

GREAT SYNAGOGUE SERVICE
OPENING OF LAW TERM RECEPTION SPEECH

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1. I begin by respectfully acknowledging the traditional custodians of the land on which we meet, the Gadigal of the Eora nation, and pay my sincere respects to their Elders, past and present.

2. It is with great pleasure that I attend this service at the Great Synagogue to mark the Opening of the Law Term. While this is my first such service as Chief Justice, my predecessors have attended this service for over 60 years, and I myself have greatly enjoyed my previous attendances.

3. On behalf of the judges of the Supreme Court of NSW and all members of the legal profession who are in attendance this evening, I extend our thanks to Rabbi Dr Benjamin Elton, a moral and intellectual leader in this city, for welcoming us to this beautiful synagogue and pay tribute to the extraordinary musical contribution of Rabbi Feldman and the choir. I am also grateful to David Lewis, President of the Great Synagogue and to all those involved in arranging the service tonight as well as the traditional post-service feast.

4. The tradition of judges processing from the Royal Courts of Justice in the Strand to Westminster Abbey for a religious service to mark the commencement of the Law Term commenced prior to the Reformation, during the reign of Edward I in around 1310.¹
5. At such services, judges adorned in scarlet robes sought divine guidance for the judicial decisions they would be called upon to make in the coming Law Term. Whether first instance judges now also pray for deliverance from the Court of Appeal and Court of Criminal Appeal is a matter for speculation.
6. This evening's service is part of the ancient tradition I have described but one which, in its contemporary form, reflects both continuity and change, with the tradition adapted to reflect the diversity of our community with its wide range of faiths. This year, in addition to this service, I have attended or will attend Opening of Law term services at St Mary's Cathedral, St James' Church, a Pan-Orthodox service at Cathedral of the Annunciation of Our Lady, and an Islamic service at the Rahma Mosque in Old Guildford.
7. The President of the Court of Appeal and I, together with a number of our colleagues, strive to attend as many of these services as possible, as a mark of respect to those lawyers who are members of the many faith congregations that make up cosmopolitan modern-day Australia.

¹ Linda Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law* (Routledge, 2011) 29.

8. Respect is such an important value: respect for each other; respect for institutions; respect for differences; respect in debate; and respect in disagreement.

9. The Australian Jewish legal community has made, and continues to make, a very significant contribution to the administration of justice, the rule of law, human rights and access to justice in this country, and lawyers of the Jewish faith loom large in Australian legal history including Sir Isaac Isaacs, the third Chief Justice of Australia and first Australian-born Governor-General; Joan Rosanove, the first woman to take silk in Australia and a fierce advocate for the rights of Australian women to practice law; constitutional lawyer and governor-general Zelman Cowen; Gordon Samuels, Supreme Court judge, Chancellor and Governor; James Spigelman, former Chief Justice of New South Wales; Ronald Sackville, scholar, judge and currently doing tireless work as Royal Commissioner into Violence, Abuse, Neglect and Exploitation of People with Disability; Gina Cass-Gottlieb, Chair of the Australian Competition and Consumer Commission; David Gonski, Chair of almost everything else and, of course, the current Attorney-General of Australia, the Honourable Mark Dreyfus.

10. On the current Supreme Court, I consider myself fortunate to count as colleagues and friends Justices David Hammerschlag, the Chief Judge of the Equity Division of the Court, and Stephen Rothman, who is well known to this congregation as a former President of the Great Synagogue.

11. Beyond these acknowledged luminaries, there are so many other Jewish lawyers who have contributed and continue to contribute significantly both to the legal profession and to the community more generally.
12. In light of the unfathomable persecution faced by people of Jewish faith throughout history, it is entirely unsurprising that members of the Jewish community are at the forefront of the promotion of the rule of law and human rights for vulnerable members of our community.
13. The portrait of another less well remembered Jewish figure in the history of legal affairs in New South Wales is faces me when I sit in the Banco Court of the Supreme Court: Sir Julian Emanuel Salomons, the fifth person appointed as Chief Justice of New South Wales. After a pre-eminent career at the bar and a term as Solicitor-General of New South Wales, Salomons was appointed Chief Justice in 1886.
14. Although his appointment was welcomed by Sydney newspapers and many members of the legal profession, it sparked a furore among the legal establishment. Salomons resigned his position after only 15 days in the role, and without ever sitting as Chief Justice.²
15. The legal profession and our wider community has greatly changed in the intervening 150 years with a contemporary emphasis on diversity and

² Parliament of New South Wales, *Sir Julian Emanuel Salomons (1936-1909)* (online), <<https://www.parliament.nsw.gov.au/members/Pages/member-details.aspx?pk=706>>; Australian Dictionary of Biography, *Salomons, Sir Julian Emanuel (1835–1909)* (online), <<https://adb.anu.edu.au/biography/salomons-sir-julian-emanuel-4532>>

inclusion. Disturbingly, however, antisemitism in the broader community has not completely disappeared. Antisemitic attitudes and violence still exist, and distressingly appear to be on the rise internationally. Australia is not immune from this trend, with the Executive Council of Australian Jewry only two weeks ago reporting an “alarming” increase in antisemitic incidents by almost 42% over the past two years.³

16. In this context, I take this opportunity to reflect upon the International Holocaust Remembrance Day, which was marked just under two weeks ago, on 27 January. This year, on the 78th anniversary of the liberation of Auschwitz, it is as important as ever to remember the unspeakable horrors perpetrated against the Jewish people, and to resist antisemitic attitudes which still persist as part of the rise of extreme-right ideology that are an element of the serious challenges posed by the online spread of hate speech and conspiracy theories.
17. As members of the legal profession, we have a profound responsibility to resist all forms of intolerance, discrimination and hatred, and legal practitioners must speak up for and represent those who suffer persecution and discrimination.
18. Religious services to mark the Opening of Law Term also provide us with an opportunity to come together to reflect upon the importance of the rule of law in a pluralistic, diverse and tolerant society.

³ Executive Council of Australian Jewry, *ECAJ annual Report on Antisemitism in Australia* (online), <<https://www.ecaj.org.au/media-release-ecaj-annual-report-on-antisemitism-in-australia-2022/>>

19. Although the legal profession comprises members of many different faiths, and those who are agnostic or atheist, we in turn are all unified by our belief in justice informed by humanity, equity and procedural fairness. Gathering here tonight, we celebrate the strength of our legal and faith communities.
20. On the subject of long-observed traditions, my young (Jewish) tipstaff has reminded me that several days ago the Jewish community marked the holiday of *Tu BiShvat*, or the “New Year for Trees”, which symbolises, among other things, the religious significance of the natural world and the importance of responsible ecological stewardship of the natural environment. The importance of those values in the contemporary world hardly needs to be stated.
21. He then suggested I draw a parallel between this New Year for Lawyers and the New Year for Trees on the basis that both trees and lawyers are considered by some to be thick, wooden, old and apparently inanimate, but on closer examination serve quite a useful social function. He is going to stick to his day job!
22. On that note, I wish you all the best for the coming year and once again thank you to all those involved for arranging the service tonight.