

**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
BANCO COURT**

**BELL CJ  
AND THE JUDGES OF THE  
SUPREME COURT**

**TUESDAY 26 AUGUST 2025**

**WELCOME CEREMONY FOR THE HONOURABLE JUSTICE HAYLEY BENNETT  
AS A JUDGE OF THE SUPREME COURT OF NEW SOUTH WALES**

(Commission read; Oaths of office taken)

- 1 **BELL CJ:** Thank you Principal Registrar. I note that the affirmations of office, the affirmation of allegiance and the judicial affirmation were made in my chambers on 1 July 2025 and have been placed with the Court's archives.
- 2 Justice Bennett, on my own behalf and on behalf of your colleagues on the Bench, I warmly congratulate you on your appointment. You were a highly respected member of the Bar and will be a highly respected judge, known for your diligence, your expertise and your sense of humanity. So, congratulations. We wish you the best of luck in your new judicial career. Mr Attorney do you move?
- 3 **THE HONOURABLE MICHAEL DALEY MP, ATTORNEY GENERAL OF NEW SOUTH WALES:** Thank you Chief Justice. May it please the Court. I would like to acknowledge the traditional custodians of the land, the Gadigal of the Eora Nation and pay my respects and welcome any Aboriginal colleagues here today. Thank you Chief Justice Bell for the opportunity to address the Court today on behalf of the Bar.
- 4 One of the undoubted privileges, and I should say most enjoyable aspects of the role of Attorney General, is the ability to make judicial appointments which is why I attend all of these ceremonies that I am able to. Each appointee brings a personal, a lifelong unique story to the Bench. All are immensely talented and deserving, but some just stand out, really stand out. I think today is such a day.

- 5 Justice Bennett can I congratulate you on your appointment to this esteemed court and thank you, once again, for continuing your life of service. Can I acknowledge your friends and family here today, including your siblings Rosie, Scott and Nicole and son, James. May I also again express my condolences for the recent loss of your beautiful husband, Tony Broe. Tony was a renowned neurologist and geriatrician and instrumental in supporting you throughout your amazing career to date. You were together for more than 30 years and his absence today is deeply felt, but he would be just as proud of you today as he was when he learnt of your appointment before his passing.
- 6 I would like to also acknowledge your late mother, Patricia Bennett and your father, George. The values they instilled in you, fairness, resilience, curiosity and compassion, and to have a big heart, have travelled with you throughout your growth in life and your career, and have resonated throughout that amazing career.
- 7 Your path to the bench today was not, can I say, a typical one but this Court is the beneficiary of the richness derived from your journey. The well trodden judicial pathway, high school to law school, maybe time as a solicitor, on to the Bar and so on was not your pathway. Your Honour initially studied psychology at the University of Sydney, thereafter graduating with a Masters of Counselling at Macquarie University and then a Masters of Clinical Neuropsychology. Your Honour then went on to complete a PHD in Clinical Neuroscience at the University of Sydney examining, amongst other things, how Alzheimer's disease affects cognition and emotion. Over two decades you built an impressive career as a clinical and research neuropsychologist.
- 8 Your speciality was the cognitive and behavioural aspects of neurological, medical and psychiatric conditions and you appeared before courts and tribunals as an expert on a range of issues, including mental capacity and decision making. From 2002 until 2006 you were also a member of the Guardianship Tribunal of New South Wales.

- 9 Now most people, your Honour, would be content with two Masters degrees, one Doctorate and an already flourishing career, but after reaching the top of your field in health sciences you decided to take on another challenge. Law was the natural progression. Your Honour's career in neuropsychology has run parallel to and, over time, converged with your enduring interest and involvement in the legal profession.
- 10 So in 2003 you bit the bullet and enrolled in your fifth degree, a Bachelor of Laws at the University of New South Wales. Tony was instrumental in supporting this endeavour as you took night classes whilst also working as a research neuroscientist at the Prince of Wales Medical Research Institute. In 2007, while still at law school, you were tipstaff to Supreme Court Justice David Kirby and graduated the following year with first class honours.
- 11 There was just no time to practice as a solicitor, it would seem. You were admitted and called straight to the Bar in 2009. A friend and colleague recalled your visit to her chambers at the completion of your law degree. She said you were clear, determined and confident that the Bar was the right place for you to start. And while you would, perhaps, now suggest to younger graduates that they, perhaps, work as a solicitor first, you were already on your second career, on your way to the third and did not have the luxury of time. And so you embraced the Bar where you watched, listened and learned.
- 12 And since then, your Honour's appeared in matters relating to mental capacity, succession, guardianship, a myriad of health and mental health related applications and appeals. Your practice has spanned first instance and appellate appearances in equity, succession, protective law, public and administrative law, as well as numerous inquests and commissions of inquiry. Your Honour assisted in both the child sexual abuse and disability royal commissions.
- 13 You have also found the time to conduct research in addition to your efforts at the Bar. Between 2015 and 2022 you were a research affiliate and adjunct senior lecturer at the University of Sydney's Law faculty. And so you come to

the Equity Division of the Supreme Court having trained the judicial officers about neuropsychology, the workings of the human mind and the ways in which disability and cognitive impairment affects decision making. You have addressed judicial officers and magistrates on a wide range of topics, including unconscious prejudice and bias, ethical decision making and how the civil standard of proof operates.

- 14 Your numerous legal publications span issues including retrospective mental capacity, criminal risk behaviours and dementia and Alzheimer's and socioeconomic disadvantage in sentencing. So it will not be long before practitioners will appear before you who have benefited greatly from your research into all of those fields of endeavour and study.
- 15 Last year you made the Doyle's Guide of Leading Wills and Estates Litigation Barristers in New South Wales and also took Silk while at new chambers in April this year where you were recognised as one of the best lawyers in Australia for trusts and estates and health and aged care law.
- 16 That your Honour has progressed so swiftly through the ranks of the legal profession is a testament to a great many things, including your diligence and skill. In your own words, you consider neuroscience and the law two sides of the same coin. You said you are fascinated by what the law tells us about who we are, what we mean to and how we treat each other. And those who have watched you practice have praised your fair and thorough approach. They describe you as polite and persuasive. Someone who brings a deep understanding of what it is to practice in health sciences. Someone with a big heart.
- 17 A colleague who worked with you during the Disability Royal Commission described you as simply brilliant. She praised the grace and dignity you brought to the role, as well as the depth of preparation that made your arguments clear and easy to follow. She said your Honour had a knack for connecting with witnesses, to draw out and present compelling, considered and simple

evidence. She urged anyone entering your courtroom hereafter to make sure they come thoroughly prepared because you certainly would be.

18 And so it is remarkable, but also not surprising given your Honour's talent across science, health and the law, that you have reached the peak of not one but two careers. And this Court and the judiciary is greatly strengthened by people with diverse experiences.

19 So, once again your Honour, thank you for saying yes. Congratulations on your appointment and thank you for your continuing life of service. May it please the Court.

20 **BELL CJ:** Thank you Mr Attorney. Ms Jennifer Ball, President of the Law Society of New South Wales.

21 **MS JENNIFER BALL, PRESIDENT OF THE LAW SOCIETY OF NEW SOUTH WALES:** May it please the Court. I, too, acknowledge the Gadigal of the Eora Nation, the traditional owners of the land on which this Court stands and pay my respects to their elders past and present. I acknowledge and extend my respects to all Aboriginal and Torres Strait Islander peoples who are with us today.

22 I thank the Chief Justice for the invitation to speak on behalf of the solicitors of New South Wales today. It is a privilege to offer the New South Wales Solicitor Profession's congratulations to your Honour on her appointment. May I say at the outset that I too offer my condolences for the tragic loss that your Honour recently experienced, along with the many people here in this audience.

23 In your own words your husband, Tony, totally supported your Honour's choice to go to the Bar. Those close to you helped me form a picture of Tony as a modern man, and simultaneously an absentminded professor to whom your Honour was a superb organisational foil. In more ways than one, his support is part of this celebration today. Indeed it is part of your life's work so

far which has led to this appointment. I understand you were a loving couple and I am so sorry for your loss, your Honour.

- 24 I also know friends, colleagues and those fortunate enough to have been guided by your Honour and by your friendship deeply appreciate this appointment as do many in the profession. As well as your Honour's brother and sister judges, who have greatly benefited from your insights about the role of emotion and fully formed sound legal reasoning, the ventromedial cortex must be engaged. I can tell you that mine is right now.
- 25 This combination of insights comes from a barrister who came to the Bar as fully formed successful adult, one described by solicitors as highly organised, intuitively polite, intelligent and thorough who has been inspirational to many instructing solicitors. Indeed, I heard that such was your manner that receptionists from instructing firms, to this day, considered your Honour "an absolutely lovely person." To create the same impression with all is not something many people can do, and even fewer people actually do.
- 26 Friends from your law school recall similar things. That studying part time for your law degree, after completing a PHD, appeared easy on the outside despite having a high focused job and a young son. They said they never felt intimidated by your clearly exceptional academic and intellectual ability though. This ability caught the attention of the then Honourable Justice David Kirby, formerly of this Court and here today which, as we have heard, led to a year as the Honourable David Kirby's tipstaff, partway through your law degree when most students were still figuring out what torts were.
- 27 I heard that a lack of intellectual intimidation toward your peers came from two main sources, (1) your Honour's warm open demeanour and (2), academic competition with your Honour was simply impossible. These were after all law students and generally competitive people, but it was very easy to simply watch the achievement unfold, and unfold it did.

- 28 One friend recalled bonding in first year because you were both adult students with connections through the Prince of Wales Hospital. And perhaps, more importantly, you both expressed an interest in a mooted competition. You teamed up and entered the competition. And here, your friend recalled, it became very clear to him early on that your Honour's research skills were, let's just say, beyond his and that your Honour was a very, very confident public speaker. Your team ended up going on to win the first year mooted competition, something your friend to this day attributes solely to your Honour.
- 29 Indeed such is your work ethic, one of your siblings suggested that if your Honour called one day and said, I'm going to be an astronaut and move to America, it would be settled. Your Honour would now be an astronaut.
- 30 I know your Honour got through what would be a huge life changing experience for any person by planning and taking one step at a time. For your Honour each step was the focus. It was methodical. Initially at the Bar, simply about taking whatever opportunity in the form of a brief came your way. Indeed your Honour has said that because you started at the Bar after 22 years as a neuropsychologist, you believed the expectations were generally, thankfully, in a way very low. As your Honour remarked, you felt no expectations to apply for Silk or be in that food chain, more hoping you could simply suit yourself at the Bar. Clearly things changed.
- 31 So returning to the outsider's perspective. I know many instructing solicitors who will appear behind their counsel in your Honour's court now understand testamentary capacity well beyond *Banks v Goodfellow*. They, along with their counsel, will understand discretionary trusts much better. The legal profession at large can understand, say, the depth in the difference in reasoning between *Mabo* and *Yorta Yorta*, along with so much more of the human mind and the law, all thanks to your Honour's work.
- 32 Your Honour leaves a legacy at the Bar of, not just exceptional legal work in administrative and public law, in commissions of inquiry and coronial inquests, in equity and family provision, mental health capacity and professional

discipline, but also in protective law and wills and estates and more of the hard work, clarity of vision but flexibility of approach to life, that has led to this appointment. It bolsters this Bench with yet another glitteringly smart individual, who happens to be very personable. Who happens to have possibly the highest colour coding ability in organising their work of any justice to date, or so I have it on good authority.

33 But with this intelligence and organisation, there is also deep consideration. Your Honour is noted for leaving space for others. For taking their thoughts on board, without judgment, for knowing the value in ideas. Indeed, those who have known your Honour through your life recall excavating meaning with curiosity drove an early fascination with archaeology. It drew your Honour to psychology and into neuropsychology, to law and now to being a judge.

34 Your siblings said that, were your parents here today, they would be ecstatic. Indeed, they said they sent texts to each other that just go “How about our beautiful sister” along with lots of hearts. In our lifetime the need will never go away for people who understand people with all their reason. This is especially true in our legal system. With this in mind may I say then that, along with many in the profession I represent, we look forward to your Honour’s judgments.

35 Finally, paraphrasing Edmund Burke:

“In long established society, such as ours, law which is a reflection of society reflects a partnership which is composed of beliefs that are dying, beliefs of the day and beliefs that still inchoate and take inform. People too are composed of such beliefs.”

36 At an academic, legal and personal level, the beliefs that your Honour represents about our society and us as people are a brilliant affirmation of this Bench.

37 I, therefore, thank the Chief Justice and Attorney General for making this appointment, and your Honour for serving as a Justice of the Supreme Court of New South Wales. On behalf of the Law Society of New South Wales, congratulations your Honour. As the Court pleases.



- 38     **BELL CJ:** Thank you Ms Ball. Justice Bennett.
- 39     **BENNETT J:** Chief Justice, fellow judges, former judges, Mr Attorney General, distinguished guests, former colleagues, friends and family, I also acknowledge the Gadigal people, the traditional custodians of the land on which we meet and I pay my respects to their elders, past, present and emerging.
- 40     I will begin by thanking everyone for attending today and those attending by watching online. You do me and the Court a great honour by your attendance today. I would also like to thank Mr Attorney and Ms Ball for your very, very kind and generous words.
- 41     As is customary, I will take this opportunity to say something about how I came to be where I am today and also publicly acknowledge some of the people who have supported me, and encouraged me and the choices I have made over many years.
- 42     I am the third of four children of Pat and George Bennett. Whilst there was certainly no expectation that any of us would go to university, I do recall that my announcement that I hoped to be a psychologist and proposed to attend the University of Sydney was well received. Having said that, I cannot recall when and from where my attraction to psychology, which later became neuropsychology and neuroscience, commenced. I do recall, however, that from early on having an absorbing interest in seeking to understand how we humans came to be in all our diversity and in all the complexity of our relationships was there. Following this calling, I worked as a psychologist and then a clinical and research neuropsychologist for over 20 years.
- 43     I started my law degree in 2003, which is the same year that my son, James, commenced primary school. I would drop James off in the playground at school and then drive to Prince of Wales Medical Research Institute in Randwick to work as a post doctoral research scientist in the morning. I would then cross Botany Street in the afternoon to attend lectures at the Law School of the University of Sydney. And, it was during this period of time, for four years that

I sat on the Guardianship Tribunal, as the Guardianship Division of NCAT then was, as a professional member.

- 44 It was in 2003 in my first year at law school that I met my good friend, Jamie Ukra who was also a mature aged student, even though I was somewhat more mature than Jamie, being 20 years his senior. One of my career highlights, to this day, you have already heard about and that remains the accomplishment I share with Jamie from that first year where Jamie and I had become mooted partners and where we won the first year mooted competition. The grand final took place in a courtroom in this honourable court and was judged by a real life Supreme Court Judge, the Honourable David Kirby KC or Justice Kirby, as David then was. I still remember the thrill and excitement of meeting a real judge and appearing in this honourable court, and the shock and then the gratitude at the kind and inspiring words offered by Justice Kirby at the time.
- 45 It was that career highlight that led to another which was the opportunity to work as David's tipstaff, which I did by taking a year off law school in 2007. During that year I was able to observe the hallmarks of a model judge, David being renowned for his fine legal mind, as well as his patience with counsel, even temperament and sense of humour. He was widely admired and I remember always being proud to say I was his tipstaff, as I am now. Of course an important part of my tipstaff experience was the great pleasure of meeting and getting to know David's wife, Judy, where together they stayed in touch with Tony and I and have continued to encourage me as I have been making my way through the law.
- 46 It was that same year, 2007, that saw another career highlight where I was privileged to meet the Honourable Michael Kirby, coincidentally David's brother, who at that time was a Justice of the High Court of Australia. My first legal publication was on the topic of decision making in sentencing and was published, with Tony as co-author, in the criminal law journal. After about one week following publication of the article, Tony and I received a letter from Michael, a letter that I still have, and saying glowing things about the article and

inviting us to lunch to discuss. Michael has very generously read my various publications since that time and has kept in touch with Tony and I. Michael, as a person and as a jurist, remains a source of inspiration and awe to me to this day.

- 47 I came straight to the Bar after completing law school and the College of Law, and I was very lucky and grateful to be accepted as a reader on the 12th Floor, where I went on to make enduring friendships. Justice John Robson was then head of chambers and I acknowledge his friendship and support over many years now, and that of Penny Robson. I am also grateful to other generous colleagues on the floor who answered my many questions, included me in their work, and otherwise befriended me.
- 48 My tutors were Gail Furness and Justice Anthony McGrath. Both taught me a great deal and remain friends. It cannot have been easy to take on a reader who had not been a solicitor, and whose brain was needing to recalibrate and rewire from being a neuropsychologist to that of a barrister.
- 49 After five years at the Bar I moved to New Chambers. I am grateful to Justices Elizabeth Cheeseman and Tom Thawley who was central to founding New Chambers at that time, with the late David Jackson as founding head of chambers, of which I became a part. I am also grateful to all of my colleagues on the floor for their support over the last ten years, but particularly Kate Eastman, current head of chambers and Arthur Moses. Their leadership, vision and professional excellence has always been an inspiration to me.
- 50 I would also like to acknowledge the invaluable assistance and ready support that I have received from my clerk, Angela Noakes, and also to Sarah Marina(?) and all of the staff at New Chambers. I could not have developed the practice I had, or managed that practice, without their ready and enthusiastic support.
- 51 The common thread through most of my years as a barrister, and to this day, is the friendship and support of Justice Angus Stewart. Our friendship commenced soon after Angus and his family moved from South Africa to

Sydney in 2011, and much of the time Angus being my next door neighbour in chambers. I am delighted that we are, at the very least, back working in the same building again.

52 As to my work as a barrister, more generally, I would like to acknowledge the excellence of the solicitors who instructed me, and who I had the great honour to work with, some over very many years. They know who they are and how special they have been to me, and I thank you all.

53 I would also like to thank the Silks who have led me, and taught me so very much, and who have also become my friends. I will miss working with you. I would also like to thank my juniors and readers, whose enthusiasm and passion for the law, always meant that working together was such a great pleasure.

54 And now to my family and friends. My parents, Pat and George, did not get to see this day but I do know that they would have been immensely proud. I certainly feel their presence today, in particular that my mother's closest friends and work colleagues, Deborah Frith(?) and Dr Michelle Weiss(?) are present here today. Thank you both.

55 On my father's side also present or watching online are my father's three sisters, Margaret, Kathleen and Heather together with my cousins and their partners. I love being part of the extended Bennett family, with all the love and pride that we all have for each other.

56 In relation to my siblings and partners, Rosie and John, Scott and Jane and Nick and their children and partners, thank you all for your unconditional love and support. To Rosie, Scott and Nick, I think of the places we have lived, the things we have done, the people we have known and the experiences we have shared and I wonder without concluding how any of that could have added together to lead to what is happening today. I could also wonder the same about my life with my friends, going way back to my school friends, one of whom, Jane Latchford(?), is here today. Thank you Jane for many decades of friendship and support.

- 57 It has been with the support of my family and friends and colleagues that I am making my way through difficult times. Again, I would like to particularly acknowledge my sister Rosie and John for their sustaining care. And to Rosie, whose been watching over me the whole of my life.
- 58 Now lastly, and most importantly, I turn to my late husband Tony and our son, James. Tony and I had been together for over three and a half decades. In that time Tony saw me grow and evolve both personally and professionally. Of course Tony had his own career as an eminent neurologist, geriatrician and Professor of Medicine, but his primary focus, especially when I turned my attention to the law was to support me and to see me flourish. Tony knew of my appointment before he died and was full of pride. I am so pleased that members of Tony's family are here today, Mel and Bill, Aidie(?) Danny, Pam and Melissa and Alexander. Thank you for your ongoing support and love, and to other Broe family members who are not able to be here.
- 59 Which leaves Tony and my son, James. James has never been anything other than a source of joy and pride to me. I am indebted to James for that, as well as for all he has taught me about being a parent and about being in the world. James is also one of my sources of inspiration as he steps out into the world with curiosity and enthusiasm, what could go wrong, and at the same time with kindness and an open heart. James is watching this online from New York where he now lives and works. James, I could not be more proud of you and could not feel more supported by you in the challenges I now undertake.
- 60 Finally, I would like to thank the judges and staff of this Court who have made me feel so very welcome since my appointment. I will include in this thanks former judges, and in particular the Honourable James Stevenson. And, in terms of my day to day work, I very much need to acknowledge and thank my wonderful chambers team, led by my very bright and exceptional associate, Karthik Pande.
- 61 The community, and individuals within the community, place immense trust in this honourable institution. I will do my best to live up to the very high standards

that have been set by the judges of this Court, and by those who have gone before them.

62 I thank you all, again, for your attendance. Thank you Chief Justice.

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