



The District Court
of
New South Wales

Annual Review
2006





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FOREWORD

by
Chief Judge

During the past year there has been a slight decrease in the registration of civil cases in the Court. This is a continued effect of the Tort Law Reform Legislation which led to a significant decrease in civil registrations in the past. There has been a significant effect on the country sittings of the Court where in many circuits there is barely enough work to justify sittings. I have amalgamated some country sittings in order to keep them viable and the Court remains committed to going to country areas to provide a more convenient service to practitioners and litigants.

The decline in civil registrations otherwise has not led to a reduced demand for court time in the major centres such as Sydney, Sydney West, Newcastle, Lismore and Wollongong. What has disappeared from those lists is the small claims which previously were dealt with by arbitrators. During the year a report by consultants engaged by the Attorney General confirmed that the demand for judge time in the Court remained steady. For that reason it is a matter of concern for the operations of the Court that two judges' positions have not been filled and this has meant a reduction in the number of judges sitting hearing civil cases in Sydney. That will inevitably lead to an increase in delays in having cases heard until those positions are filled.

The criminal business of the Court continues to be dealt with in an efficient way. There was a slight reduction in the number of trials registered during the year but there was an increase in the average length of criminal trials which meant the amount of judge time required in the criminal jurisdiction of the Court increased. The efficiency of the Court in dealing with criminal cases is due significantly to the dedication and industry of the judges and it is also due in no small part to the co-operation of the legal profession in improving

what was in the past a very inefficient system. I pay tribute in that regard to both the judges and the legal profession.

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

THE DISTRICT COURT

HISTORY

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

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

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

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

This Act established District Courts, as courts of records, to replace Courts of Requests and divided the Colony into Districts. It conferred upon the District Courts a civil jurisdiction. It also provided for the appointment of a District Court Judge as Chairman of any Court of Quarter Sessions or General Sessions, to be held within the limits of the District for which that Judge was appointed.

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

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

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

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

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

JURISDICTION

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

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

In its civil jurisdiction the Court may deal with:

- all motor accident cases, irrespective of the amount claimed;
- other claims to a maximum amount of \$750,000, although it may deal with matters

The Court

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 2006.

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 Kenneth Peter Shadbolt

His Honour Judge Ronald Herbert Solomon

Her Honour Judge Margaret Ann O'Toole

His Honour Judge David James Freeman

His Honour Judge William Harwood Knight

His Honour Judge John Roscoe Nield

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

His Honour Judge Anthony Frederick Garling

His Honour Judge Philip Ronald Bell

His Honour Judge Christopher James Geraghty

His Honour Judge Brian Ross Maguire, Q.C.

Her Honour Judge Dianne Joy Truss

His Honour Judge Garry William Neilson

His Honour Judge Christopher John Armitage

Her Honour Judge Margaret Sidis

His Honour Judge Christopher John George Robison

Her Honour Judge Robyn Christine Tupman

His Honour Judge James Patrick Curtis*

Her Honour Judge Helen Gay Murrell, S.C.

Her Honour Judge Deborah June Payne

His Honour Judge Martin Langford Sides, Q.C.

His Honour Judge Robert Keleman, S.C.

Her Honour Judge Anne Mary Quirk

Her Honour Judge Ann Margaret Ainslie-Wallace

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

His Honour Judge Colin Phegan

Her Honour Judge Linda Margaret Ashford

His Honour Judge Gregory David Woods, Q.C.

His Honour Judge Anthony Francis Puckeridge, Q.C.

Her Honour Judge Helen Jane Morgan

His Honour Judge John Lester Goldring

His Honour Judge Norman Edward Delaney

His Honour Judge Jonathan Steuart Williams

His Honour Judge Kevin Patrick O'Connor, A.M.

Her Honour Judge Jennifer Anne English

His Honour Judge Allan Hughes

Her Honour Judge Susan Jennifer Gibb

His Honour Judge Gregory Scott Hosking, S.C.

His Honour Judge Ralph Coolahan

His Honour Judge Kevin Peter Coorey

His Honour Judge Richard Anthony Rolfe

His Honour Judge James Walter Black, Q.C.

His Honour Judge Robert Arthur Sorby

His Honour Judge Stephen Ronald Norrish, Q.C.

Her Honour Judge Audrey Suzanne Balla

His Honour Judge Michael John Finnane, R.F.D., Q.C.

Her Honour Judge Penelope Jane Hock

Her Honour Judge Judith Clare Gibson

His Honour Judge John Cecil Nicholson, S.C.

His Honour Judge Stephen Lewis Walmsley, S.C.

His Honour Judge Nigel Geoffrey Rein, S.C.

His Honour Judge Anthony Martin Blackmore, S.C.

His Honour Judge Colin Emmett O'Connor, Q.C.

His Honour Judge Peter Graeme Berman, S.C.

His Honour Judge Raymond Patrick McLoughlin, S.C.

His Honour Judge Colin David Charteris, S.C.

His Honour Judge Roy David Ellis

His Honour Judge Mark Curtis Marien, S.C.

His Honour Judge Brian John Knox, S.C.

His Honour Judge Brian Harrie Kevin Donovan, Q.C.

His Honour Judge Robert Allan Hulme, S.C.

His Honour Judge John Roger Dive

Her Honour Judge Deborah Anne Sweeney
His Honour Judge James L A Bennett, S.C.
His Honour Judge Peter Lind Johnstone
His Honour Judge William Patrick Kearns, S.C.
His Honour Judge Paul Vincent Conlon, S.C.

(* denotes Members of the Dust Diseases Tribunal)

JUDICIAL APPOINTMENTS

The following Judges were appointed during 2006 on the dates indicated in brackets after their name:

Her Honour Judge Deborah Anne Sweeney
(21 April 2006)
His Honour Judge James L A Bennett, S.C.
(1 May 2006)
His Honour Judge Peter Lind Johnstone
(1 May 2006)
His Honour Judge William Patrick Kearns, S.C.
(11 July 2006)
His Honour Judge Paul Vincent Conlon, S.C.
(15 August 2006)

JUDICIAL RETIREMENTS

The following Judges retired during 2006 on the dates indicated in brackets after their name:

His Honour Judge Alan David Bishop (17 March 2006)
His Honour Judge John Cecil McGuire (6 May 2006)
His Honour Judge Graham Hamlyn Traill Armitage, Q.C. (21 May 2006)
The Honourable Judge Francis John Walker, Q.C.* (1 June 2006)
His Honour Judge Joseph Bede Phelan (24 July 2006)
His Honour Judge Brian William Duck * (9 October 2006)
His Honour Judge Brian Ross Maguire, Q.C. (15 December 2006)

DISTRICT COURT JUDGE APPOINTED TO THE SUPREME COURT OF NSW

His Honour Judge Derek Michael Price was appointed as a Judge of the Supreme Court of NSW on 28 August 2006.

APPOINTMENTS HELD DURING 2006

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

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

MEDICAL TRIBUNAL OF NSW

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

The following Judges held appointments as Deputy Chairpersons of the Tribunal as at 31 December 2006:

His Honour Judge Ronald Herbert Solomon
His Honour Judge David James Freeman
His Honour Judge William Harwood Knight
His Honour Judge Kenneth Victor Taylor, A.M., R.F.D.
Her Honour Judge Margaret Sidis
His Honour Judge Anthony Francis Puckeridge, Q.C.
His Honour Judge Stephen Lewis Walmsley, S.C.
Her Honour Judge Ann Margaret Ainslie-Wallace
Her Honour Judge Helen Gay Murrell, S.C.
His Honour Judge Nigel Geoffrey Rein, S.C.
His Honour Judge Robert Keleman, S.C.

ACTING JUDGES DURING 2006

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 2006:

Mr Warwick John Andrew, C.B.E.
Mr Graham Hamlyn Traill Armitage, Q.C.
Mr Ian Barnett

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Mr Brian James Boulton
Professor Leroy Certoma
Emeritus Professor Michael Rainsford
Chesterman
Mr Terence Joseph Christie, Q.C.
Mr Harvey Leslie Cooper, A.M.
Mr Joseph Xavier Gibson, Q.C.
Mr Peter Rex Grogan
The Honorable Barrie Clive Hungerford, Q.C.
Mr Peter John Johns
Ms Angela Jeanne Stirling Karpin
Mr Barry Edmund Mahoney, Q.C.
Mr Michael John McGrowdie
Mr James Alexander McIntyre, R.F.D., S.C.
Mr Joseph Anthony Moore
The Honorable John Anthony Nader, R.F.D.,
Q.C.
Ms Jillian Orchiston
Mr John Kevin O'Reilly, Q.C.
Mr David Louthean Patten
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 of the District Court Act 1973 provides for the appointment of a Judicial Registrar.

Ms Catherine Admonisha McDonald is the Judicial Registrar.

VENUES

In 2006 the Court sat permanently in Sydney at the Downing Centre, 143-147 Liverpool Street, Sydney (in crime), where it occupies 17 courtrooms, and at the John Maddison Tower, 86 Goulburn Street, Sydney, where it occupies 22 courtrooms (mostly in civil).

In Sydney West, Judges sat full-time in the Court Houses at Parramatta (4 courtrooms), Penrith (3 courtrooms) and Campbelltown (4 courtrooms). 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, Gundagai, Inverell, Lismore, Maitland, Moree, Newcastle, Nowra, Orange, Parkes, Parramatta, Penrith, Port Macquarie, Queanbeyan, Sydney, Tamworth, Taree, Wagga Wagga, Wollongong.

COURT STAFF

DIRECTOR COURT SERVICES AND PRINCIPAL REGISTRAR

The Director Court Services and Principal Registrar is 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.

In addition, the Director Court Services and Principal Registrar 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.

In 2006, the Director Court Services and Principal Registrar was directly assisted by Policy Officer Ken Sims, until his sad passing on 22 July 2006.

COURT RESULTS AND PERFORMANCE

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

Manager, Court Results and
Performance: Jason McDonald

REGISTRY

Deputy Chief
Executive Officer: Michael Sands

ASSISTANT REGISTRARS, SYDNEY

The 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 2006 the Assistant Registrars were:

Tony Grew
Mark Fukuda-Oddie
Mary O'Connell

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

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.

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 coordinates 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 (Civil): Tony Bella
Manager,
Client Services (Crime): Craig Cooke

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

The Committee met on 5 occasions during the year.

ACTIVITIES

1. The Committee monitors the Court's Operational Performance Report. Statistical information is presented at each meeting which includes the number and types of registrations and disposals from the caseload; the percentage of cases 18 months old in the caseload; the number of cases listed before Judges; the adjournments from the judicial hearing list; the not reached rate; the results of pre-trial and status conferences; the listings for and disposals by arbitration; the number of motions listed before and dealt with by the Court; the results of mediations conducted by Assistant Registrars; and the long hearings. Where it becomes apparent that there is a problem in any area of the system in place for the swift and efficient disposal of civil actions by the Court it is dealt with by the Committee.
2. The Committee keeps under review the case managed system, particularly in relation to pre-

Strategic Plan

trial conferences and status conferences. The unsatisfactory standard of representation at pre-trial conferences and the falling percentage of cases ready to take a hearing date from the status conference listing have been noted as problems which have developed in the system. Responding to this problem it was proposed by the Committee that, on a trial basis, the standard timetable be amended so that pre-trial conferences are conducted at two months after filing in lieu of at three months after filing. The Committee will continue to monitor and to seek solutions for any problems in the case managed system.

3. Rules to create a Professional Negligence List in the Court were gazetted in July 2006. The timing of and preferred method of entry of matters into the list, the numbers of actions with a cause of action within the Rules and the progress of cases to hearing in the list are being monitored by the Committee. It is proposed that in due course a practice note will be drawn up to govern the procedures in the list.
4. New Country Directions covering listing procedures at circuit venues were formulated, circulated for comment and amended in accordance with the feedback provided to the Committee. The final Country Directions were approved by the Chief Judge in September 2006 and circulated.
5. The Committee provided a forum for the discussion of and the making of recommendations in relation to a number of matters, which were before the Working Party on the Uniform Civil Procedure Rules.
6. The Committee monitored the scheme introduced at the commencement of the Civil Procedure Act for mediation of matters by Assistant Registrars of the Court if a party is otherwise unable to afford it. This programme has been expanded since its introduction and the 2006 statistics demonstrated that at least 50% of cases referred to the Assistant Registrars are being resolved as a result of the mediation.
7. The Committee also discussed and examined the following issues:
 - ◆ The impact on case management of Medical Assessment Service reviews and further assessments.

- ◆ The change in the manner in which insurers are managing cases before the court and the impact that this change is having on the case management of cases.

CRIMINAL 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 criminal matters

Consultation with court users is carried out through the Criminal Listing Review Committee.

ACTIVITIES

1. Continued rollout of CCTV facilities to regional courts.
2. Proposal to construct a new criminal trial court on level 3 Downing Centre in the 07/08 financial year.
3. Parramatta Trial Court Complex is due for completion at the end of 2007. The new complex will accommodate 8 District Courts. However for the first 18 months following the opening of the new court, 4 courtrooms will be used by the Local Court whilst refurbishment is undertaken at the existing Parramatta Court.
4. In Sydney, the Court is listing trials approximately 10 to 12 weeks ahead.
5. Productivity Commission report showed that NSW District Court was ranked first in time standards for the disposal of criminal trials and that the Court had the lowest cost per finalization of criminal cases than any other state.
6. Continue 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 Sebel Resort & Spa, Hawkesbury Valley on 18 and 19 April 2006 and was attended by 54 judges. The conference focused on providing challenging and interesting educational sessions of relevance to judges, while also providing a valuable opportunity for discussion and debate.

The programme consisted of a range of sessions relevant to the day-to-day work of a judge including:

- ◆ The Impact of the Appellate Process on First Instance Judgments by the Honourable Justice Mason AC
- ◆ Criminal Law Update Breakout Discussions
- ◆ Civil Law Update Breakout Discussions
- ◆ Life Lessons presented by Professor Trevor Waring AM
- ◆ Healthy Living and Nutrition presented by Dr Manny Noakes from the CSIRO
- ◆ Report on Multi-Disciplinary Child Sexual Assault Forum presented by His Honour Judge Knox SC
- ◆ Uniform Civil Procedures presented by His Honour Judge Garling
- ◆ Judicial Conduct presented by His Honour Judge Kevin O'Connor AM and His Honour Judge Norrish QC

2. Three new judges of the Court attended the National Judicial Orientation Programme at the Crowne Plaza, Coogee Beach in October 2006. The programme is conducted by the National Judicial College of Australia, the Judicial Commission of New South Wales and the Australasian Institute of Judicial Administration.
3. 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:
 - ◆ DNA for Judges presented by Mr Andrew Haesler SC
 - ◆ Psychological Profiling presented by Dr John Clarke
 - ◆ An Independent Judiciary - Worldwide. Report Back on IAWJ Conference presented by their Honours Judges Murrell, Tupman and Ainslie-Wallace
 - ◆ Jury Management presented by His Honour Acting Judge Geoff Graham
 - ◆ The Compulsory Drug Treatment Correctional Centre (CDTCC) presented by His Honour Judge Roger Dive and Ms Astrid Birgden
 - ◆ The Transition from Juvenile to Adult Criminal Careers presented by Dr Don Weatherburn
 - ◆ The Serious Young Offenders Panel: Juveniles in Custody presented by Ms Jenny Mason
4. Professor James Raymond, a legal writing consultant from New York, conducted a two day Judgment Writing Workshop for District Court judges. The fifteen participants found the workshop stimulating and useful.
5. The District Court conducted a special two-day multidisciplinary child sexual assault forum in January 2006 for over 100 people from a number of different criminal justice agencies. The forum was designed to provide an opportunity for a multi-disciplinary consideration and analysis of the issues and procedures involved in child sexual assault cases, with a view to improving the way the system works for all those involved in, and affected by, such cases.

CIVIL JURISDICTION

NEW SOUTH WALES

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

- In 2006:
- ❖ Registrations fell by 6%
 - ❖ Finalisations fell by 8%
 - ❖ Pending cases fell by 14%
 - ❖ Median time for disposals fell from 12.4 to 11.5 months

The fall in registrations is due to the tort law reforms. This has also produced a change in the nature of the work coming before the Court, which, with reduced judicial resources, has resulted in the fall in finalisations.

CASELOAD

EXPLANATORY BACKGROUND

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

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

REGISTRATIONS

There were 5,769 matters registered in 2006, compared to 6,129 in 2005.

DISPOSALS

There were 5,927 disposals in 2006, compared with 6,405 in 2005.

PENDING

At the end of 2006 the pending caseload was 6,567, compared to 7,663 in 2005.

COMPARISON WITH PREVIOUS YEARS

Figure 1 overleaf tracks the Court's caseload since 1996. The early part of this decade saw a marked increase in registrations due the announcement of legislative changes, particularly tort law reform.

Following the implementation of these reforms a significant drop in registrations occurred. However, those cases which came into the Court were more complex and less likely to settle, with few being suitable for arbitration.

Figure 1. NSW Civil Caseload

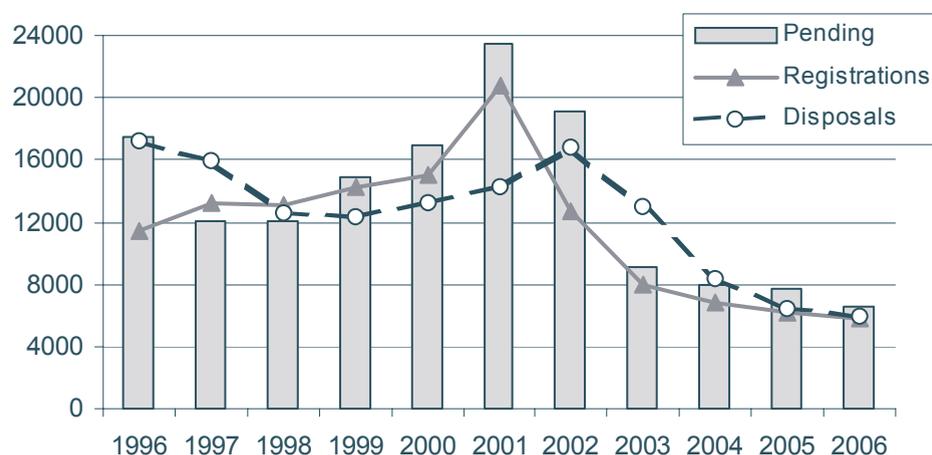


Table 1. Factors Influencing the Civil Case load

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 mechanism.
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 2006, 53% of all actions completed were finalised within 12 months, with 82% being completed within 24 months. This compares to 49% and 79%, respectively, in 2005.

Of the pending caseload at the end of 2006, 16% exceeded 18 months compared to 17% in 2005 and 21% in 2004.

CASE MANAGEMENT

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 exceptional 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;
- ◆ 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 (the then) Practice Note 33, which has since been replaced by new Civil Practice Note 1.

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.

UNIFORM CIVIL PROCEDURE

The *Civil Procedure Act 2005* and *Uniform Civil Procedure Rules* consolidated provisions about civil procedure that were found in a number of different Acts and rules, into a single Act and set of rules. The Rules introduced common rules and procedures in civil proceedings in the Supreme, District and Local Courts.

CIVIL PRACTICE NOTE 1

Civil Practice Note 1 provides that parties should expect to be allocated a trial date within 12 months of commencement of proceedings. Parties must plan to meet this time standard.

Briefly, the Practice Note provides:

- ◆ the plaintiff must serve a timetable for the conduct of the case on the defendant with the statement of claim;
- ◆ any proposed amendments to the timetable by the defendant must be served on the plaintiff at least 7 days before the Pre-Trial Conference;
- ◆ a Pre-trial Conference, which will entail an in-depth review of the case, will be held 3 months after commencement;
- ◆ directions and orders will be made at the Pre-Trial Conference, which must be complied with or otherwise it may lead to cost orders;
- ◆ a Status Conference will take place 7 months after commencement and parties should be ready to take a trial or arbitration date;
- ◆ the trial date allocated will generally be within 1 to 3 months of the Status Conference;
- ◆ at any stage a case may be referred to a directions hearing before the List Judge or the Judicial Registrar;
- ◆ the Court will only grant adjournment applications where there are very good reasons.

ALTERNATIVE DISPUTE RESOLUTION

Practice Note 1 stresses that the Court proposed to continue to finalise as many matters as possible through alternative dispute resolution systems. In appropriate cases the Court will refer a matter to arbitration or mediation.

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, 700 in 2004, 400 in 2005 and 179 in 2006.

SYDNEY

In 2006:

- ◆ Registrations fell by 4%
- ◆ Finalisations fell by 6%
- ◆ Pending cases fell by 12%
- ◆ Median disposal time fell from 12 to 10.8 months.

CASELOAD

In 2006, Sydney civil case managed matters represented 69% of the State's registrations and 70% of the matters on hand.

Since 1998 the ratio of new civil actions commencing in Sydney, as compared to the whole State, has increased from 55% to 67%. The rise is shown in Figure 2 below.

Figure 2. Sydney's % of NSW Registrations

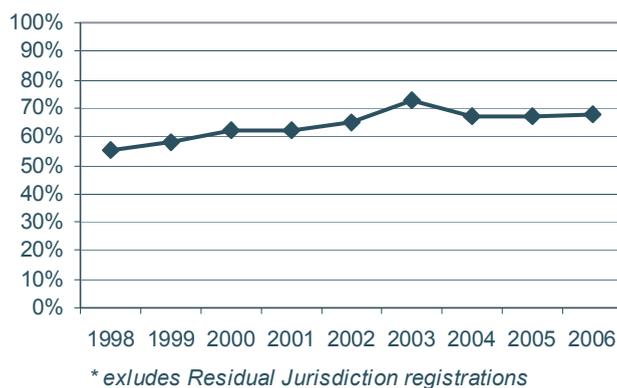
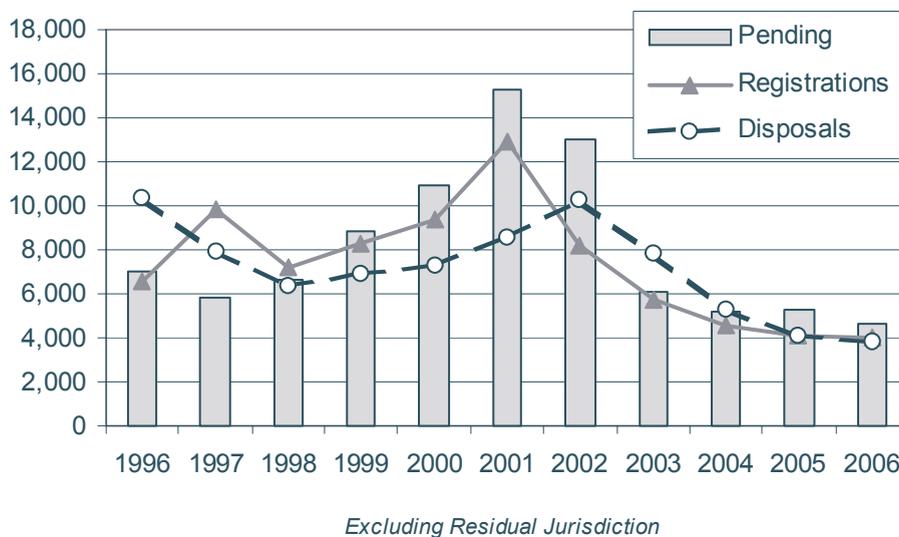


Figure 3. Sydney Caseload



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

REGISTRATIONS, DISPOSALS AND PENDING

Excluding the Residual Jurisdiction, there were 3,957 new actions commenced and 3,823 finalised in Sydney in 2006. At the end of the year there were 4,613 actions pending. Figure 3 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.

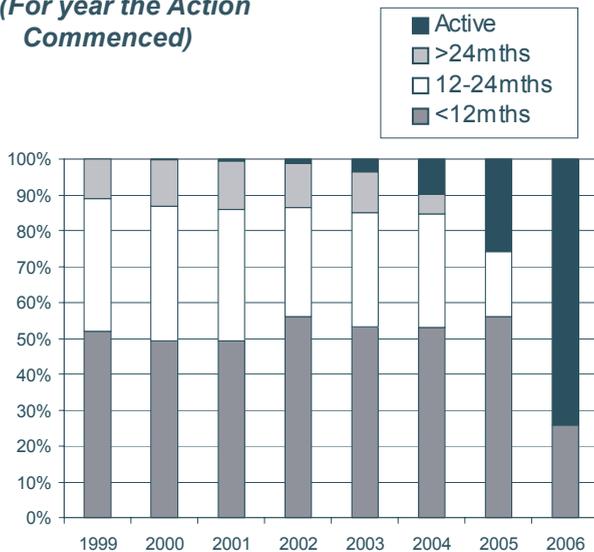
In 2006, 55% of all actions completed were finalised within 12 months, with 83% being completed within 24 months. This compares to 50% and 79%, respectively, in 2005.

Of the pending caseload at the end of 2006, 16% exceeded 18 months, the same as in 2005.

Of matters commenced in 2006, 24% were completed during the year. For matters

commenced in 2004, 54% were completed within 12 months, and 73% within 24 months.

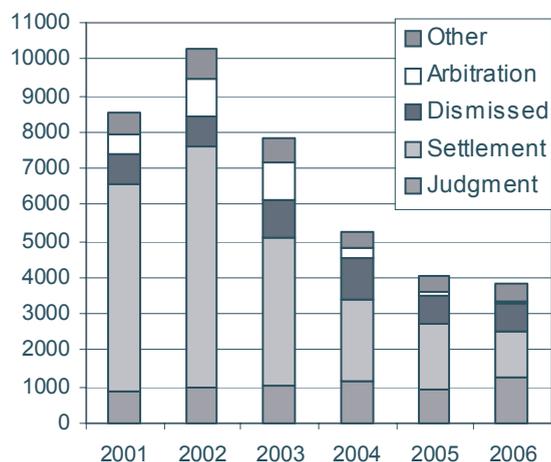
Figure 4. Completion Times (For year the Action Commenced)



MANNER OF DISPOSAL

Figure 5 compares the manner in which civil actions in the last 4 years have been disposed.

Figure 5. 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

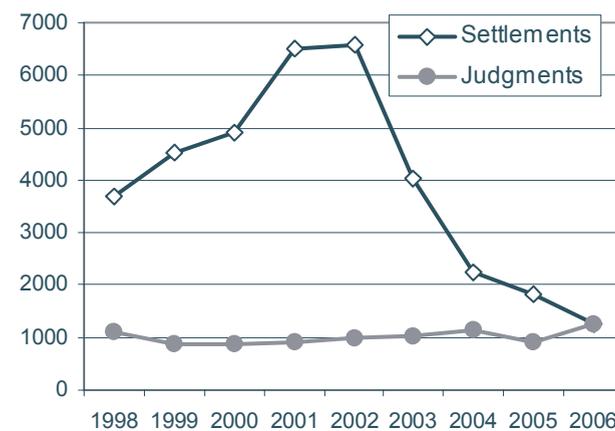
Judgment	Settlement	Dismissed	Arbitration Awards	Discontinued	Transferred	Total
1,251	1,258	772	35	438	69	3,823

Table 1 (at the bottom of the page) sets out the break-up of how matters were completed in 2006.

It shows that in 2006, 1,251 matters resulted in a court judgment. Yet in 2001 when the disposal figure was more than double that of 2006, the number of court judgments was only 916.

Figure 6 below shows there has been a significant drop in recent years in the number of settlements, with no real change in the number of court judgments.

Figure 6. Judgments/Settlements



Settlements consume minimal court time. It is the cases which proceed to judgment that place the most demands on court time.

ALTERNATIVE DISPUTE RESOLUTION

MEDIATION

The List Judge or the Judicial Registrars refer all suitable long cases before the Sydney District Court to mediation.

On 15 August 2005, the Court introduced a court run mediation scheme in the Sydney District Court. Under this scheme, either the List Judge or the Judicial Registrar may refer matters to an Assistant Registrar to mediate.

Some judges have also mediated in a number of matters.

Civil Jurisdiction

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 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 2006, 179 matters were referred to arbitration as compared to 296 in 2005, 605 in 2004, 1,973 in 2003 and 6,575 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.

RESIDUAL JURISDICTION

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

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

- The Police Act 1990 concerning police officers "hurt on duty" and the Police Regulation (Superannuation) Act 1906 concerning the payment of superannuation benefits to police officers
- Payment under the Police Regulations (Superannuation) Act 1906, paid to STC (the SAS Trustee Corporation continued under the Superannuation Administration Act 1996) and special risk benefits payable by the Commissioner of Police
- The Workers' Compensation Act 1987 concerning workers in or about a coal mine

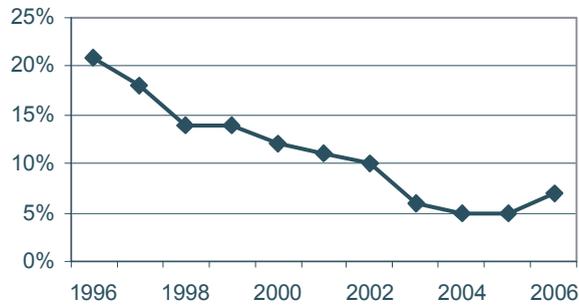
- The Workers Compensation (Dust Diseases) Act 1942
- The Sporting Injuries Insurance Scheme
- The Workers' Compensation (Bush Fire, Emergency & Rescue Services) Act 1987.

During 2006, 388 actions were commenced and 471 were finalised. There were a total of 238 matters on hand in the residual jurisdiction at the end of 2006.

SYDNEY WEST

Sydney West had 7% of the total number of new actions started in the State in 2006 (excluding the Court's residual jurisdiction). Figure 7 below tracks the variation in the proportional rate of registrations in Sydney West.

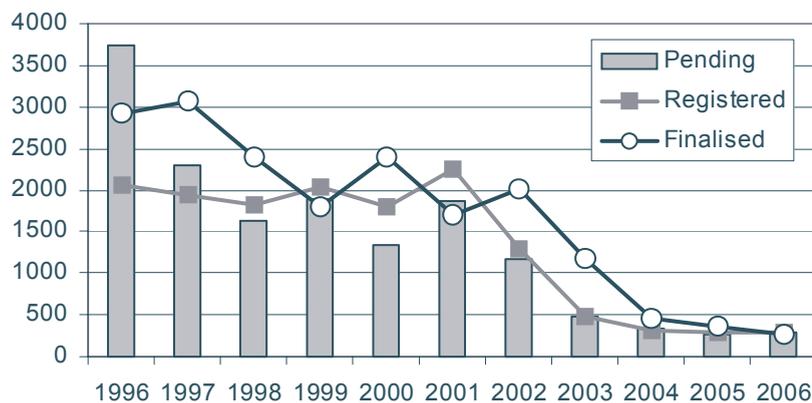
Figure 7. % of NSW Registrations



In Sydney West there were 279 matters registered and 257 dispositions throughout the year. At the end of 2006 the total pending caseload was 281, as compared to 259 the previous year.

Figure 8 shows comparative registrations, finalisations and pending caseloads since 1996.

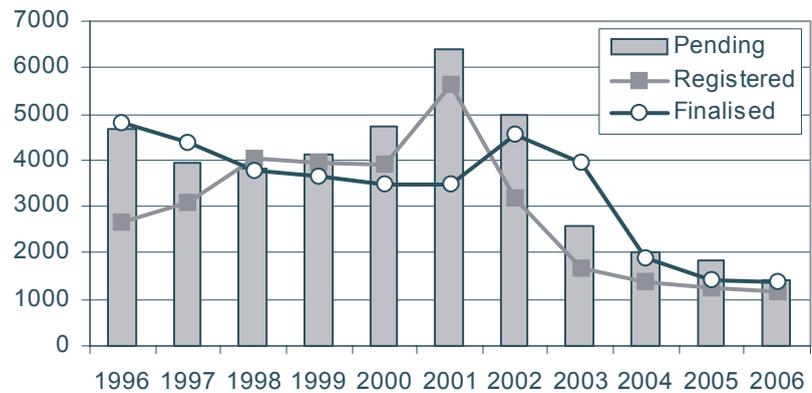
Figure 8. Sydney West Caseload



Pending matters in Sydney West rose by 8% and the median finalisation time was 10.7 months.

22% of pending matters exceeded 18 months.

Figure 10. Country Caseload



Pending matters in the country fell by 23% and the median finalisation time was 13.3 months.

20% of pending matters exceeded 18 months.

COUNTRY

Venues outside of Sydney and Sydney West had 18% of the total number of new actions started in 2006 (excluding the Court's residual jurisdiction). Figure 9 below tracks the proportional rate of registrations rate for Country venues.

Figure 9. % of NSW Registrations



Outside of Sydney and Sydney West, there were 1,145 matters registered and 1,376 dispositions throughout the year. At the end of the year the total pending caseload was 1,435 as compared to 1,854 the previous year.

Figure 10 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 2006:
- ❖ Trial registrations dropped by 3%
 - ❖ Finalisations fell by 8%
 - ❖ Pending trials dropped by 5%
 - ❖ Median disposals times rose from 34.8 to 35.2 weeks
 - ❖ Average length of trials rose by 1%, from 7.4 to 7.5 days

Caseload

There were 1,822 criminal trials registered during 2006 in New South Wales, as compared to 1,869 in 2005 and 2,279 in 2004.

There were 1,881 trials finalised in 2006, as compared to 2,038 in 2005 and 2,189 in 2004.

There were 1,027 trials on hand at the end of 2006, which was a decrease on the 1,086 trials at the end of 2005 and 1,254 at the end of 2004.

Figure 11, at the bottom of the page, tracks the statewide trends in the criminal trial caseload since 1995.

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

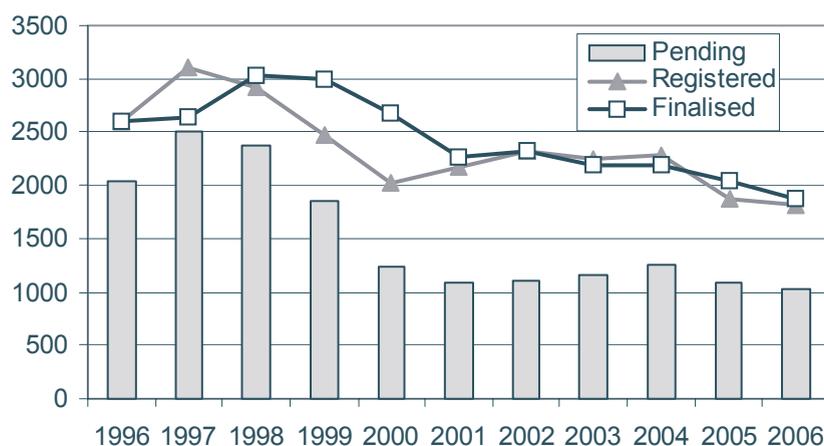
➤ Legislative changes have increased the range of indictable offences capable of being dealt with by Magistrates, which has tended to filter out the shorter matters.

➤ A centralised committal scheme 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. They were relatively stable in 2003 and 2004, but fell in 2005 and 2006.

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

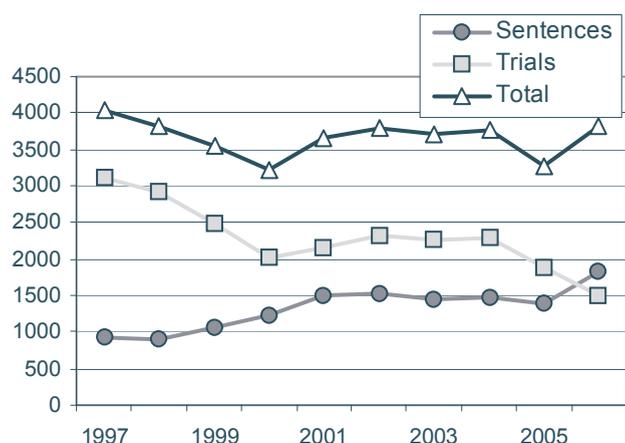
Figure 11. Criminal Trial Caseload



remained relatively stable, although there was a 3% drop in both trials and sentences from 2005.

Figure 12 shows variations in trial and sentence registrations since 1997.

Figure 12. 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.

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 2006, 43% of trial disposals where the accused was in custody were finalised within 4 months, and 8% exceeded 12 months. Where the accused was on bail, 26% of disposals occurred within 4 months, with 17% exceeding 12 months.

Figure 13 below sets out comparative compliance rates with time standards for all trials finalised.

Figure 13. All Registered Trials Finalised - Time Standards Compliance Rate

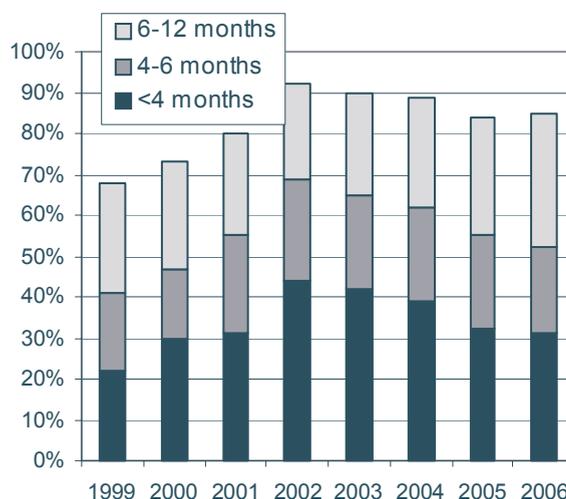


Figure 14 below shows the age of all trials which were pending at the end of the year indicated.

Figure 14. All Registered Trials - Pending Matters

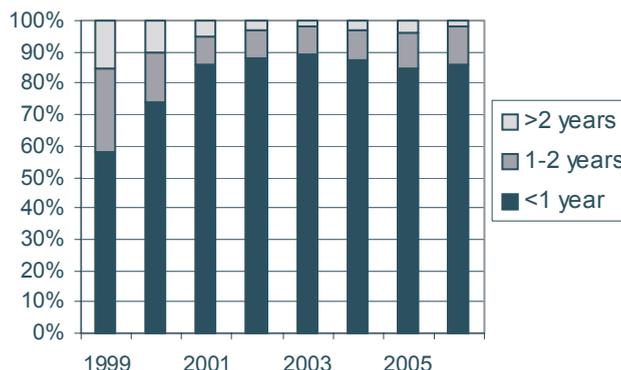
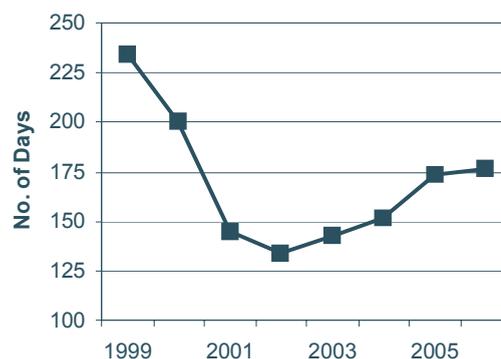


Figure 15 tracks the median disposal times, from committal to commencement of the trial, for matters finalised during the year indicated.

Figure 15. Median Disposal Times - Criminal Trials



Between 1998 and 2002 the Court substantially improved waiting times in criminal trials. However, since then waiting times have started to rise. This

Criminal Jurisdiction

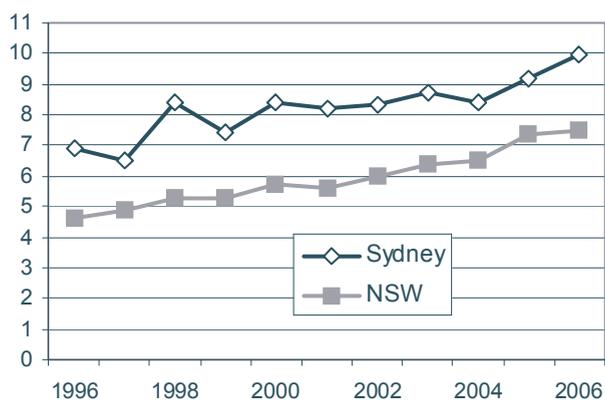
will continue to be closely monitored by the Court.

Trial Durations

The statewide average length of criminal trials finalised in 2006 was 7.5 days, as compared to 7.4 days in 2005. In Sydney the average duration was 10.0 days, compared to 9.2 days.

Figure 16 illustrates the fluctuating rise in the average trial duration time.

Figure 16. 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 and Sydney West are to be in conformity with Criminal Practice Note 1.

This Practice Note provides:

- ◆ cases committed to trial in the Downing Centre are to be listed for mention on the last sitting day of the following week (normally a Friday) for first mention in the arraignment list;
- ◆ in Sydney West a similar procedure is adopted but the first mention day varies from court to court;
- ◆ where an appeal against severity is lodged in the Local Court the date of hearing in the District Court is endorsed on the Notice of Appeal;
- ◆ the provision of legal assistance is 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;
- ◆ the listing judges in Sydney West may fix further management dates for the trials;
- ◆ any application to vacate a hearing date should be made as soon as a party becomes aware of the grounds relied on and, wherever possible, at least 10 days before the listed trial date.

Listings in country circuits are to be in conformity with Criminal Practice Note 2, which provides:

- ◆ the listing of case is to be done on the basis of listing three trials per week and the sittings will be conducted as a running list for the week;
- ◆ when listing trials at any circuit sittings with a duration of two or three weeks, 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. Similarly if there is a third week of sittings, trials listed in the third week will be mentioned on the Monday of the second week of the sittings for the judge to allocate a hearing date;
- ◆ in the ordinary course of events no trial will be marked not reached until the last week of the sittings;
- ◆ parties are encouraged to bring forward any trial matter which may be a plea to enable the Registrar to list it for plea or mention at the sittings;
- ◆ any application to vacate a trial during the sittings should be notified to the judge on the first day of the sittings and the application should be made by notice of motion and supported by affidavit.

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 2,100 trials were listed for hearing in 2006. Figure 17 shows the break-up of those matters not dealt with.

Figure 17. Trial Listings Not Dealt With

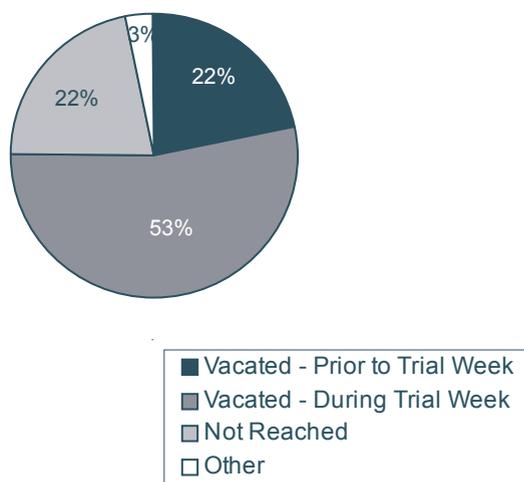


Figure 18 shows the break-up of those matters which were dealt with after being listed.

Figure 18. Trial Listings Dealt With

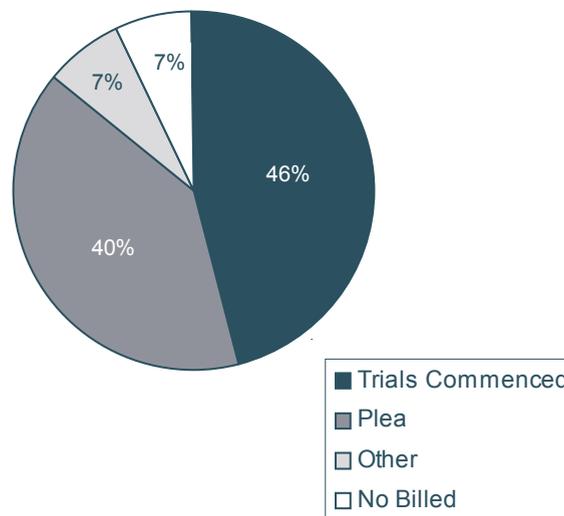
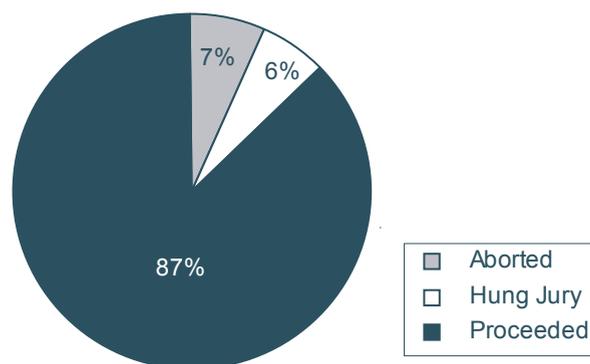


Figure 19 shows the outcome of those which commenced.

Figure 19. Trials Commenced



The table on the following page sets out trial listing outcomes for 2006.

Table 2. Trial Listing Outcomes

	Sydney	Sydney West	Country	Total
NOT DEALT WITH	25%	33%	37%	32%
Vacated	24%	26%	21%	24%
Prior to Trial Week	4%	14%	3%	7%
During Trial Week	20%	12%	18%	17%
Other Not Dealt With (Trial Week)	1%	7%	17%	8%
Not Reached	0%	6%	15%	7%
Other	1%	1%	2%	1%
DEALT WITH	75%	67%	63%	68%
Dealt With Prior to Trial Week	1%	9%	3%	5%
No Billed	1%	1%	1%	1%
Bench Warrant	0%	1%	0%	0%
Plea	0%	6%	1%	2%
Other (eg. deceased)	0%	1%	0%	1%
Transferred	0%	1%	0%	1%
Dealt With In Trial Week	31%	33%	34%	32%
No Billed	4%	4%	4%	4%
Bench Warrant	1%	1%	1%	1%
Plea	22%	25%	27%	25%
Other (eg. deceased)	2%	1%	1%	1%
Transferred	1%	3%	1%	2%
Trials Commenced	43%	25%	26%	31%
Aborted	2%	3%	3%	2%
Hung Jury	3%	1%	2%	2%
Proceeded	38%	21%	21%	27%

Of trials dealt with in 2006 (ie. 68% of total listings):

- ❖ 40% pleaded guilty
- ❖ 39% proceeded to verdict
- ❖ 7% were "no billed"
- ❖ 3% were transferred
- ❖ 4% were aborted
- ❖ 3% ended with a "hung jury"
- ❖ 3% were otherwise disposed
- ❖ 1% had bench warrants issued

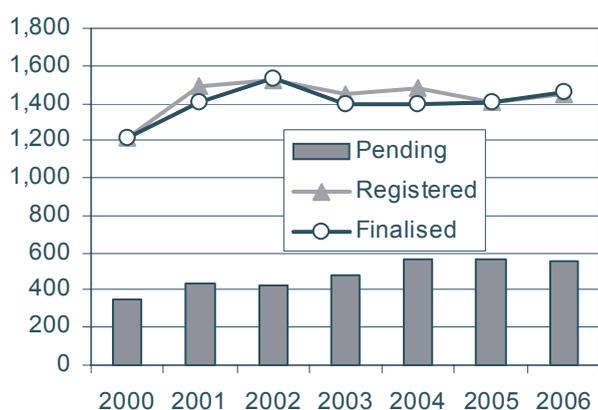
SHORT MATTERS

Sentences

There were 1,448 committals for sentence received in 2006 and 1,464 matters were finalised. At the end of the year there were 550 sentence matters pending, compared to 556 at 2005.

Figure 20 tracks the sentence caseload since 2000.

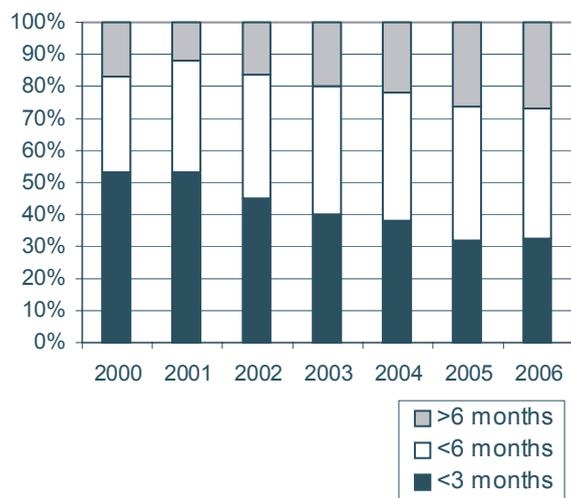
Figure 20. Sentence Caseload



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 21 illustrates compliance rates with time standards.

Figure 21. Compliance with Time Standards

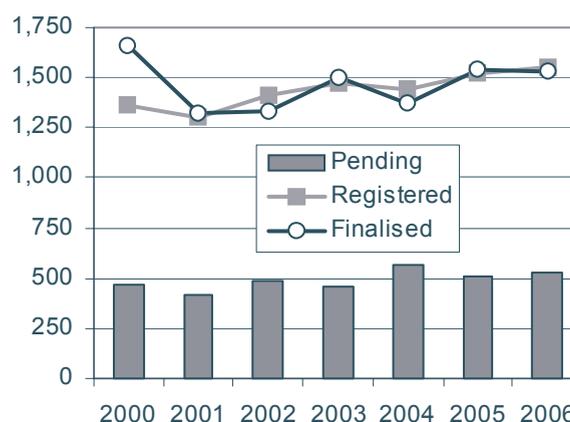


All Grounds Appeals

There were 1,555 all ground appeals lodged in 2006 and 1,536 finalisations. At the end of the year there were 526 all ground appeals pending, 4% less than 2005.

Figure 22 tracks the sentence caseload since 2000.

Figure 22. All Grounds 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 23 illustrates compliance rates with time standards.

Figure 23. Compliance with Time Standards

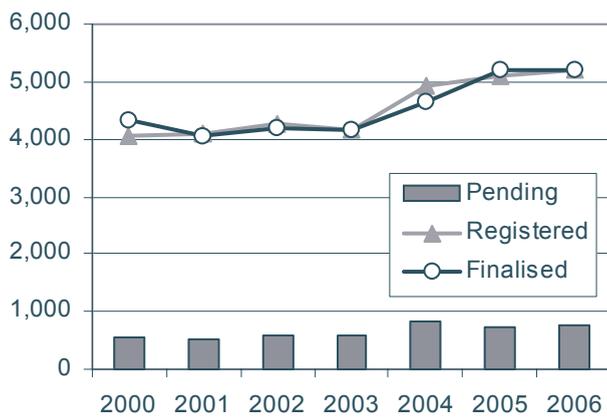


Sentence Appeals

There were 5,212 sentence appeals lodged in 2006 and 5,191 finalised. At the end of the year there were 750 sentence appeals pending, 3% less than 2005.

Figure 24 tracks the sentence appeals caseload since 2000.

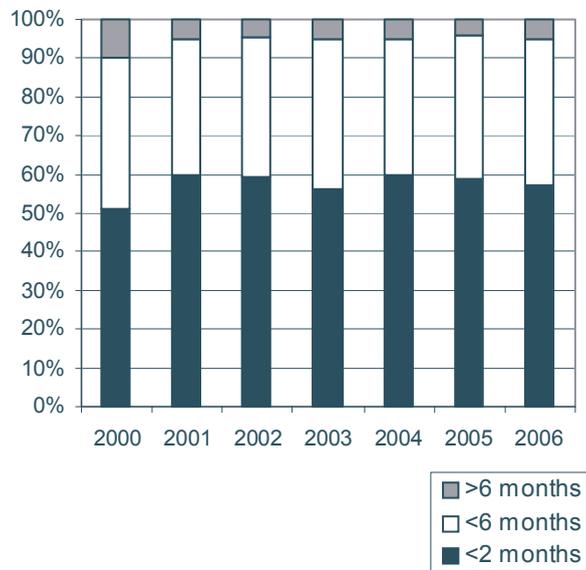
Figure 24. Sentence Appeals Caseload



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 25 illustrates compliance rates with time standards.

Figure 25. Compliance with Time Standards



JUDICIAL RESOURCES

ALLOCATED SITTINGS

Table 3 sets out the number of judicial sitting weeks allocated in 2006 as published in the Court's Calendar of Sittings.

Table 3. Sitting Allocations

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	842	20.7	33%
	Civil	680	16.7	27%
Sydney West	Criminal	439	10.8	17%
	Civil	23	0.6	1%
Major Country	Criminal	148	3.6	6%
	Civil	59	1.5	2%
Other Venues	Criminal	304	7.5	12%
	Civil	70	1.7	3%
Total	Criminal	1,733	42.7	68%
	Civil	832	20.5	32%
	All	2,565	63.2	100%

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

ACTUAL SITTINGS

Table 4 sets out the number of days actually sat by the Court in 2006, converted into weeks (by dividing the number of days by 5).

Table 4. Actual Sitings

Location	Jurisdiction	No. of Weeks	Judge EFT	%
Sydney	Criminal	860	21.2	34%
	Civil	677	16.7	27%
Sydney West	Criminal	407	10.0	16%
	Civil	18	0.5	1%
Major Country	Criminal	148	3.7	6%
	Civil	58	1.4	2%
Other Venues	Criminal	280	6.9	11%
	Civil	55	1.4	2%
Total	Criminal	1,694	41.7	68%
	Civil	809	19.9	32%
	All	2,503	61.7	100%

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

COMPARISONS WITH 2005

Overall, there were 31 more weeks of sittings in 2006 than 2005. This resulted in 106 more weeks of criminal sittings and 75 fewer weeks of civil sittings.

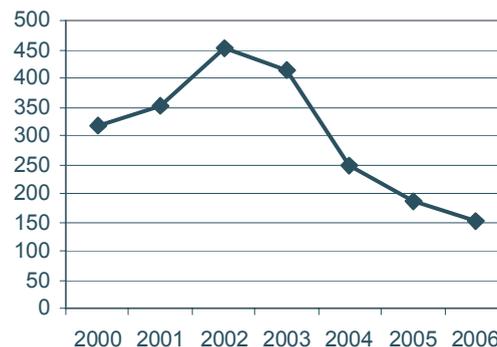
Most of the civil drop occurred in the Sydney jurisdiction, which had 45 fewer sitting weeks. Virtually all of the criminal increase occurred in the Sydney and Sydney West areas, which had 43 and 56 greater sitting weeks respectively.

ACTING JUDGES

An extra 994 days of actual sitting was provided by Acting Judges. Based on a maximum of 40.6 sitting weeks per year for a permanent judge, this equated to 4.9 additional judges.

Figure 26 below shows the fluctuations in the number of Acting Judge weeks attained since 2000.

Figure 26. Acting Judge Weeks



SITTING DETAILS

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

Judicial Resources

Table 5. District Court Sittings 2006

	ALLOCATED (weeks)		AVAILABLE (days)		ACTUALLY SAT (days)		*AVERAGE RECORDED HOURS	
	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL	CRIME	CIVIL
SYDNEY	842	680	4066	3290	4298	3383	4.12	3.94
CAMPBELLTOWN	173	0	836	0	675	0	4.52	N/A
PARRAMATTA	139	21	673	99	778	88	4.59	4.20
PENRITH	127	2	618	9	580	4	4.10	4.25
SYDNEY WEST TOTAL	439	23	2127	108	2033	92	4.43	4.21
GOSFORD	48	7	234	35	234	28	4.41	4.68
NEWCASTLE	57	36	276	175	275	189	4.19	4.07
WOLLONGONG	43	16	208	80	233	74	4.18	3.72
O/S TOTAL	148	59	718	290	742	291	4.26	4.04
ALBURY	11	6	55	30	48	26	5.04	3.96
ARMIDALE	8	2	39	10	39	10	5.38	4.00
BATEMANS BAY	0	3	0	15	0	13	N/A	3.77
BATHURST	12	2	58	10	61	6	4.48	3.83
BEGA	13	0	64	0	50	0	4.12	N/A
BOURKE	2	0	10	0	9	0	5.56	N/A
BROKEN HILL	10	1	49	5	34	3	3.82	3.67
COFFS HARBOUR	19	4	93	20	89	19	4.67	3.79
COONAMBLE	3	0	15	0	11	0	4.64	N/A
DUBBO	29	4	143	19	144	14	4.72	3.71
EAST MAITLAND	15	0	75	0	81	0	4.94	N/A
GOULBURN	12	0	58	0	50	0	4.42	N/A
GRAFTON	9	0	45	0	37	0	4.41	N/A
GRIFFITH	9	2	45	10	38	6	4.37	3.67
INVERELL	1	0	5	0	3	0	4.33	N/A
LISMORE	49	12	242	58	226	58	3.61	4.78
MAITLAND	0	5	0	25	0	13	N/A	4.31
MOREE	8	0	39	0	35	0	5.46	N/A
NOWRA	12	0	56	0	60	0	4.98	N/A
ORANGE	11	6	55	30	54	20	4.67	4.05
PARKES	6	0	26	0	20	0	4.70	N/A
PORT MACQUARIE	12	6	60	30	59	19	4.86	4.74
QUEANBEYAN	11	2	54	10	46	9	4.28	4.00
TAMWORTH	11	3	54	15	54	12	4.39	5.25
TAREE	16	4	74	20	78	12	4.74	4.42
WAGGA WAGGA	15	8	70	40	73	37	5.51	4.78
COUNTRY TOTAL	304	70	1484	347	1399	277	4.55	4.35
STATE TOTAL	1733	832	8395	4035	8472	4043	4.28	3.98

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