

KEYNOTE ADDRESS TO THE “LEADING IN THE LAW” 2025 SUMMIT

University of New South Wales

Centre for the Future of the Legal Profession

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“Leading in the Law”

Introduction

- 1 I begin today by acknowledging that we meet on land for which the Gadigal of the Eora nation have cared and been custodians for thousands of years, and I extend my respects to all Aboriginal and Torres Strait Islander people, including any present here today.

- 2 Given the title and theme of this Conference, “Leading in the Law”, I particularly pay my respects to all Aboriginal elders, especially those who have played such a significant role in the youth Koori Court and the District Court’s Walama List. Those elders have been central to the success of those important initiatives that are making a difference in an area where that difference is so sorely needed. I will return to this.

- 3 I thank Professor Legg, the Centre for the Future of the Legal Profession, and the University of New South Wales for inviting me to deliver the keynote address at this summit which brings together academics, barristers, solicitors, corporate counsel, public sector lawyers, judges, former judges as well as

former lawyers to share their experiences and insights across an array of topics all concerned in one way or another with leadership in the law.

- 4 There are many and varied opportunities for leadership in the law and it has been my privilege over the last three years as Chief Justice to see lawyers in so many different contexts leading the way, often in a voluntary capacity, that does great credit to them and to the legal profession as a whole.
- 5 It goes without saying that leadership in any field is important – one only needs to think through the consequences of an absence of leadership or of poor leadership to appreciate this. And strong, clear leadership can make a real difference to a team, a firm, a faculty, an organisation, an institution and, of course, a polity.

Thinking about leadership

- 6 The topic of leadership has been a source of interest to me for many years, both within the law but more generally as a keen student of history and politics, both local and international.
- 7 What were the leadership qualities of Ernest Shackleton, for example, that saw him save the lives of his men in the most extreme of circumstances and under the most intense pressure? What was it about the quietly spoken Ben Chifley, a locomotive engine driver and son of a blacksmith from Bathurst, that saw him become one of Australia's most admired and greatest treasurers and prime ministers? What were the essential attributes of Mahla Pearlman AO, born in Boggabri, that resulted in her becoming the first female President of the Law Society of New South Wales and the Law Council of Australia, and then Chief Judge of the Land and Environment Court?
- 8 One of my favourite podcasts – which makes being on an exercise bike barely bearable – is "*Leading*" with Alistair Campbell and Rory Stewart. This is a spinoff from the enormously successful "*The Rest is Politics*" podcast. In "*Leading*", Campbell and Stewart interview leaders from different fields

although they have not yet, to my knowledge, interviewed a chief justice or senior jurist, sitting or retired.

- 9 One can find in articles, interviews and speeches, however, reflections by current or retired chief justices about leadership or at least their experience as a judicial leader. One interesting example is a speech delivered in 2021 by the current but soon to retire Chief Justice of Malaysia, the Right Honourable Tun Tengku Maimun Tuan Mat entitled “Reflections on my journey to becoming the first female Chief Justice of Malaysia: challenges and champions”.² I will return to that speech a little later on.
- 10 My own perceptions of and insights (such as they are) about leadership have been framed in a number of ways and through a number of institutions.
- 11 During my career, I have had the benefit of observing, often at close quarters, different styles of leadership in different settings and involving the confrontation of different challenges, including various crises of different types and scale. And I had leadership roles during my pre-judicial life including in my old chambers and on Bar Council, within a University College Council, within an artistic organisation as Chair of *Sculpture by the Sea*, as a member of the Judicial Commission and as President of the Court of Appeal.
- 12 In recent years, I have had to think about leadership more formally in the context of my role as Chief Justice and President of the Judicial Commission of New South Wales. That has involved both attending, presenting at and chairing various conferences/programs dedicated to judicial leadership conducted by the National Judicial College of Australia.
- 13 In addition, the Council of Chief Justices of Australia and New Zealand meets twice a year and provides a forum amongst peers for practical interaction about

² Australian Indonesian Partnership for Justice webinar on 15 April 2021 available at <https://www.fccoa.gov.au/sites/default/files/2021-08/Womens%20leadership%20of%20APEX%20courts%20keynote%20address%20Chief%20Justice%20of%20Malaysia.pdf>

judicial leadership as does the Conference of Chief Justices of Asia and the Pacific which the Supreme Court of New South Wales organises in its role as the Chair of the Judicial Chapter of LAWASIA.

- 14 An individual's perceptions about and insights into leadership will evolve over time as he or she grows in the job, learning, for example, that not everything can be achieved at once, that one shouldn't "box at shadows" (not least because there's too much else to do) and that one must work hard on prioritising tasks.

Some general observations about leadership

- 15 Drawing on my own experience and evolving thoughts, let me begin by making some *general observations* about leadership before turning to leadership in the law.
- 16 First, the demands of leadership will in part be dictated by the nature, function and size of the organisation or entity being led.
- 17 Second, there are different types or aspects of leadership – administrative or corporate leadership, moral leadership, intellectual or thought leadership, cultural leadership and strategic leadership.
- 18 Thirdly, not every leader (and probably very few) will excel at or master equally or at all, *all* of these types or aspects of leadership.
- 19 Fourthly, of those different *types* of leadership, there is no one model or *style of* leadership just as there is no one model or style of advocacy. For example, strong leadership need not necessarily be loud or forthright just as some of the most skilful and leading advocates are in fact be quite softly spoken but no less effective.
- 20 Fifthly, like advocacy, although one can study the subject of leadership, it is in part and, I dare say, very much a function of experience, intuition and personality.

- 21 Sixthly, leadership has internal and external dimensions and the challenges and demands of leadership are many and varied.
- 22 Seventhly, good leadership in my opinion requires the following attributes:
- good organisation and time management;
 - institutional knowledge and understanding;
 - clarity of vision and the ability to have a broad perspective;
 - open-mindedness;
 - the ability to communicate with clarity with individuals and wider groups both within and outside the organisation being led;
 - the ability to consult and to delegate;
 - the ability to harness the skills and energies of colleagues; and
 - the building and maintaining of respect.

Leadership in the law

- 23 I now turn to “leading in the law”, the title of this Summit.
- 24 A discussion of leadership within the law can be broken down into different areas. These include:
- institutional leadership including of courts, professional organisations and agencies, firms and law faculties;
 - thought leadership including intellectual leadership; and
 - moral leadership.

25 There is also leadership by others *beyond* the law. Many lawyers have taken their legal and analytical skills into politics;³ government; business; the Arts; and community service.

Judicial leadership

26 Turning to the subject of judicial leadership, acknowledging that this is only one field of “leading in the law”, the current Chief Justice of Australia, my friend, the Hon Stephen Gageler AC, is a fine example of a true intellectual leader, and has been for many years. His grasp of legal principle, and especially constitutional principle and history, is second to none and his judgments and speeches rightly command great respect amongst the legal profession for their clarity and wisdom, characteristics shared by his much-revered mentor, Sir Anthony Mason AC KC.

27 As between each of the superior courts in Australia, there are different leadership structures. In New South Wales, for example, I have the benefit of the support of the President of the Court of Appeal, the Chief Judge in Equity and the Chief Judge at Common Law. Together with the Court’s Principal Registrar, we operate in essence as the “executive” of the Court. Our meetings and interactions provide a valuable occasion to discuss not only matters of policy but also any particular challenges or difficulties facing the Court from time to time. The fact that each of my colleagues holds a *formal* leadership position (insofar as each of them holds a separate commission appointing them to their positions) gives them a valuable added authority within the Court and, for me, the opportunity to delegate various tasks to each of them who is armed with the authority of their formal positions to deal with issues as they arise.

28 The formal leadership structure which exists within the Supreme Court of New South Wales is not replicated in the District Court of New South Wales (which is almost twice the size) or in the Federal Court of Australia, which is of an

³ One thinks, for example, of Sir Robert Menzies, Sir Garfield Barwick; Gough Whitlam, Neville Wran and, of current politicians, Attorney General Mark Dreyfus KC, former State Attorney General and now leader of the opposition, Mark Speakman SC, and our current Attorney, Michael Daley and Shadow Attorney, Alister Henskens SC.

equivalent size. In those courts, other judges may be and are co-opted in the management of the court but do not hold formal positions of authority, and delegation to a judge to discharge management responsibilities to other judges of the same status no doubt proves challenging from time to time.

- 29 In Victoria, the Chief Justice is also the head of Court Services Victoria which places a very real and extremely heavy administrative burden on him as that institution performs the role which in New South Wales is provided and discharged by the Department of Community and Justice. Further, Court Services Victoria is responsible for VCAT. NCAT, in New South Wales, does not even fall within the umbrella of the Judicial Commission of New South Wales.
- 30 Apart from differences in structure, there are also, no doubt, differences in judicial cultures between courts. In my view, the fostering of genuine collegiality within a court is incredibly important. Judging can be a lonely and isolating task. Judges bear an immense personal responsibility in the discharge of their offices and a culture of support, mutual respect and a congenial work environment is critical to the effective functioning of an institution and the well-being of judges. I have no doubt that this observation translates to many other legal institutions, both in the public and private sectors.
- 31 At a recent judicial leadership conference, participants engaged in a process of “listing out” various tasks required and expected of judicial leaders. This was a useful and revealing exercise. While what was revealed was not necessarily exhaustive, it is exhausting to contemplate.
- 32 The tasks and skills identified divided into governance skills, administrative skills and institutional skills, included the following:

Governance skills

- (1) Induction and exiting of judicial officers;
- (2) Judicial educational management;

- (3) Practice Management (incl Practice Directions; internal process management);
- (4) Workload, workflow and judicial performance management;
- (5) Judicial conditions and entitlements;
- (6) Diversity and inclusion;
- (7) Discipline and oversight (including sexual harassment and bullying policies and complaint handling);
- (8) Policy & procedural development;

Administrative skills

- (9) Delegation of authority;
- (10) Organisational structure;
- (11) Budget management;
- (12) Facilities & property management;
- (13) Security;
- (14) Project planning;
- (15) HR/personnel management;
- (16) OHS Management;
- (17) Information, Communication & Technology management;

Institutional skills

- (18) Departmental & A-G liaison;
- (19) Intra-court relations management;
- (20) Stakeholder liaison;

- (21) Media relationships;
- (22) Protection of judicial independence; and
- (23) Community engagement.

33 And then, of course, we need to be in Court, sit on important cases and deliver judgments. That is easier said than done when managing the litany of other tasks I have identified but it is, to my mind, extremely important.

34 In Chief Justices such as Sir Laurence Street, Murray Gleeson, Jim Spigelman and Tom Bathurst, New South Wales has been fortunate to have had judicial leaders at the Supreme Court level who have also been outstanding jurists and ensured that they sat regularly, thereby providing intellectual leadership within the Court and for the wider judicial hierarchy and profession. Each is a role model to me. Each was different to his predecessor, as I am no doubt to mine, but that is only to illustrate one of my earlier observations, namely that there is no one “model” of leadership or “type” of judicial leader.

35 All, however, understood the central importance of the rule of law and the importance of the independence of the judiciary. One of the particular challenges of judicial leadership is maintaining that independence in the face of the reality that, although a co-equal arm of government, the judiciary depends on another arm of government for its staff and funding.

Crisis management

36 One of the sessions at this Summit is devoted to crisis management and “leading in a crisis”. Judicial crises can come in many different shapes and sizes, often requiring immediate responses. In my speech in honour of Tom Bathurst on his retirement as Chief Justice, I observed that he had:

“led the Court and the profession through the terror, trauma and unspeakable tragedy of the Lindt Cafe siege; through the flooding of the Supreme Court Registry and the extended closure of the Queen’s Square building; through the Stygian cloak of the bushfires and, of course, the greatest challenge of all, the COVID-19 pandemic during

which, under [his] leadership, the Court continued to sit and deliver justice through a public health and social crisis unprecedented in our lifetimes.”

“Any one of these challenges”, I continued, “would have been demanding. To have had to absorb the impact of, and to deal skilfully and sensitively with, all of them, has been a challenge of biblical proportions in circumstances that called for great care, responsibility, flexibility and innovation.”

37 Chief Justice Kiefel faced an extremely challenging crisis in relation to allegations made about Justice Heydon, just as Sir Harry Gibbs did when allegations were made in relation to Justice Murphy. Late last year, then Chief Justice Alan Blow of Tasmania needed to deal with one of his judges being charged and eventually convicted of criminal charges. I have no doubt that other heads of jurisdiction have had to deal with similar challenges of varying degrees of seriousness.

38 Law firms are not immune from such crises. Allen, Allen & Hemsley faced an almost fatal crisis in the 1990s when it was discovered that a former managing partner, Adrian Powles, had raided the trust fund to the tune of many millions of dollars and spent it on his gambling addiction. As recounted in its bicentennial history, that crisis almost resulted in the end of that famous firm. The pressure placed on its then Chairman, John Lehane, one of the most decent and honourable practitioners one could hope to encounter, was immense and, I fear, contributed to his premature death (but not before he had served a distinguished tenure as a judge of the Federal Court of Australia).

39 I earlier referred to the 2021 speech given by the Chief Justice of Malaysia. Her Ladyship assumed the Chief Justiceship at a time when the reputation of the Malaysian judiciary had been rocked by scandal, and the respect in which it was held had been severely eroded. She described this challenge in the following terms:

“The courts’ image has been battered with disgraceful false allegations of abuse of power and also controversies involving top judges. The allegations and negative perception against the Judiciary then was that

the Judiciary was subservient and beholden to the Executive. To manage this negative perception and to restore the image of the Judiciary is [one of the] challenge[s] that I face.”⁴

- 40 The Chief Justice identified different responses designed to restore public confidence in the Malaysian Judiciary. One of these initiatives was directed towards educating the youth, for whom the Chief Justice had implemented a program called ‘Court to Classroom’, whereby:

“judges and judicial officers visit selected schools in the country to teach the students on the basic features of the Federal Constitution and the legal system in Malaysia. Educating the public is important and we are starting with the young”.⁵

Clearly a leader of many talents, the Chief Justice demonstrated, from those attributes I mentioned earlier what it means to lead with “institutional knowledge and understanding” as well as the importance of effective communication, courage and independence.

Leadership of and by professional organisations

- 41 During my six years on the bench and last three years as Chief Justice in particular, I have been singularly impressed by the leadership of the legal profession within the Law Society of New South Wales and the New South Wales Bar Association as well as their national counterparts.
- 42 That leadership has been committed not only to the maintenance, regulation and improvement of the branches of the profession but has also looked beyond the immediate profession to the administration of justice and policy questions more generally, particularly but not only within the sphere of criminal law.
- 43 Amongst other matters, both the Law Society and the Bar Association have been instrumental in leading the way to advance gender equality in the law. The composition of the profession is radically different from the time I commenced practice, as a result of such leadership and the example of

⁴ Chief Justice Tun Tengku Maimun Tuan Mat (n 2) [24].

⁵ Ibid [33].

outstanding role models such as Mary Gaudron and what I might refer to as the Famous Five, the first five female judges whose portraits now proudly hang in the Supreme Court Gallery: Jane Matthews AO, Carolyn Simpson AO, Margaret Beazley AC, Virginia Bell AC and Paddy Bergin AO, to whom may be added Ruth McColl AO SC and Julie Ward, the current President of the New South Wales Court of Appeal.

44 Today, some 43% of all judicial officers in New South Wales are female, women make up more than two thirds of solicitors under the age of 35 and the Presidents of the NSW Bar Association and the Law Society of New South Wales are distinguished female practitioners.

45 The Law Society of New South Wales and the New South Wales Bar Association were also two of the first institutions of their kind to issue guidance as to the use of Generative AI and the Law Society followed this up through the formation and work of a Gen AI Task Force last year, the membership of which extended well beyond the Law Society itself. The work of this Task Force was invaluable in formulating Practice Note SC Gen 23 and Judicial Guidelines as to the use of Gen AI, and a tangible example of institutional leadership.

46 One of the challenges in drafting that Practice Note will, I suspect, be picked up in Session 6 of the Summit tomorrow afternoon which, according to the program, will focus on “leading through current change: navigating tech evolution while balancing key priorities”. Part of my concern has been to ensure that the rush to embrace Generative AI does not lead to the compromising, still less the sacrificing, of the personal professional and ethical responsibilities of lawyers and the integrity of materials placed before our courts. The legal profession has always been one marked by its adherence to critical and independent thought, as well as duties to the court and the administration of justice.

47 On the same topic, I would observe that the advent of Gen AI also makes now a critical time for leadership in the many law faculties or departments which exist within our universities. Issues arise in relation to teaching, research and

modes of assessment. Innovative thinking is required to ensure the maintenance of standards, critical thinking and the integrity of examinations and assessment. That is a very large topic upon which I know much time and effort is being invested.

- 48 Returning to the legal profession, we are fortunate in New South Wales that there is a very strong tradition of legal professionals who devote themselves to the vital but time-consuming work of these two bodies, most of which is undertaken on an entirely voluntary basis. Many practitioners and members of the public would be surprised to learn just how great a commitment of time is freely given in this regard. It is, in my view, the mark of a healthy *profession* and I emphasise that word, as I do in speeches at admission ceremonies, in contradistinction to a business.
- 49 This observation applies not only to leadership of the Law Society but to all of its regional branches, many of which I have visited in the last two years, leading up to and including the Supreme Court's bicentennial year. These regional visits have included Albury, Camden/Campbelltown, Kingscliff, Newcastle, Parramatta, St George and Wagga Wagga, as well as to City of Sydney branch of the Law Society.
- 50 I am sure that the current President of the Law Council of Australia, Juliana Warner, will have a series of valuable insights into leadership of the legal profession when she addresses this Summit tomorrow.
- 51 One very positive benefit of participation in and leadership of institutional bodies such as the Law Society and Bar Association is that it invariably takes the lawyer outside the narrow and specialised area of his or her day-to-day professional life to engage with other areas of law and the "bigger picture". I am sure that Juliana would agree. This was certainly my experience when I participated in the work of the Bar Council and Jennifer Ball, the current President of the Law Society, spoke of the same phenomenon in her excellent Opening of Law Term address earlier this year.

52 Speaking of Opening of Law Term addresses,⁶ one area where I hope that the Law Society will take the lead is in relation to practical legal training, its efficacy, expense and fitness for purpose. It is essential for our profession that new lawyers enter practice as well equipped as possible to meet the challenges of legal practice, some of which are perennial and constant, others of which are a function of changes in our society and technology. As I said in my address:

“I hope that, with the assistance of the profession, PLT can be improved in quality and the costs of undertaking it for entry level lawyers can come down significantly. Getting PLT right is important for the ongoing health of the profession.”

53 This is not to pre-empt the outcome of the survey currently being conducted of the New South Wales legal profession by Urbis on behalf of the LPAB, but it is to make the point that lawyers must be alive to and adapt to changed and changing circumstances. It is all too easy to allow things to "trundle along" even though external circumstances may require some or even considerable change.

54 One matter that has always struck me about the Australian legal profession is just how many legal organisations there are. This is in part a function of federalism: thus, for example, in addition to the Law Council of Australia and the Australian Bar Association, there are State and Territory law societies and bar associations; there are also a number of State Judicial Commissions. But beyond that we have specialist or subject specific legal organisation or bodies such as the Banking and Financial Law Association, STEP, the Commercial Law Association, Anglo-Australasian Lawyers, Commercial Bar Association of the Victorian Bar, Australian Lawyers Alliance, NSW Society of Labor Lawyers, the Francis Forbes Society; the Thomas More Society; and the Piddington Society – this is to name but a few.

⁶ “Present and future challenges to the rule of law and for the legal profession” (Opening of the Law Term Dinner Address 2025, Hilton Hotel Sydney, 6 February 2025).
https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2025-speeches/bellcj/CJOLTD_20250206.pdf

- 55 Within the judiciary there is the Australian Judicial Officers Association (AJOA); the Australian Institute of Judicial Administration (AIJA); the National Judicial College of Australia (NJCA) and the Australian Academy of Law whose membership includes not only judges but practitioners and academics.
- 56 That many of these societies have an increasingly niche specialisation does not make them any less important to the constituents they represent. It is also very important that the leadership of these bodies engages with each other and that these organisations do not become “siloed”. That is one of Chief Justice Gageler’s aims in planning an Australian Legal Convention to be held later this year in Canberra.

Breaking barriers

- 57 One of the later sessions at this Summit is entitled ‘Breaking Barriers’, where you will discuss how structural challenges to leading in the profession may be overcome.
- 58 In this context, I was fortunate two weeks ago to attend the inaugural Armenian Australian Community Commencement of the Law Term Service at the Armenian Apostolic Church of Holy Resurrection in Chatswood. Prominent in jointly organising that ceremony was the Armenian Professional Network of Australia – another (partly) legal organisation with which I was not until then familiar.
- 59 Present at that event were both the first and the one hundredth persons of Armenian descent to be admitted as lawyers in Australia. The former had taken an active role in nurturing and supporting the careers not only of the 100th such lawyer but many of the other ninety-eight who had followed in his footsteps. I do not doubt his presence, support and personal leadership within his cultural community made many of their journeys in the law less complicated than his own.

60 The same observation applies with regard to the Muslim Legal Network which organised a similar opening of law year service at the Lakemba Mosque, which I also attended. The work of such organisations and their leaders play a critical role in breaking down barriers and contributing to the increasingly rich diversity of the legal profession in New South Wales.

Innovative leadership

61 A further session at this Summit is directed to innovation. There is sometimes a tendency to associate innovation with technological change and development. To be sure, technology is often associated with innovation but it is not co-extensive with it.

62 In my 2022 Sir Ninian Stephen lecture, entitled “Innovative Justice”,⁷ I gave examples of the Drug Court, the Youth Koori Court within the Children’s Court and the District Court’s Walama List as examples of innovative justice. The latter two programs proceed on the basis that providing a therapeutic and holistic approach to sentencing is an essential part of the overall strategy to reduce re-offending, increase community safety and reduce the overrepresentation of Aboriginal and/ or Torres Strait Islander Peoples in the criminal justice system and prisons.⁸

63 In these courts, Aboriginal elders play a role of real leadership, bringing their authority to explaining to juvenile offenders how a particular crime has affected the community, and advising on cultural practices, protocols, and perspectives relevant to sentencing, and advising on the availability of grassroots community programs and organisations that may be able to assist and support the offender in his or her rehabilitation.

64 I recently attended the 10th anniversary of the Youth Koori Court at Parramatta. It was one of the most uplifting occasions I have attended in my time as Chief Justice, manifesting real leadership not only by Aboriginal elders

⁷ ‘Innovative Justice’ (Sir Ninian Stephen Lecture, University of Newcastle, 2022) [62]-[72].

⁸ District Court of New South Wales *How the Walama List Will Operate – Elders and Respected Persons Handbook*, p. 3].

involved in the Court but also committed leadership by Children’s Court magistrates and legal practitioners. The results of these programs well illustrate how leadership in the law can make a positive difference to the community and how innovation extends well beyond technological developments.

Moral leadership

65 I earlier made reference to moral leadership.

66 History is littered with examples of lawyers who have offered strong moral leadership, often in the face of existing or growing autocracy.

67 One is inevitably drawn back to Sir Thomas More in this regard but, as Justice Beech-Jones pointed out in his recent excellent speech entitled “*Lawyers and Dictators: ten lawyers, and counting*”,⁹ we should not forget Demosthenes and Cicero from even earlier times. As his Honour observed:

“Demosthenes and Cicero were no angels; they were very much political players in their own right. Still, wielding only the skills of a lawyer they proved formidable opponents to those who wielded armies and they each did so in pursuit of an ideal. Athenian democracy and Roman republicanism are very imperfect analogies to the liberal democratic traditions that are endangered today. But Demosthenes and Cicero's experiences at least tell us that the threats now being faced, and the question of what lawyers might or will do in the face of those threats, are not new.”

68 Justice Beech-Jones went on to mention the roles of Sidney Kentridge QC and Bram Fischer in the fight against apartheid, to whom I would add, amongst others, Edwin Cameron and George Bizos.

69 John Hubert Plunkett, a 19th century Attorney General of New South Wales, is a local example of outstanding moral leadership both for his courage in

⁹ The Hon Justice Robert Beech-Jones, ‘Lawyers and Dictators: Ten Lawyers, and Counting’ (John William Perry AO QC Oration, 25 October 2024) [https://www.hcourt.gov.au/assets/publications/speeches/current-justices/BJJ/Beech-Jones\(PerryOration25October2024\).pdf](https://www.hcourt.gov.au/assets/publications/speeches/current-justices/BJJ/Beech-Jones(PerryOration25October2024).pdf)

prosecuting the perpetrators of the Myall Creek massacres but also in his work to counter sectarian prejudice against Roman Catholics in the colony.¹⁰

70 In Australia, many lawyers have worked and continue to work tirelessly to draw attention to and to seek to address the distressing over-representation of indigenous people including children in our prisons and correction centres. And Australian lawyers have been passionate in their advocacy against those imperilled with imprisonment and facing the death threat in other jurisdictions.

71 Lawyers must also show leadership by speaking out and educating the community about the importance of the rule of law in our community, a subject also touched upon by the Chief Justice of Malaysia in the speech to which I have already referred and addressed in my recent Opening of Law Term speech.

72 Although not drawn attention to in a recent newspaper opinion piece in relation to that speech,¹¹ I offered twin justifications for speaking out in relation to recent developments in the United States which I saw as adversely affecting the rule of law. I do not mind repeating them in the context of these remarks, as the concern which motivated my observations in the first place has, if anything, intensified in the past fortnight:

“To those who might think that it is inappropriate for me to address recent events in the United States, I would observe that one cannot simply speak about the rule of law (as I do regularly) in an abstract way. As Lord Hodge of the United Kingdom Supreme Court put it, “[d]emocratically elected governments have a vital interest in the maintenance of the rule of law. It is a bastion against those who would use chaos as a ladder.” The rule of law is too important and what it means and why it is important is powerfully illustrated by practical examples of its being undermined, as I venture to suggest it has been by these recent high profile pardons, technically legal though they may have been under the current state of US jurisprudence.

¹⁰ See AS Bell, ‘Unheralded Nation-Builder: Another Dimension of John Hubert Plunkett’ (2024 Annual Plunkett Lecture, Banco Court, 13 February 2024) https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2024-speeches/chief-justice/2024_Plunkett_Lecture.pdf.

¹¹ J Albrechtson “Judicial neutrality trumps Bell’s political alarm” *The Australian* 15 February 2025.

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A second reason I have chosen to address the pardons in this speech is that, in the case of the January 6 rioters, such pardons lend encouragement to those who are inclined to take the law into their own hands or take the view that they may freely operate outside of the law, and or that it is okay to do so. This is precisely the view taken by the sovereign citizen movement whose actions are increasingly becoming an issue for Australian courts, including in New South Wales. Widely publicised pardoning of the January 6 offenders and their lionisation can only lend encouragement and fortitude to those with similar belief systems and a willingness to defy authority, especially with violence and intimidation, two of the other characteristics Chief Justice Roberts identified in his End of Year Report as inimical to the rule of law. This is a matter of concern for us here in New South Wales, and there have been security incidents involving sovereign citizens and the courts at various levels of the judicial hierarchy in New South Wales in recent years.”¹²

73 I will leave it to you to judge whether or not my observations about the rule of law and speaking up about it were apposite and appropriately made by a judicial leader.

Conclusion

74 Thank you for inviting me to address you this morning.

75 I hope that the Summit provides a fruitful occasion for the exploration of leadership in the law. It is a useful and timely topic.

¹² Opening of the Law Term Dinner Address (n 6) [37], [39].