

ADDRESS TO THE PARRAMATTA DISTRICT REGIONAL LAW SOCIETY ON THE OCCASION OF THE OPENING OF LAW TERM

The Hon A S Bell, Chief Justice of New South Wales

6 February 2023

1. Thank you for the warm welcome and I am grateful for this opportunity to meet with you here on the traditional lands of the **Burramatta** clan of the **Dharug** people. I pay my sincere respects to Elders past and present and to all Aboriginal and Torres strait Islander people.
2. Parramatta has had a very long association and rich history in connection with the administration of justice in New South Wales.
3. The beginning of chapter 2 of Volume 2 of Manning Clark's *History of Australia* is essentially devoted to the trials and tribulations of magistrates sitting in Parramatta including but not limited to the larger than life figure of the Reverend Samuel Marsden after whom Marsden Chambers are named and which now house Arthur Philip Chambers, the largest set of barristers chambers in the city of Parramatta.
4. Manning Clark's Chapter 2 opens thus:

“One day in August 1822 the Reverend Samuel Marsden sat down in his study at Parramatta to write to two of his brothers in Christ in London. He had cause, he believed, to be thankful for many striking interpositions of divine providence in his favour. God had highly exalted him from the lowly station of son of a blacksmith and small farmer to minister before Him in holy things as the principal chaplain of the colony of New South Wales. God had blessed him and had given him all things richly to enjoy. He, the blacksmith's son, now owned 4,500 acres of land at Parramatta and many cattle, sheep, pigs and horses. God, too, had blessed him with a beloved wife and a quiver full of children”.

5. Marsden had just turned 50 and had been in New South Wales for 27 years. Twenty seven years in the colony, Clark wrote, had brought him to the melancholy conclusion that those convicts who had not received the precious gift of God's grace could only be rescued from their wickedness by severity of punishment! We are, I hope, somewhat more nuanced in our sentencing practices these days.
6. In one celebrated case in 1822, the liberal and independent-minded Dr Douglass, himself magistrate as well as a medico, and who, according to Clark had openly associated with the convict party and paid insufficient respect to the "exclusives" or grandees of Parramatta, was alleged to have lifted the petticoat of a convict girl whilst on passage to New South Wales. She had subsequently gone on to work in his household and denied the allegations which had been made by one Dr Hall.
7. The Parramatta magistrates subsequently refused to sit with Dr Douglass and were promptly dismissed by Governor Brisbane who was a supporter of the doctor.
8. The following year, Douglass himself was one of two magistrates who fined Marsden for a breach of certain governmental orders. It led to a heated hearing in Parramatta at which:

"Marsden attended and delivered a written paper protesting against the illegality of the fine and intimated an intention of appealing to a higher court. Douglass then lectured Marsden warmly for presuming to question the legality of the fine. Marsden, finding the lecture very insulting and galling to feelings, and resenting the humiliation before the surrounding multitude, shouted back at Douglass, who, becoming warmer, shouted in reply that Marsden was driven by private spleen. Whereupon Marsden rose again from his seat, and began to speak, but before he could do so, the Reverend Thomas Hassall rose up hastily to restrain him, and Marsden went away".
9. The place where Marsden went was the Supreme Court where he was vindicated!

10. Whilst all of these shenanigans were taking place, the Governor took into his employ in the stables of Government House, Parramatta, a young blacksmith who himself had a two year old son whose name was James. The infant was to become in time Attorney General, Premier and Chief Justice of New South Wales (although not simultaneously).
11. The legend of the young James Martin having walked, run or hitched rides from Government House, Parramatta to Sydney College (on the site of what is now Sydney Grammar School) for his education has been captured in sculptures both in Martin Place and Parramatta Square, and his legacy is now championed by the Lysicrates Foundation.
12. Now let us move forwards 200 years from the early days of the colony!
13. There are a number of reasons for this visit today.
14. First, it is to recognise and mark in a secular way the opening of the 2023 law term in Parramatta, reflecting the importance of the legal community and profession in Parramatta, a fact which is in turn reflected in the existence of the Parramatta Justice Precinct and the Sydney West Trial Courts.
15. Of course, the Precinct includes the Garfield Barwick Commonwealth Law Courts which house the Federal Circuit and Family Court of Australia in which many local practitioners work.
16. In terms of State jurisdictions, the Local, District and Supreme Courts as well as the Children's Court and the Drug Court have a significant presence at Parramatta and the Legal Aid Commission of New South Wales is of course headquartered here.
17. I spoke of the importance of the specialised Children's Court and Drug Court in my Opening of Law Term Address to the Law Society last week.

18. The Supreme Court has a permanent presence in Parramatta with up to two judges regularly sitting in the precinct. Justice Rothman sat in Parramatta last week and Justice Ierace is sitting this week. And, of course, some of the most significant terrorist trials in recent decades have been heard in Parramatta. Justice Geoff Bellew conducted his last lengthy trial here in November and December last year. His Honour is the incoming Chair of the State Parole Authority which is also based in the Parramatta Justice Precinct.
19. I have sat in Parramatta as a member of the Court of Criminal Appeal with my predecessor, Chief Justice Bathurst, and Justice Harrison. Both the Court of Appeal and Court of Criminal Appeal actively look to sit “locally” when appropriate cases present themselves, and subject to the availability of courtrooms and competing demands for them. Supreme Court judges, of course, regularly sit throughout the State in cases tied to particular localities.
20. The second reason for the visit today is to engage with the local profession. This is something that I am endeavouring to do more generally. Thus, in 2022, when the Court of Criminal Appeal sat in Newcastle, a similar function was heard which permitted senior judges of the Supreme Court to interact with members of the local profession. Something similar also occurred when the Court of Appeal sat in Wagga Wagga in October last year.
21. Hopefully these opportunities for interaction and engagement are useful both for practitioners and the Supreme Court or senior representatives of it alike.
22. In that context, Justice Ward, the President of the Court of Appeal, Justice Beech-Jones, Chief Judge at Common Law, and Justices Harrison, Wright and Hamill of the Common Law Division and Justice Kunc of the Equity Division are with me today as are the Court’s Principal Registrar and Public Affairs Officer, and we are all very grateful for this opportunity to meet and interact with you all.
23. I am conscious of the importance of Parramatta as a dynamic location and area in which many lawyers practise. I am also conscious that our profession

is becoming increasingly diverse. During the regular admission ceremonies held in the Banco Court, the surging diversity and depth of fresh talent, much of it originating from and residing in western Sydney, is obvious.

24. There is a general need for more courtrooms to be built throughout the greater Sydney area, including in south-west Sydney, reflecting the expansion of our city into what is in effect three cities and the ever growing population.
25. As I noted in my Opening of Law Term speech, the greatest volume of litigation in New South Wales occurs in the Local and District Courts, and it is in respect of those courts that the need for additional courtrooms is most pressing. Whilst not obviously a vote-winner, the building and maintenance of modern and adequate courtrooms is an essential part of our civic and civil infrastructure, a fact of which I know that the both the Attorney and Shadow Attorney are acutely conscious and fully aware.
26. Can I thank you for your hospitality and the opportunity to engage with you at the beginning of another year. I wish you all a successful and prosperous 2023, both personally and professionally.
