LAW SOCIETY OF NEW SOUTH WALES

OPENING OF LAW TERM DINNER ADDRESS 2025

"Present and future challenges to the rule of law and for the legal profession"

The Hon A S Bell

Chief Justice of New South Wales

6 February 2025

Hilton Hotel Sydney

1 Madam President, Mr Attorney, judicial colleagues, distinguished guests, members of the profession, all.

2 I acknowledge the Gadigal of the Eora Nation and pay my sincere respects to all Elders, past and present, and to all Aboriginal people and practitioners present this evening.

3 In my first two Opening of Law Term addresses, I focussed upon the lead up to, and the actual bicentenary of, the foundation of the Supreme Court of New South Wales.[1] I am relieved to announce that we have no plans to celebrate

[1] The Hon A S Bell, *The State of the New South Wales Judicature 200 years on from the Bigge Report* (Opening of Law Term Dinner Address 2023, 1 February 2023), available at <https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2023-Speeches/Chief-Justice/Bell_20230201.pdf> ; The Hon A S Bell, *The Bicentenary of the Supreme Court and its significance* (Opening of Law Term Dinner Address 2024, 31 January 2024), available at < https://supremecourt.nsw.gov.au/documents/Publications/Speeches/2024-speeches/chief-justice/Opening_of_Law_Term_Speech_2024.pdf>.

the 201st anniversary of the Court. You may share my relief (although you can still buy the book)! [2]

4 I thank the Law Society for hosting this dinner and for providing me with the opportunity to speak to the profession and to spend my January thinking of something to say! I trust that *you* all feel renewed following the holiday period.

5 From a lawyer's perspective, however, and for a variety of reasons, recent events both domestically and abroad have generated a sense of great disquiet and anxiety about the state of society and the rule of law (including the rule of public international law, and respect for basic precepts of territorial sovereignty) in our contemporary world.

6 At the outset, can I add my strongest condemnation to the distressing and terrifying rise in anti-semitic activity in our city and country in recent months. It is despicable and totally unacceptable, and its perpetrators and promoters deserve condign punishment. Neither the Jewish community nor the community more generally should be held to ransom by acts of terror, intimidation and hatred. As has recently been well said, this conduct must not be permitted to stain the soul of our city.[3]

7 In this country, all individuals, of whatever background or sets of beliefs, should be able to live and go about their daily business in a society free from the promotion and perpetuation of religious, racial or ethnic hatred. Deployment of the symbols of Nazism and replication of the hateful conduct which led to the horrors of the holocaust is not a legitimate or acceptable form of political protest. That does not mean that political protests may not occur but, in a civilized, democratic society, there are peaceful and respectful ways for that to occur that do not involve invoking the terror and callous inhumanity of one of the darkest periods of human history.

---

[2] Keith Mason and Larissa Reid (eds), *Constant Guardian, Changing Times: The Supreme Court of New South Wales 1824-2024* (Judicial Commission of New South Wales, 2024).
[3] Archbishop Fisher, *Opening of Law Term Homily* (St Mary's Cathedral, 3 February 2025).

8 I offer my strong support to those practitioners of Jewish faith at this time and indeed to those of *all faiths* and ethnic and racial groups who make up our community and profession. Freedom from fear is a cardinal element of a liberal democracy as is the freedom to practice or indeed not to practice a religion. Australia should be a beacon of tolerance and decency with our proudly diverse community built on principles of mutual respect for each other and for the operation of the rule of law which undergirds the safe and peaceful existence and functioning of our society.

9 The brazen resurgence of anti-semitism is a potent reminder that the lessons of history cannot and must not be forgotten. Nor can they be permitted to become subject to insidious revisionism. The recent promotion and apparent endorsement of a reportedly far-right political party in Germany by the Chief Executive of Tesla who also controls a vast communications network and asserts and appears to exercise substantial but unaccountable political power in the United States through proximity and patronage is also, and should be, a matter of great concern.

10 So, too, should be the same individual's use of flippant puns involving the names of leading historical figures from Nazi Germany to respond to legitimate criticism.[4] Anything trivializing or making light of those indelible events of history is irresponsible and neither clever nor amusing.

11 I use the word "indelible" with a degree of hesitation because so much of our information is garnered from technological platforms where misinformation and disinformation is propagated and largely left unregulated, swamping or obscuring historical truths. It was the same Chief Executive who attacked the Australian Government's attempts to regulate the flow of misinformation and disinformation on the internet and through various communications platforms,[5] invoking the importance of free speech. But as any student of the First Amendment law and history knows, free speech is not an absolute value, just

[4] Elon Musk, Twitter, 23 January 2025, <https://x.com/elonmusk/status/1882406209187409976>.
[5] *Elon Musk doubles down on 'fascists' comment after Anthony Albanese hits back* (SBS News, 15 September 2024), available at <https://www.sbs.com.au/news/article/elon-musk-doubles-down-on-fascists-comment-after-anthony-albanese-hits-back/6772t1yvw>.

as principles of liberty do not permit or justify physical attacks on other people (still less law enforcement officers) or the violation and desecration of public or private property.

12 Misinformation and disinformation are particularly problematic given the rise of Gen AI where open-sourced large language models generate answers to questions by drawing on or "scraping" underlying data bases typically without any filter to discriminate between historically accurate and inaccurate data. Answers will reflect the content of what has been scraped or according to what the relevant algorithm has been programmed to detect.

13 Those who control the underlying data or the algorithm by reference to which it is scraped and interrogated wield enormous power, and typically eschew regulation in the name of free speech. Just as it is a perversion to seek to justify anti-semitic "hate speech" as an example of freedom of speech, historical revisionism which masks the extent, impact, significance and even the existence of true historical events may be equally if not more pernicious.

14 The recently released Chinese designed Gen AI platform DeepSeek has been criticised for the fact that, according to reports, it will not generate any response or accurate response when questioned, for example, about Tiananmen Square or human rights issues which might reflect poorly on China. But we should not be so naïve or parochial to think that this particular example is confined to that platform or platforms developed in that country nor that far more insidious control of underlying information may not be used to promote historical revisionism through floods of misinformation and disinformation populating the databases upon which various platforms draw.

15 Meta's abandonment of fact checking, a position which could in part be attributed to intimidation, including threats to have its Chief Executive arrested,[6] as well as to basic commercial self-interest unshackled from previously

[6] *Trump claims Zuckerberg plotted against him during the 2020 election in soon-to-be released book* (Politico, 28 August 2024), available at <https://www.politico.com/news/2024/08/28/trump-zuckerberg-election-book-00176639>.

expressed concerns about integrity of information, will only contribute to the flourishing of misinformation and disinformation, with consequences of the kind I have highlighted.

16 This is only one aspect of Truth Decay, a topic or phenomenon which I addressed in a number of speeches last year.[7] Truth Decay, when coupled with moral indifference or resignation, represents a profound risk to the structures, traditions and conventional norms of our society, including the rule of law. It is one thing to disrupt democratic structures and institutions; it is another to begin to dismantle them. Such is the integrated nature of our world that we cannot remain insulated or avoid engagement with rapidly developing events elsewhere, however tempting it is to shut oneself off from them.

17 Australians, including and perhaps especially Australian lawyers, must be astute to developments of the kind I have mentioned and must engage with, speak out against and work to contain the serious risks presented. In a speech last year, Justice Beech Jones highlighted instances in history where lawyers took a leading role in standing up to autocrats and threats to democracy.[8] It is well worth reading.

18 Returning to Gen AI, I am not unalive to its great potential as a result of the operation of immense computing power, the ability to search vast tracts of information and its positive potential applications in areas such as medical diagnostics, engineering and other scientific applications. As most of you know, however, I have taken a deliberately cautious and conservative but I hope nuanced approach to the use of Gen AI by the legal profession in New South Wales.

---

[7] The Hon A S Bell, *Truth, the Courts and Truth Decay* (Acton Lecture 2024, 26 September 2024), available at < https://tinyurl.com/TruthDecaySupremeCourt >; The Hon A S Bell, *Truth Decay and its implications for the judiciary: an Australian perspective* (4th Judicial Roundtable, Durham University, 23-26 April 2024), available at <https://tinyurl.com/TruthDecayImplications>.

[8] The Hon Justice Robert Beech-Jones, *Lawyers and Dictators: Ten Lawyers, and Counting* (John William Perry AO QC Oration, Hellenic Australian Lawyers Association, Adelaide, 25 October 2024), available at <https://www.hcourt.gov.au/assets/publications/speeches/current-justices/BJJ/Beech-Jones(PerryOration25October2024).pdf>.

19 The Supreme Court's Practice Note on Gen AI came into operation on Monday this week[9] and it has been adopted by the Land & Environment Court, the District Court and the Local Court. It is timely. There were at least three cases within the last 12 months where Gen AI was used by practitioners or litigants in Australia in an entirely unsatisfactory way including the citation of non-existent fabricated case references and transcript extracts and the artificial generation of a character reference.[10]

20 The legal profession is and should be a critical, thinking profession. Its members are subject to important well-known ethical constraints and obligations in relation to how information and evidence is presented to courts and deployed in the administration of justice. Any regulation of Gen AI must bear those matters uppermost in mind. Qualified lawyers are admitted to practice law and are ultimately regulated by the Supreme Court. They remain responsible in relation to how they practice, and that responsibility is not delegable to a computer program, however sophisticated. The obligations on practitioners in New South Wales with regard to the use of Gen AI are clear and I would not expect the courts to be sympathetic to practitioners who do not abide by clear guidance given in the Practice Note.

21 While the Practice Note as its name implies has been designed to afford practical guidance to practitioners and litigants, at the deepest philosophical level, the rule of law depends on faith in the system with responsible practitioners exercising care, skill and judgment and abiding by their ethical obligations to the Court and the administration of justice, and judges bringing their own independent, human, minds and values to the administration and disposition of justice, consistent with their oaths of office. Judges are

---

[9] *Supreme Court Practice Note SC Gen 23 – Use of Generative Artificial Intelligence (AI)*, available at <https://supremecourt.nsw.gov.au/documents/Practice-and-Procedure/Practice-Notes/general/current/PN_SC_Gen_23.pdf>.

[10] *DPP v Khan* [2024] ACTSC 19 at [39]-[42]; Handa & *Mallick* [2024] FedCFamC2F 957; *Dayal* [2024] FedCFamC2F 1166; *Valu v Minister for Immigration and Multicultural Affairs (No 2)* [2025] FedCFamC2G 95; see also *Finch v The Heat Group Pty Ltd* [2024] FedCFamC2G 161 at [128]-[138].

accountable for their decisions and their conduct, as are practitioners. Gen AI platforms are not.

22 The rule of law was, unsurprisingly, a major focus of the Supreme Court of New South Wales's bicentenary last year and is also a focus of the many speeches I make, including to newly admitted practitioners. But the rule of law, as with democracy itself, cannot be taken for granted.

23 At the end of each calendar year, the Chief Justice of the United States issues a year-end report on the Federal Judiciary. Chief Justice Roberts' most recent report was issued on 31 December 2024.[11] In that report, the Chief Justice said that he felt "compelled to address four areas of illegitimate activity that, in [his] view, *do* threaten the independence of judges on which the rule of law depends." These were:

(i) violence;

(ii) intimidation;

(iii) disinformation, and

(iv) threats to defy lawfully entered judgments.

24 As to this fourth threat, the Chief Justice observed that "judicial independence is undermined unless the other branches [of government] are firm in their responsibility to enforce the courts' decrees … Within the past few years, elected officials from across the political spectrum have raised the spectre of open disregard for federal court rulings. These dangerous suggestions, however sporadic, must be soundly rejected."

25 Chief Justice Roberts was not to know that 3 weeks after he issued his end of year report, the *outgoing* President of the United States would grant a swathe of *pre-emptive* pardons, thus putting the beneficiaries of those pardons beyond

[11] US Supreme Court, *2024 Year End Report on the Federal Judiciary* (Report, 31 December 2024), available at <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf>.

or outside the operation of the rule of law and the cardinal principle that the law applies, and should be applied, equally to all citizens.

26 Further, on 22 January 2025, the newly inaugurated President would grant a full and unconditional pardon to hundreds of people who had pleaded guilty to or been convicted by juries of crimes of violence against law enforcement officials and damage to public buildings on January 6, 2021.

27 At the same time as these pardons, there were other pardons including a separate full and unconditional pardon granted to one Ross William Ulbricht a.k.a. “Dread Pirate Roberts”, founder of the so-called Silk Road dark web website who had been sentenced to life in prison on 7 counts.[12]

28 I was not particularly familiar with this case and was interested to know about the convictions so that I could understand the pardon. I accordingly consulted the unanimous 139 page decision of the respected United States Court of Appeals for the Second Circuit handed down on 31 May 2017. That disclosed that Ulbricht was convicted by a jury after 3 ½ hours of deliberation following a 3 week trial. An appeal on conviction and sentence was dismissed, and the US Supreme Court denied an application to appeal from that dismissal.[13] To quote the Second Circuit:

> “In February 2015, a jury convicted Ross William Ulbricht on seven counts arising from his creation and operation of Silk Road under the username Dread Pirate Roberts (“DPR”). Silk Road was a massive, anonymous criminal marketplace that operated using the Tor Network, which renders Internet traffic through the Tor browser extremely difficult to trace. Silk Road users principally bought and sold drugs, false identification documents, and computer hacking software. Transactions on Silk Road exclusively used Bitcoins, an anonymous but traceable digital currency.”

[12] The seven crimes of conviction were: (1) distribution and aiding and abetting 1 distribution of narcotics, 21 U.S.C. § 812, § 841(a)(1), § 841(b)(1)(A) and 18 U.S.C. § 2; (2) using the Internet to distribute narcotics, 21 U.S.C. § 812, § 841(h) and § 841(b)(1)(A); (3) conspiracy to distribute narcotics, 21 U.S.C. § 846; (4) engaging in a continuing criminal enterprise, 21 U.S.C. § 848(a); (5) conspiring to obtain unauthorized access to a computer for purposes of commercial advantage and private financial gain and in furtherance of other criminal and tortious acts, 18 U.S.C. § 1030(a)(2) and § 1030(b); (6) conspiring to traffic in fraudulent identification documents, 18 U.S.C. § 1028(f); and (7) conspiring to launder money, 18 U.S.C. § 1956(h).

[13] 28 June 2018.USSC cert denied 17-950.

Importantly for present purposes, the Second Circuit noted that Ulbricht did not challenge the sufficiency of the evidence to support the jury's verdict on any of the counts of conviction.[14]

29 Although not the subject of separate charges, there was also evidence led at the trial that Ulbricht had commissioned the murders of five people to protect Silk Road's anonymity. (While there was no evidence that these murders actually occurred, there was, however, evidence that Ulbricht believed that the murders had been carried out and, in the words of the Second Circuit, "a reasonable jury could easily conclude that the evidence demonstrated that Ulbricht ordered and paid for the killing, and that he believed that it had occurred."[15]) The Second Circuit continued:

> "Later, DPR ordered four other murders through Redandwhite. Dread Pirate Roberts identified another Silk Road user, Tony76, who knew FriendlyChemist and might compromise the site's anonymity. After some negotiations, DPR agreed to pay Redandwhite $500,000 in Bitcoins to kill Tony76 and three of his associates. DPR then sent the payment to Redandwhite. On April 6, 2013, Ulbricht wrote in a file on his laptop that he "[g]ave angels go ahead to find tony76." Two days later, Ulbricht recorded that he "[s]ent payment to angels for hit on tony76 and his three associates." One of the government's expert witnesses was able to link the payments for all five murders to Bitcoin wallets located on Ulbricht's laptop."

30 Ulbricht's sentencing hearing took place on May 29, 2015. As explained by the Second Circuit at 32:

> "The district court concluded that Ulbricht's offense level was 43—the highest possible offense level under the Sentencing Guidelines—and that his criminal history category was I. The high offense level largely resulted from the massive quantity of 23 drugs trafficked using Silk Road, as well as several enhancements, including one for directing the use of violence, U.S.S.G. § 2D1.1(b)(2). Ulbricht does not dispute that calculation. Due to the high offense level, the Guidelines advisory sentence "range" was life in prison, and the U.S. Probation Office recommended that sentence."

31 The only reasons of which I am aware for the granting of this pardon were set out in a post by the President on "Truth Social":

> "I just called the mother of Ross William Ulbricht to let her know that in honor of her and the Libertarian Movement, which supported me so strongly, it was

[14] At 14
[15] At 21.

> my pleasure to have just signed a full and unconditional pardon of her son, Ross. The scum that worked to convict him were some of the same lunatics who were involved in the modern day weaponization of government against me. He was given two life sentences, plus 40 years. Ridiculous!"

32 So, three reasons were identified:

(i) explicit payback for political support;

(ii) the apparent settling of scores with New York prosecutors; and

(iii) the extent of the sentences.

As to the latter, however, the sentences were being served concurrently and this was not a case of commutation but of a full and unconditional pardon.

33 No commentator has suggested that the exercise of the plenary pardon power was technically unlawful in this case or in the case of the January 6 rioters but there can be no doubt that its exercise in these cases does and has gravely undermined the rule of law in the United States, just as President Bill Clinton's pardon of Marc Rich did in 2001 where there was also a suggestion of a quid pro quo, and the laws of the land applicable to all other taxpayers, in that case, were bypassed.

34 Fortunately, the executive power to pardon in Australia is exercised only in exceptional circumstances and after a full inquiry. It would be regarded as a scandal if the power to pardon was exercised as a quid pro quo for political support or as an act of retribution against a particular prosecutor.

35 I dare say that, for the vast, vast majority of American judges and lawyers who believe in the rule of law, the most recent pardons by both the current and immediate past President strike hard and deep at their professional, civic and ethical core. If "threats to defy lawfully entered judgments" were one important indicium of threats to the independence of the judiciary and rule of law, as Chief Justice Roberts identified, how much the more so the exercise and application of the pardon power in the Silk Road case and at least in the case of the January 6 rioters who committed acts of violence against law enforcement officers.

36 These latter pardons have been criticized by some of even the most conservative senators such as Senator Lindsay Graham,[16] and were in the face of the Vice-President's observation only days before they were granted that "if you committed violence on that day, *obviously* you should not be pardoned."[17] What was obvious one day was not obvious days later, and the grant of pardons at the outset of a presidential term (rather than at the usual , surreptitious "five minutes to midnight", as a presidential incumbent left the White House) makes one anxious about the future, and respect for the independence and conscientious work of the judiciary in America.

37 To those who might think that it is inappropriate for me to address recent events in the United States, I would observe that one cannot simply speak about the rule of law (as I do regularly) in an abstract way. As Lord Hodge of the United Kingdom Supreme Court put it, "[d]emocratically elected governments have a vital interest in the maintenance of the rule of law. It is a bastion against those who would use chaos as a ladder."[18] The rule of law is too important and what it means and why it is important is powerfully illustrated by practical examples of its being undermined, as I venture to suggest it has been by these recent high profile pardons, technically legal though they may have been under the current state of US jurisprudence.

38 Take the Silk Road case. There was no evidence that a fair trial was not afforded Mr Ulbricht nor that there had been some miscarriage of justice. The case was decided by a jury, an extensive review was conducted by the Court of Appeals for the Second Circuit and certiorari was denied by the US Supreme Court. Full and due process had been extended, the evidence was compelling and the convictions were for serious criminal charges concerning extensive trading in narcotics, money laundering and trafficking in fraudulent identification

[16] *Trump ally criticises pardons for violent Jan 6 offenders* (BBC, 27 January 2025), available at <https://www.bbc.com/news/articles/c79dlyzvnvxo>.
[17] *Vance says Capitol rioters guilty of violence should not be pardoned* (The Guardian, 14 January 2025), available at https://www.theguardian.com/us-news/2025/jan/13/jd-vance-trump-fox-january-6 (emphasis added).
[18] Lord Hodge, *Preserving judicial independence in an age of populism* (North Strathclyde Sheriffdom Conference, Paisley, 23 November 2018), available at <https://supremecourt.uk/uploads/speech_181123_9ce4b9f447.pdf>.

documents and yet, and yet, a *full and unconditional pardon* was granted for reasons wholly unrelated to the commission of the offences, in the face of overwhelming evidence and in defiance of the laws found have been broken and in defiance of, and no regard to, the courts which conscientiously had overseen the trial and appeal.

39 A second reason I have chosen to address the pardons in this speech is that, in the case of the January 6 rioters, such pardons lend encouragement to those who are inclined to take the law into their own hands or take the view that they may freely operate outside of the law, and or that it is okay to do so. This is precisely the view taken by the sovereign citizen movement whose actions are increasingly becoming an issue for Australian courts, including in New South Wales.[19] Widely publicised pardoning of the January 6 offenders and their lionisation can only lend encouragement and fortitude to those with similar belief systems and a willingness to defy authority, especially with violence and intimidation, two of the other characteristics Chief Justice Roberts identified in his End of Year Report as inimical to the rule of law. This is a matter of concern for us here in New South Wales, and there have been security incidents involving sovereign citizens and the courts at various levels of the judicial hierarchy in New South Wales in recent years.

40 The problems of judges being exposed to violence or threats of violence was also recently addressed in the United Kingdom by Baroness Carr, Lady Chief Justice of England and Wales, who has announced the establishment of a Security Taskforce to identify what improvements can be made to safety measures for judges, stating that "incidents threatening or compromising

[19] Harry Hobbs, Stephen Young, and Joe McIntyre, "The Internationalisation of Pseudolaw: the Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand" (2024) 47(1) *UNSW Law Journal* 309; *Magistrates witness a 'sharp rise' in sovereign citizen cases brought before the local courts* (ABC News, 8 May 2023), available at <https://www.abc.net.au/news/2023-05-08/nsw-magistrates-report-sharp-rise-in-sovereign-citizen-cases/102285772>; *CDPP prosecutes 'sovereign citizens' after desecrating ancient Uluru cave* (CDPP, 2023), available at <https://www.cdpp.gov.au/case-reports/cdpp-prosecutes-sovereign-citizens-after-desecrating-ancient-uluru-cave>; *The Sovereign Citizen Movement in Australia* (AFP, September 2023), available at <https://www.afp.gov.au/sites/default/files/2023-09/123-2023.pdf>.

judicial safety are becoming all too common, both inside and outside of the courtroom, and online as well as physical."[20]

41 I wish now to turn to a quite different topic of significance to this audience, namely the subject of practical legal training or PLT in New South Wales.

42 In the middle of last year, I became aware of the extremely high fees charged for practical legal training of law graduates in this State. Last year those fees were between $11,000 and $12,000 in order to obtain the graduate diploma which is, of course, a prerequisite for admission to practice. This is an extremely large amount of money which may well present a significant barrier to entry to the legal profession, especially given the increasing cost of university fees.

43 I also learnt that at least some, generally large, law firms cover these fees for new graduates as an incentive to take up a position with that firm on condition that they stay for a number of years. There is, of course, nothing wrong with that and I make no criticism of it although, given their very significant amount, the combination of the high fees and assistance offered by some firms no doubt operates as a disincentive to young lawyers otherwise wishing to commence their professional life in a public sector firm or office such as Crown Solicitors, the DPP, Legal Aid, the Aboriginal Legal Service or community legal centres. It goes without saying that the administration of justice requires capable, well-motivated young lawyers in these publicly important roles.

44 Being concerned about the level of fees, I consulted the financial statements of the College of Law which is, overwhelmingly, the largest provider of practical legal training in New South Wales and indeed throughout the country. The provision of PLT is, as I understand it, the College of Law's principal source of revenue. I discovered (to my surprise, to put the matter mildly) that the College of Law has been generating an average "surplus" of almost $16 million per

[20] *Incidents where judges at risk becoming 'too common', Lady Chief Justice says* (Independent, 31 January 2025), available at <https://www.independent.co.uk/news/uk/crime/williams-court-of-appeal-surrey-england-wales-b2689734.html>.

annum over the past decade and has accumulated "retained earnings" of just under $180 million.[21] The retained earnings and 2024 surplus for the College of Law “parent entity” are even higher: $186,820,736 and $19,848,089 respectively.[22]

45 In my capacity as Chief Justice and a member of the Legal Profession Admission Board (**LPAB**), together with Justice Tony Payne who is the presiding member of the LPAB, I expressed my profound concern about the level of charging to the Chairman and Chief Executive of the College of Law, especially the practice of generating very substantial annual surpluses by a not-for-profit body, from students required to undertake PLT.

46 I am pleased to note that, subsequent to my meeting, the College of Law has announced that it will significantly reduce the standard PLT tuition fee to a newly adjusted base of $9,200, with arrangements in place for ongoing review mechanisms into the future. That is a salutary development. The fact remains, however, that the College has accumulated a huge pool of reserves which I would expect to be returned to the profession. One way this might be done would be by way of forgiveness of past fees, and future fee waivers, for those law graduates entering or who have entered into public service roles of the kind I have described.

47 I know that the Attorney shares my concern about the fees which have been charged for practical legal training and the huge reserves that have been accumulated. We both look forward to further action from the College of Law in this regard.

48 The question of the cost of obtaining a diploma of practical legal training naturally requires consideration of the content and quality of delivery of the

[21] The 2024 Financial Statements recorded a surplus for the year of $18,803,335 (and $15,927,364 for 20230, with retained earnings of $179,094,573 ($160,291,328 for 2023): *The College of Law Limited – Annual Report For the financial year ended 30 June 2024* at 17, 43, available at <https://acncpubfilesprodstorage.blob.core.windows.net/public/faa95fbf-38af-e811-a95e-000d3ad24c60-8f5716f9-9552-413d-b088-efd728e56bf7-Financial%20Report-0bde911d-cede-ef11-a730-6045bde76264-TCOL-AU_Signed_Financial_Accounts_-_2024.pdf>.
[22] Ibid at 46.

practical legal training which is available to recent graduates in New South Wales and the value of what is currently being offered. It is also an appropriate time to seek to gauge the views of the profession as to the mode of delivery of PLT, and the way practical skills are examined and assessed, especially in light of the move to more online modes of training hastened by the exigencies of the pandemic, and the emergence of Gen AI.

49 The LPAB, with my support, has engaged Urbis, a well-respected independent research agency, to undertake a survey of the profession's views about PLT. This survey has been developed with input from the Law Society, the Bar, the Legal Services Council, the LPAB, the Law Admissions Consultative Committee which includes a representative of the national body representing PLT providers.

50 The value of this survey (which will be distributed early next week) will in part be a function of the number of practitioners who complete it. We are interested to understand not only the experiences of those who have undertaken PLT in the last decade but also to gain the views of more experienced practitioners involved in the supervision of recent graduates. It is essential for our profession that new lawyers enter practice as well equipped as possible to meet the challenges of legal practice, some of which are perennial and constant, others of which are a function of changes in our society and technology.

51 The survey will, I hope, form the initial basis for the development of proposals for the reform of PLT. I hope that, with the assistance of the profession, PLT can be improved in quality and the costs of undertaking it for entry level lawyers can come down significantly. Getting PLT right is important for the ongoing health of the profession. I would encourage you all to complete the survey.

52 Speaking of practical experience, I note that within the next 5 months, the Supreme Court will see the retirements of Acting Justice of Appeal John Basten AO, Justice Fabian Gleeson of the Court of Appeal and Justices David Davies and James Stevenson, all of whom are highly respected senior judges who have served the Court and the administration of justice in this State for many

years with great skill and distinction. Collectively we will lose more than 60 years of judicial experience with their Honours' retirements but all institutions must and do renew. I take this opportunity to thank those judges for their outstanding service and contribution.

53 Finally, despite the "heaviness" of aspects of my address this evening, I wish you all well for the 2025 legal year. Stay strong and, as my old clerk Paul Daley always says, "don't forget to smell the roses"!

54 Thank you for your attendance and your attention.

****