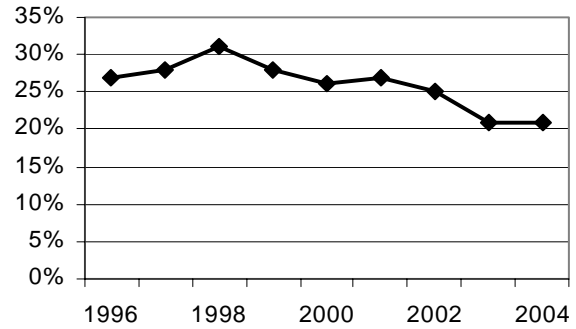
Pending matters in the country fell by 21% and the median finalisation time was 15.4 months.

29% of pending matters exceeded 18 months.

## COUNTRY

Venues outside of Sydney and Sydney West had 21% of the total number of new actions started in 2004 (excluding the Court's residual jurisdiction). Figure 10 below tracks the proportional rate of registrations rate for Country venues.

**Figure 10. % of NSW Registrations**



Outside of Sydney and Sydney West, there were 1,386 matters registered and 1,903 dispositions throughout the year. At the end of the year the total pending caseload was 2,017 as compared to 2,564 the previous year.

Figure 11 shows comparative registrations, finalisations and pending caseloads since 1996.



# CRIMINAL JURISDICTION

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

## TRIALS

- In 2004:**
- ❖ Trial registrations were up by 1%
  - ❖ Finalisations were static
  - ❖ Pending trials were up by 8%
  - ❖ Median disposals times rose from 28.6 to 30.4 weeks

### Caseload

There were 2,279 criminal trials registered during 2004 in New South, as compared to 2,253 in 2003 and 2,280 in 2002.

There were 2,189 trials finalised in 2004, as compared to 2,187 in 2003 and 2,274 in 2002.

There were 1,254 trials on hand at the end of 2004, which was an increase on the 1,164 trials at the end of 2003 and 1,098 at the end of 2002.

Figure 12, at the bottom of the page, tracks the statewide trends in the criminal trial caseload since 1994.

The following are some of the factors which have influenced trial registrations and disposals in the last decade.

- Legislative changes have increased the range of indictable offences capable of being dealt with by Magistrates, which has tendered to

filter out the shorter matters.

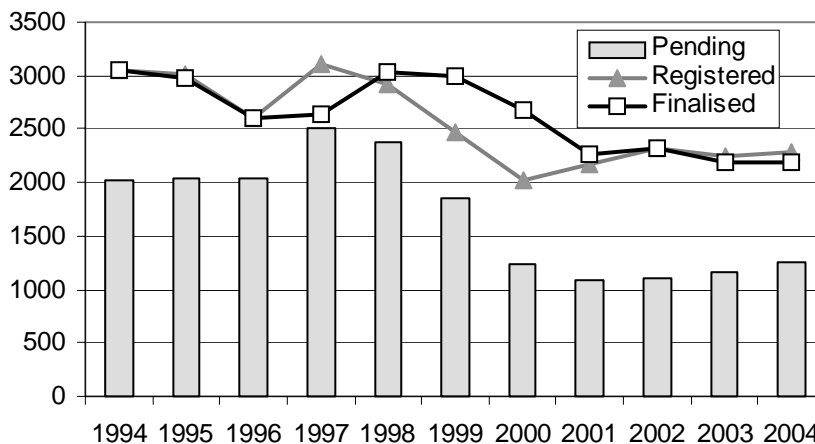
- There has been an increase in the number of longer and more complex trials entering the Court's list. For example, matters previously dealt with in the Supreme Court (eg. manslaughter, serious sexual assaults and drug offences) are now committed to the District Court, so it now deals with practically all serious criminal offences, except murder.

- A centralised committal scheme (referred to below) was introduced in Sydney in April 1998, and was extended outside of Sydney in early 1999.

The centralised committal scheme resulted in a marked decrease in registrations between 1997 to 2000. Registrations rose in 2001 and 2002, but have been relatively static since.

The decrease in trial registrations in the late 1990's was accompanied by an increase in sentence committals until 2001. Since then they have also

**Figure 12. Criminal Trial Caseload**

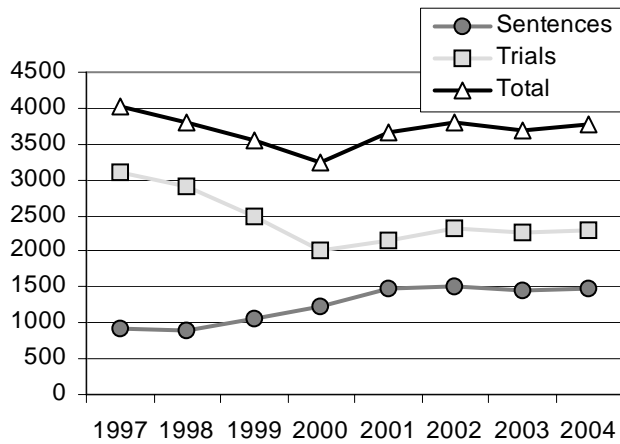




remained static.

Figure 13 shows variations in trial and sentence registrations since 1997.

**Figure 13. 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 guilty pleas are entered at the earliest possible time; preferably at the committal stage.

**Disposal Times**

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

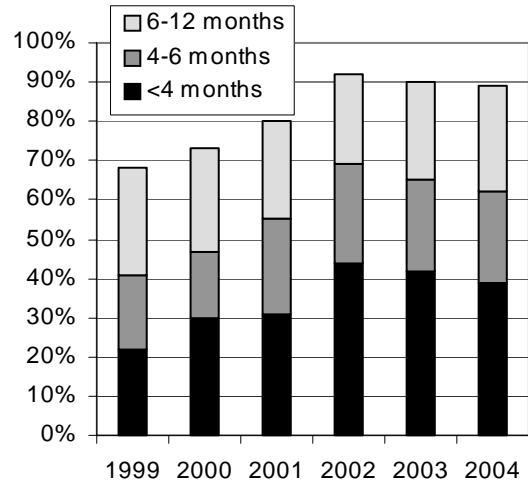
- 90% of cases within 4 months of committal, or such other event which causes the proceedings; and
- 100% of cases within 1 year.

In 2004, 51% of all disposals where the accused was in custody were finalised within 4 months, and 7% exceeded 12 months. Where the accused was on bail, 31% of all disposals were commenced within 4 months, with 14% exceeding 12 months.

Figure 14 (in the column opposite) sets out comparative compliance rates with time standards for all trials.

Figure 15 (below Figure 14) shows the age of all trials which were pending at the end of the year indicated.

**Figure 14. All Registered Trials - Time Standards Compliance Rate**



**Figure 15. All Registered Trials - Pending Matters**

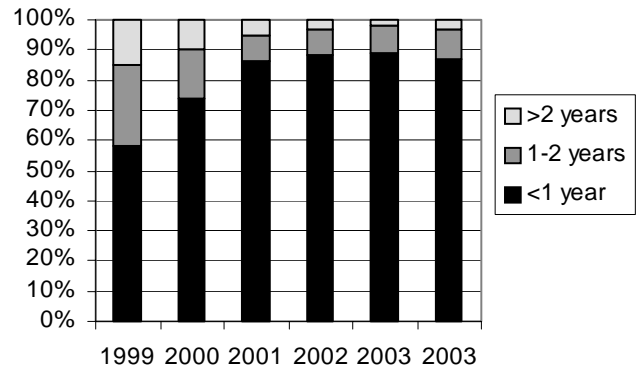
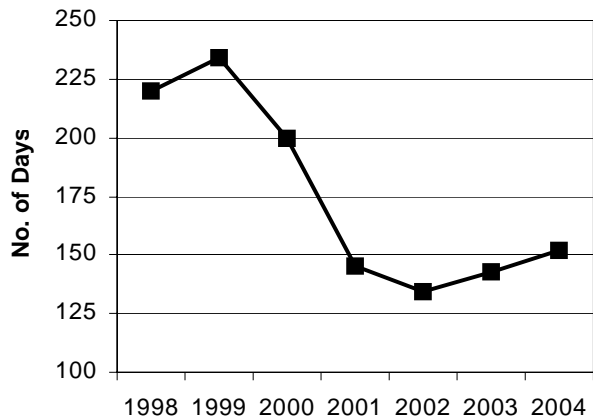


Figure 16 tracks the median disposal times, from committal to commencement of the trial, for matters finalised during the year indicated.

**Figure 16. Median Disposal Times - Criminal Trails**



Between 1998 and 2002 the Court substantially improved waiting times in criminal trials. However, in the last 2 years waiting

The median trial waiting time rose by 9 days in 2004

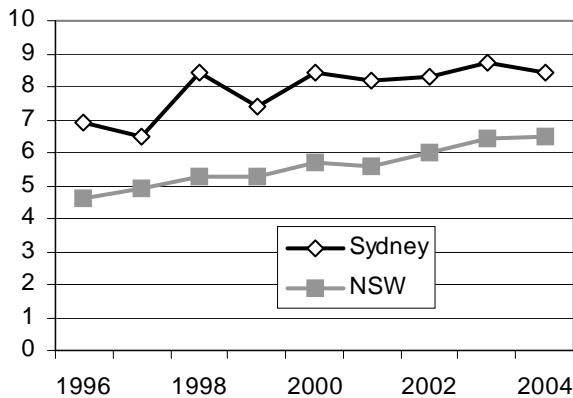
times have started to rise. This will continue to be closely monitored by the Court.

### **Trial Durations**

The statewide average length of criminal trials finalised in 2004 was 6.5 days, as compared to 6.4 days in 2003. In Sydney the average duration was 8.4 days, compared to 8.7 days.

Figure 17 illustrates the fluctuating rise in the average trial duration time.

**Figure 17. Average Trial Length**



## **CRIMINAL LISTING PRACTICES**

The Court's Criminal Business Plan introduced regimen and time constraints to enable the Court to move forward in achieving its ideal time standards.

Under this plan listings in Sydney are to be in conformity with Practice Note 48 and the Court will continue to require the completion of status sheets. This Practice Note prescribes:

- ◆ cases committed to trial in the Downing Centre are to be listed for mention before the List Judge, to manage each case according to its own needs, on the last sitting day of the following week (normally a Friday);
- ◆ the provision of legal assistance are to be addressed at the first mention and an arraignment date set within 8 weeks;
- ◆ where the accused indicates a plea of not guilty at arraignment, the matter will normally be fixed for trial, and the procedure for committal from the Magistrates' Court will be to commit an accused for trial on the last

sitting day of the week following the committal.

Listings in Sydney West are to be in conformity with Practice Note 54, which prescribes:

- ◆ when a matter is committed for trial, it should be committed for mention before the District Court at which it is to be heard on the Friday (or last day of business) of the second week after committal. On that day it will be mentioned to determine whether an arraignment should proceed immediately or adjourned;
- ◆ sentence matters should be similarly committed, when the judge will ensure that legal representation issues are resolved, any reports ordered and a sentence date fixed;
- ◆ appeals are to be listed by the registry at the court for hearing within the time standards.

Listings in country circuits are to be in conformity with Practice Notes 51 and 55, which prescribe:

- ◆ listings for call overs will not exceed double the number of trials which could normally be heard at the sittings, based generally on the capacity to dispose of three trials per week (but may be varied depending on a particular circuit's disposition history);
- ◆ all trials listed for the first week, are to be listed on the first day of the sittings and parties should prepare for a hearing;
- ◆ the presiding judge will commence with the first trial or stand it over to the next day, and nominate a hearing date for such other trials that are to proceed that week;
- ◆ where the sittings is for two weeks duration, the trials for the second week will be mentioned on the first day of the sittings to enable the judge to allocate hearing dates in the sittings;
- ◆ if there is a third week of the sittings, the trials for this week will be mentioned on the first day of the second week to allocate a hearing date;
- ◆ generally, no trial will be marked not reached until the last week of the sittings;
- ◆ at the commencement of each circuit sittings, there will also be listed for plea or mention those trials which are expected to be listed at the next sittings of the Court, to enable an accused to get the benefit of any early plea.

Other issues identified in the Business Plan include:

- ◆ In order for trial standards to be met, adjournments will be the exception and in general will not include absent witnesses, late briefings and consideration of no bill applications.
- ◆ Trials which include multiple accused, many witnesses, complex issues or are inherently long must be identified for the list judge so that management procedures can be put into place.
- ◆ In recognition of the desirability of minimising inconvenience to jurors, applications to be excused should be dealt with expeditiously and a jury empanelled as quickly as possible to allow the remainder of the panel to be excused.
- ◆ Where the delay exceeds twice the time standard, the trial will be placed in a special list for regular call overs and management by specific judges who will be the eventual trial judge.
- ◆ Trial judges in the Downing Centre will be held in reserve to deal with any trials not reached, so all trials should proceed on the date on which they are set down.

**TRIAL LISTING OUTCOMES**

About 2,600 trials were listed for hearing in 2004. Figure 17 shows the break-up of those matters not dealt with.

**Figure 17. Trial Listings Not Dealt With**

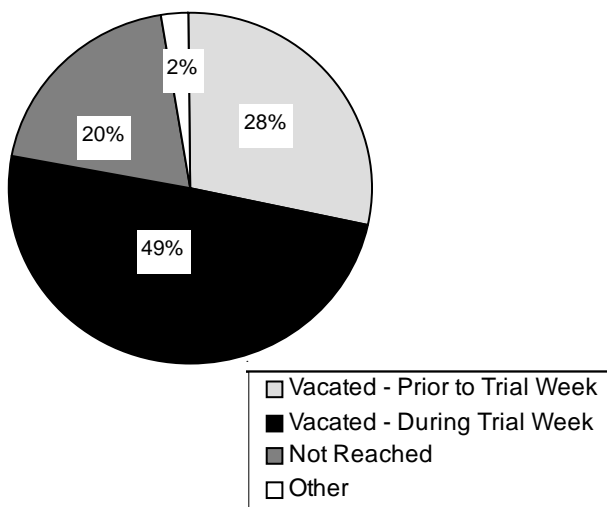


Figure 18 shows the break-up of those matters which were dealt with after being listed.

**Figure 18. Trial Listings Not Dealt With**

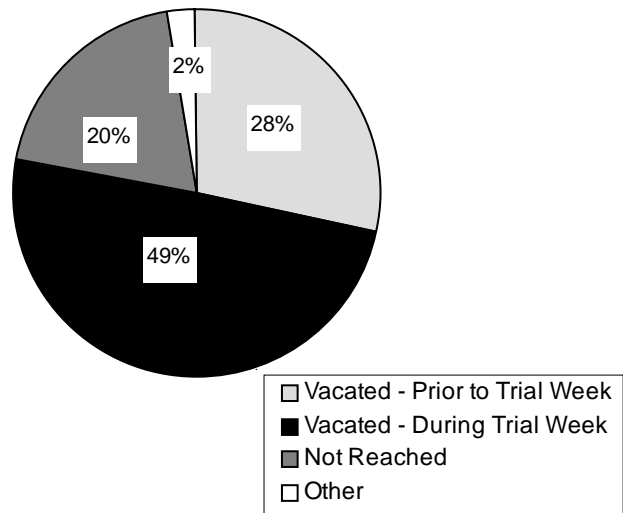
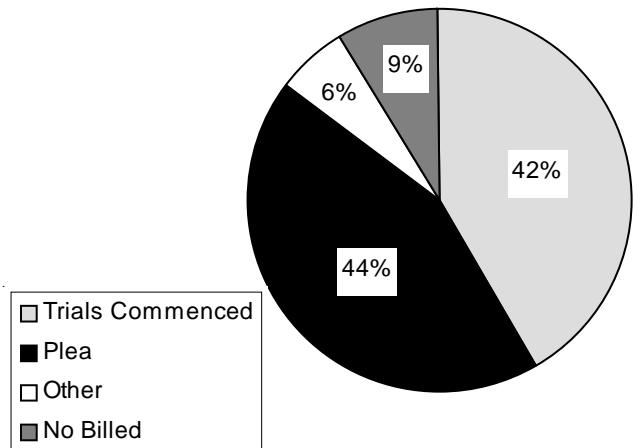
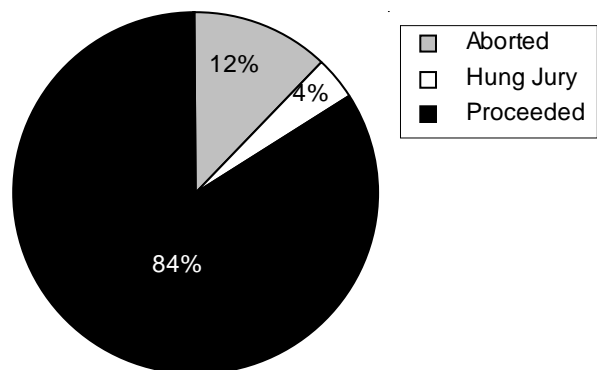


Figure 19 shows the outcome of those which commenced.

**Figure 19. Trial Listings Dealt With**



**Figure 20. Trials Commenced**



The table on the following page sets out trial listing outcomes for 2004.

Table 2. Trial Listing Outcomes

	Sydney	Sydney West	Country	Total
<b>NOT DEALT WITH</b>	<b>26%</b>	<b>39%</b>	<b>36%</b>	<b>33%</b>
<b>Vacated</b>	<b>25%</b>	<b>34%</b>	<b>19%</b>	<b>26%</b>
Prior to Trial Week	9%	16%	4%	9%
During Trial Week	16%	18%	14%	16%
<b>Other Not Dealt With (Trial Week)</b>	<b>1%</b>	<b>5%</b>	<b>18%</b>	<b>7%</b>
Not Reached	0%	5%	17%	7%
Other	1%	0%	1%	0%
<b>DISPOSALS</b>	<b>74%</b>	<b>61%</b>	<b>64%</b>	<b>67%</b>
<b>Dealt With Prior to Trial Week</b>	<b>2%</b>	<b>5%</b>	<b>4%</b>	<b>4%</b>
No Billed	1%	1%	1%	1%
Bench Warrant	0%	0%	0%	0%
Plea	2%	3%	2%	2%
Other (eg. deceased)	0%	0%	0%	0%
Transferred	0%	1%	0%	1%
<b>Dealt With In Trial Week</b>	<b>38%</b>	<b>30%</b>	<b>37%</b>	<b>35%</b>
No Billed	4%	4%	7%	5%
Bench Warrant	1%	1%	1%	1%
Plea	31%	22%	28%	27%
Other (eg. deceased)	1%	1%	1%	1%
Transferred	1%	3%	0%	1%
<b>Trials Commenced</b>	<b>34%</b>	<b>26%</b>	<b>22%</b>	<b>28%</b>
Aborted	2%	4%	5%	3%
Hung Jury	1%	1%	1%	1%
Proceeded	30%	21%	17%	23%

Of all trials listed:

- ❖ 29% pleaded guilty
- ❖ 26% vacated (adjourned)
- ❖ 23% proceeded to a verdict
- ❖ 7% not reached
- ❖ 6% "no billed"
- ❖ 4% aborted or had a hung jury
- ❖ 4% otherwise dealt with
- ❖ 1% otherwise not dealt with.

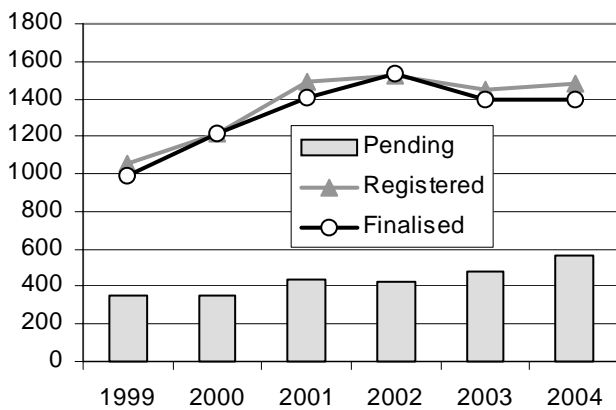
# SHORT MATTERS

## SENTENCES

There were 1,483 committals for sentence received in 2004 and 1,393 finalisations. At the end of the year there were 566 sentence matters pending. Although there has been a growth in the number of sentence matters pending since 1998, this has remained reasonably proportional to the increase in the number of registrations.

Figure 21 tracks the sentence caseload since 1998.

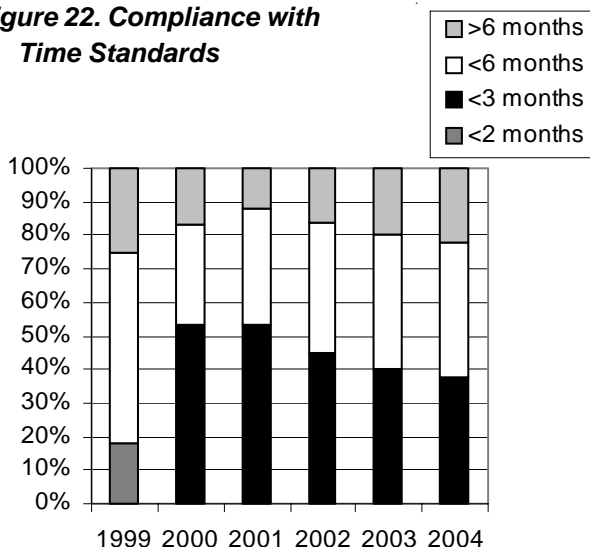
**Figure 21. Sentence Caseload**



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 22 illustrates compliance rates with time standards.

**Figure 22. Compliance with Time Standards**

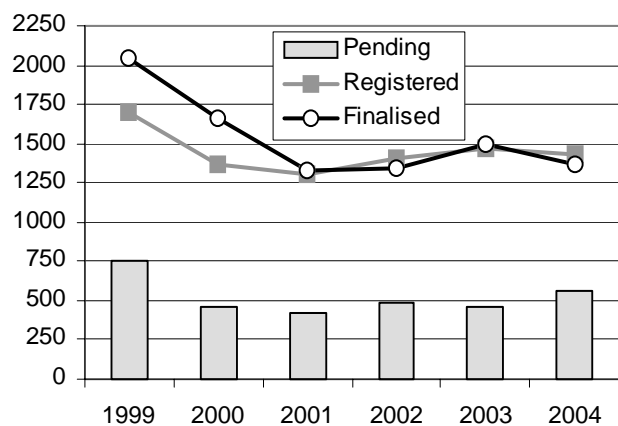


## ALL GROUND APPEALS

There were 1,438 all ground appeals lodged in 2003 and 1,370 finalisations. At the end of the year there were 529 all ground appeals pending.

Figure 23 tracks the sentence caseload since 1998.

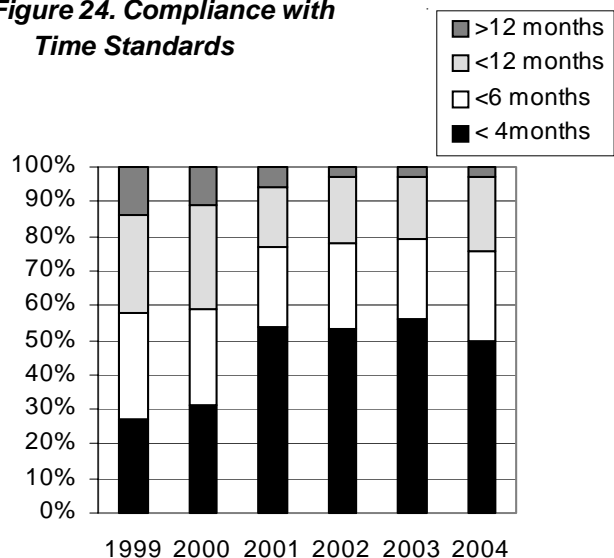
**Figure 23. All Ground Appeals Caseload**



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

Figure 24 illustrates compliance rates with time standards.

**Figure 24. Compliance with Time Standards**

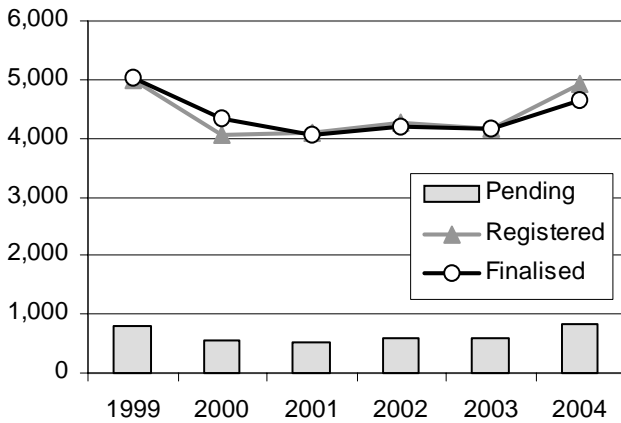


**SENTENCE APPEALS**

There were 4,908 sentence appeals lodged in 2004 and 4,640 finalisations. At the end of the year there were 847 sentence appeals pending.

Figure 25 tracks the sentence appeals caseload since 1998.

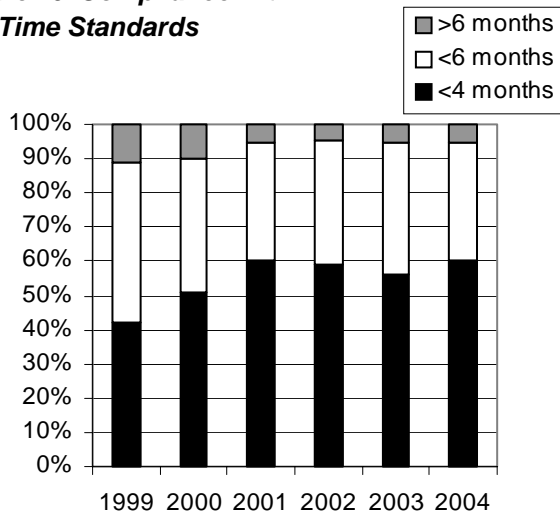
**Figure 25. Sentence Appeals Caseload**



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 26 illustrates compliance rates with time standards.

**Figure 26. Compliance with Time Standards**





## JUDICIAL RESOURCES

### ALLOCATED SITTINGS

Table 3 sets out the number of judicial sitting weeks allocated in 2004 as published in the Court's Calendar of Sittings.

**Table 3. Siting Allocations**

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	763	18.8	28%
	Civil	930	22.9	34%
Sydney West	Criminal	397	9.8	15%
	Civil	21	0.5	1%
Major Country	Criminal	137	3.4	5%
	Civil	74	1.8	3%
Other Venues	Criminal	293	7.2	11%
	Civil	91	2.2	3%
<b>Total</b>	Criminal	1,590	39.2	59%
	Civil	1,116	27.5	41%
	<b>All</b>	<b>2,706</b>	<b>66.7</b>	<b>100%</b>

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

### ACTUAL SITTINGS

Table 4 sets out the number of days actually sat by the Court in 2004, converted into weeks (by dividing the number of days by 5).

**Table 4. Actual Sittings**

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	804	19.8	30%
	Civil	956	23.5	35%
Sydney West	Criminal	370	9.1	14%
	Civil	19	0.5	1%
Major Country	Criminal	144	3.5	5%
	Civil	69	1.7	3%
Other Venues	Criminal	273	6.7	10%
	Civil	71	1.7	3%
<b>Total</b>	Criminal	1,591	39.2	59%
	Civil	1,115	27.5	41%
	<b>All</b>	<b>2,706</b>	<b>66.7</b>	<b>100%</b>

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

The figures in Table 4 are derived after allowing for the absence of Judges due to judicial vacations, judicial conferences, variations to sitting arrangements, etc. It also includes absences on sick, extended and other forms of leave, as well as additional sittings attained from Acting Judges.

### COMPARISONS WITH 2003

Overall, there were 30 additional weeks of sittings in 2004 than 2003. This resulted in 38 weeks less criminal sittings, but 68 weeks more civil sittings.

The greatest variation occurred in Sydney civil sittings, where there 140 additional weeks. This was aimed at countering the large number of long civil matters which had built up in Sydney, following the tort reform legislation.

### ACTING JUDGES

As a result of:

- ◆ continued financial supplementation from the Government and
- ◆ the support of the Attorney General's Department in retaining recurrent arbitration funding following the implementation of "user pays" arbitration

the Court has maintained its Acting Judge Scheme.

An extra 1,234 days of actual sitting was provided by this Scheme. Based on a maximum of 40.6 sittings per year for a permanent judge, this equated to 6 additional judges.

In addition, the transfer of judges from the former Compensation Court meant that additional judges were available to assist during the first half of the year.

### 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 5. District Court Sittings 2004

	ALLOCATED <sup>1</sup> (weeks)		AVAILABLE <sup>2</sup> (days)		ACTUALLY SAT <sup>3</sup> (days)		AVERAGE RECORDED HOURS SAT
	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	
<b>SYDNEY</b>	<b>763</b>	<b>930</b>	<b>3695</b>	<b>4503</b>	<b>4021</b>	<b>4777</b>	<b>3.98</b>
CAMPBELLTOWN	166	2	806	10	761	4	4.63
PARRAMATTA	152	16	737	79	718	82	4.79
PENRITH	79	3	383	15	372	9	4.39
<b>SYDNEY WEST TOTAL</b>	<b>397</b>	<b>21</b>	<b>1926</b>	<b>104</b>	<b>1851</b>	<b>95</b>	<b>4.65</b>
GOSFORD	44	11	213	54	213	48	4.33
NEWCASTLE	50	35	243	174	271	193	4.65
WOLLONGONG	43	28	208	138	234	103	4.52
<b>O/S TOTAL</b>	<b>137</b>	<b>74</b>	<b>664</b>	<b>366</b>	<b>718</b>	<b>344</b>	<b>4.53</b>
ALBURY	9	6	45	29	34	19	4.58
ARMIDALE	11	3	54	15	46	13	4.75
BATHURST	15	2	73	10	63	10	5.19
BEGA	9	2	45	10	39	7	4.89
BOURKE	1	0	5	0	3	0	4.67
BROKEN HILL	10	2	49	10	50	10	3.85
COFFS HARBOUR	21	6	103	29	103	28	4.34
COONAMBLE	5	0	25	0	23	0	3.78
DUBBO	29	6	140	30	140	20	5.36
EAST MAITLAND	13	0	61	0	66	0	4.55
FORBES	0	1	0	5	0	4	4.75
GOULBURN	12	1	58	5	41	5	4.85
GRAFTON	10	2	50	10	52	6	4.62
GRIFFITH	10	3	50	15	46	13	4.66
INVERELL	5	0	24	0	22	0	5.09
LISMORE	38	17	188	84	177	62	4.31
LITHGOW	0	3	0	14	0	10	2.4
MAITLAND	0	6	0	30	0	23	4.65
MOREE	8	0	40	0	44	0	4.48
NOWRA	7	1	35	5	35	5	4.28
ORANGE	12	7	60	33	61	31	4.65
PARKES	5	0	24	0	18	0	3.83
PORT MACQUARIE	13	6	63	30	75	15	5.1
QUEANBEYAN	10	2	49	9	49	9	4.36
TAMWORTH	14	1	70	5	64	5	3.75
TAREE	13	5	65	24	56	16	4
WAGGA WAGGA	13	9	63	45	58	46	4.68
<b>COUNTRY TOTAL</b>	<b>293</b>	<b>91</b>	<b>1439</b>	<b>447</b>	<b>1365</b>	<b>357</b>	<b>4.56</b>
<b>STATE TOTAL</b>	<b>1590</b>	<b>1116</b>	<b>7724</b>	<b>5420</b>	<b>7955</b>	<b>5573</b>	<b>4.2</b>

1. Allocated sittings are the number of judicial sitting weeks allocated state wide in accordance with the 2004 Calendar of District Court Sittings published in the Government Gazette.
2. Available sittings are the number of sitting days available from the Calendar, after allowing for public holidays, judicial conferences and any special sitting arrangements.
3. Actual sittings is the number of days the Court actually sat during the year. It may include judicial absences (eg. on sick, extended or other forms of leave) and cancelled or additional sittings not otherwise provided for in the calendar.





### CIVIL CASELOAD

	Registered			Disposed			Pending <sup>1</sup>		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
<b>Sydney CML<sup>2</sup></b>	<b>8,220</b>	<b>5,755</b>	<b>4,570</b>	<b>10,310</b>	<b>7,800</b>	<b>5,262</b>	<b>12,990</b>	<b>6,071</b>	<b>5,193</b>
<b>Sydney RJ Matters<sup>3</sup></b>	<b>-</b>	<b>-</b>	<b>514</b>	<b>-</b>	<b>-</b>	<b>684</b>	<b>-</b>	<b>-</b>	<b>417</b>
Parramatta	867	335	245	1,223	791	327	789	333	251
Penrith	238	86	34	434	218	61	210	78	51
Liverpool	118	39	23	203	90	34	72	20	9
Campbelltown	69	31	17	152	78	34	99	38	21
<b>Sydney West</b>	<b>1,292</b>	<b>491</b>	<b>319</b>	<b>2,012</b>	<b>1,177</b>	<b>456</b>	<b>1,170</b>	<b>469</b>	<b>332</b>
Newcastle	768	455	310	1,020	1,113	433	1,254	623	475
Gosford	148	86	64	231	173	71	201	115	96
Wollongong	390	188	189	695	505	289	729	412	312
<b>Major Country</b>	<b>1,306</b>	<b>729</b>	<b>563</b>	<b>1,946</b>	<b>1,791</b>	<b>793</b>	<b>2,184</b>	<b>1,150</b>	<b>883</b>
Albury	96	64	52	164	120	67	155	100	85
Armidale	40	23	18	75	64	22	74	33	29
Bathurst	53	18	22	81	61	23	75	32	31
Bega	49	22	9	67	37	25	45	30	14
Broken Hill	20	10	4	32	24	20	48	26	13
Coffs Harbour	105	48	66	136	107	64	124	65	74
Dubbo	140	79	39	180	156	72	232	112	74
Forbes	24	10	6	51	42	23	47	15	5
Goulburn	22	14	4	18	42	20	65	17	0
Grafton	38	26	6	48	55	39	59	27	0
Griffith	35	29	28	55	58	30	94	63	61
Lismore	294	161	155	318	289	181	338	172	144
Lithgow	43	23	16	58	59	27	74	35	24
Maitland	174	64	58	147	189	79	237	111	76
Moree	9	6	-	24	30	-	22	0	-
Nowra	63	41	25	100	60	37	44	27	26
Orange	118	37	63	184	127	46	201	76	94
Port Macquarie	104	62	53	132	122	51	158	99	101
Queanbeyan	32	40	34	79	78	40	71	34	26
Tamworth	73	33	30	113	101	35	108	42	36
Taree	107	56	46	185	120	69	177	113	87
Wagga Wagga	229	71	89	342	222	140	336	185	134
<b>Other Venues</b>	<b>1,868</b>	<b>937</b>	<b>823</b>	<b>2,589</b>	<b>2,163</b>	<b>1,110</b>	<b>2,784</b>	<b>1,414</b>	<b>1,134</b>
<b>NSW Total</b>	<b>12,686</b>	<b>7,912</b>	<b>6,789</b>	<b>16,857</b>	<b>12,931</b>	<b>8,305</b>	<b>19,128</b>	<b>9,104</b>	<b>7,959</b>

1. Pending figures are adjusted as a result of stocktakes etc. undertaken during the course of the year and may not always equate with registration and disposition figures

2. CML - Matters in the Case Managed List

3. RJ - Residual Jurisdiction

### CIVIL DISPOSAL TIMES

	Median Delay (mths)			%age of Cases Disposed Within						%age Pending*		
				<12 mths			<24 mths			>18 mths		
	2004	2003	2002	2004	2003	2002	2004	2003	2002	2004	2003	2002
<b>Sydney</b>	<b>14.2</b>	<b>14.2</b>	<b>11.1</b>	<b>43%</b>	<b>41%</b>	<b>59%</b>	<b>72%</b>	<b>84%</b>	<b>91%</b>	<b>20%</b>	<b>24%</b>	<b>13%</b>
Parramatta	10.8	11.2	10.3	59%	56%	72%	88%	96%	98%	15%	19%	5%
Penrith	10.9	13	10.9	51%	42%	61%	84%	97%	98%	26%	26%	5%
Liverpool	7.4	7.7	7.3	91%	99%	95%	97%	100%	98%	0%	5%	0%
Campbelltown	9.1	10.6	10.8	72%	61%	66%	97%	99%	99%	15%	21%	4%
<b>Sydney West</b>	<b>10.1</b>	<b>10.9</b>	<b>10.1</b>	<b>61%</b>	<b>57%</b>	<b>71%</b>	<b>89%</b>	<b>97%</b>	<b>98%</b>	<b>16%</b>	<b>20%</b>	<b>4%</b>
Newcastle	13.9	15.5	13.6	43%	29%	38%	75%	84%	93%	20%	31%	19%
Gosford	11.7	15.4	12.9	54%	28%	42%	84%	93%	91%	18%	27%	11%
Wollongong	23	18.7	14.0	24%	21%	35%	52%	74%	84%	40%	53%	27%
<b>Major Country</b>	<b>15.9</b>	<b>15.9</b>	<b>13.6</b>	<b>37%</b>	<b>26%</b>	<b>37%</b>	<b>67%</b>	<b>82%</b>	<b>90%</b>	<b>24%</b>	<b>39%</b>	<b>21%</b>
Albury	17.3	15	11.4	38%	26%	59%	60%	82%	90%	22%	32%	19%
Armidale	17.8	16.9	14.0	29%	20%	33%	71%	87%	96%	41%	39%	14%
Bathurst	21.2	17.2	12.9	18%	20%	46%	68%	35%	90%	33%	44%	19%
Bega	13.5	10.8	11.1	29%	69%	66%	88%	97%	94%	14%	13%	0%
Broken Hill	35.2	23.2	13.6	10%	13%	41%	29%	65%	86%	33%	69%	33%
Coffs Harbour	12.2	11.9	12.2	43%	51%	47%	78%	88%	83%	20%	18%	16%
Dubbo	20.2	17.8	11.8	19%	22%	52%	65%	79%	93%	25%	30%	18%
Forbes	16.8	15.9	14.2	27%	24%	38%	64%	93%	82%	0%	47%	9%
Goulburn	17	19.9	17.8	31%	16%	19%	69%	81%	77%	0%	29%	12%
Grafton	8.3	16	10.8	68%	35%	57%	84%	88%	97%	0%	15%	8%
Griffith	28.1	18.8	11.7	12%	20%	50%	31%	84%	88%	41%	44%	41%
Lismore	12.3	12.8	11.3	49%	42%	57%	84%	89%	92%	31%	27%	14%
Lithgow	15	15.4	11.1	35%	39%	56%	70%	79%	100%	24%	40%	8%
Maitland	13	14	11.5	41%	36%	58%	81%	94%	96%	77%	36%	13%
Moree	-	25.4	13.9	-	12%	40%	-	50%	95%	-	0%	41%
Nowra	10	10.6	10.8	63%	70%	66%	90%	94%	95%	0%	4%	0%
Orange	15.9	16.6	12.2	39%	21%	46%	75%	88%	94%	28%	21%	9%
Port Macquarie	18.3	15	10.7	30%	35%	65%	83%	91%	94%	26%	24%	9%
Queanbeyan	12.9	20.1	10.5	49%	32%	59%	71%	66%	97%	38%	29%	32%
Tamworth	18	15.6	13.2	33%	26%	42%	74%	83%	91%	25%	29%	22%
Taree	14.6	15.2	12.0	43%	32%	50%	71%	95%	95%	21%	32%	16%
Wagga Wagga	20.1	16	12.0	27%	23%	50%	64%	91%	93%	33%	38%	6%
<b>Other Venues</b>	<b>15.1</b>	<b>15.3</b>	<b>11.7</b>	<b>38%</b>	<b>32%</b>	<b>53%</b>	<b>73%</b>	<b>87%</b>	<b>93%</b>	<b>31%</b>	<b>31%</b>	<b>15%</b>
<b>NSW Total</b>	<b>14.2</b>	<b>14.4</b>	<b>11.3</b>	<b>43%</b>	<b>39%</b>	<b>57%</b>	<b>72%</b>	<b>85%</b>	<b>92%</b>	<b>21%</b>	<b>27%</b>	<b>13%</b>

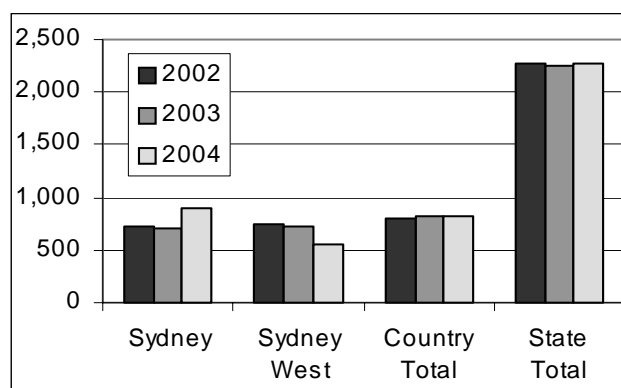
\* Pending figures are taken as at 31 December

## CRIMINAL CASELOAD

### TRIALS

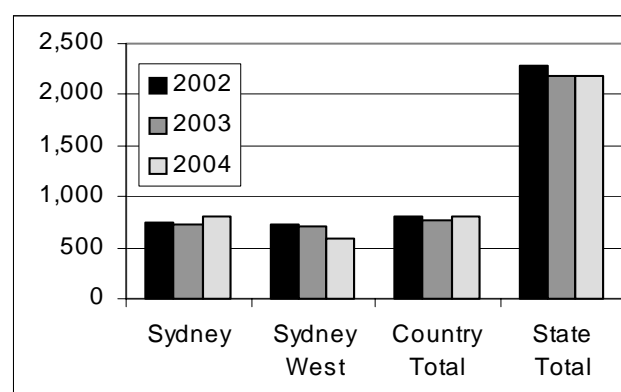
#### Registered

	2002	2003	2004	03/04 Variant
Sydney	727	701	905	29%
Sydney West	745	724	560	-23%
Newcastle	273	285	310	9%
Wollongong	146	152	164	8%
Lismore	151	151	141	-7%
Dubbo	161	174	127	-27%
Wagga Wagga	77	66	72	9%
Country Total	808	828	814	-2%
State Total	2,280	2,253	2,279	1%



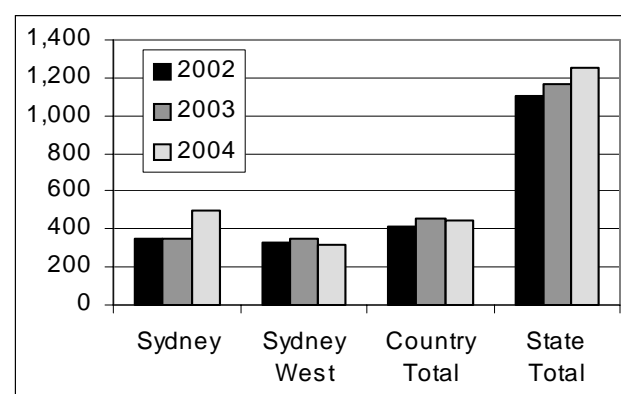
#### Finalised

	2002	2003	2004	03/04 Variant
Sydney	751	725	801	10%
Sydney West	721	699	590	-16%
Newcastle	254	253	306	21%
Wollongong	128	144	145	1%
Lismore	173	140	149	6%
Dubbo	155	164	139	-15%
Wagga Wagga	92	62	59	-5%
Country Total	802	763	798	5%
State Total	2,274	2,187	2,189	0%



#### Pending

	2002	2003	2004	03/04 Variant
Sydney	354	354	499	41%
Sydney West	332	351	313	-11%
Newcastle	132	159	146	-8%
Wollongong	95	100	105	5%
Lismore	71	79	74	-6%
Dubbo	94	96	81	-16%
Wagga Wagga	20	25	36	44%
Country Total	412	459	442	-4%
State Total	1,098	1,164	1,254	8%



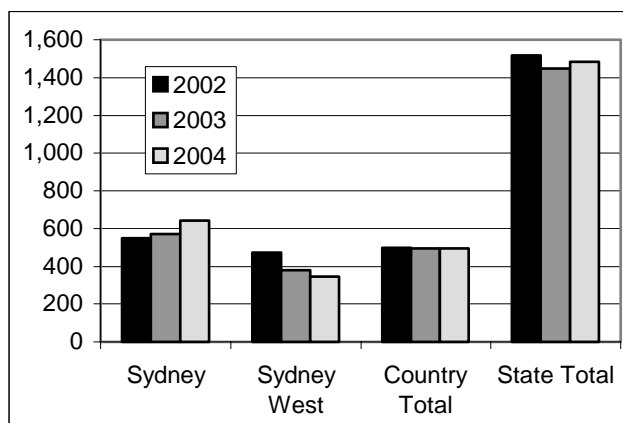
*Footnote: The above figures do not include changes of venue*

**CRIMINAL CASELOAD**

**SENTENCES**

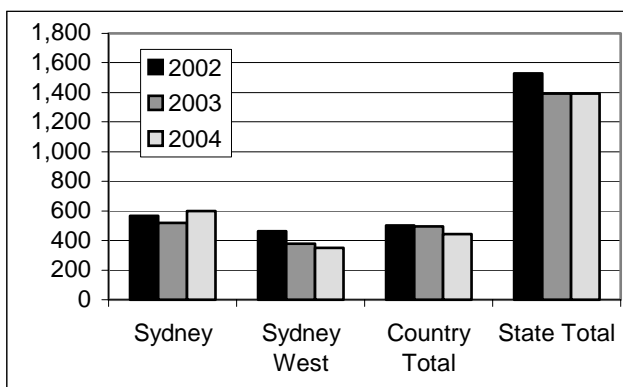
**Registered**

	2002	2003	2004	03/04 Variant
Sydney	547	572	641	12%
Sydney West	473	380	346	-9%
Newcastle	203	203	182	-10%
Wollongong	122	99	114	15%
Lismore	62	68	54	-21%
Dubbo	59	80	98	23%
Wagga Wagga	52	45	48	7%
Country Total	498	495	496	0%
State Total	1,518	1,447	1,483	2%



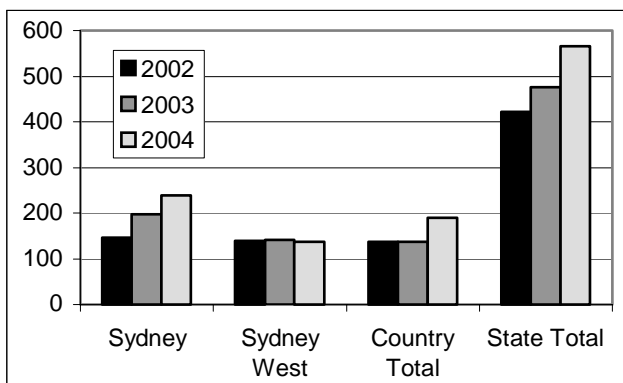
**Finalised**

	2002	2003	2004	03/04 Variant
Sydney	567	520	600	15%
Sydney West	462	378	350	-7%
Newcastle	180	215	184	-14%
Wollongong	135	101	89	-12%
Lismore	70	66	45	-32%
Dubbo	56	72	83	15%
Wagga Wagga	59	41	42	2%
Country Total	500	495	443	-11%
State Total	1,529	1,393	1,393	0%



**Pending**

	2002	2003	2004	03/04 Variant
Sydney	146	198	239	21%
Sydney West	139	141	137	-3%
Newcastle	71	59	57	-3%
Wollongong	33	31	56	81%
Lismore	12	14	23	64%
Dubbo	15	23	38	65%
Wagga Wagga	6	10	16	60%
Country Total	137	137	190	39%
State Total	422	476	566	19%



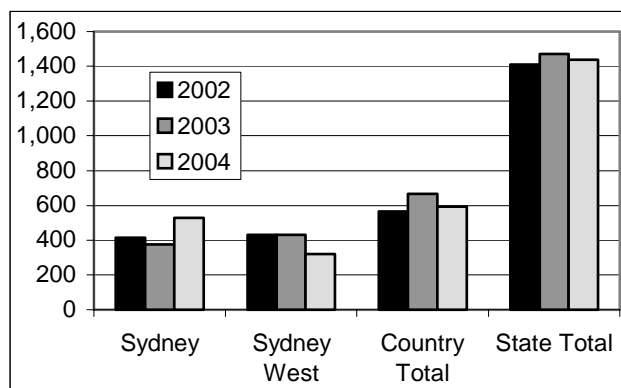
Footnote: The above figures do not include changes of venue

## CRIMINAL CASELOAD

### ALL GROUND APPEALS

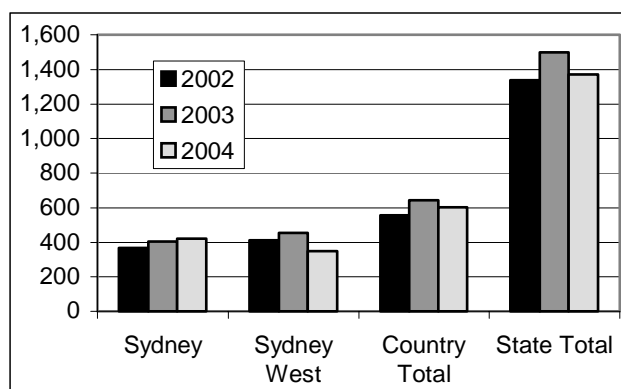
#### Registered

	2002	2003	2004	03/04 Variant
Sydney	414	374	528	41%
Sydney West	431	431	318	-26%
Newcastle	179	201	200	0%
Wollongong	103	158	117	-26%
Lismore	104	126	127	1%
Dubbo	92	114	77	-32%
Wagga Wagga	86	67	71	6%
Country Total	564	666	592	-11%
State Total	1,409	1,471	1,438	-2%



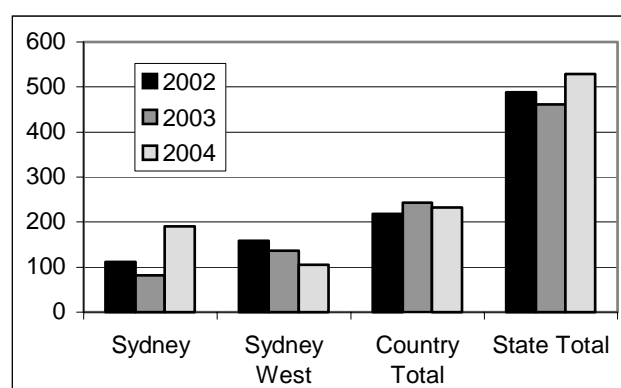
#### Finalised

	2002	2003	2004	03/04 Variant
Sydney	369	404	419	4%
Sydney West	412	454	349	-30%
Newcastle	147	201	195	-3%
Wollongong	114	130	117	-11%
Lismore	110	131	123	-7%
Dubbo	111	112	93	-20%
Wagga Wagga	74	67	74	9%
Country Total	556	641	602	-6%
State Total	1,337	1,499	1,370	-9%



#### Pending

	2002	2003	2004	03/04 Variant
Sydney	112	82	191	133%
Sydney West	159	136	105	-23%
Newcastle	75	75	80	7%
Wollongong	30	58	58	0%
Lismore	42	37	41	11%
Dubbo	40	42	26	-38%
Wagga Wagga	31	31	28	-10%
Country Total	218	243	233	-4%
State Total	489	461	529	15%



*Footnote: The above figures do not include changes of venue*

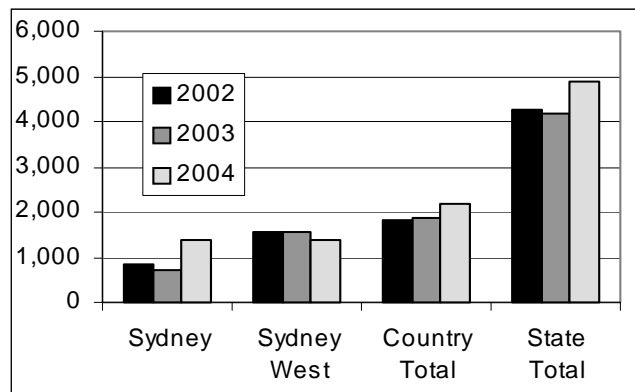


**CRIMINAL CASELOAD**

**SENTENCE APPEALS**

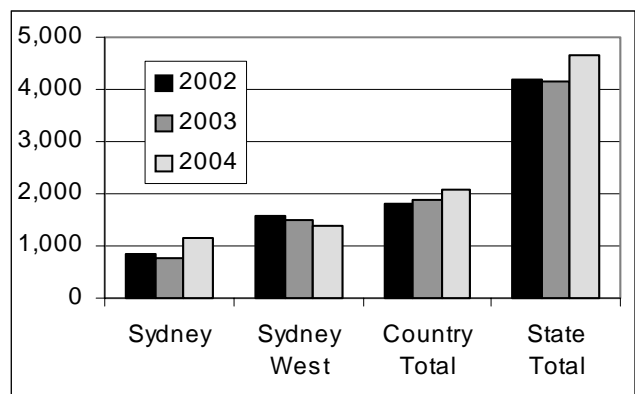
**Registered**

	2002	2003	2004	03/04 Variant
Sydney	864	728	1,381	90%
Sydney West	1,567	1,546	1,359	-12%
Newcastle	668	644	881	37%
Wollongong	308	323	341	6%
Lismore	256	368	350	-5%
Dubbo	339	360	366	2%
Wagga Wagga	247	189	230	22%
Country Total	1,818	1,884	2,168	15%
State Total	4,249	4,158	4,908	18%



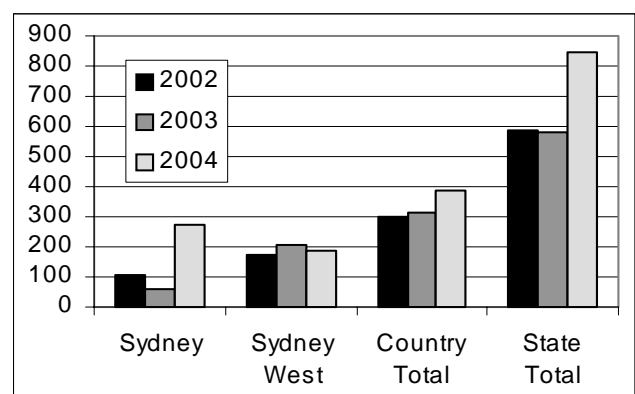
**Finalised**

	2002	2003	2004	03/04 Variant
Sydney	827	779	1,169	50%
Sydney West	1,565	1,514	1,380	-9%
Newcastle	616	685	832	21%
Wollongong	304	320	314	-2%
Lismore	239	341	367	8%
Dubbo	384	341	375	10%
Wagga Wagga	260	185	203	10%
Country Total	1,803	1,872	2,091	12%
State Total	4,195	4,165	4,640	11%



**Pending**

	2002	2003	2004	03/04 Variant
Sydney	110	59	271	359%
Sydney West	176	208	187	-10%
Newcastle	135	94	143	52%
Wollongong	50	53	80	51%
Lismore	43	70	53	-24%
Dubbo	43	62	53	-15%
Wagga Wagga	29	33	60	82%
Country Total	300	312	389	25%
State Total	586	579	847	46%



Footnote: The above figures do not include changes of venue

## COMPLIANCE WITH CRIMINAL TIME STANDARDS

### TRIALS - REGISTERED

#### Accused Custody

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	53%	59%	55%	78%	80%	74%	97%	97%	93%	3%	3%	7%
Sydney West	53%	52%	47%	82%	74%	74%	98%	95%	97%	2%	5%	3%
Newcastle	62%	67%	55%	89%	83%	80%	97%	98%	98%	3%	2%	2%
Wollongong	47%	42%	42%	66%	72%	71%	97%	93%	96%	3%	7%	4%
Lismore	58%	58%	38%	86%	78%	75%	100%	98%	98%	0%	3%	2%
Dubbo	71%	68%	62%	88%	81%	82%	100%	98%	100%	0%	2%	0%
Wagga Wagga	54%	78%	67%	71%	78%	80%	92%	100%	100%	8%	0%	0%
Country Total	60%	61%	51%	83%	79%	78%	97%	97%	98%	3%	3%	2%
State Total	55%	58%	51%	81%	78%	75%	98%	96%	96%	2%	4%	4%

#### Accused on Bail

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	44%	38%	41%	66%	65%	66%	90%	87%	89%	10%	13%	11%
Sydney West	44%	29%	28%	68%	55%	52%	94%	88%	84%	6%	12%	16%
Newcastle	36%	40%	27%	64%	60%	52%	87%	88%	88%	13%	12%	12%
Wollongong	23%	22%	21%	54%	45%	48%	87%	79%	78%	13%	21%	22%
Lismore	28%	32%	19%	50%	57%	48%	80%	87%	90%	20%	13%	10%
Dubbo	27%	26%	18%	44%	43%	34%	75%	75%	68%	25%	25%	32%
Wagga Wagga	34%	49%	44%	64%	78%	56%	91%	92%	98%	9%	8%	2%
Country Total	30%	33%	24%	56%	55%	48%	84%	84%	84%	16%	16%	16%
State Total	39%	33%	31%	63%	58%	55%	89%	86%	86%	11%	14%	14%

#### All Trials

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	47%	47%	47%	71%	71%	69%	92%	91%	91%	8%	9%	9%
Sydney West	47%	39%	35%	73%	63%	60%	95%	91%	89%	5%	9%	11%
Newcastle	45%	48%	36%	72%	67%	61%	90%	91%	91%	10%	9%	9%
Wollongong	30%	28%	28%	58%	53%	56%	90%	83%	84%	10%	17%	16%
Lismore	35%	39%	26%	59%	63%	58%	85%	90%	93%	15%	10%	7%
Dubbo	40%	41%	30%	57%	56%	47%	83%	83%	77%	17%	17%	23%
Wagga Wagga	39%	53%	50%	66%	78%	62%	91%	93%	98%	9%	7%	2%
Country Total	39%	42%	33%	64%	62%	57%	88%	88%	88%	12%	12%	12%
State Total	44%	42%	39%	69%	65%	62%	92%	90%	89%	8%	10%	11%

## COMPLIANCE WITH CRIMINAL TIME STANDARDS

### TRIALS - VERDICTS

#### Accused in Custody

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	19%	31%	38%	38%	51%	66%	88%	88%	95%	13%	12%	5%
Sydney West	31%	17%	26%	56%	26%	51%	81%	87%	92%	19%	13%	8%
Newcastle	0%	39%	0%	50%	39%	46%	100%	94%	92%	0%	6%	8%
Wollongong	50%	17%	33%	50%	50%	67%	100%	67%	100%	0%	33%	0%
Lismore	33%	15%	0%	33%	31%	71%	33%	92%	100%	67%	8%	0%
Dubbo	75%	33%	22%	75%	50%	56%	100%	92%	100%	0%	8%	0%
Wagga Wagga	0%	0%	100%	67%	0%	100%	100%	100%	100%	0%	0%	0%
Country Total	31%	27%	14%	56%	39%	58%	88%	90%	97%	13%	10%	3%
State Total	27%	27%	19%	50%	41%	55%	85%	89%	94%	15%	11%	6%

#### Accused on Bail

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	35%	31%	30%	60%	66%	58%	85%	85%	83%	15%	15%	17%
Sydney West	58%	20%	12%	74%	51%	46%	95%	79%	77%	5%	21%	23%
Newcastle	27%	27%	3%	55%	59%	24%	73%	82%	85%	27%	18%	15%
Wollongong	75%	13%	6%	75%	46%	38%	100%	79%	68%	0%	21%	32%
Lismore	0%	19%	19%	0%	52%	43%	0%	77%	86%	100%	23%	14%
Dubbo	100%	21%	7%	100%	43%	22%	100%	61%	56%	0%	39%	44%
Wagga Wagga	0%	22%	18%	50%	78%	45%	75%	78%	91%	25%	22%	9%
Country Total	32%	22%	8%	55%	53%	31%	73%	76%	76%	27%	24%	24%
State Total	41%	24%	17%	62%	57%	45%	84%	80%	79%	16%	20%	21%

#### All Trials

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	28%	31%	33%	50%	62%	61%	86%	86%	88%	14%	14%	12%
Sydney West	46%	19%	16%	66%	45%	48%	89%	81%	81%	11%	19%	19%
Newcastle	20%	30%	3%	53%	54%	28%	80%	86%	86%	20%	14%	14%
Wollongong	67%	13%	10%	67%	47%	43%	100%	77%	73%	0%	23%	28%
Lismore	20%	18%	14%	20%	45%	50%	20%	82%	89%	80%	18%	11%
Dubbo	80%	25%	11%	80%	45%	31%	100%	70%	67%	0%	30%	33%
Wagga Wagga	0%	18%	25%	57%	64%	50%	86%	82%	92%	14%	18%	8%
Country Total	32%	23%	9%	55%	49%	36%	79%	80%	80%	21%	20%	20%
State Total	35%	25%	17%	57%	53%	47%	84%	82%	83%	16%	18%	17%

## COMPLIANCE WITH CRIMINAL TIME STANDARDS

### APPEALS

#### All Grounds Appeals

	Percentage of Cases Disposed Within											
	4 months			6 months			12 months			>12 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	57%	63%	49%	82%	89%	80%	97%	100%	97%	3%	0%	3%
Sydney West	56%	50%	50%	79%	73%	73%	97%	95%	95%	3%	5%	5%
Newcastle	57%	61%	54%	83%	75%	79%	96%	95%	97%	4%	5%	3%
Wollongong	41%	43%	40%	71%	74%	65%	97%	96%	96%	3%	4%	4%
Lismore	43%	50%	44%	74%	78%	72%	97%	96%	98%	3%	4%	2%
Dubbo	42%	65%	60%	64%	86%	82%	95%	98%	98%	5%	2%	2%
Wagga Wagga	65%	47%	46%	85%	67%	71%	100%	97%	97%	0%	3%	3%
Country Total	49%	56%	50%	75%	77%	75%	97%	96%	97%	3%	4%	3%
State Total	53%	56%	50%	78%	79%	76%	97%	97%	97%	3%	3%	3%

#### Severity Appeals

	Percentage of Cases Disposed Within								
	2 months			6 months			>6 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	76%	74%	76%	98%	98%	98%	2%	2%	2%
Sydney West	65%	55%	66%	97%	95%	95%	3%	5%	5%
Newcastle	50%	50%	56%	95%	92%	95%	5%	8%	5%
Wollongong	38%	43%	35%	91%	90%	92%	9%	10%	8%
Lismore	53%	55%	48%	97%	98%	95%	3%	2%	5%
Dubbo	36%	48%	42%	87%	96%	93%	13%	4%	7%
Wagga Wagga	51%	53%	35%	95%	93%	93%	5%	7%	7%
Country Total	46%	50%	47%	93%	93%	94%	7%	7%	6%
State Total	59%	56%	60%	95%	95%	95%	5%	5%	5%

### SENTENCES

	Percentage of Cases Disposed Within								
	3 months			6 month			>6 months		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Sydney	46%	43%	44%	83%	84%	79%	17%	16%	21%
Sydney West	40%	28%	25%	81%	69%	68%	19%	31%	32%
Newcastle	42%	37%	34%	89%	80%	81%	11%	20%	19%
Wollongong	46%	38%	27%	81%	77%	77%	19%	23%	23%
Lismore	54%	52%	44%	88%	92%	86%	12%	8%	14%
Dubbo	51%	54%	50%	96%	85%	88%	4%	15%	12%
Wagga Wagga	54%	74%	57%	87%	100%	83%	13%	0%	17%
Country Total	47%	45%	39%	87%	83%	83%	13%	17%	17%
State Total	45%	40%	38%	84%	80%	78%	16%	20%	22%

**DISTRICT COURT COMMITTEES**

**CHIEF JUDGE'S POLICY AND PLANNING COMMITTEE**

The Honourable Justice R O Blanch, Chief Judge  
(Chairman)  
His Honour Judge Shadbolt  
His Honour Judge Taylor AM RFD  
His Honour Judge Knight  
His Honour Judge Garling  
His Honour Judge O'Toole  
His Honour Judge Geraghty  
His Honour Judge Bishop  
Her Honour Judge Hock  
His Honour Judge J C Gibson  
His Honour Judge Blackmore SC  
His Honour Judge C E O'Connor QC  
Mr C Smith, Chief Executive Officer (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 Sidis  
His Honour Judge Rolfe  
His Honour Judge McMcloughlin, SC  
Mr P Deakin, QC, representing the NSW Bar  
Association  
Ms L King SC, representing the NSW Bar Association  
Mr T Stern, representing the Law Society of NSW  
Mr A McMurrin, representing the Law Society of NSW  
Mr P Johnstone, Solicitor  
Ms A Lee, representing the NSW Treasury Managed  
Fund  
Mr D Booth, representing the Insurance Council of  
Australia  
Ms B Cassidy, Motor Accidents Authority  
Ms J Atkinson, representing the Attorney General's  
Department  
Mr C Smith, Chief Executive Officer, District Court  
Ms J Dunn, Manager, Civil Case Management and  
Listings, District Court  
Mr K Sims, Policy Officer, District Court (Secretary)

**CRIMINAL BUSINESS COMMITTEE**

His Honour Judge Shadbolt (Chairman)  
His Honour Judge Sides QC  
His Honour Judge Woods QC  
Her Honour Judge Latham

**RESOURCES COMMITTEE**

His Honour Judge Taylor AM RFD (Chairman)  
Her Honour Judge Ainslie-Wallace  
His Honour Judge Goldring  
Her Honour Judge Latham

**PROFESSIONAL STANDARDS (EDUCATION) COMMITTEE**

His Honour Judge Knight (Chairman)  
His Honour Judge Geraghty  
Her Honour Judge Karpin  
Her Honour Judge Murrell SC  
His Honour Judge Phegan  
Her Honour Judge Gibson  
His Honour Judge Nicholson SC  
Mr C Smith, Principal Courts Administrator  
Ms R Windeler, Judicial Commission  
Mrs C Denison, Judicial Commission

**CRIMINAL LAW COMMITTEE**

The Honourable Justice R O Blanch, Chief Judge  
His Honour Judge Graham  
His Honour Judge Knight  
His Honour Judge Taylor AM RFD  
Her Honour Judge Karpin  
His Honour Judge Garling

**COMPUTER COMMITTEE**

Her Honour Judge Tupman (Convenor)  
Her Honour Judge Sidis  
His Honour Judge Sides  
His Honour Judge Finnane RFD QC  
Her Honour Judge J C Gibson  
Mr J Mahon, Attorney General's Department  
Mr C Smith, Chief Executive Officer, District Court  
Mr K Sims, Policy Officer, District Court (Secretary)

**DISTRICT COURT JUDGES LIBRARY COMMITTEE**

His Honour Judge Taylor AM RFD (Convenor)  
His Honour Judge Phegan  
Her Honour Judge Ainslie-Wallace  
Mr C Smith, Chief Executive Officer, District Court  
Mr J Hourigan (Secretary)

## **Annexure D**

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### **CRIMINAL LISTING REVIEW COMMITTEE**

His Honour Judge Shadbolt (Chairman)  
Mr P Barrett, Senior Crown Prosecutor  
Mr P Bugden, Sydney Regional Aboriginal Legal Service  
Mr C Craigie QC, Senior Public Defender  
Mr R Fornito, District Court  
Mr D Giddy, NSW Law Society  
Ms C Giroto, Office of the Director of Public Prosecutions (NSW)  
Mr J Joliffe, Office of the Director of Public Prosecutions (Commonwealth)  
Mr R Kozanecki, Legal Aid Commission  
Mr C Smith, Chief Executive Officer, District Court  
Ms K Traill, Bar Association of NSW  
Mr J Garvey, District Court (Secretary)

### **JUDGES' CONDITIONS COMMITTEE**

His Honour Judge Garling  
His Honour Judge Taylor AM RFD  
Her Honour Judge Sidis

### **JUDICIAL COMMISSION, STANDING ADVISORY COMMITTEE OF JUDICIAL EDUCATION**

His Honour Judge Phegan

### **JUDICIAL COMMISSION, CRIMINAL TRIAL COURTS BENCH BOOK COMMITTEE**

Vacant

### **JUDICIAL COMMISSION, SENTENCING INFORMATION SYSTEM ADVISORY COMMITTEE**

Vacant

### **JUDICIAL COMMISSION, CROSS-CULTURAL TRAINING COMMITTEE**

His Honour Judge Goldring

### **JUDICIAL COMMISSION, JOINT STEERING COMMITTEE - NATIONAL JUDICIAL ORIENTATION PROGRAMME**

His Honour Judge Knight

### **JOHN MADDISON TOWER BUILDING MANAGEMENT COMMITTEE**

His Honour Judge McGuire, District Court  
His Honour Judge Geraghty, Compensation Court  
His Honour Judge Duck, Dust Diseases Tribunal  
Mr S Smith, Assets Management, Attorney General's Department  
Mr C Smith, Chief Executive Officer, District Court  
Mr G Byles, Sheriff  
Mr D Johnson, Acting Building Manager  
Mr K Sims, Policy Officer, District Court (Secretary)