

— 01 —

COURT PROFILE



Jurisdiction and Division

The court system in New South Wales is structured on a hierarchical basis. The Supreme Court is a superior court of record and, as such, has an inherent jurisdiction in addition to its specific statutory jurisdiction.

The Supreme Court of New South Wales: Our place in the court system

The Supreme Court has appellate and trial jurisdictions. The appellate courts are the:

- Court of Appeal; and
- Court of Criminal Appeal.

The Court has two trial Divisions:

- Common Law Division; and
- Equity Division.

This structure facilitates the convenient dispatch of business in accordance with the provisions under section 38 of the *Supreme Court Act 1970*. All criminal work is undertaken in the Common Law Division.

Section 23 of the *Supreme Court Act 1970* provides the Court with all jurisdiction necessary for the administration of justice in New South Wales. The Supreme Court has supervisory jurisdiction over other courts and tribunals in the State, which is generally exercised by the Court of Appeal.

The Land and Environment Court of New South Wales and the Industrial Relations Commission sitting in Court Session are specialist courts of statutory jurisdiction. The Judges of these courts have the status of Supreme Court Judges.

Appeals from the Land and Environment Court are heard by the Court of Appeal. Decisions of the Industrial Relations Commission may be subject to judicial review in the Court of Appeal for jurisdictional error.

The District Court of New South Wales sits between the Supreme Court and the Local Court. Both the District Court and the Local Court are subject to statutory jurisdictional limits.

The NSW Civil and Administrative Tribunal (NCAT) was established by the *Civil and Administrative Tribunal Act 2013*. The NCAT is the single point of access for specialist tribunal services in NSW, consolidating the work of 22 former tribunals. There are four divisions of the NCAT: the Administrative and Equal Opportunity Division, the Consumer and Commercial Division, the Guardianship Division and the Occupational Division.

Appeals may be brought from NCAT to the Supreme Court. Appeals may also be brought from the Personal Injury Commission to the Supreme Court.

Judges

The judicial officers of the Supreme Court of New South Wales are its Judges and one Associate Judge. The Registrars of the Court have limited decision-making powers.

The Governor of New South Wales formally appoints the Judges of the Court following a decision by Cabinet. Judicial appointments are made based on a legal practitioner's integrity, high level of legal skills and the depth of his or her practical experience.

Appointment is pursuant to section 25 of the *Supreme Court Act 1970*. Section 25 specifies that the Court will include: a Chief Justice, a President of the Court of Appeal and such other Judges of Appeal, Judges and Associate Judges as the Governor may appoint from time to time. The Governor is also empowered to appoint qualified persons as Acting Judges of Appeal or Acting Judges when the need arises.

The Chief Justice is, by virtue of the office, a Judge of Appeal, and the senior member of the Court of Appeal. The other members of the Court of Appeal are the President and the Judges of Appeal. The Judges of the Court are assigned to specific Divisions and ordinarily confine their activities to the business of those Divisions. The Chief Justice may certify that a particular Judge should act as an additional Judge of Appeal in a particular matter before the Court of Appeal.

The *Supreme Court Act 1970* also provides that the Chief Justice may appoint Judges to administer a specific list within the Common Law or Equity Divisions.

Set out below are the Judges of the Court, in order of seniority, as at 31 December 2024.

Chief Justice of NSW

The Hon. Andrew Bell

President of the Court of Appeal

The Hon. Justice Julie Ward

Judges of Appeal

The Hon. Justice Fabian Gleeson
 The Hon. Justice Mark Leeming
 The Hon. Justice Anthony Payne
 The Hon. Justice David Hammerschlag
 The Hon. Justice Anna Mitchelmore
 The Hon. Justice Jeremy Kirk
 The Hon. Justice Christine Adamson
 The Hon. Justice Kristina Stern
 The Hon. Justice Ian Harrison
 The Hon. Justice Richard McHugh
 The Hon. Justice Michael Ball

Chief Judge at Common Law

The Hon. Justice Ian Harrison

Chief Judge in Equity

The Hon. Justice David Hammerschlag

Acting Judges of Appeal

The Hon. Acting Justice John Basten
 The Hon. Acting Justice John Griffiths
 The Hon. Acting Justice Derek Price AO

Judges (In order of seniority)

The Hon. Justice Michael Walton
 The Hon. Justice Stephen Rothman AM
 The Hon. Justice Michael Slattery AM AM (Mil) RAN
 The Hon. Justice David Davies
 The Hon. Justice Peter Garling RFD
 The Hon. Justice Ashley Black
 The Hon. Justice James Stevenson
 The Hon. Justice Stephen Campbell
 The Hon. Justice Geoff Lindsay AM
 The Hon. Justice Francois Kunc
 The Hon. Justice Robertson Wright
 The Hon. Justice Peter Hamill
 The Hon. Justice Helen Wilson
 The Hon. Justice Des Fagan
 The Hon. Justice Natalie Adams
 The Hon. Justice Julia Lonergan
 The Hon. Justice Guy Parker
 The Hon. Justice Kelly Rees
 The Hon. Justice Lea Armstrong
 The Hon. Justice Mark Ierace

The Hon. Justice Richard Cavanagh
 The Hon. Justice Kate Williams
 The Hon. Justice Hament Dhanji
 The Hon. Justice Elisabeth Peden
 The Hon. Justice Mark Richmond
 The Hon. Justice Michael Meek
 The Hon. Justice Dina Yehia
 The Hon. Justice Nicholas Chen
 The Hon. Justice Sarah McNaughton
 The Hon. Justice Richard Weinstein
 The Hon. Justice Deborah Sweeney
 The Hon. Justice Scott Nixon
 The Hon. Justice Anthony McGrath
 The Hon. Justice Sarah Huggett
 The Hon. Justice Ian Pike
 The Hon. Justice James Hmelnitsky
 The Hon. Justice Timothy Faulkner
 The Hon. Justice Belinda Rigg
 The Hon. Justice Andrew Coleman

Acting Judges

The Hon. Acting Justice Michael Elkaim
 The Hon. Acting Justice RA Hulme

The Hon. Acting Justice Monika Schmidt AM

Associate Judges

The work of an Associate Judge involves hearing applications that arise before trial, certain types of trial work and work on proceedings that the Court of Appeal or a Judge may refer to the Associate Judge.

Applications that arise before trial include:

- applications for summary judgment
- applications for dismissal of proceedings
- applications for extensions of time to commence proceedings under various Acts
- applications for the review of decisions of Registrars.

As at 31 December 2024, the Court's only Associate Judge was the Honourable Joanne Ruth Harrison (Common Law Division).

In the Common Law Division, an Associate Judge conducts hearings of actions for personal injury and possession of property. Associate Judges also hear other cases (without a jury) that are referred by the Court of Appeal or a Judge, in addition to appeals from the Local Court and various tribunals.

Appointments

The Hon. Justice Ian Pike was sworn in as a Judge on 30 January 2024.

The Hon. Justice James Hmelnitsky was sworn in as a Judge on 1 February 2024.

The Hon. Justice Tim Faulkner was sworn in as a Judge on 23 May 2024.

The Hon. Justice Belinda Rigg was sworn in as a Judge on 24 July 2024.

The Hon. Justice Richard McHugh was sworn in as a Judge of Appeal on 20 August 2024.

The Hon. Justice Andrew Coleman was sworn in as a Judge on 1 October 2024.

The Hon. Justice Michael Ball was sworn in as a Judge of Appeal on 04 November 2024.

Retirements

The Hon. Justice Richard White, Judge of Appeal, retired on 19 December 2024.

The Hon. Justice Richard Button, Judge, retired on 24 August 2024.

The Hon. Justice Anthony Meagher, Judge of Appeal, retired on 1 August 2024.

The Hon. Justice Trish Henry, Judge, retired on 16 February 2024.

The Hon. Justice John Sackar, Judge, retired on 16 February 2024.

The Hon. Justice Stephen Robb, Judge, retired on 02 February 2024.

Judicial Education

It is nationally and internationally recognised that judges should continue their education for the duration of their judicial career. The Australian national standard endorses at least five days each calendar year of judicial education and training relating to the judicial officer's responsibilities.

Our Supreme Court judges fulfill this in various ways including after appointment attending the National Judicial Orientation Program (NJOP), conducted by the National Judicial College of Australia, with input from the Judicial Commission of New South Wales. Held in various locations around Australia, this five-day orientation program assists newly appointed judicial officers with their transition to judicial office by facilitating the development and refinement of the skills and knowledge necessary for effective judging.

National Judicial Orientation Program

- 17-22 March 2024: Justices Nixon and McGrath attended the Brisbane NJCA
- 10-15 November 2024: Justices McHugh, Pike, Faulkner and Hmelnitsky attended the Perth NJCA

The Judicial Commission of New South Wales – ongoing education

The Judicial Commission offers an extensive education program for judicial officers (including the Supreme Court), ranging from annual conferences, as well as seminars, webinars and workshops on specific aspects of law, procedure, judicial skills and social context issues. The programs are designed to keep judicial officers up to date with current developments and emerging trends. The Commission aims to continuously renew judicial skills and provide information about changes to the law, court procedure and community values.

The Court's annual conference, attended by most judicial officers, was held again in Newcastle in August 2024 at two locations one of which was the University of Newcastle's inner city teaching facility. The program encompassed a diverse range of topics providing the opportunity to improve the skills and knowledge of judicial officers as well as provoke discussion about the role of the judiciary in the legal profession, trends in AI and global issues impacting national interests. Speakers included:

- Panel with Dr Aditya Joshi, Dr Fleur Johns and Dr Andrew Lynch – *Generative AI and its implications for legal education*
- Justice Sarah McNaughton – *Suppression Orders*
Panel with Dr Arlie Loughnan and Dr Hayley Bennett on *Hyper-knowledge and the future of law*
- Major General (Ret'd) Paul Symon AO – *National security, framework and current global issues*
- Professor David Rolph – *Refinements in the law on contempt*
- Justice Ian Harrison and Justice Natalie Adams – *Developments in Criminal Law*
- Dr Jessica Hudson – *The proper purpose rule-preventing law's international abuse*
- Justice James Stevenson – *The Adoption Jurisdiction*

An additional international perspective was provided by the court's guest, Lord Hamblen, Justice, Supreme Court of the United Kingdom, who spent time in conversation with the court on issues of relevance to both jurisdictions. Author and journalist Mr Nick Bryant ended the conference with a perspective on American authoritarianism and Donald Trump.

Cross-jurisdictional programs

Cross-jurisdictional programs aim to facilitate discussion about current issues and provide opportunities for exchanging ideas between members of different courts. The Banco Court is the venue for many of these sessions and was extremely well attended for Professor Michele Pathe's presentation on 'A psychological perspective on sovereign citizens' on 20 February 2024.

Other cross-jurisdictional programs included:

- 14 March 2024: *Bias in the jury room: understanding stereotypes about domestic violence and what to do about it*
- 27 March 2024: *Lessons Learned from Incarcerated Domestic Violence Survivors*

The Ngara Yura Committee

The Judicial Commission's Ngara Yura Program was initially established in 1992 in response to the final recommendations of the Royal Commission into Aboriginal Deaths in Custody that judicial officers should receive instruction and education on matters relating to Aboriginal customs, culture, traditions and society.

Judicial officers have an important responsibility to 'listen, learn and lead' when dealing with Indigenous Australians who come before them. The Ngara Yura Program also provides Aboriginal people with an opportunity to learn about the judicial process.

Justice Dina Yehia is Chair of the Committee and Justice Natalie Adams also serves on the Committee.

The following Ngara Yura programs were attended by one or more judicial officers:

Ngara Yura Program seminars and webinars in 2024

- 12 March 2024: 'Unconscious bias in the Australian Public Service'
- 8 May 2024: 'The Australian jury in black and white'
- 5 November: 'History and personalities of the Walama List' (with Frances Forbes Society)
- Ngara Yura Program site visit
- 26 October 2024: Site visit to Holsworthy Military Area

Education Committee

The Supreme Court Education Committee, in partnership with the Judicial Commission of New South Wales, plans and organises continuing judicial education for judges of the Court.

Members

The Hon. Justice Anna Mitchelmore (Chair)

The Hon. Justice Tony Payne

The Hon. Justice Peter Hamill

The Hon. Justice Mark Ierace

The Hon. Justice Elisabeth Peden

The Hon. Justice Scott Nixon

Ms Rebel Kenna, Acting Executive Director and Principal Registrar

Ms Catherine Kenny, Director, Education and Research, Judicial Commission of NSW (Convenor)

Ms Anne-Elise Smith, Manager, Programs, Judicial Commission of New South Wales (Convenor from March 2023-March 2024)

Judicial Information Research System (JIRS)

In addition, there are online resources permanently available on the JIRS database to judges of the Supreme Court. Bench books and other research tools are available and are updated regularly. Several judicial officers serve on Bench book committees which oversee the updating and maintenance of these essential resources.

Where possible, Supreme Court judges are also able to view and participate in programs remotely either via the live streaming of certain programs or viewing programs that have been recorded and stored on JIRS.

International Education

In 2024, Justice Kristina Stern was appointed to the editorial board of the Bulletin, the International Organization for Judicial Training (IOJT) newsletter, an on-going communication tool supporting the work of the IOJT as a virtual community.

The Registrars

Registrars of the Court are appointed under section 120 of the *Supreme Court Act 1970* pursuant to the provisions of the *Government Sector Employment Act 2013*. The Chief Justice may also certify officers of the Supreme Court or Local Court to act as Deputy Registrars of the Court from time to time.

Registrars are allocated to work within the Court of Appeal, the Court of Criminal Appeal or to one of the Court's Divisions. They are permitted to work outside particular Divisions, if required.

Registrars are delegated power of the Court by the Chief Justice under the s 13 of the *Civil Procedure Act 2005* to undertake some of the functions formerly performed by Judges and Associate Judges under the *Supreme Court Rules 1970*, *Uniform Civil Procedure Rules 2005*, and other legislation.

A significant amount of work completed by Registrars is the assessment and determination of uncontested probate applications. In addition, the work of the Registrars commonly includes:

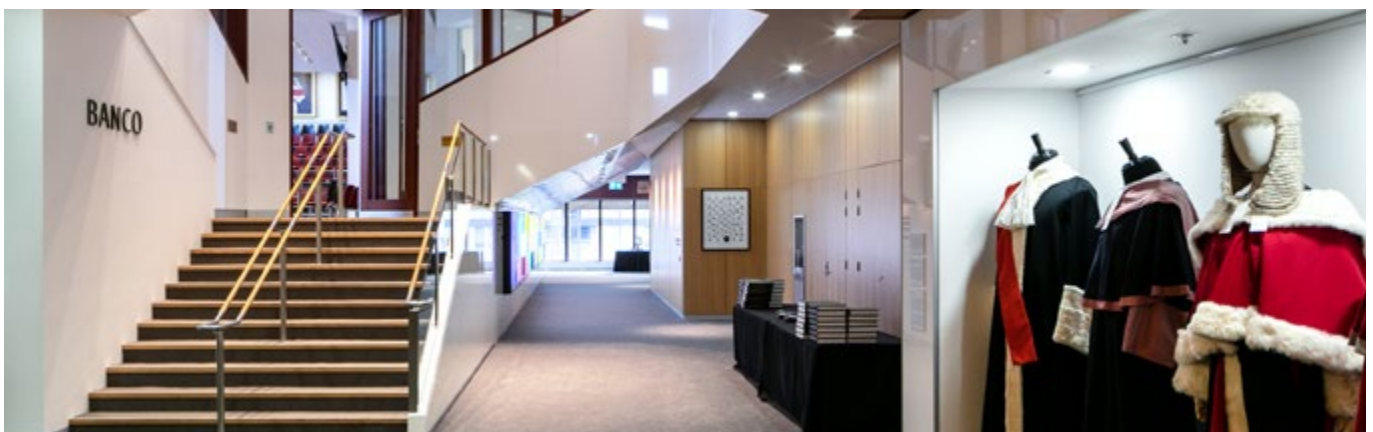
- case managing defended matters up to final hearing;
- hearing and determining interlocutory applications including but not limited to security for costs, discovery, interrogatories, provision of particulars, and subpoenas;
- hearing costs disputes if the amount in question is unlikely to exceed \$20,000;
- determining unopposed applications for the transfer of cases to or from the District Court;
- conducting examinations under various Acts, including the *Corporations Act 2001* (Cth), the *Proceeds of Crime Act 1987* (Cth), the *Proceeds of Crime Act 2002* (Cth), and the *Criminal Assets Recovery Act 1990* (NSW);

- dealing with applications for orders under many of the provisions of the *Corporations Act 2001* (Cth), such as the winding up of companies;
- hearing applications as referred to them by a Judge or Associate Judge;
- issuing court orders and writs of execution; and
- entering default judgments.

The *Supreme Court Rules 1970* and delegations under the *Civil Procedure Act 2005* permit Registrars to directly assist the Judges in case flow management. For instance, in the Court of Appeal, the Registrar deals with most interlocutory applications, excluding applications to stay judgment pending an appeal. In the Common Law Division, a Registrar conducts directions hearings in the General List and also assists the Possession List and Professional Negligence List Judges.

The Registrars may also be called upon to mediate cases. During 2024, ten of the Court's Registrars were qualified mediators and available to conduct mediations throughout the year on a rostered basis.

Deputy Registrars are rostered to act as Duty Registrar and to provide procedural assistance each day to court users in person, or by email or telephone. They also attend to the issue of court orders, writs of execution and other miscellaneous matters.



Set out below are the Registrars of the Court, as at 31 December 2024:

Acting Executive Director and Principal Registrar

Rebel Kenna

Acting Director, Assistant Principal Registrar and Prothonotary

Brett Thomson

Registrar, Court of Appeal

Peter Onisforou

Registrar, Court of Criminal Appeal

George Galanis

Registrar, Common Law Case Management

Jennifer Hedge

Registrar in Equity

Leonie Walton

Registrar, Corporations List

Leonie Walton

Registrar in Probate

Lynda Gerritsen

Senior Deputy Registrars

Brendan Bellach

Suzin Yoo

Sivashna Chetty

Peter Clayton

Claudia Czerwinski

Elizabeth Orr

Deputy Registrars

Shashi Palagummi

Tara Aftanas

Kateryna Shulha

Monique Welch

Marija Araci

The work of the Registry

The Registry provides administrative and clerical support to the Court.

In civil matters, the Registry is responsible for:

- accepting documents filed at the Court;
- securing the custody of court documents including exhibits and documents produced under subpoena;
- listing matters for hearing;
- issuing court process;
- attending to the information needs of the Court's users by providing procedural guidance;
- maintaining the Court's physical files and computer records; and
- ensuring that all the necessary facilities are available for hearings.

In criminal matters, the Registry provides support in processing committals, bail applications, applications under Part 7 of the *Crimes (Appeal and Review) Act 2001*, and Common Law Division criminal summary jurisdiction proceedings.

In respect of the Court of Appeal, the Registry provides specialised administrative and clerical support to the Court of Appeal Judges and offers procedural guidance to litigants and their representatives. Similarly, for the Court of Criminal Appeal, the Registry provides support to the Judges hearing criminal appeals and also issues orders concerning the custody of prisoners.

Management of the Registry

The Chief Justice directs the priorities to be pursued by the Registry. In general, the priorities reflect the central aim of meeting the expectations of Court users competently, efficiently and professionally.

Operational management of the Registry is handled by the Executive Director and Principal Registrar of the Court. The Executive Director is responsible for securing and managing the resources provided to the Court by the New South Wales Department of Communities and Justice. The Executive Director also provides executive support to the Court's judicial officers and develops strategies to improve the delivery of Registry services. These duties are undertaken in close consultation with the Chief Justice, other judicial officers, the Department, key professional bodies and Court users.