

CELEBRATING THE BICENTENARY OF THE OFFICE OF THE SHERIFF OF NEW SOUTH WALES

Sydney Town Hall

24 May 2024

The Hon. A S Bell

Chief Justice of New South Wales¹

Introductory remarks

- 1 Your Excellency, judicial colleagues, Attorney, Sheriff Hall, distinguished guests, proud men and women of the Office of the New South Wales Sheriff, all.
- 2 To the Sheriff and your officers, tonight is your night, one to remember and to reflect with pride on the important and often courageous and sometimes dangerous work you do on behalf of the people of New South Wales, not least of all assisting and protecting the New South Wales judiciary which it is my honour to lead.
- 3 As many of you know, we've been "doing" a lot of history this year in the Supreme Court, and last Friday we celebrated the Court's 200th anniversary.
- 4 But of course, it wasn't only our bicentenary. It was also the bicentenary of the Office of the Sheriff of New South Wales. The Third Charter of Justice - one of the most significant pieces of paper in New South Wales's legal and constitutional history - created the Office of the Sheriff. It recognised that there was no utility having a Supreme Court without a Sheriff to (and I quote):

"execute all the Writs Summonses Rules Orders Warrants Commands and Process of the said Supreme Court of New South Wales and make

¹ The Chief Justice acknowledges the research assistance of his tipstaff, Mr John Lidbetter, in the preparation of this speech.

return of the same together with the manner of the execution thereof to the Supreme Court of New South Wales and to receive and detain in prison all such persons as shall be committed to the custody of such Sheriff by the said Supreme Court of New South Wales or by the Chief Justice of the said Court”.

- 5 An early job description to be sure but there was no mention of having to attend at all executions throughout New South Wales and to carry out the death sentence, and organise the ironed gangs working on Goat Island.
- 6 There has been some progress!
- 7 Over the past 200 years, there have been 24 Sheriffs and 3 acting Sheriffs in New South Wales, working alongside 18 Chief Justices, one of whom only lasted for 12 days!
- 8 Sheriff Tracey Hall, who is in her 13th year as Sheriff, currently ranks as the equal fourth-longest serving Sheriff in the Office’s 200 year history. She is currently tied with Sheriff Thomas Macquoid and Sheriff David Lennon (who is present with us this evening).
- 9 If Sheriff Hall wants to take out the record, she will have to serve for 23 years, to outlast Sheriff Charles Cowper, who had a distinguished career from 1874-1896 about which I shall say more a little later.
- 10 Given that we are here tonight to celebrate the 200 year history of the Sheriff’s office, I thought I should say something about some of Sheriff Hall’s predecessors! You will be relieved that I won’t refer to all of them!

John Mackaness [1st Sheriff 1824-1827]

- 11 The first Sheriff of New South Wales was John Mackaness. He had been a barrister in London, being called to the Bar in 1794. That was 5 years after the French Revolution and 8 years before the Battle of Trafalgar. So there’s some decent antiquity there!

- 12 He was well known at the time for being, and I quote, “addicted to attending radical political meetings in and around London”.²
- 13 In February 1828, the first Chief Justice Sir Francis Forbes and Judge John Stephen testified to Mackaness’ good conduct and character as Sheriff.³
- 14 One has to be very careful giving character references.
- 15 A mere two weeks after Forbes’ endorsement of the sheriff, Mr Mackaness was put on trial, and eventually convicted for a violent drunken assault on the Solicitor-General, James Foster.⁴
- 16 The prosecution was initially brought before a bench of magistrates. Mackaness was represented by Mr Wentworth, who made an argument that may appeal to you but which is unlikely to find favour today. As reported in the *Sydney Gazette*, it was to the effect that:

“the defendant being Sheriff of the Colony... and in that character, being himself principal Conservator of the Peace, was not liable to answer to an inferior jurisdiction, which a Bench of Magistrates certainly was.”⁵

The Superintendent of Police replied, asking for “any authority by which the Sheriff is authorised to break the peace, any more than others of His Majesty’s subjects?”⁶ He said:

“The present charge is not brought against the defendant as Sheriff. He was not acting in his official capacity when the assault complained of took place.”

² Australian Dictionary of Biography, “John Mackaness (1770–1838)” in the *Australian Dictionary of Biography* (Vol 2, 1967), available at <<https://adb.anu.edu.au/biography/mackaness-john-2403>>.

³ Australian Dictionary of Biography, “John Mackaness (1770–1838)” in the *Australian Dictionary of Biography* (Vol 2, 1967), available at <<https://adb.anu.edu.au/biography/mackaness-john-2403>>.

⁴ Australian Dictionary of Biography, “John Mackaness (1770–1838)” in the *Australian Dictionary of Biography* (Vol 2, 1967), available at <<https://adb.anu.edu.au/biography/mackaness-john-2403>>.

⁵ Trove, *The Sydney Gazette and New South Wales Advertiser* (7 January 1828), available at <<https://trove.nla.gov.au/newspaper/article/2189709?searchTerm=Mackaness%20sheriff>>.

⁶ Trove, *The Sydney Gazette and New South Wales Advertiser* (7 January 1828), available at <<https://trove.nla.gov.au/newspaper/article/2189709?searchTerm=Mackaness%20sheriff>>.

To that, Wentworth replied, quoting Blackstone:⁷

“As keeper of the King’s peace, both by common law and special commission, the Sheriff is the first man in the county, and superior in rank to any nobleman therein during his office;” and further, that “he may command all the people of his county to attend him... There never was such a thing known as a summons being issued to a Sheriff in any English Court before.”

17 Remarkably, the Magistrates agreed that they could not hear the case, and the matter was transferred to the Supreme Court of New South Wales, before Chief Justice Francis Forbes who had provided the good character reference.

18 The proceedings before Chief Justice Forbes were also reported by the *Sydney Gazette*, where witnesses recounted Mr Mackaness’ attack:⁸

“[Sheriff Mackaness]... sprang at [the Solicitor-General], seized him by the collar, tore his shirt, and otherwise used him in the most violent manner. All parties present were paralysed, they were struck with astonishment at such an act of wanton outrage, and all rushed forward to disengage [Mackaness] from [the Solicitor-General], and to see that no further violence took place.

There could scarcely have been a more unhappy occasion for such an occurrence to have taken place, nor scarcely could there have been an individual by whom an outrage of this description could have been committed, whose duty it more imperatively was to set a higher example of a contrary line of conduct. At the very sittings of the Quarter Sessions, where numerous instances of assault cases were prosecuted, the bare fact of an act of violence being committed by a person holding the high office... was most injurious to its character, and still more so when inflicted on a gentleman of such high rank and character in the Colony.”

19 The Chief Justice sentenced the Sheriff to pay a 5 pound fine.⁹

20 That was not the end of Mackaness’ skirmishes with the law. While still a Sheriff, Mackaness assaulted another individual in February 1828. In an article entitled “A Curious Meeting”, the *Sydney Gazette* reported that its main editor was

⁷ Trove, *The Sydney Gazette and New South Wales Advertiser* (7 January 1828), available at <<https://trove.nla.gov.au/newspaper/article/2189709?searchTerm=Mackaness%20sheriff>>.

⁸ Trove, *The Sydney Gazette and New South Wales Advertiser* (3 March 1828), available at <<https://trove.nla.gov.au/newspaper/article/2190013?searchTerm=mackaness>>.

⁹ Trove, *The Sydney Gazette and New South Wales Advertiser* (3 March 1828), available at <<https://trove.nla.gov.au/newspaper/article/2190013?searchTerm=mackaness>>.

accosted by Mr Mackaness in the street. Mr Mackaness allegedly “with clenched fist, in a threatening attitude, commenced a volley of the most ungentlemanly language” against the editor, calling him, amongst other things, a “scoundrel vile slave to the Government”.¹⁰ The *Sydney Gazette* continued, explaining that:¹¹

“...when Mr. ex-Sheriff threatened to dash Mr. Howe's brains out, all that the Editor did was to exhibit a hard-headed horsewhip, something in the shape of a sledge-hammer, which would most certainly have found its way into the pericranium of Mr. Mackaness, had he dared to have attempted to carry his threat into execution...”

21 Sir Francis Forbes later described Mackaness as:¹²

“a good natured man, but sometimes a little misguided ...”

22 I don't think that he would have been let off so lightly today!

Thomas Macquoid [3rd Sheriff 1829-1841]

23 I earlier mentioned Thomas Macquoid, the third Sheriff of NSW, who served from 1829-1841. Macquoid had prior experience of being a Sheriff overseas, including India and elsewhere.¹³

24 He is perhaps best known for his involvement as Sheriff during the Myall Creek Massacre case. The Myall Creek Massacre involved the murder of thirty unarmed Wirrayaraay people at Myall Creek by various colonists. It is an event which continues to stain this state's history.

25 However, the prosecution of the colonists represents an historically significant evolution in the Court's commitment to the rule of law. Indeed, it has been

¹⁰ Trove, *The Sydney Gazette and New South Wales Advertiser* (25 February 1828), available at <<https://trove.nla.gov.au/newspaper/article/2189975?searchTerm=Mackaness%20sheriff>>.

¹¹ Trove, *The Sydney Gazette and New South Wales Advertiser* (25 February 1828), available at <<https://trove.nla.gov.au/newspaper/article/2189975?searchTerm=Mackaness%20sheriff>>.

¹² JM Bennett, “The Office of Sheriff: Historical Notes on its Evolution in New South Wales” (1976) 7(3) *Sydney Law Review* 360 at #.

¹³ JM Bennett, “The Office of Sheriff: Historical Notes on its Evolution in New South Wales” (1976) 7(3) *Sydney Law Review* 360 at #.

described the case as “the trial that defined a nation”.¹⁴ The case is significant because:¹⁵

“The Myall Creek massacre was the first and only time the colonial administration intervened to ensure the laws of the colony were applied equally to Aboriginal people and settlers involved in frontier violence, and the first time Europeans were executed for the massacre of Aboriginal people.”

26 Sheriff Macquoid was involved in the execution of those convicted, with the *Sydney Gazette* reporting on 20 December 1838 that:¹⁶

“...the seven men convicted of the murder... at Liverpool Plains, underwent the last penalty of the law at the rear of the gaol.... attempts were made by petitioning His Excellency to extend mercy to them; but the reply was, that the law must be carried into effect.

Foley, the youngest of the culprits, addressed Mr. Macquoid and requested permission to embrace his unfortunate companions, and the request being complied with, they kissed and shook each others hands, and with eyes streaming with tears, bade each other a last adieu....

in the short interval that followed previously to the falling of the drop, the cries of the men to God for mercy were distinctly audible, and they were soon launched into eternity.

...The crime for which they were executed was almost without a parallel, and the punishment the greatest that could be inflicted, and we sincerely hope that it may strike a terrible warning among those who like these men consider themselves out of the reach of the law.”

27 Macquoid is also known for the estate that he built in the Canberran suburb of Tuggeranong, which was known as “Waniassa”. The site is somewhat famous and has a long and chequered history. As the ABC reported in 2018:¹⁷

¹⁴ Mark Tedeschi, *Murder at Myall Creek: The trial that defined a nation* (Simon & Schuster Australia, 2017).

¹⁵ Australian Government: Department of Climate Change, Energy, the Environment and Water, National Heritage Places - Myall Creek Massacre and Memorial Site <<https://www.dcceew.gov.au/parks-heritage/heritage/places/national/myall-creek>>.

¹⁶ Trove, *The Sydney Gazette and New South Wales Advertiser* (20 December 1838), available at <<https://trove.nla.gov.au/newspaper/article/2544246?searchTerm=macquoid%20AND%20massacre>>.

¹⁷ ABC, Tuggeranong Homestead: From corroborees and Charles Bean to merino sheep and weddings (22 January 2018), available at <<https://www.abc.net.au/news/2018-01-14/tuggeranong-homestead-from-charles-bean-to-wedding-venue/9316804>>.

“It has been the site of Aboriginal corroborees, convict labour, colonial farming and even housed war historian Charles Bean, yet it was nearly lost to suburban development in the 1990s.”

28 The site is historically significant because it is also:¹⁸

“One of the earliest written records of local Aboriginal life was recorded at the site, when William Riley witnessed a corroboree in the 1820s.”

29 Macquoid’s job as Sheriff was immensely stressful, not only due to the work load, but also due to the fact that Sheriffs were personally liable for issues which arose on the job. His life was tragically ended by suicide.

30 His son, Thomas Macquoid, also died tragically in 1857, due to the famous sinking of the Dunbar ship, off Sydney’s South Head. The Ship wreck is known as one of Australia’s worst maritime disasters in peacetime.¹⁹

31 It proved difficult to find a replacement for Macquoid, due to the financially hazardous nature of the job. As the historian JM Bennett explained:

“It had proved to be a daunting task to find a competent person willing to take the place that Sheriff Macquoid had vacated so precipitately. For one thing, it was well known that his financial embarrassment stemmed largely from the colonial government’s sloth in meeting the expenses of the office’. Charles Windeyer and J. R. Brenan, police magistrates of Sydney, were asked by Governor Gipps to act in an interim capacity, but they declined “on the ground of the extreme responsibility and risk of the office”.”

Adolphus Young [5th Sheriff 1843-1849]

32 Jumping ahead two years, Adolphus Young became the fifth Sheriff of NSW, from 1843 to 1849. The colony must truly have been desperate for a sheriff,

¹⁸ ABC, Tuggeranong Homestead: From corroborees and Charles Bean to merino sheep and weddings (22 January 2018), available at < <https://www.abc.net.au/news/2018-01-14/tuggeranong-homestead-from-charles-bean-to-wedding-venue/9316804>>.

¹⁹ *The melancholy wreck of the “Dunbar”* (20 August 2020), available at <<https://www.sea.museum/2020/08/20/the-melancholy-wreck-of-the-dunbar>>.

because they in fact hired someone who had been criminally convicted! As the Australian Dictionary of Biography recounts:

“In December 1837 [Adolphus] became a provisional director of the Australian Gaslight Co., third police magistrate, and a justice of the peace.... On 22 October 1839 the directors of the Gaslight Co. charged him with corrupt practice for buying land adjoining the works in order to sell it at a profit to the company. Young pleaded that he had not known the exact site of the land when he bought it; he was found guilty 'of indiscretion, but not of any act derogatory to his character as a gentleman'....

In October 1842 Young was appointed sheriff of New South Wales.”

- 33 However, Sheriff Young never really hit his stride as Sheriff. It has been said that:²⁰

“Young turned out to be troublesome. He stood successfully for election to the Legislative Council... He lasted as sheriff only for a few years, finding his duties " 'everywhere of an invidious and responsible character . . . attended with peculiar and unusual difficulties' .”

Harold Maclean [9th Sheriff – 1864-1874]

- 34 Harold Maclean served as the ninth sheriff of NSW from 1864 to 1874. He was much more impressive and highly influential in law reform. He sought to improve what he described as “inhuman conditions of the colony’s prisons”.²¹

- 35 In 1867, Sheriff Maclean famously put an end to the “treadmill” punishment, which required a prisoner to climb a rotating cylinder for a long period of time.²² It sounds a bit like one of the devices at my gym!

²⁰ JM Bennett, “The Office of Sheriff: Historical Notes on its Evolution in New South Wales” (1976) 7(3) *Sydney Law Review* 360 at X.

²¹ Australian Dictionary of Biography, “Harold Maclean (1828–1889)” in the *Australian Dictionary of Biography* (Vol 5, 1974), available at <<https://adb.anu.edu.au/biography/maclean-harold-4122>>.

²² Australian Dictionary of Biography, “Harold Maclean (1828–1889)” in the *Australian Dictionary of Biography* (Vol 5, 1974), available at <<https://adb.anu.edu.au/biography/maclean-harold-4122>>.

36 In 1875, Maclean, then promoted to Sheriff and Comptroller-General of Prisons, initiated a “plan for an open prison, where prisoners would have increasing wages, leave passes and outside accommodation”.²³

37 Sheriff Maclean’s commitment to the well-being of prisoners was still not entirely commensurate with modern standards, as:

“In 1878 at a royal commission into alleged torture at Berrima Gaol, he defended occasional, recorded and brief use of the gag and chaining men to the cell wall but denied any spread-eagling.”

38 In the event, the commissioners applauded his “intelligence, experience, zeal and enlightened humanity”.²⁴

Charles Cowper [10th sheriff 1874-1896]

39 Next up is Charles Cowper, who was the 10th Sheriff, and who holds the record for the longest tenure – at 23 years, from 1874 to 1896.

40 Cowper was the eldest son of Sir Charles Cowper, a politician, pastoralist and five time Premier of New South Wales.²⁵

41 In his early years, Cowper Jr spent some time on the Kiandra goldfield where he set up a store on New Chum Hill and became a gold-buyer, in the 1850s.²⁶ As the *Sunday Times* reported, Cowper described the 20,000 miners in Kiandra as:²⁷

“the greatest collection of rogues and scoundrels ever gathered together”.

²³ Australian Dictionary of Biography, “Harold Maclean (1828–1889)” in the *Australian Dictionary of Biography* (Vol 5, 1974), available at <<https://adb.anu.edu.au/biography/maclean-harold-4122>>.

²⁴ Australian Dictionary of Biography, “Harold Maclean (1828–1889)” in the *Australian Dictionary of Biography* (Vol 5, 1974), available at <<https://adb.anu.edu.au/biography/maclean-harold-4122>>.

²⁵ Australian Dictionary of Biography, “Charles Cowper (1834–1911)” in the *Australian Dictionary of Biography* (Vol 3, 1969), available at <<https://adb.anu.edu.au/biography/cowper-charles-3276#:~:text=He%20stayed%20at%20Bourke%20from,until%20he%20retired%20in%201896.>>>.

²⁶ Australian Dictionary of Biography, “Charles Cowper (1834–1911)” in the *Australian Dictionary of Biography* (Vol 3, 1969), available at <<https://adb.anu.edu.au/biography/cowper-charles-3276#:~:text=He%20stayed%20at%20Bourke%20from,until%20he%20retired%20in%201896.>>>.

²⁷ Trove, *Sunday Times* (21 June 1896), available at <<https://trove.nla.gov.au/newspaper/article/130400686>>.

42 In 1860 and 1861, Cowper won the seat of Tumut in the Legislative Assembly.²⁸ In 1863, he challenged Sir James Martin for the seat in and around Orange.²⁹ Sir James Martin was three times Premier of New South Wales and later Chief Justice of New South Wales from 1873 to 1886. Martin Place is named after him.

43 You might expect a future Chief Justice like Sir James to be modest and dignified in addressing a political opponent. On 7 November 1863, the *Sydney Morning Herald* reported Sir James' public comments about Cowper in the context of the race for the Orange seat:³⁰

“... I do not regard Mr. Cowper as my opponent. There is nothing in that young man's position, politically or socially, that would justify him in pitting himself against me. There is nothing in Mr. Cowper's political career that would justify me, as the head of a Government, in doing battle with him. He is much too insignificant in every way to be the real opponent, and is merely the catspaw put forward to throw impediments in the way of the Ministry...”

44 Sir James came to eat those words, as he was defeated by Mr Cowper.

45 When Cowper retired as Sheriff in 1896, the *Sunday Times* published an interview with him. When asked about his role in executions, he said:³¹

“That was the most unpleasant part of the duty, of course ; but taken altogether, there was not much for anyone to complain about. In the Under Sheriff I always had a reliable officer whom I could depend upon in my absence... Howard is a competent man, and everything was carried out all right by him except when he has had a bad assistant. Now he has a good one, and no trouble has arisen of late.”

²⁸ Australian Dictionary of Biography, “Charles Cowper (1834–1911)” in the *Australian Dictionary of Biography* (Vol 3, 1969), available at < <https://adb.anu.edu.au/biography/cowper-charles-3276#:~:text=He%20stayed%20at%20Bourke%20from,until%20he%20retired%20in%201896.>>.

²⁹ Australian Dictionary of Biography, “Charles Cowper (1834–1911)” in the *Australian Dictionary of Biography* (Vol 3, 1969), available at < <https://adb.anu.edu.au/biography/cowper-charles-3276#:~:text=He%20stayed%20at%20Bourke%20from,until%20he%20retired%20in%201896.>>.

³⁰ Trove, *Sydney Morning Herald* (7 November 1863), available at < <https://trove.nla.gov.au/newspaper/article/13086337>>.

³¹ Trove, *Sunday Times* (21 June 1896), available at < <https://trove.nla.gov.au/newspaper/article/130400686>>.

Cowper was then asked about his views on the death penalty, to which he said:³²

“I would not abolish it altogether. I think it should be carried out in cases of murder, but even in these there should be exceptions. But capital punishment is necessary as a deterrent for a certain class of murderers.”

Finally, he was asked:

“And what about the future — will you return to the old love, politics?”

To which he replied:

“I don't know yet. If I did I think I could make things lively.”

George Murphy [14th sheriff – 1925-1939]

46 George Murphy was the 14th sheriff of NSW, and served from 1925 to 1939. Sheriff Murphy was a decorated war hero during World War 1, fighting at Gallipoli then in 1916 and following, in France. During the evacuation of Gallipoli, he commanded rear parties.

47 As recounted in the *Australian Dictionary of Biography* of his time fighting in France, he:³³

“embarked from Egypt for France in March 1916 as second-in-command of the 18th Battalion; in April he served at Bois Grenier. At Pozières Heights on 27 July he was reconnoitring at night when he was severely wounded by heavy German artillery fire; he resumed duty in late October at Flers. On 7 November he took command of the battalion as a temporary lieutenant-colonel... and from then on led his battalion in all its major actions. At Bullecourt in 1917 Murphy personally led 200 of his men in the attack, moving during the advance to both flanks to steady first the right and then the left; for outstanding leadership he was awarded the Distinguished Service Order. In September-October he commanded the 18th in the costly battles of Menin Road and Broodseinde.

³² Trove, *Sunday Times* (21 June 1896), available at <<https://trove.nla.gov.au/newspaper/article/130400686>>.

³³ *Australian Dictionary of Biography*, “George Francis Murphy (1883–1962)” in the *Australian Dictionary of Biography* (Vol 10, 1986), available at <<https://adb.anu.edu.au/biography/murphy-george-francis-7703>>.

In April 1918 Murphy's battalion was sent south to help counter the German breakthrough near Amiens. A few miles to the east at Villers-Bretonneux he led an attack at Hangard Wood and next month at Morlancourt. Charles Bean later described him as 'a most competent commander and an able tactician'. Later in May, at Ville-sur-Ancre, with the aid of his scout sergeant, he captured seven German machine-gunners, rushing their post 'across 100 yards of open country', and for this action received a Bar to his D.S.O. In 1918 he was appointed C.M.G. for outstanding work at Broodseinde.... Sheriff Murphy was also involved in World War 2 as director of the Volunteer Defence Corps, and provost marshal at the Army Headquarters."

48 In his later career, after being Sheriff, he was a much-loved parliamentarian:³⁴

"Cecil Murphy, known to everyone in the House as the "Little Corporal," was extremely popular during his stay there. He was elected in 1920, and sat in several Parliaments until just before 1930, when he fell foul of the Lang regime—and paid the penalty in the loss of his seat."

Changing and modern role of the sheriff

49 Many of the functions of past Sheriffs that I have described are unrecognisable to the modern Sheriff. Indeed, Bennett was concerned that:³⁵

"The office of sheriff is especially vulnerable because its scope in New South Wales is so ill-defined. That one should be expected to delve, often in obscure corners, into the Charter of Justice, the Sheriff Act, the Constitution Act, the Jury Act, the Public Service Act, other statutes, the common law, and rules of court, in order to piece together some notion of who the sheriff is and what he does, is a state of things scarcely creditable to the law.

...the time is long overdue for an express statement, within a new Sheriff Act or elsewhere in the statute book, of the role and powers within our community of the sheriff and his department. When that is done, the future place of the sheriff in the administration of justice may be better assessed."

50 To this, I would say three things.

³⁴ Trove, *Truth* (15 September 1935), available at <
<https://trove.nla.gov.au/newspaper/article/169344127>>.

³⁵ JM Bennett, "The Office of Sheriff: Historical Notes on its Evolution in New South Wales" (1976) 7(3) *Sydney Law Review* 360 at X.

51 First, in my view, there has, since 1824, however, been an irreducible core to the function of the sheriffs – and that is to promote and play an integral role in the administration of justice in New South Wales. In that context, I am conscious of the very significant service given in rural and remote areas which carries its own particular challenges and burdens.

52 Secondly, the way in which this irreducible core is achieved by the Sheriffs office must evolve in accordance with changing circumstances – whether they be political, social or economic. I suspect that no one in this audience regrets the abolition of capital punishment, and the relieving of sheriffs of this burden. But Sheriffs have undertaken an extremely wide range of tasks – often going above and beyond the call of duty. In February of this year, one parliamentarian, while speaking in the Legislative Council, praised the Sheriff office’s contribution during the 2019-2020 summer bushfires, stating:³⁶

“Let me begin with an acknowledgement of the tremendous work done by the sheriff’s officers during the summer 2019-20 bushfires... the Sheriff’s Office assisted the New South Wales fire service at that time by providing over 80 staff and completing over 120 separate deployments across the State in a variety of areas. The member also praised the Sheriff’s Office for its agility, moving from its regular operations to providing 24-hour emergency support to the people of New South Wales. That should be acknowledged and commended.”

53 I well remember the integral role that the Sheriff’s office played during the COVID-19 pandemic, during which many of you ensured that the administration of justice continued its efficient operation.

54 Thirdly, issues surrounding the definition of the role of the Sheriffs have been ameliorated by statutory reform. The necessarily flexible and dynamic nature of the Sheriff’s office is reflected in recent legislative amendments which underpin the Sheriff office’s roles and responsibilities. As you all know, the *Sheriff’s Act* of 2005 prescribes the roles and function of the office of the sheriff.

³⁶ Legislative Council Hansard, Sheriff And Court Security Amendment Bill 2023 (8 February 2024) (Hon Susan Carter), available at <[https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'](https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'>)>.

55 This year, in February, further amending legislation has been passed under the *Sheriff and Court Security Amendment Act of 2024*. This has widened the powers of the Sheriff to provide security protection for judicial officers and others, outside of court, in certain situations. During the debates over this legislation, another member of the Legislative Council said:³⁷

“... the sheriffs get to know judicial officers. There is a certain function that is already there. There is a role that the Sheriff and their officers across the State play, and that is a close-up, real understanding of judicial officers, their roles and the jurisdictions within which they operate.

The role of judicial officers is a bit more nuanced in our community. As agents of democracy, they play a very specific role. Obviously, their safety is of paramount importance.

Courts are incredibly stressful places and, at the end of the day, the role of the sheriff is to provide those security functions rather than the police, because often police who are on the premises are parties to litigation or prosecution. It is a very sensible idea that a different party provides the functions of safety and security for a court premises.”

56 In a similar vein, another member of the Legislative Council who is himself a barrister explained that: ³⁸

“Of course, the court system mediates our disputes and often deals with angry, sick and emotional people... I have seen sheriffs defuse those situations with kindness, discretion, sensitivity and judgement. Theirs is a very unique role in a unique place.”

57 I want to sincerely thank each of those working in the Sheriff’s office for the incredible work which you do in supporting judicial officers, and promoting the administration of justice in New South Wales.

³⁷ Legislative Council Hansard, Sheriff And Court Security Amendment Bill 2023 (8 February 2024) (Sue Higginson), available at < [https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'](https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'>)>.

³⁸ Legislative Council Hansard, Sheriff And Court Security Amendment Bill 2023 (8 February 2024) (Hon Stephen Lawrence), available at < [https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'](https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1820781676-94680'>)>.

- 58 I also want to thank Sheriff Hall and her team for the utmost professionalism with which she discharges her office. The work of the Sheriff is greatly appreciated by the judiciary, as is reflected by the fact that there are a number of Supreme Court judges and other members of the judiciary here tonight.
- 59 To the Sheriff and her dedicated officers, happy 200th birthday and thank you for your service to the State of New South Wales.