



2023 - 2024
Annual Report

Acknowledgement of Country

The Public Defenders pay their respects to all Traditional Owners and Custodians throughout New South Wales.

We extend our respects to all Elders past and present, including members of the Stolen Generations and their descendants.

We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to lands and waters across New South Wales.

The Hon. Michael Daley MP
NSW Attorney General
52 Martin Place
SYDNEY NSW 2000

Dear Attorney General

2023 – 2024 Annual Review

I am pleased to submit the Public Defenders Annual Review Report 2023–24 for presentation to the New South Wales Parliament.

This report was prepared, and is submitted, pursuant to Section 17 of the *Public Defenders Act 1995* and covers the period 1 July 2023 to 30 June 2024.

After the report is presented to Parliament, it will be available for public access on the Public Defenders website at www.publicdefenders.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'R J Wilson', followed by a long horizontal line extending to the right.

Richard J Wilson SC
Acting Senior Public Defender

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SECTION 1: Foreword

It is my honour to write this foreword to the 2023-2024 Annual Report. This year was the final year of the steady and highly effective leadership of Belinda Rigg SC as Senior Public Defender. Her appointment to the Supreme Court in July 2024 marked the end of an illustrious career at the bar, almost all of it as a Public Defender.

Over the last year, the Public Defenders continued to provide legal advice and representation to some of the most disadvantaged people in our community who were charged with many of the most serious crimes. We did this both at first instance at trial and in appeals to the highest courts in the State and the country. This core work is demanding. In addition to criminal trials and appeals, we also appeared in coronial inquests and in applications for post-sentence orders such as continuing detention orders, extended supervision orders and Child Protection Offender Prohibition Orders.

Apart from court and advice work, the Public Defenders also made a significant contribution to law reform both in consultation with government and through active involvement in numerous committees and working groups.

Another significant contribution was to the continuing education of the profession. This involved regular CPD presentations, our annual conference and the maintenance of ongoing resources such as the Sentencing Tables. The Public Defenders continued to provide urgent advice to the broader profession when there were significant changes to the law - such as the introduction of s22C into the Bail Act 2013 in March 2024.

We are proud to have continued to make these contributions to the criminal legal system over the last 12 months.

In the last five years, and increasingly over the past 12 months, we have been pleased to see a continuing trend of increasing diversity in the backgrounds of both Public Defenders and support and administrative staff. Of the 13 new Public Defenders appointed since 2020, 9 are female (three this year) and three are from ethnically diverse backgrounds. There is gender equity in our support and administrative staff and we are proud to have two First Nations staff, one of whom is our new Chambers Manager.

With pride we note the appointment of three Public Defenders as judges: Troy Anderson SC and Christine Mendes to the District Court and Belinda Rigg SC to the Supreme Court.

Finally, we were both sad and proud to mark the retirement, this year, of four outstanding and long-serving Public Defenders: Mark Austin, Brian Hancock, Eric Wilson SC and Phil Young SC. We also mourn and pay tribute to Mark, who passed away only months after retiring.



Richard J Wilson SC
Acting Senior Public Defender

SECTION 2: Role of Public Defenders

Public Defenders are barristers who appear for legally assisted persons who have been charged with a serious criminal offence. A legally assisted person is someone who has been granted legal aid by Legal Aid NSW, the Aboriginal Legal Service NSW/ACT or another community legal service.

Public Defenders are appointed as independent statutory officers by the Governor of New South Wales under the *Public Defenders Act 1995* (“the Act”).

2.1 Organisational Structure and Duties of Public Defenders

2.1.1 The Senior Public Defender

The Senior Public Defender is responsible to the Attorney General for the proper exercise of the functions set out in section 8(1) of the Act which include:

- the making of arrangements and giving of directions to ensure the effective and efficient conduct of Public Defender’s work
- providing advice and assistance to Public Defenders and monitoring their work
- consulting with the Legal Aid NSW, the Aboriginal Legal Service NSW/ACT and other community legal centres on the provision of legal assistance to legally assisted persons; and
- advising the Attorney General on law reform

The Senior Public Defender also conducts appellate and Supreme Court trial practice in addition to attending to management and legal policy responsibilities.

2.1.2 Deputy Senior Public Defenders

The Act provides that the Governor may appoint one or more Deputy Senior Public Defenders. Richard Wilson SC, Troy Anderson SC, and Michael King continued in their roles as Deputy Senior Public Defenders. Troy Anderson SC resigned in November 2023 to be appointed as a judge of the District Court and was replaced by Madeleine Avenell SC as a Deputy Senior Public Defender in April 2024.

The functions of a Deputy Senior Public Defender include assisting the Senior Public Defender as part of the executive management team and providing support and guidance to Public Defenders, in addition to conducting their own trial and appellate practices.

2.1.3 Public Defenders

The functions of a Public Defender are set out at Section 10 of the Act and include:

- advising and appearing in criminal proceedings
- advising on matters referred by the Senior Public Defender
- carrying out other related functions as may be specified by the Attorney General in consultation with the Senior Public Defender; and
- providing representation in Parole Board and mental health legislation proceedings and related matters.

In August 2020, the Attorney General specified that a related function of a Public Defender includes appearing and advising in the following types of matters (including any appeals from, or proceedings ancillary to, them):

On behalf of a legally assisted person whose liberty is at stake, in any proceedings, whether before a court, tribunal or authority (such as the Parole Authority) which affect the liberty of a person including, but not limited to, applications for orders for extended supervision or continuing detention, terrorism control orders, preventative detention orders, investigative detention orders, child protection (offenders prohibition) orders and judicial review of administrative decisions (such as administrative decisions about parole or detention).¹

The Senior Public Defender may establish written guidelines on the exercise of the above functions of the Public Defenders, however this does not derogate “from the authority of a Public Defender in respect of the conduct of any proceedings” (section 6 (4)). This means that Public Defenders act independently of any external influence in the conduct of their cases.

¹ See NSW Government Gazette No.187 of 28 August 2020.

SECTION 3: Appointment of Public Defenders

The terms of appointment under the Act were changed in 2007 to remove life tenure for Public Defenders appointed after the commencement of the new provisions. Public Defenders are now appointed for a period of up to seven years, following a probationary period of 12 months as an Acting Public Defender.

Public Defenders appointed for a seven-year term must have their performance reviewed under the *Guidelines for the Appointment of Public Defenders* by a review committee at the conclusion of each seven-year period. They may be appointed for a further seven years, if recommended by the review committee. The Senior Public Defender and Deputy Senior Public Defenders are appointed for renewable terms of seven years.

There are now 29 Public Defender positions for the whole of New South Wales.

Two Public Defender positions are fully funded by Legal Aid NSW as set out in the annual Service Level Agreement. Another position is partially funded by the Aboriginal Legal Service. Copies of the Service Level Agreements are available on the Public Defenders website (www.publicdefenders.nsw.gov.au).

As barristers, Public Defenders are bound by the *Legal Profession Uniform Conduct (Barristers) Rules 2015* (subject to the exceptions in Rule 6 (c)) and related legislation and are therefore subject to the same disciplinary regime for professional conduct as other counsel.

SECTION 4: Highlights of the Year

- Public Defenders appeared in four High Court hearings: *Xerri v The King* [2024] HCA 5; (2024) 98 ALJR 461; *Hurt v King*; *Delzotto v The King* [2024] HCA 8; (2024) 304 A Crim R 555; (2024) 98 ALJR 485; *The King v Hatahet* [2024] HCA 23; (2024) 98 ALJR 863 and *Cook (A Pseudonym) v The King* [2024] HCA 26; (2024) 98 ALJR 984
- Public Defenders appeared in a number of significant cases in the Court of Criminal Appeal including the high profile matter of *Dawson v R* [2024] NSWCCA 98
- Maintained high registration numbers for the annual Public Defenders Criminal Law Conference, doubling in person attendance in 2023/24
- Madeleine Avenell SC was appointed as Deputy Senior Public Defender
- Stuart Bouveng was re-appointed for a further 7 years
- Antony Evers was re-appointed for a further 7 years
- Mark Davies was appointed as a Public Defender (following a 12-month acting period)
- Siobhan Climo was appointed as an acting Public Defender
- Cara Feiner was appointed as an acting Public Defender
- Michelle Fernando was appointed as an acting Public Defender
- Ilona Kernick was appointed as Chambers Manager
- Ruth Heazlewood, the Public Defender's Chambers Manager, retired after 20 years in the role
- Eric Wilson SC, who joined the Public Defenders in 1998, retired
- Brian Hancock, who joined the Public Defenders in 2005, retired
- Philip Young SC, who joined the Public Defenders in 2002, retired
- Mark Austin, who joined the Public Defenders in 1995, retired
- Troy Anderson SC was appointed as a Judge of the District Court of NSW
- Christine Mendes was appointed as a Judge of the District Court of NSW
- Bill Neild SC, who joined the Public Defenders in 2016, resigned and returned to practice at the private Bar
- On 24 July 2024, just after the end of the period covered by this report, the Senior Public Defender, Belinda Rigg SC, was appointed as a judge of the Supreme Court of NSW

SECTION 5: Annual Statistics

The below figures are based on the number of matters completed in the 2023/24 financial year. Each stage of a case is counted as a separate matter, such as a committal, sentence, trial or appeal. This better reflects the work done in different jurisdictions and the different complexities that apply at each stage as cases progress from the local court to the superior courts.

Public Defenders are often briefed in lengthy and complex trials to help contain the cost of such matters. The allocation of a Public Defender to these types of trials has an impact on the total number of matters completed in the year, as they are not available to conduct shorter trials. Preparation time is also extensive given the voluminous briefs in such matters.

Comparison of matters completed over consecutive financial years are therefore not necessarily indicative of increasing or decreasing workloads or productivity and any comparison of annual figures should be treated with caution.

5.1 Summary of work

	STATE	COMMONWEALTH	TOTAL
Children's Court	27	0	27
Coroner's Court	4	0	4
Court of Appeal - Advices	0	0	0
Court of Appeal - Appeals	3	0	3
Court of Criminal Appeal - Advices	77	8	85
Court of Criminal Appeal - Appeals	30	1	31
District Court	179	8	187
High Court - Advices	19	1	20
High Court - Appeals	2	3	5
Local Court	194	12	206
Supreme Court	66	8	74
Sub Total	601	41	642
GRAND TOTAL		642	

Preparation time amounted to 5,389 days with an additional 2,307 conference hours spent with solicitors, clients and witnesses. Public Defenders spent 1,093 days in court, including virtual court appearances.

The Public Defenders accepted 890 requests for assistance and declined 2,171 requests. Matters are declined for a number of reasons, including conflict of interest or more commonly, due to the unavailability of a Public Defender to accept the brief because of other work commitments.

5.2 Distribution of work across Courts

The distribution of work (matters completed this year) across the various court jurisdictions is as follows:

JURISDICTION	PERCENTAGE
Children's Court	4.20%
Coroner's Court	0.62%
Court of Appeal	0.47%
Court of Criminal Appeal	18.06%
District Court	29.13%
High Court	3.89%
Local Court	32.09%
Supreme Court	11.53%

5.3 Distribution of work by area

The ratio of matters heard in Sydney compared with regional and non-metropolitan courts:

	STATE	COMMONWEALTH	TOTAL
No. of Sydney Court matters	335	30	365
No. of Country Court matters (incl. SC)	266	11	277
Ratio of Sydney / Country matters	56:44	73:27	57:43

5.4 Other Assistance Provided

Public Defenders are an important point of contact for the legal profession. This year they provided 115 recorded instances of assistance to the profession on legal, ethical and practice issues, either by telephone or brief written advices.

The Public Defenders website is a valuable research tool for the profession, students and the general public, and includes:

- Annual Criminal Law Update paper
- Table of Common Charge Options
- A guide to mental health law and accompanying flow charts and tables
- Sentencing tables
- Access to Bugmy Bar Book materials
- Conference and research papers

SECTION 6: Funding and Accountability

6.1 Funding

The primary source of funding is the Department of Communities and Justice. The budget for 2023/24 was \$13,795,829.

Additional revenue was obtained under the following Service Level Agreements:

- Legal Aid NSW, which provided \$1,039,509. This funds two Public Defender positions and provides partial funding for one Legal Research Officer.
- The Aboriginal Legal Service, which provided \$191,745.

6.2 Accountability

The Public Defenders are accountable to the Attorney General as statutory appointees. The Senior Public Defender is required to provide an annual report on the work and activities of Public Defenders under s.17 of the Act.

The administration of the budget and all other aspects of office management are carried out by public sector staff who are appointed by the NSW Department of Communities and Justice and are bound by the relevant financial and employment legislation, policies and procedures.

Annual statistics are provided to Legal Aid NSW and the Aboriginal Legal Service as required under the Service Level Agreements.

6.3 Service Level Agreements

Formal arrangements for access to Public Defender services are contained in Service Level Agreements, which are negotiated annually with Legal Aid NSW and the Aboriginal Legal Service.

The Service Level Agreements provide a framework for the type of work undertaken by Public Defenders, with priority given to more serious, lengthy and complex matters in the District, Supreme and higher appellate courts. By focusing on these high-cost matters, Public Defender services are used in the most efficient and effective manner. These agreements ensure Public Defenders regularly consult with key stakeholders and help maintain strong relationships with Legal Aid NSW and the Aboriginal Legal Service.

The types of matters where Public Defenders are briefed include:

- Supreme Court trials
- District Court trials with priority given to long and/or complex matters
- circuit work at nominated regional centres
- appellate work in the High Court, Court of Criminal Appeal and Court of Appeal; and
- EAGP committal hearings involving serious criminal charges

Public Defenders may also appear in coronial inquiries either at the request of Legal Aid NSW, the Aboriginal Legal Service or a community legal centre.

The Service Level Agreements also set out the regional and metropolitan sittings of the Supreme and District Courts covered by Public Defenders. We aim to balance our resources to ensure that regional and remote communities have equal access to Public Defenders whenever possible.

During 2023/24, Public Defenders were located at Albury (1), Campbelltown (1), Coffs Harbour (1), Dubbo (1), Lismore (1), Newcastle (2), Orange (1), Tamworth (1), Wollongong (1) and Wagga Wagga (2). The Public Defenders also maintain a presence at the Parramatta Trial Courts Complex and the Penrith District Court.

About 82% of the work briefed to Public Defenders comes directly from Legal Aid NSW lawyers, or from private lawyers who have obtained a grant of legal aid for their client. The remaining 18% is briefed by the Aboriginal Legal Service or other community legal centres.

SECTION 7: Significant Cases

Xerri v The Queen [2024] HCA 5

s66EA Crimes Act 1900 (NSW) – persistent sexual abuse of a child

- The High Court dismissed the appellant’s appeal. S.66EA *Crimes Act* (persistent sexual abuse of a child), which commenced on 1 December 2018 and carries a new maximum penalty of life imprisonment, creates a new offence applying retrospectively.

Hurt v The King; Delzotto v The King [2024] HCA 8

Commonwealth minimum sentences

- The High Court dismissed the appellants’ appeals. The minimum sentence (s16AAB *Crimes Act 1914* (Cth)) serves a double function as a restriction on power and as a yardstick for calculation of the appropriate penalty.

R v Hatahet [2024] HCA 23

Parole prospects under s19ALB Crimes Act 1914 (Cth) not relevant to sentence

- The High Court allowed the appeal by the Commonwealth Director of Public Prosecutions. It is an error to take into account on sentence the likelihood that parole would be refused under s19ALB *Crimes Act 1914* (Cth).

Owens v R [2023] NSWCCA 198

Discount for promised assistance in respect of unrelated offending

- The Court allowed the applicant’s sentence appeal. The applicant was entitled to a discount for promised assistance in respect of offending unrelated to the principal offence (s23(2)(i) *Crimes (Sentencing Procedure Act) 1999*).

Quinn v R [2023] NSWCCA 229

Verdict unreasonable - accessory after fact to manslaughter by excessive self-defence

- A verdict of acquittal was entered for the applicant’s conviction of being an accessory after the fact to manslaughter by excessive self-defence. The verdict was unreasonable, there being a reasonable possibility the applicant believed her co-offender, who killed the deceased, saw the deceased point a gun at the applicant.

Mann v R [2023] NSWCCA 256

Section 138 Evidence Act 1995

- The Court held the police interview with the applicant, a “vulnerable person”, was not admissible pursuant to s138 *Evidence Act*. Police conduct was substantially improper in conducting the interview where the applicant received legal advice not to participate and the support person communicated to police that he declined to be interviewed.

Baker v R [2023] NSWCCA 262

Manslaughter by neglect - causation

- The Court dismissed the applicant’s appeal against conviction for manslaughter. The applicant’s negligence, as carer for the deceased, resulted in physical ailments which made a significant contribution to the hastening of death, such that causation was proven beyond reasonable doubt.

Primmer v R [2023] NSWCCA 301

Commencement of sentence

- It was an error to post-date a sentence where the applicant was serving revoked parole for an unrelated matter to the subject offences (s47(5) *Crimes (Sentencing Procedure) Act 1999*).

R v IP [2023] NSWCCA 314

Expert evidence not admissible regarding the question of doli incapax

- The Court allowed the Crown’s interlocutory appeal in the murder trial of the respondent, aged 13 at offending. Evidence of expert psychiatric and psychological reports regarding the respondent was limited to trial issues excluding *doli incapax* (that the respondent was unable to appreciate the difference between right and wrong).

Bugmy v DPP (NSW) [2024] NSWCA 70

Police powers of arrest for breach of bail

- The Court set aside the applicant’s conviction for resist police officer in execution of duties (*Crimes Act 1900*, s58, since amended). The alleged offence occurred when arrested for breach of bail. That arrest was not lawful as the police officer, before deciding to arrest, failed to consider matters in s77(3) *Bail Act 2013*. Consequently, any resistance was not resistance to an officer in the lawful execution of duties.

Kershaw v R [2024] NSWCCA 27

Offences against police officers

- The appellant’s acquittal on charges of assault officer in execution of duty (s60(2) *Crimes Act 1900*) because the arrest was unlawful had no impact on charges of resist officer in exercise of duty involving other officers (s58, since amended). The element of the offence under s58 as charged was resistance to an officer in exercise of their duty, not resistance to lawful arrest.

***Bazzi v R* [2024] NSWCCA 35**

s115 Crimes Act 1900 (NSW)

- Where an offence under s115 *Crimes Act* (committing a s114 offence having previously been convicted of an indictable offence) is charged separately, it would be inappropriate to impose a penalty or indicate a sentence for the s115 offence. The principle prohibiting double punishment applies to s115.

***Coskun v R* [2024] NSWCCA 67**

Constructive murder

- In a case of constructive murder, it was an error to direct the jury that it was necessary to be satisfied that while the applicant participated in the joint criminal enterprise to commit the foundational offence of armed robbery he was aware that the gun might be fired either by himself or the second intruder.

***Dawson v R* [2024] NSWCCA 98**

Lies

- At trial by judge alone, error was found where the trial judge, in addition to lies relied upon by the Crown, relied on other lies as amounting to a consciousness of guilt. However, no substantial miscarriage of justice occurred.

***R v Knight (No 1)* [2023] NSWSC 195**

Accused detainee to appear by audio-visual link (AVL) for sentencing proceedings

- The Court revoked a direction that the accused attend sentencing proceedings in person in regional NSW as not in the interests of the administration of justice based on onerous conditions of transfer and requirement for additional police resources. The statutory presumption of appearance by AVL was not displaced (s5BB *Evidence (Audio and Audio Visual Links) Act 1998*).

***R v KS (No 2)* [2023] NSWSC 1475**

Section 90 Evidence Act 1995 – Discretion to exclude admissions

- The Court excluded the police interview containing admissions by the 16-year-old accused, based on unfairness pursuant to s90 *Evidence Act*, having regard to the interview being conducted without a legal representative, an expressed desire to discontinue and mere presence of the support person.

SECTION 8: Law Reform

8.1 Law Reform

An important function of the Senior Public Defender under the Act is the provision of advice to the Attorney General and the NSW Department of Communities and Justice on law reform, which is often undertaken with the assistance of other Public Defenders.

Public Defenders are also routinely invited to make submissions on criminal law reform at the request of the New South Wales and Australian Law Reform Commissions, Council of Attorneys-General NSW Sentencing Council and Parliamentary Committees of Inquiry. In addition, a number of Public Defenders participate in law reform committees and advisory groups.

8.2 Public Defender Submissions

- **Consultation on section 58 of the *Crimes (Sentencing Procedure) Act 1999*: reform options**
Department of Communities and Justice
- **Consultation on the *Criminal Procedure Amendment (Child Sexual Offence Evidence) Bill 2023***
Department of Communities and Justice
- **Review of section 21A(5A) of the *Crimes (Sentencing Procedure) Act 1999*: Good character and child sexual offences**
Department of Communities and Justice
- **Weapons-related offences: Sentencing adult offenders**
NSW Sentencing Council
- **Review of Serious Road Offences**
NSW Law Reform Commission
- **Consultation on 'Jack's Law': *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024***
Department of Communities and Justice
- **Consultation on the *Child Protection (Offenders Registration) Amendment Bill 2024***
Department of Communities and Justice

8.3 Public Defender Consultation

(Acknowledgement of having considered the material and determined to not make a submission)

- **Consultation – Legislative Ban on LGBTQ+ Conversion Practices**
Department of Communities and Justice
- **Consultation Paper on amending the *Surveillance Devices Act 2007*: use of body-worn video by NSW Government Agencies**
Department of Communities and Justice
- **Indictable prosecutions by WHS Regulators: confidential consultation**
Department of Communities and Justice
- **NSW Forced Marriage Review**
Department of Communities and Justice
- **Review of *Crimes Act 1900*, Part 4, Division 4 (Sacrilege and Housebreaking)**
Department of Communities and Justice
- **Terrorism (High Risk Offenders) Regulation**
Department of Communities and Justice
- **Targeted consultation on the remake of the *Crimes (High Risk Offenders) Regulation***
Department of Communities and Justice
- **Statutory review of Part 4AF of the *Crimes Act 1900*: damage or disruption to major facility**
Department of Communities and Justice
- **Consultation: Public interest exceptions for ss 11, 12 and 14 of the *Surveillance Devices Act 2007***
Department of Communities and Justice
- **Consultation on the *Crimes (Sentencing Procedure) Regulation 2024***
Department of Communities and Justice

SECTION 9: Committees

Public Defenders participate in a wide range of committees including the Sentencing Council and various committees of the NSW Bar Association, the Law Council and departmental working groups.

9.1 The Sentencing Council

The Senior Public Defender is traditionally invited to be a member of the NSW Sentencing Council which is an independent advisory body established to monitor sentencing trends, review the law, make recommendations to government, and educate the public about sentencing.

9.2 NSW Bar Association

- Bar Council
- Criminal Law Committee
- Executive of the Bar Council
- Legal Aid Committee
- Professional Conduct Committees

9.3 The Law Council of Australia

- National Criminal Law Committee (a Public Defender is Co-Chair).

9.4 NSW Department of Communities and Justice Committees

- Bail Act Monitoring Group
- Bail and Performance Crime Monitoring Sub-Group
- Consent Monitoring and Advisory Group
- Corrective Services Legal Practitioners Consultative Group
- Criminal Justice Transformation Board
- EAGP Working Group
- Maliyan Indigenous Employment Reference Group
- Standing Inter-agency Advisory Committee on Court Security

9.5 Other

- Bugmy Bar Book Project Committee (a Public Defender is Co-Chair)
- Child Sexual Offence Evidence Program Implementation
- Coercive Control Legal Reference Group
- Diverse Women in Law
- Terry Keaney Award for Excellence in Criminal Law (a Public Defender is Co-Chair of the Selection Committee)

SECTION 10: General Information

10.1 Annual Public Defenders Criminal Law Conference

The annual Public Defenders Criminal Law Conference was held on Saturday 11 March and Sunday 12 March 2024. 532 people attended the conference (354 online and 187 in-person). This was a similar number of attendees to last year's conference, but with significantly more people attending in person in 2024. The conference continues to run as a hybrid event, offering both online and in-person access, as this provides greater accessibility and flexibility for attendees.

Registration includes online access to all recordings and papers for up to 90 days after the event, which enables delegates to view the presentations at any time. Attendance at the 2-day conference enables legal practitioners to meet their 10 Continuing Professional Development (CPD) requirements.

A full copy of the program and conference papers can be located on the Public Defenders website (www.publicdefenders.nsw.gov.au).

The 2025 Public Defenders Criminal Law Conference will be held on 8 and 9 March 2025.

10.2 Continuing Professional Education

Public Defenders continue to speak at seminars and conferences conducted by Legal Aid NSW, the Aboriginal Legal Service, Young Lawyers, the NSW Bar Association and tertiary institutions, as well as instructing at the NSW Bar Course.

Public Defenders provide reading opportunities for those starting at the Bar, internships and placements for law students undertaking external placement programs and Practical Legal Training (PLT).

Public Defenders provide mentoring under various programs including the NSW Bar Association's Aboriginal Mentoring Program; Diverse Women in Law Association and the UTS Mentoring Program.

10.3 The Bugmy Bar Book

The Bugmy Bar Book is a free, evidence-based resource for the profession comprised of accessible summaries of key research about the impacts of disadvantage and the benefits of strengths-based rehabilitation. The purpose of the resource is to provide an evidence base to support submissions made to courts and other decision-makers to establish the application of the *Bugmy v The Queen* (2013) 249 CLR 571 principles. Another purpose is to promote improved understanding of the lived experiences of people coming into contact with the legal system within the legal profession.

Public Defenders are a key stakeholder in the project, provide support and participate on the Bugmy Bar Book Committee which is comprised of a multi-disciplinary team of professionals who develop and manage this resource with input from the profession, academics, legal researchers and students. The Bugmy Bar Book can be found at www.bugmybarbook.org.au

10.4 Government Information (Public Access) Act 2009 (GIPA)

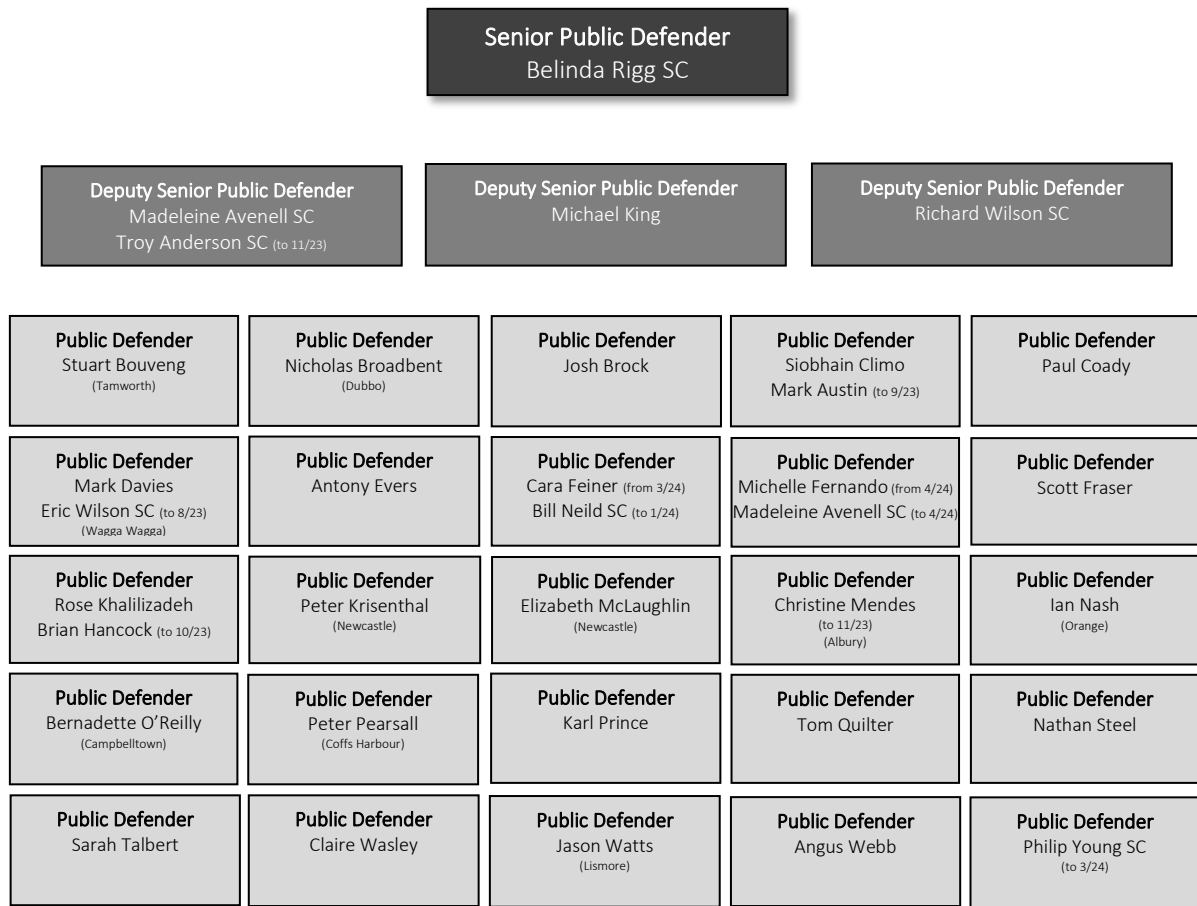
The Public Defenders meet the requirements of the GIPA Act to provide open access to information for the public where possible and without charge. The Public Defenders website provides access to the following documents:

- Annual reports
- Service Level Agreements
- Relevant legislation
- Guidelines for Appointment of Public Defenders
- Legal research materials
- Information on internships
- Papers prepared by Public Defenders
- Conference papers

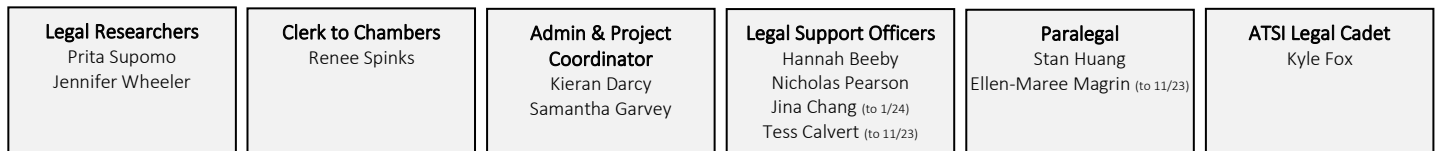
Legal professional privilege precludes access to client information.

There were no requests made under GIPA in 2023/24.

SECTION 11: Organisation Structure



Chambers Manager
Ilona Kernick
Ruth Heazlewood (to 12/24)



SECTION 12: Public Defender Appointments

Senior Public Defender (SPD)		
Belinda Rigg SC	Acting (PD)	27.01.2004
	Permanently appointed (PD)	13.07.2006
	Fixed-term appointment* (SPD)	29.05.2019
	Resigned (official end date) <i>Resigned for Supreme Court appointment</i>	23.07.2024
Deputy Senior Public Defenders (DSPD)		
Troy Anderson SC	Acting (PD)	15.05.2017
	Fixed-term appointment* (PD)	15.05.2018
	Fixed-term appointment* (DSPD)	20.06.2022
	Resigned (official end date) <i>Resigned for District Court appointment</i>	16.11.2023
Madeleine Avenell SC	Acting	29.01.2018
	Fixed-term appointment* (PD)	29.01.2019
	Fixed-term appointment* (DSPD)	08.04.2024
Michael King	Acting (PD)	30.08.2010
	Fixed-term appointment* (PD)	30.08.2011
	Fixed-term appointment* (DSPD)	14.05.2018
Richard Wilson SC	Acting (PD)	23.01.2012
	Fixed-term appointment* (PD)	23.01.2013
	Fixed-term appointment* (DSPD)	14.05.2018
	Appointed acting SPD (to 1.11.2024)	22.07.2024
Public Defenders		
Mark Austin	Permanently appointed	05.06.1995
	Resigned (official end date)	09.09.2023
Stuart Bouveng	Acting	15.08.2016
	Fixed-term appointment*	15.08.2017
	Re-appointed 7 year term	15.08.2024
Nicholas Broadbent	Acting	28.01.2020
	Fixed-term appointment*	28.01.2021
(Trevor) Josh Brock	Acting	21.01.2019
	Fixed-term appointment*	21.01.2020
Siobhain Climo	Acting <i>* Fixed-term appointment occurred on 18 September 2024</i>	16.10.2023
Paul Coady	Acting	29.01.2018
	Fixed-term appointment*	29.01.2019
Mark Davies	Acting	01.05.2023
	Fixed-term appointment*	01.05.2024
Antony Evers	Acting	14.07.2014
	Fixed-term appointment*	29.03.2017
	Re-appointed 7 year term	29.03.2024
Cara Feiner	Acting	11.03.2024
Michelle Fernando	Acting	02.04.2024
Scott Fraser	Acting	21.01.2019
	Fixed-term appointment*	23.01.2020
Brian Hancock	Acting	29.08.2005
	Fixed-term appointment*	29.10.2009
	Re-appointed 7 year term	29.10.2016
	Resigned (official end date)	18.10.2023

Rose Khalilizadeh	Acting Fixed-term appointment*	24.10.2022 24.10.2023
Peter Krisenthal	Acting Fixed-term appointment* Re-appointed 7 year term	14.07.2014 09.09.2015 08.09.2022
Elizabeth McLaughlin	Acting Fixed-term appointment*	29.01.2019 29.01.2020
Christine Mendes	Acting Fixed-term appointment* Resigned (official end date) <i>Resigned for District Court appointment</i>	17.01.2020 17.02.2021 17.11.2023
Ian Nash	Acting Fixed-term appointment* Re-appointed 7 year term	23.01.2012 23.01.2013 23.01.2020
Bill Neild SC	Acting Fixed-term appointment* Resigned (official end date)	05.09.2016 05.09.2017 31.01.2024
Bernadette O'Reilly	Acting Fixed-term appointment*	28.01.2020 28.01.2021
Peter Pearsall	Permanently appointed	06.12.2001
Karl Prince	Secondment Acting <i>* Fixed-term appointment occurred on 18 September 2024</i>	01.08.2022 25.09.2023
(Hugh) Tom Quilter	Acting Fixed-term appointment*	08.05.2017 08.05.2018
Nathan Steel	Acting Fixed-term appointment*	02.10.2018 03.10.2019
Sarah Talbert	Acting Fixed-term appointment*	17.02.2020 17.02.2021
Claire Wasley	Acting Fixed-term appointment*	28.01.2020 28.01.2021
Jason Watts	Acting Fixed-term appointment* Re-appointed 7 year term	03.06.2013 27.05.2014 26.05.2021
Angus Webb	Acting Permanently appointed	15.07.1996 27.01.1998
Eric Wilson SC	Acting Permanently appointed Retired (official end date)	27.01.1998 09.08.2001 08.08.2023
Philip Young SC	Permanently appointed Retired (official end date)	24.07.2002 06.03.2024

*Appointment for fixed term of 7 years renewable under 2007 amendments to the Act.

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