

THE HONOURABLE JUSTICE D PRICE AO
CHIEF JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES
FRIDAY 12 NOVEMBER 2021

- 1 **John Waters SC**, since your admission to the Bar in 1993, you have made your reputation in alternative dispute resolution, commercial, environment and planning, and public/administrative law, including native title and cultural heritage work.

- 2 **Craig Everson SC**, since your admission to the Bar in 1996, you have made your reputation in criminal law, serving as a Crown Prosecutor for the Director of Public Prosecutions since 2005. In 2014, you were appointed Deputy Senior Crown Prosecutor. You are an instructor with the Australian Advocacy Institute and an advocacy coach and lecturer on the Bar Practice Course.

- 3 **Peter Newton SC**, since your admission to the Bar in 1997, you have made your reputation in commercial, equity and appellate law. Since 2019, you have served as a part-time member in the Migration and Refugee Division of the Administrative Appeals Tribunal.

- 4 **Matthew Richardson SC**, since your admission to the Bar in 2000, you have made your reputation in defamation law. You have served on the Bar Association's Defamation Working Party and delivered numerous papers on defamation law at various seminars over many years.

- 5 **Donna Ward SC**, since your admission to the Bar in 2005, you have made your reputation in family law and guardianship and inquests/inquiries. You are a member of the Bar Association's Inquests and Inquiries Committee. You have presented CPDs on coronial-related issues and have participated in the Bar Readers Course as an advocacy coach.

- 6 **Hamish Bevan SC**, since your admission to the Bar in 2006, you have made your reputation in appellate, equity intellectual property, commercial law and public/administrative law. You have assisted with the New South Wales Bar

Examinations and have presented at the Bar Readers Course for a number of years.

- 7 **Andrew Fox SC**, since your admission to the Bar in 2006, you have made your reputation primarily in intellectual property law. You teach at the University of Sydney and have been appointed the examiner for the intellectual property course for the Law Extension Committee. You regularly present papers and seminars on this area of the law.
- 8 **Anne Horvath SC**, since your admission to the Bar in 2006, you have made your reputation primarily in commercial and insurance law. You spoke as Ms Junior at the 2009 Bench and Bar Dinner.
- 9 **Sera Mirzabegian SC**, since your admission to the Bar in 2006, you have made your reputation primarily in commercial, personal injury and international law. You are a published legal author and have lectured at a number of universities. You won the Blashki Award for the highest aggregate marks in the New South Wales Bar Examinations. You are the Honorary Secretary of the Bar Association and a member of Bar Council.
- 10 **David Sulan SC**, since your admission to the Bar in 2007, you have made your reputation in appellate, commercial and equity law. You are a member of the Supreme Court's Commercial List User Group.
- 11 **Georgina Wright SC**, since your admission to the Bar in 2007, you have made your reputation in appellate, criminal, inquests/inquiries and public/administrative law. You have also been admitted to the Paris Bar. You are a member of the Bar Association's Inquests and Inquiries Committee and are a member of the Board of Thirteen Wentworth.
- 12 **Sharyn Hall SC**, since your admission to the Bar in 2007, you have made your reputation in appellate and criminal law, and inquests and inquiries. You are a Senior Instructor at the Australian Advocacy Institute and an advocacy coach for the Bar Practice Course.

- 13 **Troy Anderson SC**, since your admission to the Bar in 2007, you have made your reputation in criminal law. You have acted for both the Commonwealth DPP and for accused persons in hearings and in the Court of Criminal Appeal. You were appointed a Public Defender in 2017. You are the author of the legal text *Commonwealth Criminal Law*, published by the Federation Press, and you have been a casual lecturer in criminal law at the University of New England.
- 14 **James Arnott SC**, since your admission to the Bar in 2008, you have made your reputation in appellate, equity and commercial law. You are the member of a Professional Conduct Committee and Floor Secretary for Sixth Floor Selborne/Wentworth Chambers.
- 15 **Timothy Breakspear SC**, since your admission to the Bar in 2008, you have made your reputation in construction and infrastructure law and commercial arbitration. You have presented at a number of CPD seminars specifically directed to assisting younger members of the profession.
- 16 **Stuart Lawrance SC**, since your admission to the Bar in 2008, you have made your reputation in equity and commercial law. You are a member of the Federal Court's Commercial and Corporations (General) User Group for NSW and ACT and have served on a Professional Conduct Committee.
- 17 **Helen Roberts SC**, since your admission to the Bar in 2010, you have made your reputation in appellate and criminal law. You were appointed a Crown Prosecutor in 2010 and have held the position of Deputy Senior Crown Prosecutor since 2019. In 2020, you acted in the position of Deputy Director of the DPP. You also co-authored Waller's Coronial Law and Practice in NSW.
- 18 On behalf of myself and the Judges of the District Court, I congratulate you upon your appointment as Senior Counsel. I also extend a welcome to the Clerks of the Floor and any family members who are here this morning.

- 19 When each of you took your bows announcing your rank and precedence in the order of Senior Counsel, the short recitations by me that followed demonstrate how well deserved your appointments are.
- 20 The tradition of the appointment of Silk dates back, as you know, over 400 years. Although the name and method of appointment may have changed, the integral role you play in upholding the rule of law has in no way diminished.
- 21 The courts have faced many challenges but few have demanded the innovation and flexibility of the profession quite the same as the Covid-19 pandemic.
- 22 Over a century ago, the pneumonic or “Spanish” influenza reached Australian shores. Without the benefit of technology and advanced testing regimes, similar solutions were adopted such as mandatory mask wearing and restrictions on movement to prevent the spread of the disease. Fast forward 102 years and I now sit in this courtroom facing a room of people complying with similar measures.
- 23 On 18 January 1919, the Stadium at Rushcutters Bay was reopened after temporary closure for a 10-round boxing contest between Frank “Frosty” Darcy and Al Cullen.¹ Frosty won in the first 14 seconds of the first round.² This triumphant and swift victory excited boxing promoters over the potential profits of further matches, but the outbreak meant that the possibility of scheduling more was uncertain.³
- 24 Fortunately, the Stadium was determined exempt from closure and Frosty was free to fight again. On 22 March 1919 he defeated Barney Thompson before an estimated crowd of 10,000 at Rushcutters Bay.⁴ Shortly afterwards Frosty was scheduled to fight Tom Uren at the Stadium on Easter Monday.⁵

¹ Greg D Woods, *A History of Criminal Law in New South Wales: A New State 1901-1955* (The Federation Press, 2018) vol 2 at 320

² Ibid

³ Ibid 321

⁴ Ibid

⁵ Ibid

However, Frosty met his match when he fell sick with pneumonic influenza and died in St Vincent's Hospital on 8 May 1919.⁶

- 25 The Court's experience with the Covid-19 pandemic over the past 18 months has, at times, felt like a boxing match. On 15 March 2020, the Chief Justice and I announced that new jury trials in the Supreme Court and the District Court commencing across New South Wales from 16 March 2020 would be temporarily suspended.⁷ To an extent, the Courts' operations were effectively "knocked out". In the District Court, jury trials recommenced from 15 June 2020.⁸
- 26 In 2021, the onset of the Delta variant required the suspension of jury trials in the District Court once again;⁹ this time for a larger period of four months. The flexibility and the adaptability of the judiciary and counsel during this time meant that the Court proved a formidable adversary to the pandemic. On 25 October 2021, jury trials recommenced in the District Court throughout most of New South Wales.¹⁰ As you all know, measures have been implemented to ensure that jury trials can run safely and the Covid-19 criminal trial backlog can be reduced.
- 27 This is not achieved without the support of counsel. The strength and resilience of the Court is dependent upon cooperative and constructive counsel who understand the challenge presented by Covid-19. You are the Court's crowd surrounding the boxing ring in its match against the pandemic, if you will. For the Court to recover, the administration of justice must be

⁶ Ibid

⁷ Supreme Court of New South Wales, "A joint announcement of the Supreme Court of NSW and the District Court of NSW: New Jury Trials to be temporarily suspended from Monday, 16 March 2020" (15 March 2020) <https://www.districtcourt.nsw.gov.au/district-court/covid-19--coronavirus-/district-court-updates-covid-19--coronavirus-.html> accessed 4 November 2021

⁸ District Court of New South Wales, "11 May 2020: Announcement regarding jury trials in the District Court" (11 May 2020) <https://www.districtcourt.nsw.gov.au/district-court/covid-19--coronavirus-/district-court-updates-covid-19--coronavirus-.html> accessed 4 November 2021

⁹ District Court of New South Wales, "Downing Centre and John Maddison Tower Restrictions until 2 July 2021" <https://www.districtcourt.nsw.gov.au/district-court/covid-19--coronavirus-/district-court-updates-covid-19--coronavirus-.html> accessed 4 November 2021

¹⁰ District Court of New South Wales, "MEDIA RELEASE: NSW District Court to resume jury trials" (17 September 2021) <https://www.districtcourt.nsw.gov.au/district-court/covid-19--coronavirus-/district-court-updates-covid-19--coronavirus-.html> accessed 4 November 2021

bolstered by leadership of counsel and assistance to the Court. I have every confidence that this will ensure the Court does not succumb to the same fate as Frosty.

28 On behalf of all Judges of the District Court, I wish Senior Counsel every success in your leadership roles at the Bar.

29 Please now join us for morning tea.
