

# FOREWARD BY THE CHIEF JUSTICE OF NEW SOUTH WALES

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I am pleased to present the Supreme Court of New South Wales' Annual Review for 2023.

During 2023, the Court welcomed 6 new judges, Justices Weinstein, Sweeney, Stern, Nixon, McGrath and Huggett, all of whom brought vast experience (including in the cases of Justice Weinstein, Sweeney and Huggett, judicial experience) to the Bench in a range of areas.

In a significant appointment, the Chief Judge at Common Law, The Honourable Robert Beech-Jones, was deservedly elevated to the High Court of Australia. Justice Beech-Jones made a significant contribution to the Supreme Court over many years including his two years as Chief Judge. He also served a distinguished term as President of the Australian Judicial Officers' Association. He was replaced as Chief Judge by The Honourable Justice Ian Harrison.

The Honourable Paul Brereton AM also retired in 2023 as a judge of appeal to take up a position as the inaugural Chief Commissioner of the National Anti-Corruption Commission (NACC). Justice Brereton had served on the Supreme Court for some 18 years at the time of his appointment, sitting in the Equity Division until his appointment to the Court of Appeal in 2018.

2023 also saw the retirement of Justice Robert Macfarlan after almost 15 years of sterling service on the Court of Appeal during which he participated in the hearing of over 1200 civil appeals and over 300 matters in the Court of Criminal Appeal.

Justice Geoffrey Bellew retired from the Common Law Division, and has taken up the important position of Chair of the State Parole Authority, continuing his exemplary contribution to the administration of justice in the State.

Justices Philip Hallen and Rowan Darke, both members of the Equity Division, also retired in the course of 2023 and the Court is extremely grateful for their many years of unstinting service to the administration of justice in New South Wales.

2023 also saw the bicentenary of the Third Charter of Justice, the significant constitutive document establishing the Supreme Court of New South Wales and the Legislative Council of New South Wales (as well as the Supreme Court of van Diemen's Land). Although the Charter of Justice was not proclaimed in New South Wales until 17 May 1824 shortly after the arrival in the then colony of Francis Forbes, our first Chief Justice, its bicentenary was nevertheless marked in September

2023 with a conference in the Banco Court entitled *Enduring Courts in Changing Times*, organised under the auspices of the Australian Academy of Law, the Australasian Institute of Judicial Administration and the *Australian Law Journal*.

The Court also hosted an important conference entitled 'Towards Dignity: The Adoption Process in NSW and First Nations Children' which was held in conjunction the Department of Communities and Justice and the Crown Solicitor's Office and attended by many judges of the Equity Division. This conference was organised by Justice Stevenson, who took over responsibility as the Adoptions List Judge from Justice Sackar after the latter's appointment as Commissioner of the NSW 'Special Commission of Inquiry into LGBTIQ hate crimes'. His Honour's landmark report was presented in December 2023.

The Annual Supreme Court Conference was held in Newcastle with sessions covering a wide variety of legal topics including 'Judges and Technology: a dystopia or an opportunity?'; Cybercrime; Developments in Criminal Law; 'PPSA: misconceptions, assumptions, and a statement of the obvious'; and 'Pseudolaw: Micronations and Sovereign Citizens'; The Conference was also addressed by Dr Michael Fullilove AM, Executive Director of the Lowy Institute and the Hon Virginia Bell AC SC.

Throughout the year, the Banco Court has been the venue for a large number of public lectures on topics of legal interest and importance, as well as book launches, university law school events and student and professional association moots. At the end of the year, what has become known as the 'History Wall' was installed immediately outside the Banco Court, in anticipation for the celebration of the bicentenary of the Court in 2024. The History Wall, in a brilliant combination of text and images, tracks the history of the Court in chronological sequence and has won universal praise from those who have seen it. It will be used in 2024 and beyond as a tool for informing students and new lawyers and members of the public about the Court's rich history and civic importance. Its content and the images it displays was developed in conjunction with the preparation of a history of the Supreme Court for its bicentenary in May 2024.

Judges of the Court contribute to the administration of justice in ways that extend well beyond their onerous day to day obligations of hearing and determining cases. This includes involvement in committees of the Court, with the Judicial Commission of New South Wales and the work of producing and continually updating bench books for the benefit of the whole of the NSW Judiciary, with the Legal Practice Admissions Board and the Law Extension Committee; leadership positions in the Australian Judicial Officers Association, the Australasian Institute of Judicial Administration and the National Judicial College of Australia, in extra-curial organisations such as the Forbes Society for Legal History and Diverse Women in the Law, and through university teaching.

New South Wales is fortunate to have a cohort of dedicated and talented judges serving it at the highest level. It was most disappointing, therefore, that in April 2023, without notice or consultation, the State Government announced a two year freeze of salaries of all judicial officers in New South Wales, including Supreme Court judges. This came at a time of continuing high inflation and in a context where judicial salary increases had been capped for many years in any event. Unless rectified in due course, the judicial pay freeze at a time of high inflation, will have operated to effect a significant reduction in real wages for judicial officers in this State. The work of the judiciary is no less of an essential service than other areas, and it must be properly valued by the executive branch of government.

The Supreme Court is fortunate to have an extremely dedicated Registry staff who support the Court in a variety of ways. This includes the work of the Registrars who not only manage lists but are also engaged in extensive mediation work, especially in the area of probate and family provision disputes as well as the work of our highly skilled listing officers who ensure that the Court hears cases in as efficient and expeditious a manner as is possible. There are many other support staff and others, such as Court Officers, members of the transcription service and of course the Office of the Sheriff, all of whom play an important role in the administration of justice. I particularly acknowledge the work and leadership of Chris D'Aeth and Rebel Kenna as Chief Executive and Principal Registrar, and Prothonotary. Their leadership skills and calm temperaments were to the fore during a major flood event in the Joint Law Courts Building on 17 September 2023 which forced a scramble to rescue court files and essential equipment to enable hearings and trials to proceed as scheduled. Caused by a fire hydrant bursting a coupling between level 18 and 19, the flood impacted all floors on and below level 18, including the library. The building was closed for two weeks for remediation (removal of wet carpets, drying, repairs to lifts) – necessitating the temporary relocation of judges and chambers to King St, Hospital Road and Wentworth Chambers nearby. By 4 October, Court staff were allowed to return to the Law Courts building, following the completion of a full security sweep by NSW Police.

Finally, I thank the judges of the Court and their staff for their continuing commitment to public service. I especially acknowledge the support I receive from the President of the Court of Appeal and the Chief Judge in Equity and the Chief Judge at Common Law in the leadership of the Court.

I commend this report.

**The Honourable Andrew Bell**  
Chief Justice of New South Wales









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