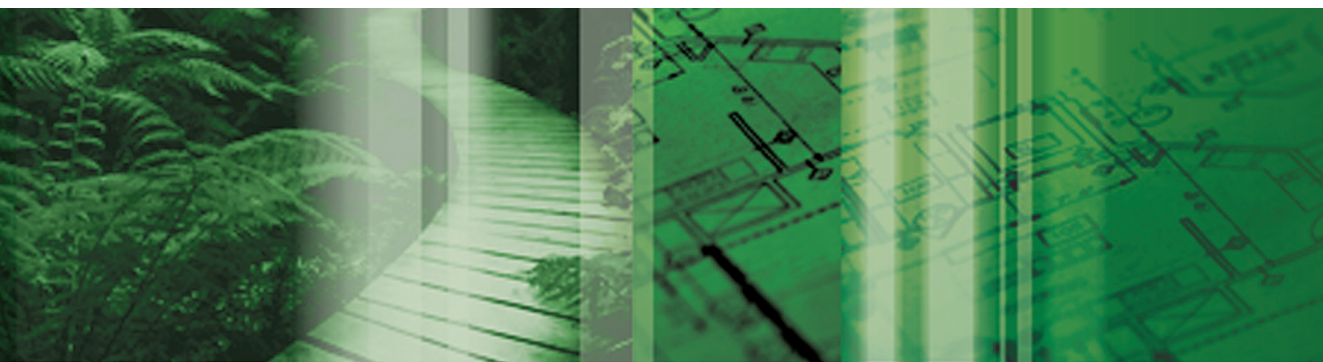


The Land and Environment Court of NSW



Annual Review
2003

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Introduction

In the middle of 2003 the Honourable Mahla Pearlman AM retired after 12 years as Chief Judge. Her Honour contributed greatly to the work of the Court, both by efficient management of the Court's business and through Her Honour's contribution to the development of environmental law in Her Honour's many judgments. The Court has benefited from Her Honour's skilful leadership, particularly during times of controversy.

It is apparent that over time merit review hearings in the Court have grown in both length and complexity, the number of witnesses is greater and the intensity of the forensic contest has increased. Merit review has become a more formal process with increased costs burdens for all involved. Instead of the object of merit review being to achieve the best community outcome many cases become a contest where the object is to win, sometimes whatever the cost.

The Court has decided to respond to these issues and make changes to its procedures to increase the efficiency of the merit review process and minimise the costs to community and individuals of merit review hearings. Some of these changes are:

- > increased case management in complex Class 1 proceedings,
- > commencing Class 1 proceedings at 9.30am on site and taking some evidence on site,
- > use of Court-appointed experts,
- > minimisation of cross-examination,
- > a change in the test for awarding costs,
- > agreement by experts on basic facts, and
- > concurrent evidence of experts.

The changes have already brought significant benefits in early 2004, especially in reducing hearing times. Many cases that would previously have taken two or three hearing days are completed in one day.

It is important that the outcome of merit appeals should not be seen, particularly by public authorities as a win or a loss, but rather as the resolution of a community issue. Significant public and private funds are invested in litigation in the Court and it is a fundamental obligation of the Court to ensure that these funds are expended in the most efficient and effective manner. Unless steps are taken to constantly refine the processes of merit review, costs will continue to increase and access to the Court will diminish.

The Court will closely monitor the changes that have been made and where the need for further change is identified will respond accordingly.

Justice Peter McClellan
CHIEF JUDGE

Highlights for 2003

Appointment of new Chief Judge:

On 25 August 2003, The Honourable Justice Peter McClellan was sworn in as the Chief Judge of the Land and Environment Court. This follows the retirement of the former Chief Judge, The Honourable Justice Mahla Pearlman AM on 4 July 2003. The Honourable Justice Neal Bignold was appointed Acting Chief Judge for the intervening period between the retirement of Justice Pearlman and the appointment of Justice McClellan.

Amendments to the Land and Environment Court Act (the LEC Act)

On 10 February 2003, a series of amendments to the LEC Act came into effect. The main amendments are:

- > **On site hearings:** All class 1 appeals are to be determined, according to specified criteria, as "on site hearing matter" or "Court matters". The determination will be made by the Registrar at the first or a subsequent call over. Once a matter is determined to be an "on site hearing matter" it will be dealt with by means of the hearing on site presided over by a commissioner.
- > **Extension of Review Power:** The power for a council to review a determination of a development application has been extended from 28 days to 12 months.
- > **Modification of Court-granted Consents:** Councils are now empowered to modify a development consent granted by the Court, subject

to compliance with requirements for notification to objectors to the original development application.

- > **Easements:** If the Court has determined to grant development consent, provisions now exist to make an order imposing easements over land, not subject to the development application.

Commissioner decisions on the Internet

Judgments of the commissioners are now available on the Internet. Many decisions of the commissioners involve matters of significant debate within a local community. The availability of the judgments on the Internet will provide much more open access to the full terms of these judgments. This access will allow the community to have a greater understanding of the assessment process and the principles, which are considered and applied by the Court in determining development applications.

Changes to Court practices

In late 2003 notice was given of changes to specific practices and procedures of the Court. These were set out in the new amendments to existing practice directions and rules.

- > **Practice Direction No. 17 - Pre - Hearing Practice Direction:**
This Practice Direction addresses the practices and procedures in classes 1,2 and 4 prior to the hearing. Its purpose is to save costs and time by avoiding unnecessary appearances before the Court and to conduct

proceedings efficiently. Specific areas that are addressed include Statement of Issues, Statement of Basic Facts, Directions Hearings and Expert Evidence.

- > **Practice Direction No. 21:** This Practice Direction addresses s 40 of the *Land and Environment Court Act 1979* and the granting of easements over land and other than land upon which an approved development is to be sited. The Practice Direction advises that the questions raised in relation to s 40 should not be raised to adjudicate upon at the hearing of the relevant development appeal.
- > **Practice Direction No. 22:** Expert Witness Practice Direction 2003 - This Practice Direction replaces the existing 1999 Practice Direction relating to expert witnesses.
- > **Practice Direction No. 23:** This Practice Direction amends Land and Environment Court Practice Direction 1993 - Duty Judge - by providing for Consent Orders to be heard by a commissioner in place of the Duty Judge.
- > **Practice Direction No. 24:** This Practice Direction amends Land and Environment Court Practice Direction 1993 - Costs - by providing procedures for costs to be considered by commissioners and with the opportunity for parties to make submissions to the Chief Judge on the question of whether he should confirm the proposed costs order.
- > **Land and Environment Court Rules (Amendment No. 8) 2003:** the object of the Rule Amendment is to provide a new basis for the awarding of costs in planning and building and valuation appeals. Costs orders will not be made "unless the Court considers that the making of a costs order is, in the circumstances of the particular case, fair and reasonable"
- > **Land and Environment Court Rules (Amendment No. 9) 2003:** The object of this Rule Amendment is to provide for the commencement of separate class 3 proceedings seeking an order pursuant to s 40 of the *Land and Environment Court Act 1979* that an easement be imposed over land in circumstances where the Court has determined to grant consent to an appeal under s 97 of the *Environmental Planning and Assessment Act 1979*.
- > **Land and Environment Court Rules (Amendment No. 10) 2003:** The object of this Rule Amendment is to adopt rules with respect to proceedings in class 4 that ensure that expert evidence is presented in accordance with the Court's new Practice Direction on Expert Witnesses.
- > **Land and Environment Court Rules (Amendment No. 11) 2003:** The object of the Rule Amendment is to enable call overs conducted by the Registrar in classes 1,2 and 3 to be conducted by a judge or commissioner where the Chief Judge has made the necessary arrangements pursuant to s 30 of the *Land and Environment Court Act 1979*.
- > **On site Hearings:** On site hearings commenced in 2003. A 9 month review of the operation of on site hearings revealed that the majority of matters set down for this form of hearing dealt with

qualitative assessments on matters such as streetscape, character and building design. Despite the informal nature of on site hearings legal representation was high and expert reports were regularly lengthy and excessive in their content. Generally, the number of on site hearings is consistent with the number of s 34 Conferences in previous years.

Court Conference

The 2003 Court Conference was held in the "Southern Highlands" on 8 - 9 May 2003. A major conference topic was Ecologically Sustainable Development and the conference also included a field trip to an archaeological and heritage site.

The Judicial Commission of NSW assisted the Court's Education Committee to organise the conference.

International Visitors

The judges of the Court attended a course on "Judgment Writing Skills" on 14 and 15 August 2003. The course was presented by the internationally renowned expert, Professor Jim Raymond of New York, USA.

Mr Justice Lloyd presented a paper "Environmental Law in Practice" at a training programme for visiting judges from Indonesia. The project was managed by Australian Legal Resources International (ILDF), with the support of the Judicial Commission of NSW and the Australian Institute for Judicial Administration (AIJA). Justice Lloyd also presented a session on the Court's role in administering environmental and planning law at a training programme for visiting

senior managerial staff from Russian land administration agencies. This programme was coordinated by the Department of Information Technology and Management and the Russian Centre for Land Reform Implementation.

Papers

The Chief Judge, Justice Peter McClellan presented a paper to the Environmental Planning Law Association (EPLA) on 29 November 2003. In this speech entitled "Achieving the best outcome for the community", the Chief Judge outlined his intentions to introduce a number of changes to the Court's practices and procedures in early 2004.

Justice Talbot delivered papers to the Urban Development Institute of Australia (UDIA) in August, to the Environmental Planning Law Association (EPLA) in November and to the NEERG in December.

Justice Cowdroy presided over an inter-University Property Moot Court challenge court in November.

Justice Pain addressed the Australian Institute of Administrative Law at UNSW on Human Rights and a Judicial Conference Colloquium in Darwin, both in May. Her Honour also delivered a paper to NELA in Broken Hill in October.

Future Directions

LEC On Line

The Registry will continue to consolidate and promote the use of the Court's eCourt system. A project is underway to expand the facility by including a range of enhancements that have been developed from user feedback. The Court's plans for 2004 also include:

- > The re-launch of the Court's website that will feature additional content material and improved navigational and design features;
- > The expansion of the use of the Court's video conferencing facility;
- > The continued expansion of the use of voice recognition software. It is expected that all commissioners will have access to this facility by March 2004; and
- > The consolidation of the initiative launched in September 2003 to post all commissioner decisions to the Internet by making available some of the more significant decisions from previous years.

Court performance

The Court continued its strong performance in 2003 in all classes, targeting matters that were not previously finalised within the time standards. The new strategies to be implemented in 2004 should see the Court continue to improve its performance in relation to the time standards.

Changes to Court practices and procedures

The amendments to the Court's Practice Directions and Rules will see a significant change in the way merit appeals are prepared and heard by the Court. The Chief Judge has stated that he considers it is important that the merit review process achieve the best outcome for the community and that public and private funds are being invested in order to achieve a community outcome. The amendments will ensure that the processes of the Court are efficient and that legal costs and costs of providing expert evidence are minimised. The impact of the amendments to the Court's practices and procedures will be monitored over 2004 to ensure their effectiveness.

"The changes are aimed at achieving the most efficient disposition of merit appeals, with the least cost to parties, as well as providing the Court with evidence from experts who have the confidence of all parties"

> Justice Peter McClellan, Chief Judge.

Profile of the Court

The Court's jurisdiction

The Land and Environment Court was established on 1 September 1980 by the Land and Environment Court Act 1979 (the LEC Act) and conferred with the status of a superior court of record. It is a specialist court that has an appellate and a review jurisdiction in relation to planning, building and environmental matters. Jurisdiction is exercised by reference to the nature of the subject matter of the application. Sections 16 to 21B of the LEC Act provide for seven classes of jurisdiction in the Court

Class 1 (s17) *environmental planning and protection appeals.*

These matters are mostly merit reviews in relation to development applications but they may also be appeals against council orders.

Class 2 (s18) *local government and miscellaneous appeals*

This class deals with appeals against council enforcement or compliance notices such as fire safety orders or the keeping of animals on premises.

Class 3 (s19) *land tenure, valuation and compensation matters*

These matters are mostly appeals against land valuations made by the Valuer-General and applications for compensation for resumption of land.

Class 4 (s20) *environmental planning and protection, and civil enforcement*

Class 4 includes judicial review of decisions of consent authorities on administrative grounds, as well as applications for declarations and injunctive relief.

Class 5 (s21) *environmental planning and protection – criminal enforcement*

In this class the Court exercises summary criminal jurisdiction in the prosecution of pollution offences and various breaches of environmental and planning laws.

Classes 6 and 7 (s21A & s21B)

The Court hears appeals from convictions for environmental offences in the Local Court.

Judges and Commissioners

On 31 December 2003 the Court comprised six judges and 10 commissioners. Judges have the same rank, title, status and precedence as judges of the Supreme Court. Judges preside over all class 4, 5, 6 and 7 matters and can hear matters in all other classes of the Court's jurisdiction.

Commissioners are appointed for a term of seven years. The qualifications and experience required for a commissioner are specified in section 12 of the Act and include the areas of:

- > local government administration;
- > town planning;
- > environmental science;
- > architecture, engineering, surveying or building;
- > natural resources management;
- > urban design or heritage.

The primary function of commissioners is to hear and determine merit appeals in

classes 1, 2, and 3 of the Court's jurisdiction. On occasion the Chief Judge may direct that a commissioner sit with a judge, or that two commissioners sit together to hear class 1, 2 and 3 matters.

Section 12 of the Act also provides for the appointment of commissioners who have suitable knowledge, qualifications and experience to deal with disputes under the Aboriginal Land Rights Act 1983. These commissioners are appointed on a casual basis and hear matters when the need arises.

Members of the Court

On 31 December 2003, the Court comprised the following judges:

TITLE	APPOINTED
CHIEF JUDGE	
The Honourable Justice Peter McClellan	August 2003
JUDGES	
The Honourable Justice Neal R Bignold	June 1985
The Honourable Justice Robert N Talbot	April 1992
The Honourable Mr Justice David Lloyd	February 1997
The Honourable Justice Terry Sheahan AO	April 1997
The Honourable Justice Dennis Cowdroy OAM	June 1999
The Honourable Justice Nicola Pain	March 2002

At the same date the following commissioners were members of the Court:

TITLE	APPOINTED
SENIOR COMMISSIONER	
Dr John Roseth	As a commissioner, March 1995 As Senior Commissioner, February 2002
COMMISSIONERS	
Mr Anthony J Nott	August 1985
Mr Stafford J Watts	September 1988
Mr Trevor A Bly	August 1990
Mr Robert Hussey	September 1993
Mr Kevin Hoffman	March 1995
Mr Graham Brown	June 1997
Ms Janette S Murrell	February 1998
Ms Annelise Tuor	October 2002
Mr Tim Moore	November 2002

Appointments and retirements

The Honourable Justice Peter McClellan was sworn in as Chief Judge of the Court on 25 August 2003 following the retirement of the former Chief Judge, The Honourable Justice Mahla Pearlman AM on 4 July 2003.

Justice Sheahan continued with his existing appointment (begun in March 2002) as President of the Workers Compensation Commission. The operative legislation requires the President to be a serving judge so Justice Sheahan retains his commission as a judge of the Court.

The Court Registrar, Ms Megan Greenwood was appointed as Acting CEO and Principal Registrar of the Supreme Court of NSW in March 2003. In November 2003, Ms Greenwood was appointed to the position on a full time basis. In her absence, Ms Pauline Green was appointed as Acting Registrar in March 2003, and Mr Wayne Montgomery as Acting Assistant Registrar in August 2003.

The Registry

The Court Registrar has the overall administrative responsibility for the Court, as well as exercising quasi-judicial powers such as conducting callovers, issue conferences and mediations. The Chief Judge directs the Registrar on the day to day running of the Court.

The Court is a business centre within the Attorney General's Department. The Registrar, as Business Centre Manager, has reporting and budgetary responsibilities to the Director General of that department.

The Court Registry provides administrative support to the judges and commissioners to assist them in hearing and determining cases. The Registry is comprised of four distinct sections.

These are:

SECTION 1 Client Services	This section's personnel are the initial contact for Court users and provide services such as procedural assistance, filing and issuing of court process, maintaining of records and exhibits, as well as having responsibilities under the Public Finance and Audit Act 1983.
SECTION 2 Listings	Provides the allocation of resources and the administration of process for all court files. This section provides listing services, including preparation of the Court's daily and weekly program. Listings also publishes the daily Court list to the Internet and administers a free email notification service to over 200 subscribers.
SECTION 3 Information and Research	This section reports directly to the Chief Judge and the Registrar, providing regular statistical reporting and undertakes research and information gathering regarding the Court's activities. This section is also responsible for the administration of the Court's website and the CaseLaw judgment database.
SECTION 4 Commissioner Support	Provides word processing and other support in the preparation of commissioners' judgments.

Caseflow Management

Overview

The Court continues to take an active approach to caseflow management. The Chief Judge, in consultation with the Court's judges, determines the Court's caseflow management strategy. This strategy is reflected in the Court's rules and practice directions and in the way matters are managed by the Court on a day-to-day basis. In a press release dated 19 December 2003, the Chief Judge, Justice Peter McClellan indicated that there would be a series of changes to the Court rules and new practice directions to take effect in early 2004. These will serve to further improve the Court's case management options by allowing for judges and commissioners to conduct call overs and case management conferences in planning appeals.

Over 2003, the Court operated four main lists:

- > criminal list
- > registrar call over list (generally held Tuesday to Friday)
- > registrar telephone call over list (generally held on Monday)
- > Chief Judge call over list (class 4)

The Court's List Judge manages the criminal list. Other matters in classes 1 to 3 are in the actual or telephone call over lists and are generally case managed by the Registrar. Matters in the actual and telephone call over lists may use the Court's electronic call over system (eCall over) via eCourt. While the Registrar case manages most matters to hearing, some matters are referred to the List Judge, Duty Judge or another judge for directions or other interlocutory matters. Generally, the Duty Judge deals only with urgent applications to the Court. From September 2003, the Chief Judge commenced a call over list for all matters in class 4 of the Court's jurisdiction. These matters are listed before the Chief Judge for directions and case management.

Hearing options

Following amendments to the *Land and Environment Court Act* that took effect on

10 February 2003, all planning appeals brought under s 97 of the *Environmental Planning and Assessment Act 1979* are determined according to specified criteria, as "on site hearing matters" or "court matters". The Registrar of the Court makes this determination at the first or subsequent call over. If the matter is determined to be an "on site hearing matter", it will be dealt with by means of a hearing on site presided over by a commissioner. All other matters will be "court matters" and are dealt with by a hearing in court by a judge, by one or more commissioners, or by a judge and one or more commissioners, as the Chief Judge directs.

Commissioners may also conduct conciliation conferences under s 34 of the *Land and Environment Court Act 1979* and these conferences usually take place at the site of the property in question. In most instances the parties will agree for the commissioner to make a binding decision.

While judges may hear merit appeals, mostly they deal only with cases concerning legal issues. Such cases may be dealt with on the papers (by consent of the parties) or more commonly by a formal court hearing, when the rules of evidence will apply.

Alternative Dispute Resolution

The Court encourages Alternative Dispute Resolution (ADR). Part 5a of the LEC Act specifically enables the Court to refer matters to mediation where the Court considers the circumstances appropriate and where the parties agree to the referral. The Court can provide free mediation services to those involved in Land and Environment Court litigation via trained mediators from the Registry's management. Additionally, the Chief Judge publishes a list of court-approved mediators.

"The Court's revised case management strategy resulted in a 30% decrease in the number of class 1 matters pending for more than 6 months" >

Court Performance in 2003

Time standards

Over the years it has become apparent that the time taken for merit appeals to be finalised before the Court has increased. Matters before the Court are becoming more complex and so take longer to resolve. This increasing complexity makes it difficult for the Court to meet its time standards. The standards were adopted in 1996 (see below). To avoid having to change these standards the Court has adopted the approach that it is a better outcome for all stakeholders if the Court introduces changes to practices in the Court. The changes will lead to a more streamlined approach to case management. The successful implementation of these changes should then free up time for officers of the Court to devote more time to matters in other classes.

The time standards for the disposal of matters are as follows:

- > classes 1, 2 and 3 - 95% of applications to be disposed of within six months of filing
- > classes 4, 5, 6 and 7 - 95% of applications to be disposed of within eight months of filing

The Court also monitors the time taken for reserved judgments to be handed down. This time standard is determined from the date of the last day of hearing to the delivery date of judgment. The time standards for reserved judgments are as follows:

- > 50% of reserved judgments in all classes are to be delivered within 14 days of hearing
- > 75% are to be delivered within 30 days of hearing
- > 100% are to be delivered within 90 days of hearing

Overview of 2003 performance

In 2003 the number of new registrations remained at a similar level compared to 2002 for all classes, apart from class 3 matters. There was a 65% rise in the number of new registrations in class 3, reflecting soaring land values and major infrastructure projects underway in the Sydney region.

Having two extra commissioners in 2003 enabled the Court to target matters that had not been disposed of previously within the time standards. As a result there has been a 30% fall in the number of class 1 matters pending for more than 6 months. It is expected that the new practice directions and case management strategies that take effect in 2004 will further enable the Court to reduce its pending caseload while generally reducing the time taken to resolve class 1 merit appeals.

The Court hopes to further improve its compliance with time standards in 2004. For instance in 2003, 72% of classes 4, 5 & 6 matters were disposed of in 8 months (up from 66% in 2002). Additionally 95% of all matters in these classes disposed in 2003 were done so within 15 months of registration, down from 20 months in 2002. Matters in classes 1, 2 & 3 saw a similar improvement: 95% of matters disposed in 2003 were done so within 12 months of registration, down from 19 months in 2002.

While the time standards were not achieved in 2003, it is hoped that 2004 will see a further positive move towards meeting the time standards. In late 2003 the court devoted considerable resources to performing a quality audit on the data collection.

Court performance by class of jurisdiction

Class 1 development appeals

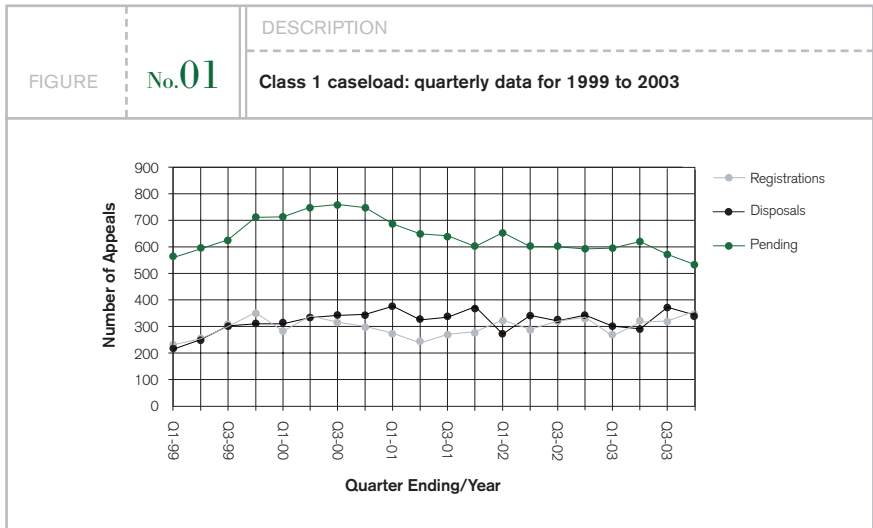
Class 1 matters continue to constitute the bulk of the Court's caseload, yet only about 1% of all development applications submitted to councils in NSW result in a merit appeal to the Court. In 2003, 71% of all class 1 matters disposed of were appeals under section 97 of the *Environmental Planning and Assessment Act 1979* against councils' determination of development applications, 54% of which originated as 'deemed' refusals. 'Deemed' refusals arise when the council fails to process development applications within 40 days of application.

Of the remaining matters disposed of in 2003, 13% were appeals to amend development consent and 10% were appeals against council orders and failure of council to issue building certificates.

Applications for costs and appeals against the Court's decisions constituted the remaining appeals.

Class 2 building appeals

The number of registrations in class 2 continued to fall in 2003. Class 2 matters now represent less than 2% of all registrations. The number of matters pending (5 in total) appears to have fallen significantly in 2003. This decrease is due to 121 matters ("the Telecommunications Cases") having been stood over awaiting a hearing in the High Court of Australia. Once this judgment has been delivered the court will be in a position to hear these matters & resolve them.



The graph above shows the quarterly caseload for class one matters for the last four years

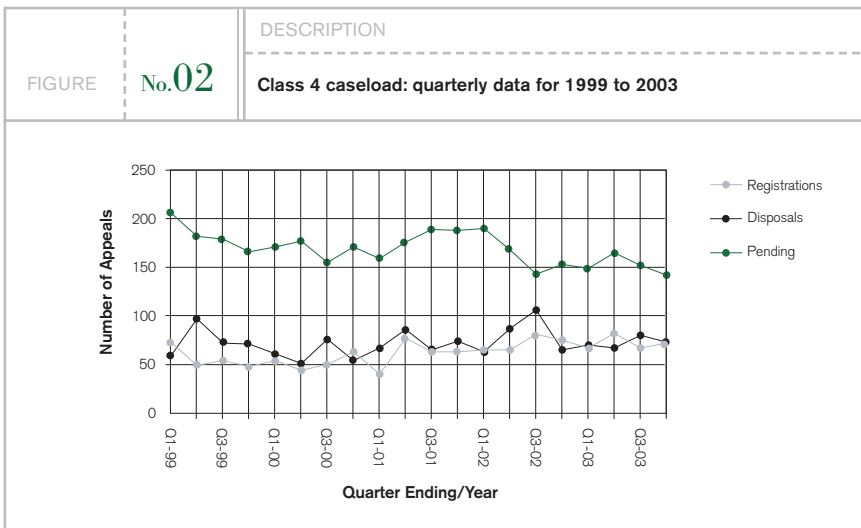
Class 3 miscellaneous appeals

Class 3 of the Court's jurisdiction encompasses a range of proceedings including resumption matters, valuation and rating appeals and some Aboriginal land rights matters.

Registrations in class 3 rose by 65% in 2003. An analysis of class 3 matters before the Court over the last 2 years indicates a trend towards an increase in compensation claims for resumption of land. Resumption appeals now constitute nearly 50% of all appeals in class 3. Valuation appeals now only account for 50% of class 3 appeals. Of all valuation appeals disposed of in 2003, 70% were disposed of pre-hearing.

Class 4 civil enforcement

Class 4 registrations and finalisations remained stable in 2003. These matters are concerned with the enforcement of council orders, breach of development consents & relief when development has been performed without council consent. Of all class 4 matters disposed of in 2003, 63% were initiated by councils, 10% were claims for costs and 8% were appeals initiated by third party objectors to development consents issued by councils.



The graph above shows the quarterly caseload for class four matters for the last four years

Class 5 criminal enforcement

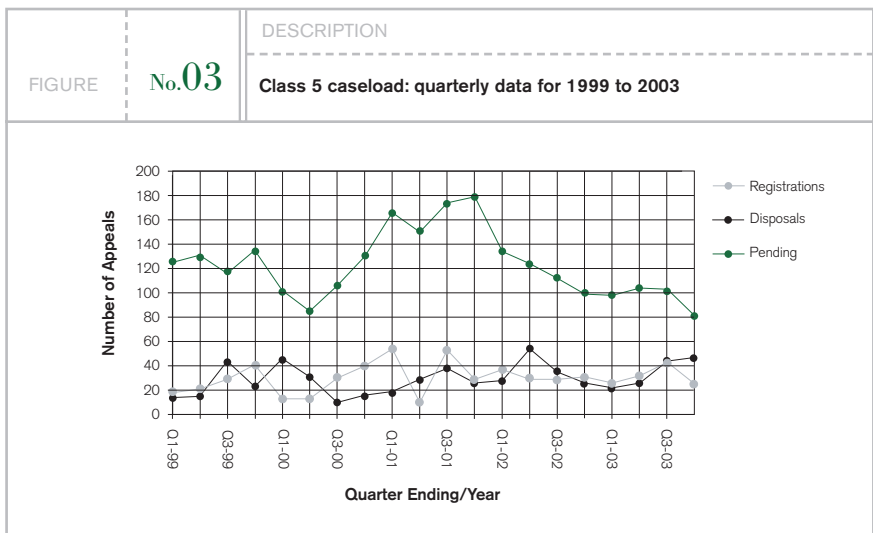
There was no significant change in the number of class 5 registrations in 2003, compared to 2002. The number of pending matters fell slightly as finalisations slightly exceeded registrations. The Environment Protection Agency initiated 35% of all new registrations, down from 44% in 2002, while the number of matters initiated by local councils increased to 45% - up from 38%. Other statutory bodies initiated 20% of all new registrations.

Class 5 matters are initiated by summons. Of the 140 matters disposed of in 2003, convictions were recorded on 80 summonses. There were 23 pre-trial

disposals where the summonses were withdrawn. The remainder were dismissed. Fines for conviction ranged from \$500 to \$250,000 for a pollution offence relating to waterways.

Class 6 & 7 appeals from Local Court

Five new class 6 appeals were filed in 2003, 5 of which were disposed of in 2003. In 2003 the Court had its first class 7 appeal filed. The matter is pending.



The graph above shows the quarterly caseload for class five matters for the last four years

Appeals

There are two types of appeals that can be generated from decisions of the Court. Firstly, commissioner decisions may be appealed to a judge of the Court. Such appeals are confined to errors of law and do not permit a review of the commissioner's merit decision. Fifteen of these section 56A appeals were lodged in 2003. Of these, 13 were completed at hearing and two remain pending.

Secondly, appeals from judge decisions in classes 1 to 4 are heard in the Court of Appeal. Appeals from judge decisions in class 5 are heard in the Court of Criminal Appeal. In 2003, 27 appeals with appointment were lodged with the Court of Appeal and two appeals were lodged with the Court of Criminal Appeal.

Appendices

Court performance definitions

Disposals Completed matters (either by Court adjudication or at the pre-trial stage)

Pending Current active files

Pre-trial disposals Matters that have been completed prior to the substantive hearing. These matters are completed by discontinuance, consent orders, mediation or section 34 conference.

Registrations New initiating process

Restorations Matters that have initially been completed by the Court, but have been reactivated by the parties

Time for Disposal Calculated by deducting the date of registration from the date of completion

TABLE	No. 01	TITLE				
		Caseload Statistics				
		YEAR				
		99	00	01	02	03
CLASS 1						
Registrations		1152	1254	1077	1124	1206
Restored		131	131	203	160	69
Pre-Trial Disposals		456	629	697	708	635
Disposed by Hearing		635	719	731	585	689
Pending		731	770	608	*637	593
CLASS 2						
Registrations		83	34	47	32	27
Restored		22	3	5	5	3
Pre-Trial Disposals		25	6	2	17	7
Disposed by Hearing		99	40	24	11	13
Pending		136	127	153	*116	**5
CLASS 3						
Registrations		331	177	107	113	188
Restored		8	13	15	6	2
Pre-Trial Disposals		226	209	92	105	71
Disposed by Hearing		165	83	61	28	63
Pending		273	171	138	*90	147
CLASS 4						
Registrations		224	211	243	239	251
Restored		52	35	67	47	28
Pre-Trial Disposals		142	120	145	218	127
Disposed by Hearing		157	122	147	103	163
Pending		166	170	188	153	142
CLASS 5						
Registrations		109	96	146	124	120
Restored		1	2	15	4	6
Pre-Trial Disposals		3	3	1	25	23
Disposed by Hearing		93	100	111	125	116
Pending		135	127	179	*94	81
CLASS 6						
Registrations		1	2	3	1	5
Restored		0	0	0	1	0
Pre-Trial Disposals		0	0	0	0	1
Disposed by Hearing		0	1	3	2	4
Pending		1	2	2	0	1
TOTAL						
Registrations		1903	1774	1623	1632	1798
Restored		214	184	305	223	109
Pre-Trial Disposals		852	967	937	1073	868
Disposed by Hearing		1149	1065	1077	854	1051
Pending		1441	1366	1268	*1090	1086

* Revised figures following data quality audit

** Pending matters less 121 matters that have been stood over

TABLE	No. 02	TITLE				
		Disposals and Appeals				
		STANDARD/YEAR				
		99	00	01	02	03
Means of Disposal:						
Total disposals – all classes		2110	2030	2036	1927	1919
Total pre-trial disposal		844	970	950	1073	868
% pre-trial disposals		40	47	47	56	45
Class 1, 2 & 3 matters disposed at s 34 and On-site conferences		57	54	93	57	76
Total disposals classes 1, 2 & 3		1206	1392	1454	1321	1486
% s 34 and On-site disposals in classes 1, 2 & 3		4.7	3.9	6	4.3	5.1
Mediations		28	30	10	5	2
Disposal of Cases - compliance with time standards in class 1, 2 & 3						
% completed within 6 months (should be 95%)		79	79	66	63	58
95% completed within (months)		10	10	17	19	12
Disposal of Cases - compliance with time standards in class 4, 5 & 6						
% completed within 8 months (should be 95%)		71	71	73	66	72
95% completed within (months)		12	14	21	20	15
Reserved Judgments - compliance with time standards						
% judgments delivered within 14 days (should be 50%)		39	40	32	30	39
% judgments delivered within 30 days (should be 75%)		66	56	51	56	61
% judgments delivered within 90 days (should be 100%)		96	95	85	90	90
Appeals to the Appellate Courts - Court of Appeal						
Appeal with appointment		32	26	24	29	27
Appeal without appointment		19	12	13	25	33
Total		51	38	37	54	60
Court of Criminal Appeal						
Conviction and sentence		1	1	4	2	2
Severity of sentence		1	1	1	0	0
Sentence only		0	0	0	0	0
Crown appeals		3	0	1	0	0
Costs		1	0	0	0	0
Stated case, section 5A		0	2	1	0	0
Total		8	3	7	2	2

Committees

Court Users Group

Representative

Mr Terry Byrnes
Mr Matthew Baird
Mr Paul Chapman
Dr Laurence de Ambrosis
Ms Isabella Ferguson
Ms Rachel Fitzhardinge
Ms Katherine Gardner
Ms Carina Gregory
Mr Ian Hemmings
Mr Jeff Kildea
Mr Stan Kondilios
Mr Ian Lacey
Mr Peter Lee
Mr Craig Leggat
Mr Tony McGlynn
Mr Ken Morrison
Mr Michael Neustein
Mr John O'Grady
Ms Ilona Miller
Mr Gordon Plath
Ms Gail Sanders
Mr Eugene Sarich
Mr Chris Shaw
Mr John Sheehan
Mr Gary Shiels
Ms Mary-Lynne Taylor
Mr Peter Tomasetti
Mr Michael Whelan
Mr Ian Woodward

Organisation

Byrnes & Associates
Barrister
Department of Local Government
GHD-LongMac Pty Ltd
Maddocks
PlanningNSW
Minter Ellison
Local Government Association of NSW
St James' Hall Chambers
Wentworth Chambers
Maddocks
Ethnic Communities' Council of NSW Inc
Baulkham Hills Shire Council
Selborne Chambers
Land and Water Conservation
Property Council of Australia
Neustein & Associates
Pittendrigh, Shinkfield & Bruce Pty Ltd
Environmental Defender's Office Ltd
Environmental Protection Authority
NSW Property Institute
Self Employed
Phillips Fox
Australian Property Institute Inc
Gary Shiels and Associates
Taylor Kelso
Barrister
MW Consult Pty Ltd
Local Government Lawyers Group

Land and Environment Court representatives on the Court Users Group are as follows:

The Hon. Mr Justice David Lloyd
Senior Commissioner John Roseth
Commissioner Stafford Watts

Library Committee

The Hon. Justice Neal Bignold

Commissioner Jan Murrell

Yvonne Brown, Director, Library Services, Attorney Generals Department

Jack Hourigan, Manager, NSW Law Libraries

Rule Committee

The Hon. Justice Peter McClellan, Chief Judge

The Hon. Justice Neal Bignold

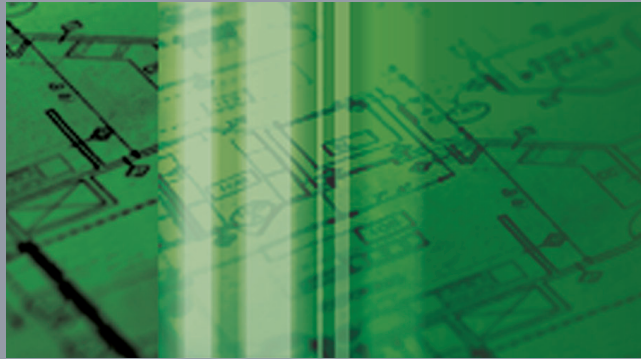
Education Committee

The Hon. Mr Justice David Lloyd

Commissioner Trevor Bly

Ruth Windeler, Judicial Commission of NSW

Charlotte Denison, Judicial Commission of NSW



**Land and Environment
Court**
of New South Wales

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