

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

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

WEDNESDAY 8 FEBRUARY 2023

**SWEARING IN CEREMONY OF DEBORAH ANNE SWEENEY AS A JUDGE OF
THE SUPREME COURT OF NEW SOUTH WALES**

(Commission read; Oaths of office taken)

1. **BELL CJ:** Justice Sweeney, on my own behalf and on behalf of our colleagues I congratulate you on your appointment, I welcome you to the Court. You bring huge experience and wisdom borne of that experience as a judicial officer and I have no doubt that and your reputation for the highest integrity and diligence will stand you well in serving this Court and the people of New South Wales. Congratulations.
2. **SWEENEY J:** Thank you, Chief Justice.
3. **BELL CJ:** Mr Attorney.
4. **THE HONOURABLE MARK SPEAKMAN SC MP ATTORNEY GENERAL OF NEW SOUTH WALES:** May it please the Court. I begin by acknowledging the Traditional Custodians of the land on which we gather, the Gadigal of the Eora Nation, and pay my respects to Elders past, present and emerging, and extend that respect to Aboriginal and Torres Strait Islanders joining us today.
5. Your Honour Justice Sweeney, on behalf of the State and the Bar it is my great pleasure to congratulate you on your appointment as a justice of this Court.
6. Joining us here today are your Honour's sister Clare, your brother Andrew and their families, your brother Peter is watching online. In London we have your stepdaughter Isabella Sorby.
7. Unfortunately there are a few people that cannot be here today, your parents Norman and Norma will be sadly missed, as will your late husband, his Honour

Judge Robert Sorby.

8. Your Honour was born in 1959 to Norman, an accounts clerk at Tooheys Brewery, and Norma, a homemaker who in later life helped establish and run a local women's refuge.
9. You are the oldest of four siblings. You grew up in Newcastle where you played tennis, rescued stray kittens and was constantly listening to the radio. You attended local high schools, St Marys and St Anne's. During these years you developed a huge love of reading with one of your favourites being Jane Austen's Emma.
10. After school you attended the University of New South Wales where you studied arts and law. You excelled at university and left ready to forge a career in the profession you love, and your Honour, what a career it has been so far. It began in 1984 with the office of the Commonwealth Director of Public Prosecutions. You were initially a solicitor in Public Prosecutions, then the Principal Lawyer and solicitor to the Independent Commission Against Corruption. Your Honour then served as the Director of the Investigation Division of the New South Wales Crime Commission.
11. In 1995 you joined the Office of the Director of Public Prosecutions for New South Wales where you served as Deputy Solicitor. While you were at the ODPP you were a much loved mentor to junior lawyers. You were put in charge of what was called 'the nursery' where baby lawyers received specifically developed legal training and support. You were described as a hard taskmaster. Everyone who passed through this program found it challenging but all agree that your pastoral care and encouragement helped them become the legal professionals they are today.
12. Overall your work as a solicitor has been described as quietly efficient. Your passion for the law was clear to all and you gained a reputation for being extremely dedicated.
13. During this period you authored several publications, including the first edition of Commonwealth Criminal Law with Neil Williams SC in 1990. Williams SC

remembers you as a highly productive collaborator who always delivered work to schedule and always of the highest quality. He adds “those attributes together with her even temperament will serve her well in her time as a Supreme Court judge”.

14. In 1996 you were appointed as a Magistrate. In your ten years in the role you were a much loved colleague, mentor and friend. As with your previous work you demonstrated your outstanding judicial qualities to all who interacted with you, so much so that colleagues nicknamed you ‘Portia’ after Shakespeare’s finest female advocate.
15. Your time at the Local Court gave you the opportunity to preside over some complex and challenging cases. They included judgments involving colourful personalities of the Eastern Suburbs social scene and the odd misbehaving sports star. Parties left your court satisfied that your measured judicial style provided fairness and equality.
16. Your Honour was sworn in as a judge of the District Court in 2006. At the time, now Justice Michael Slattery, in his then role as President of the Bar Association said that your appointment would enhance the bench. In hindsight 17 years later that was clearly an understatement. On the District Court you have overseen some complex and challenging cases. These include a troubling case of a 12 year old child bride that resulted in her father being found guilty of procuring a child for unlawful sexual activity, a former lawyer gaoled for fraud, and a carer being found guilty of manslaughter due to her negligent care of her ex-husband.
17. Your Honour, it is clear that you have had a remarkable legal career, your passion for the law and the legal profession is clear. What is also clear is that you have the same passion for life. Your insatiable appetite for reading from an early age continues today. You have a love of philosophy. You have read many of the books that people lie about reading, like James Joyce’s Ulysses, and more impressively your Honour understands them.

18. You love to travel. You have spent much time exploring parts of Australia and abroad. Your favourite destinations include New York, Italy and France.
19. Provincial France holds a special place in your heart. It is here where your late husband Robert Sorby and you bought a house and to where you often travelled to visit. It was one of Bob's favourite places in the world and his Herald obituary noted that while he never mastered French he did charm the villagers in his own unique way.
20. You met Bob at the District Court and became a couple in 2011. You were married de facto from 2013. He sadly died after a long illness in 2020. This would be a very proud day for him.
21. Music is still a huge passion as are theatre and ballet. Your Honour is also a hugely talented photographer whose work has been exhibited. Your stunning black and white photographs have been described by you as capturing found moments and the ephemera of life but ephemera is not a word that can be used in association with your career.
22. From 1996 the Local Court and then later the District Court have benefited from your knowledge, skills and dedication. It has been equally challenging and fulfilling. You have excelled. Always present has been your extraordinary intuition about human nature.
23. The Supreme Court will undoubtedly be rewarded by this elevation. Your colleagues believe it is a role you will discharge with great distinction.
24. Your Honour my warmest congratulations and best wishes for your career on the Supreme Court bench. May it please the Court.
25. **MS CASSANDRA BANKS PRESIDENT OF THE LAW SOCIETY OF NEW SOUTH WALES:** May it please the Court, I too acknowledge the Gadigal people of the Eora nation, traditional owners of the land on which this Court stands and pay my respects to their elders past and present and their youth emerging.

26. I come before the Court on behalf of the solicitors of our State to offer congratulations and wish your Honour well in the appointment to the Supreme Court.
27. Your Honour started St Mary's Catholic College in Gateshead where your teacher, Mrs Crawford, luckily suggested you should study law. Mrs Crawford has done the State of New South Wales a great service with her suggestion
28. Your Honour enrolled in an arts/law degree at the University of New South Wales and you were admitted to practice in 1984. While you studied you volunteered at the Redfern Legal Centre with a host of future legal stars including former Justice Virginia Bell and Her Honour Judge Nanette Williams. You were not particularly interested in being a Prosecutor but you needed a paying job. When you were offered a role with the newly established Commonwealth DPP your fellow volunteers urged you to take it.
29. You were one of the first CDDP lawyers and in 1989 when Director Ian Temby AO KC went to head the newly established ICAC in New South Wales you went with him and worked there for four years.
30. You established a pattern of firsts in your career so it stands to reason that you would then take a role with the newly formed New South Wales Crime Commission. Two years you would break from tradition and take a senior role with the New South Wales DPP which by that stage had been operating for six years.
31. As we have heard in 1996 your Honour was appointed to the Local Court. This was an acknowledgment of your experience and legal acumen. Your increased experience and skills were endorsed by your appointment to the District Court in 2006.
32. A combined period of 26 years has provided you with a rare and remarkable work experience. You have seen the full spectrum of counsel, Government lawyers, complainants and defendants, as well as the capacities and flexibilities of the criminal mind.

33. You have heard some extraordinary criminal matters. You have had your decisions upheld in the High Court and you have had the pleasure of seeing staff progress under your leadership. One of your associates has since gone to the Bar and you have the satisfaction of hearing his first jury trial and seeing what a great barrister he has become.
34. In an ideal world we could hope there is nothing new for you to see in the Supreme Court but we all know that is not true. We can however take comfort in the knowledge that with your abundant experience and knowledge you will be able to manage whatever the accused, their counsel and indeed opponents have in store for you.
35. Your Honour is the first woman in New South Wales to have sat in all three New South Wales Courts. This in itself is an extraordinary achievement but it stands alongside your litany of achievements in the New South Wales criminal justice system.
36. Outside of the Court your Honour is known as a learned, elegant, refined and highly respected person. When gentle inquiries were made of your judicial colleagues one quipped that if we wanted quirky stories we would have to make them up for there are no skeletons in your closet.
37. Your fellow judges of the District Court did speak in glowing terms and uniformly of your high level of competency, your erudite and informed interests in the arts and your dignified persona. You read widely enjoying many styles and schools of art and are a devoted attendee of theatre. When you are at home you enjoy the co-dependency and good company of the delightful Carmey, a rescue cat, like all accomplished felines spends her time working at new ways to push your buttons.
38. You are described as a person with a great sense of humour, a hard worker and a colleague who will provide excellent advice if required. Your Honour's impeccable style is also noted, clothes maketh the woman perhaps but I can say with certainty that the woman maketh the career and you have fulfilled your potential through hard work, grace and more hard work. Your former boss Ian

Temby AO KC has described you as a gifted young lawyer with a busy practice who could be trusted with complex and sensitive matters. Mr Temby remembers you as a person of great legal skill and stated that no-one who worked with you would be surprised that you have been appointed to the Supreme Court.

39. Your appointment today brings great joy to your family. Your sister Clare and her partner Rob and their children Daniel and Luke and your brother Andrew, his partner Naomi and their son Jacob. As we have heard you remain close to your late husband's children Isabella Sorby tuning in from London and Lachlan.
40. Everyone here today knows that your late husband, the formidable retired Judge Robert Sorby, would be the proudest of all.
41. Your Honour you have blazed a remarkable path through the criminal justice system and in doing so have led the way for other lawyers. Your third judicial appointment is a wonderful achievement.
42. On behalf of the solicitors of New South Wales I offer you our thanks for your inspiring career and your service and our best wishes in your career in the Supreme Court. The Court pleases.
43. **SWEENEY J:** Chief Justice, Mr Attorney, Judicial colleagues, Ms Banks, members of the profession, friends and family. I also acknowledge that the land on which this ceremony is occurring today is and always will be Aboriginal land and I pay my respects to the elders of the Gadigal people.
44. I was privileged late last year as one of the last tasks I performed in the District Court to sit with elders in the Walama list to learn from their wisdom as they conversed with participants in the program. It was a powerful positive experience for me. It is a powerful positive way to sentence people and I am grateful to everyone who made it possible for me to have that experience, many of whom are here in this room today.
45. Mr Attorney and Ms Banks thank you for your time in being here and thank you for your kind words, although Ms Banks I did fear that I would be outed as a

crazy cat lady on this distinguished occasion and that has happened. 38 years of a legal career and you are outed as a crazy cat lady.

46. Mr Attorney, thank you for appointing me to this Court. I do owe a debt of gratitude to my teacher, Mrs Crawford, because my family background was not such that it would have seemed likely I would end up here, but she put me on the path to a career which has been enjoyable, interesting, has led me to work with some amazing people, has given me a life full of rich experiences and has brought me here to be on this bench with people whom I have known and admired throughout my career. It is a great honour and a thrill to be here.
47. Chief Justice thank you for your warm and generous welcome. Justice Beech-Jones, Chief Judge at Common Law, thank you for your warm and generous welcome. Thank you to the judges of the Court who have been overwhelmingly friendly, helpful and collegiate. It has been great to come into such a warm environment.
48. Slattery J spoke on behalf of the Bar at both my previous swearing in ceremonies so I am thrilled to be joining him here on the bench today. I also want to thank Price J, Chief Judge of the District Court for your friendship and support throughout my judicial career, as Chief Magistrate and Chief Judge at different times. I also want to thank Reg Blanch J who was the Chief Judge of the District Court when I was appointed there and I thank him for giving me that opportunity.
49. I will miss my friends and colleagues in the District Court, many of whom are here today and thank you for taking time out of your busy lists to be here. Some could not be here in person today because they are on circuit. Judge Penny Hock and Judge Leonie Flannery, my long-time sisters in the District Court, good morning, I hope you have not gone into court yet, and I will miss you.
50. I thank my associates who have assisted me in the District Court over the years, some of whom are here, the indispensable Ree Roffey, the loyal Lesley Ford, Leah Hewish a young anglophile who left me to go to London and has

come back to Sydney and forged her career in a London firm. And Georgia Kennedy is in Melbourne making her career there. Thanks to Ree for coming with me, thanks to her family for letting her come to work every day with me. Thanks to Cyrus for joining the team. Thanks to all the staff in the District Court who have kept me in line and well occupied over the years, Rob Fornito who is known to everyone. Jenny Garvey and Betty Kosmas who have looked after me. The much missed retired Kevin Breen and the registry staff, Peter, Jackie and their colleagues who keep the place running behind the scenes.

51. Thanks to the executives of this Court and their people and to Edwina Chapman, the Chief Justice's associate, who helped with my transition here and this ceremony. Thanks to all the members of the Bar who are here today, I recognise some familiar faces, some of whom have appeared before me over the years and it has been a great experience to have those people in my court. Some of them I remember back from the days when I was a Magistrate at Bourke and they were at the Aboriginal Legal Service out there and now they are senior counsel, and the solicitors, including Ms Sanders, a hero of the profession who runs the Young Persons Legal Service.
52. Thanks to Una Doyle, Pierette Mizzi and the other staff of the Judicial Commission who have kept me up to date with the law throughout my career. To my friends and family thank you for being here to share this occasion with me and I am glad you got here in time eventually. I love you all. Thank you for your love and support over the years. My siblings have all taken different paths in the community and they have made a great contribution in the work they have chosen but probably most in bringing up my wonderful nephews and niece who are all wonderful young people who do amazing things that I do not understand.
53. I am sad that Bob Sorby and my mother did not live to see this day. In fact my mother did not live to see any of my career, she died when I was 21, but I think she would have been proud. Bob wished this for me and he would be pleased and proud.
54. Thank you all for being here. Thank you Chief Justice.