



NEW SOUTH WALES
BAR ASSOCIATION

14/34

10 November 2014

Servants of All Yet of None

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The Hon G Henson
Chief Magistrate
Local Court of New South Wales
Level 5, Downing Centre
143-147 Liverpool Street
SYDNEY NSW 2000

Dear Chief Magistrate,

Court Sitting Hours

I recently discussed issues relating to the predictability of Court sitting hours with the Chief Justice of the Supreme Court.

As you may already be aware, the predictability of Court sitting hours is an issue that has the potential to significantly impact upon working parents, and others with responsibilities outside their work at the Bar.

Most barristers with family or carer responsibilities do not have difficulties with the current sitting hours and arrange their pickup/carer relief accordingly. The difficulties arise when Court hours are suddenly extended later into the day, or Court days added at short notice. I well recall a hearing, when my daughter was young and I was working part time, which ran late on a Tuesday and was extended into the following Wednesday, commencing at 9 am. Wednesday was the day my nanny worked another job. Some frantic phone calls after we got out of Court on Tuesday evening solved the problem, but it added significant stress to an already stressful situation.

After raising the issue with Chief Justice Bathurst, his honour agreed to provide a note to the Judges of the Supreme Court in the following terms:

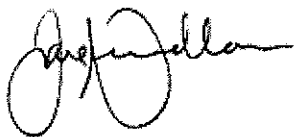
1. That the parties be notified at the earliest possible time of a proposal to commence proceedings any time before 9.30 am or to sit beyond 4.30 pm in the case of Divisions or 4.45 pm in the case of the Court of Appeal.
2. If possible, 24 hours' notice be given of a proposal for an early start date and notice of extended sitting hours be given no later than prior to the luncheon adjournment on the day it is proposed to sit the extended hours.
3. In considering whether or not to set extended hours, it is relevant to consider the family or other carer responsibilities of the practitioner.
4. These suggestions will not apply to bail applications or applications in the Duty Judge list. The suggestions listed above are for guidance only, and are not binding.

I have notified the Association's members of the Chief Justice's guidance on this issue, and the response to date has been overwhelmingly positive.

I would be very grateful if you could consider the wording set out above, and let me know whether you think that it would be possible to provide the Magistrates of your court with guidance in similar terms.

I would be very happy to meet with you and discuss this issue in more details. In any event, if there is anything in relation to this letter that you would like to discuss, please do not hesitate to contact me on 9335-3044.

Yours sincerely,



Jane Needham SC
President