

THE HON T F BATHURST AC
CHIEF JUSTICE OF NEW SOUTH WALES
GREAT SYNAGOGUE SERVICE
REMARKS ON OPENING OF LAW TERM
10 FEBRUARY 2021*

1. I would like to begin by respectfully acknowledging the traditional custodians of the land on which we meet, the Gadigal people of the Eora nation, and pay my respects to their Elders, past, present and emerging. As we mark the Opening of Law Term together with a diverse range of religious communities, we also recognise the diversity of Australia's First Nations peoples and their rich cultural traditions practiced for thousands of years and which continue to be practiced.
2. As always, it is a great pleasure to attend this service at the Great Synagogue to mark the Opening of the 2021 Law Term. 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 and all involved for welcoming us to this beautiful synagogue and organising the service tonight.
3. It will be no surprise to anyone here when I say that the past year has been challenging, for our society, our communities and, of course, for our courts and the profession. We have all had to make many changes, to adapt our practice and to become more flexible than ever before. Meetings at places of worship became live-streamed services, video messages and online resources accessible from home when health demands required doors to be shut. Much of our justice system also transitioned into virtual courts or home offices.

*I express my thanks to my Research Director, Ms Rosie Davidson, for her assistance in the preparation of this address.

4. The COVID-19 pandemic has created unique circumstances never before faced in our lifetimes. I understand that last year was the first time the Great Synagogue was closed in more than 100 years. Isolation and uncertainty, as well as increased physical and mental health issues throughout the community, including in members of the legal profession, have all been very serious concerns. We have seen more than ever before the importance of staying connected to each other whilst physically apart.
5. One of the challenges we have faced in the past year, and must continue to have at the forefront of our thinking, is the question of how to ensure that access to justice is maintained whilst in the midst of a pandemic, particularly for the most vulnerable of our society. Of course, not everyone can easily access the internet, nor necessarily work from home. I think that our communities have an important role to play in this respect, by enfolded and supporting those on the margins as we walk together through challenging times. Not only this, but as advocates we should be alert to barriers to justice and work towards a system which is fairer for all, being mindful of the distinct difficulties and uncertainties brought about by COVID-19.
6. Here at the Great Synagogue you made a great effort throughout the times of lockdown to offer practical and religious support to those in your congregation, despite not being able to gather in person. Likewise, maintaining connections with your legal colleagues has been essential, and will continue to remain so, particularly as we enter another year where much is still unknown. Community in all its forms is vital to continued well-being, which itself is vital for a properly functioning legal system where lawyers and judges can work to the best of their abilities in administering justice with competence and compassion.
7. I would also like to take this opportunity to reflect upon the International Holocaust Remembrance Day, marked two weeks ago on 27 January. This year, on the 76th anniversary of the liberation of Auschwitz, it is as important as ever to remember the unspeakable horrors perpetrated against the Jewish people, and resist antisemitic attitudes which still shamefully exist. The

federal government's recent commitment to establish a new Holocaust museum and education centre in Canberra¹ recognises how crucial it is that we continue to remember and learn about these atrocities as part of our national consciousness. And as we remember and learn, we must also acknowledge the profound responsibility we have, particularly as members of the legal profession, to respond to injustices, to advocate for the marginalised and to uphold the rule of law. All of us have a role to play in this regard.

8. Whilst 2020 was a year of significant turbulence, I believe it is important also to remember the things which have remained constant and reassuringly unchanging. This is now the tenth year I have attended this service at the Great Synagogue to mark the new law term. I can confidently say that throughout this past decade, the Jewish community has consistently contributed to our legal system as judicial officers through law reform, advocacy and a strong commitment to equity. Members of the legal profession and judiciary from the Australian Jewish community regularly receive Australia Day and Queen's birthday honours, a testament to the dedication of these honourees to justice, community wellbeing and the rule of law in our society. I have seen throughout this time a true embodiment by them of the desire to right wrongs and to do justice with mercy.
9. As well as these things, so too can we look to the comfort and consistency of traditions such as the religious services at the beginning of each year. The Opening of Law Term religious services enable us to celebrate and learn from our diversity, as we are united by a common purpose. We are grateful to Rabbi Elton and everyone at the synagogue for all their efforts to enable this service to take place, despite uncertainties and the possibility of last-minute changes. A tradition such as this brings us together and helps us to refocus for the year to come. Yet, even if doors are closed and events modified or cancelled, our commitment to justice and fairness will remain the same.

¹ Rob Harris, "A brighter, more tolerant future': \$750,000 funding for Holocaust museum in Canberra", *Sydney Morning Herald* (online, 27 January 2021) <<https://www.smh.com.au/politics/federal/a-brighter-more-tolerant-future-750-000-funding-for-holocaust-museum-in-canberra-20210126-p56wx6.html>>.

10. As we reflect on the year past, and look ahead to the rest of 2021, I would like not to emphasise the difficulties which we have faced in the past year but the ways in which we have been enriched. The pandemic followed hard on the heels of savage bushfires and floods. All three have had devastating effects on elements of the community.
11. But what has come out of it has been a demonstration by the Australian people of solidarity, tolerance and a willingness to assist each other. The Jewish community has been at the forefront of these attributes, experienced as they have been at successfully overcoming adversity over many centuries.
12. As we look forward to 2021, we can hope that life will return to normal but can be confident that courts, the legal profession and communities such as yours will continue to perform their respective functions and alleviate whatever difficulties we may face in the upcoming year.
13. Once again, I extend my thanks to everyone involved in organising tonight's service, and wish you all the very best for the 2021 Law Term.