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REVISED

IN THE DISTRICT COURT
OF NEW SOUTH WALES

THE CHIEF JUDGE
THE HONOURABLE JUSTICE PRICE AM
AND THE JUDGES OF THE COURT

TUESDAY 31 JANUARY 2017

**SWEARING-IN CEREMONY OF HER HONOUR TANYA BRIGHT AS A
JUDGE OF THE DISTRICT COURT OF NEW SOUTH WALES**

Mr Arthur Moses SC, on behalf of the New South Wales Bar
Ms Pauline Wright, President, Law Society of New South Wales, on behalf of
solicitors

(Commission read)

(Oaths of office taken)

PRICE CJ: The oaths will be placed in the Court archives and the bible will be suitably inscribed and presented to Judge Bright as a memento of this occasion. Judge Bright, on behalf of all the judges of the Court and on behalf of myself I welcome you to the Court and I wish you all the very best in your judicial career.

BRIGHT DCJ: Thank you, judges.

PRICE CJ: Mr Moses.

MOSES: May it please the Court. I wish to begin by acknowledging the Gadigal people as the traditional custodians of the land on which this Court stands and to pay my respects to their Elders past and present. I last had the honour of appearing before a Full Bench of this Court at a ceremonial welcome for Judge Noman SC and Judge Hunt on 8 August 2016. Two weeks later the legal profession was saddened by the sudden death of his Honour, Judge Greg Farmer SC. When the Attorney General Upton announced in December

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2016 the appointment of her Honour, Judge Bright, to this Court she noted that Judge Bright would be replacing his Honour, Judge Farmer. Judge Farmer's premature passing affected this Court and the profession greatly. His Honour was a fair, even-handed and compassionate judge. He is missed, especially his cheeky grin. Whereas the circumstances that precipitated today's ceremony are sad the Bar has greeted news of Judge Bright's appointment with enthusiasm and happiness.

With the swearing-in of her Honour this morning there are now 24 female judges of the District Court Bench of 76. This has not come about by chance but by real efforts by Chief Judge Price and his predecessor as well as successive Attorneys-General of both political parties to promote diversity on the Bench of this Court. There is of course more work to be done in this area to ensure that courts in New South Wales are representative of the society they serve. It is important that courts are representative of the society they serve for the reasons noted by his Honour, Justice McHugh, a former justice of the High Court and President of the New South Wales Bar Association because, as he noted, the judiciary of a democracy should be seen to be representative of society because if it does not reflect the diversity of society at large it will lose the confidence of the public upon which its authority ultimately rests.

Fortunately for the people of this State the Attorney-General is able to appoint lawyers of the calibre of Judge Bright to exercise the important jurisdiction of this Court. Judge Bright is a gifted lawyer of the highest ethical and professional standards who has practised in criminal law for 24 years. The Bar has absolute confidence that her Honour will be a valuable complement to the Bench of this Court.

Judge Bright, your colleagues at the Office of the Director of Public Prosecutions in Gosford invariably describe you as calm, courteous and efficient. Your pre-trial preparation is said to be meticulous with particular attention given to building a rapport with highly anxious and vulnerable witnesses. I am told that you have remarkable poise at the bar table, you choose your words carefully and enjoy addressing a jury. Among the more than 140 trials your Honour has appeared in several exemplify these qualities: Toomey was a complex arson case before Judge O'Connor at Gosford District Court in 2008. Bushfires are the subject of a vast body of scientific literature, maps and reports, but in the best traditions of the Bar your Honour got across the facts of the brief, discarded irrelevant issues, determined the applicable law and secured a conviction efficiently and fairly.

Sadly, a great number of other cases that your Honour has been involved in concerned family violence and sexual assault and I am referring here to matters such as Hibberd and Jung. According to the Witness Assistance Office your Honour's investment in pre-trial conferencing with victims including your attendance at court familiarisation sessions gives them the necessary reassurance and resolve to give evidence. Your Honour's wisdom and experience has been distilled and published in a document known locally as the trial toolbox or, alternatively, the Tanya Bright book of trial preparation.

Your Honour's obvious affinity for criminal law is doubly interesting given the fact that you are learned in both law and economics. You were raised on a rural property near Dubbo and your decision to study law, the first person in your family to do so, is attributed to a love of debating instilled by your teachers at Presbyterian Ladies College, Armidale. You join on this Bench Judge Wass who also undertook her schooling at Armidale but there the

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similarity between yourself and Judge Wass ends. You were known as a good country girl at school whereas her Honour, Judge Wass, was a bit of a troublemaker. You graduated from the University of Sydney in 1989 with a combined Bachelor of Economics and Bachelor of Laws. Your Honour was admitted as a solicitor of the Supreme Court of New South Wales in December 1989. Initially you practised at the firm of Freehill Hollingdale & Page in banking, finance and litigation. While this work might have put your knowledge of the dismal science to good use it did not keep you long, a career in advocacy beckoned.

In January 1993 you joined the Office of the Director of Public Prosecutions as a Level 1 solicitor. You worked your way up through the ranks including time in so-called Group 6. One could be forgiven for mistaking this as a top secret US Government Agency in charge of gathering information about aliens but in fact Group 6 was responsible for prosecuting police officers and in 1998 to 1999 you were seconded for six months to work in the office of the then Police Commissioner, Peter Ryan. While working as a solicitor at the Director of Public Prosecutions you instructed Deputy Senior Crown Prosecutor Christopher Maxwell QC during which time you were inspired by his advocacy skills. You also instructed Margaret Cunneen SC who encouraged you to pursue a career in advocacy and to come to the Bar.

In August 1999 you were promoted to Trial Advocate in Parramatta and in February 2001 you were appointed as a Crown Prosecutor at Parramatta. A year later you transferred to Gosford where you have remained until your appointment to this Court.

Your Honour has been generous to a fault in sharing your knowledge and expertise amongst the up and coming lawyers in the Gosford office. Upon

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learning of your appointment their sense of loss was outweighed only by their pride in having worked with you. As a Crown Prosecutor you regularly appeared before Judge Roy Ellis who you join in the Bench of this Court. His Honour has described you as a prosecutor who understood your obligations to conduct cases fairly and someone who was always thoroughly prepared.

Now, your Honour, in preparation for this speech I sought explanations for your composure under pressure. Some say it is your pastime activity of making tote bags and pencil cases that calm you. It is rumoured that one of the sensitive new-age judges on this Court, Judge McClintock, heads the handicrafts committee and will be inviting you to their next meeting. Others are convinced that the explanation for your demeanour is that in comparison to being a mother to three sons, Wilson, Huwan and Darcy, who compete in rugby and motocross you have formed the view that our adversarial court system isn't so challenging after all; or perhaps the answer for your calm demeanour lies in your Honour's newfound interest in surfing which you learned alongside your sons. It is a sport that becomes a vital way of life I am told and as the famous Hawaiian surfer, Duke Kahanamoku is reported to have said, the best surfer out there is the one having the most fun.

Now, interested to learn more about why lawyers surf, I contacted the offices of our rival organisation, the Australasian Lawyers Surfing Association. They informed me that one of the reasons lawyers surf is because there is something in the neuro-chemistry of surfing that induces a more contemplative outlook on life. I actually think that is nonsense, the more accurate explanation is that your Honour, like all other lawyers, make good surfers because they feel right at home with sharks. Now, the spokesman for the Association, Peter

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Strain, and your Honour can make contact with him of course, has said that your Honour is not yet a member but you would be welcome to join their peak body. It is free and easy, he said, and I am told you would be the first judge in New South Wales to become a member and the first female judge from any State. It surprised me that no judge was yet a member of the association from New South Wales because I thought that perhaps the applications of some of the more laid back members of the New South Wales Court of Criminal Appeal, such as Justice Hulme and Justice Basten, had put their applications in but they have been lost.

It should be noted that when I asked the spokesperson how surfing prepared one for life on the Bench his response was this: Surfing is a sport best exercised alone, a sport which never gets boring even on the longest days and, most importantly, a sport in which you improve for a while, and some of the judges here may know this, and then inevitably commence a long decline. It is excellent preparation for life on the Bench.

So your Honour has much to look forward to but as usual at these swearing -in ceremonies I digress. Judge Bright, it is said that it is the role of a Crown Prosecutor to be a minister of justice. Your Honour has upheld the finest traditions of a prosecutor and your elevation to judicial office was to be expected. Members of the profession hold the firm belief that all those who come before your Court well prepared with full knowledge of the facts and the applicable law will receive a courteous and efficient hearing, complainants and defendants alike can expect fairness and justice according to law. The Bar congratulates you and wishes you every success in the challenges that lie ahead. May it please the Court.

PRICE CJ: Thank you, Mr Moses. Ms Wright.

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WRIGHT: May it please the Court. I would also like to pay my respects to the Gadigal people of the Eora nation and to their Elders, past and present. I am honoured to have the opportunity to come before this Court this morning at the first swearing-in I have had the honour to speak in my capacity as President of the Law Society of New South Wales.

Before I convey my congratulations to Judge Bright I would like to echo the remarks of Mr Moses on the sad passing of Judge Farmer. The contribution that he made to the District Court of New South Wales was immense and the people of this State are the true beneficiaries of his time on the Bench. His untimely passing has saddened us all and the Law Society honours his service today.

Although the vacancy your Honour fills today arose in sad circumstances I am pleased to be here to congratulate you this morning, Judge Bright, not to mention to congratulate a fellow Central Coast local as my own practice is based in Gosford. Regional practice and regional courts come with their own challenges.

The establishment of this Court in 1858 was motivated by the trials of administration of justice in the regions and access to justice across the colony of New South Wales. With the discovery of gold the State's population had exploded and people were dispersing into the regions, including the Central Coast, not that there was gold in them there hills of Somersby but people were on the move nevertheless.

The Supreme Court of New South Wales had fallen into arrears and did not regularly visit the regions. As W J Foster and C E R Murray described in their 1870 account of the development of the Court, "Under the presidency of District Court judges criminal proceedings have been much facilitated,

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especially in the more distant and outlying portions of the country.” This legacy is visible in your Honour’s own contribution to justice on the Central Coast.

Your Honour, as we have heard, has served as a Crown Prosecutor at Gosford for more than ten years. In that time the breadth of knowledge and experience you bring to the Office of the Director of Public Prosecutions as a Crown Prosecutor has been absolutely exemplary. Your departure from the Gosford office will leave a gaping hole and that is something that your colleagues there have confirmed.

However, your Honour will leave the DPP a tangible legacy in the form of the trial toolbox that Mr Moses has referred to. For those of you who do not know of it, it was really a cheat sheet for junior lawyers. Included in this handy toolbox was a document titled, “What to do when a trial implodes”, something we all need. The method you employed within the office quickly became known as the Tanya Bright book of trial preparation. It has become really invaluable to lawyers and advocates alike for its systematic and thorough approach.

Your Honour was always a consummate professional, someone ruthlessly dedicated to the legal profession. You gained this reputation due to the way that you would dot every “I”, cross every “T” meticulously preparing. Junior lawyers also benefited from your acute ability to sort through the mess that tends to attend every pre-trial preparation and identify the issue at hand.

Your Honour has an exceptional memory for case law. One wall in your office was covered with matching white folders labelled for every area of law one could imagine and a solicitor in trouble could depend on your Honour to scramble over your desk, consult the encyclopaedia of folders and whip out a

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useful and relevant piece of case law on that very point.

An important quality for any member of the legal profession, much less a judge, is moral character. It is a quality which is perhaps not discussed because of its obvious importance but in this regard your Honour has been described time and time again as outstanding in your Honour's honesty, propriety and fairness. Because you are so highly regarded not only as a lawyer but as a person these qualities have seen your Honour trusted as a mentor by many junior lawyers. You will go out of your way to raise others up and indeed your mentoring of solicitors is seen in Gosford to have been a little too successful. So many of your protégés have gone on to become trial advocates that the Gosford DPP Office is running out of instructing solicitors. These solicitors say that they always had the highest confidence that your Honour would always have their back. They knew they did not have to worry that they would get thrown under the bus if they made a mistake, missed a document or omitted a witness.

Your Honour has also drawn profound trust from the victims of crimes that you have prosecuted. This stemmed from your ability to build rapport and a real sense of calm in the courtroom. One witness assistance officer said that you had a unique way of providing essential information without overloading a victim and you were highly skilled in explaining the role of witnesses in court. Indeed, you would often say, "You don't carry the whole burden of this trial on your shoulders, you are one witness" and that cut through to many people.

A number of victims have commented that they felt more comfortable giving evidence as a result of the pre-trial conferences your Honour ran. One case was particularly notable for the impact you had on a victim of crime. That victim had been subjected to years of serious domestic assaults, was

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malnourished with limited support as a result. She was also eight months pregnant. After many difficult conferences your Honour successfully secured her attendance in court, only to have her refuse to give evidence. She was declared hostile and the entirety of her evidence was cross-examined.

Ultimately, her abuser was convicted on all counts but not long after the trial your Honour ran into the complainant in the street. She had turned her life around, she had gained weight, she had managed to keep her baby due to her newly stable lifestyle. She was full of gratitude for your Honour's support and assistance.

In the courtroom your Honour has always been calm, courteous and competent but, just as importantly, you were fierce when you needed to be and you never suffered fools. One of the most high profile cases your Honour has prosecuted is the sadly topical one this year, clearly remember by all the residents of the Central Coast, the case of Hunter. Your Honour prosecuted a motorist who deliberately drove his vehicle into a crowd of bystanders outside the Terrigal Bakery and of course, as has been also mentioned, you also prosecuted the trial of Toomey, an arson trial involving a number of extensive bushfires that raged over the Central Coast in 2006 and for months your office was littered with maps, fire diagrams, complex briefs, but not only did your Honour secure a guilty verdict on 31 counts of arson there was also a head sentence of eight years and five months and within a short time your Honour had become the DPP expert on bushfires, their spread, the science behind determining how they began, and that is going to be another legacy you leave.

In Gosford your Honour has found ways to demonstrate commitment to justice in the most unlikely of circumstances. At a recent trial at Gosford when one juror submitted a formal request to be permitted to bring three baby

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possums into the jury room with her she explained that they simply had to be fed every three hours. A little puzzled, your Honour explained that while the Crown would never wish for any harm to come to these possums native animals might distract the other jurors from their deliberations. We hope you will not have too many possums in court in Sydney.

Although your Honour grew up in the Orana region and the Northern Tablelands both you and your parents are now proud Central Coast locals. You are married to Steve and together you have three sons and such is the life you share with your family I am assured your Honour is vehemently opposed to the concept of moving to Sydney. Colleagues inform me that you could be in the middle of preparing a complex or frustrating report and a colleague would only have to make the briefest mention of your boys and your face would light up.

Alongside family life your Honour has struck up some fame on the Central Coast as has been mentioned making bags. We made some enquiries about what kind of bags with enthusiastic replies of tote bags, beach bags, book bags, shoulder bags and iPad covers. The family, as I am informed, recently returned from Bali which is where your new passion of surfing came from. Happily both kinds of shark on the Central Coast are friendly. What your sons are really into I am told is motocross riding. I have friends who are motocross enthusiasts and Doctor Google sums it up very well: One article condemned it as unquestionably dangerous and competing articles called it awesome fun. On that note, one of your Honour's colleagues when he realised the great potential to learn from your Honour the finer points of parenting boys asked your Honour for your number one piece of parenting advice. Perhaps, given the motocross, we should not be surprised that the

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response was, "Just know where your nearest hospital is."

On the Bench your colleagues say that you will be unfailingly pleasant, that you will not suffer fools. You will expect advocates coming before you to know their case, to know the facts and to know the applicable law. As you were a lawyer of the highest ethical and professional standards you will take those standards with you to the Bench. Above all, say those close to you, your Honour will be fair. It has been a privilege to address your Honour this morning and to wish you well for a long and productive career on the Bench of the District Court. Once again I congratulate you on behalf of the solicitors of New South Wales.

PRICE CJ: Thank you, Ms Wright.

BRIGHT DCJ: Chief Judge, your Honours, ladies and gentlemen, thank you, Ms Wright and Mr Moses, for your very kind remarks this morning. Since my appointment was announced I have been overwhelmed by the messages of encouragement and support that I have received from family, friends and members of the profession. Thank you to those who have travelled to be here today, in particular my sister, Larissa, who has travelled from Townsville, Anya Hilkemeijer, my dear friend from university who has come from Hobart and Samantha Heywood, my life-long friend since kindergarten who has come from Canberra.

As already noted, I grew up in Dubbo. I was the first in my family to pursue a career in the law but I certainly was not the first to be interested in the law. My father and my uncles have had a fascination with the criminal law for as long as I can remember. In particular, my uncle Dennis to this day knows more about what is happening the Supreme Court than I do and often updates me on recent events so it is probably no surprise that I also developed a

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similar interest in the law.

Whilst I had no legal role models I had a number of significant people in my life when I was growing up. Growing up in Dubbo I spent a large amount of time on my grandparents' farm and then my parents' farm where I was in the company of two extremely capable women, my mother Gay and my mother's sister, Michelle. I refrain from calling her aunty as Michelle is only two years older than me, so she was a best friend rather than an aunt. Apparently it also makes her feel far too old. Between these two women they could shear sheep, drive tractors, shoot rifles and do any task that was required on the farm. It is through observing their tenacity I learned a very important life lesson, never be afraid of a challenge. As a teenager I was absolutely convinced, probably rather naively, that by hard work and determination I could in fact do whatever I wanted to do despite coming from Dubbo. I was further encouraged at PLC Armidale where I was a boarder for three years. Young women were taught to be strong leaders and to strive for excellence. I really enjoyed my years as a boarder because I was able to play sport every afternoon and pursue my love of hockey. I also made some wonderful life-long friends and I am delighted that my school friend, Anne Hackworthy is here today.

The most influential person in relation to my career path was undoubtedly my father. I reached a turning point in my career when I was 20 years old and I was at university. I had finished my economics degree and I was deciding whether I would continue on to law school or whether I would accept a job with a large accounting firm. In his typical calm, reflective wisdom my father assured me that a law degree was no load to carry and encouraged me to complete it. Of course I took that very sound advice and I owe a great deal to

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my father.

My father is a man whose kindness and generosity knows no bounds. He is a gentle soul and I struggle to recall a time in my life when he has ever raised his voice. Unfortunately my children will not be able to say the same about me.

My mother has a fierce determination which I am sure I inherited. She, throughout her life, has had a passion for early childhood education and has been involved in changing the lives of so many children. She is also incredibly talented at sewing, another attribute that I also inherited, although I am sure I will be never quite as skilled as my mother. My parents and my sister, Larissa, have been incredibly supportive of me throughout the years and I am very fortunate to have such a close family.

I commenced my legal career at Freehill Hollingdale & Page, as it then was, and I was very fortunate to work in litigation with his Honour, Judge Dicker. He is in part responsible for me obtaining my job at the ODPP as a Level 1 solicitor as he provided me with a reference. Thank you, Judge Dicker. I am very pleased that he is on the Bench with me today.

I joined the ODPP in 1993. From my first day I knew that I had made the correct career choice, what an exciting job. I was provided with so many opportunities as a solicitor to appear in court and to be involved in different areas of the ODPP. In 1997 I travelled to India to speak at the International Bar Association conference and in 1998 and 1999, as you have already heard, I undertook a secondment to the Police Service to work as a senior legal officer reporting to Police Commissioner Ryan.

In 2001 when I was appointed an Acting Crown Prosecutor my first appearance in court was at Parramatta District Court. It also appears that my

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first day sitting as a District Court judge will be at Parramatta District Court.

In 2002 I made the decision to move to Gosford as a Crown Prosecutor. Little did I know that my time in the regional office would in fact become the most rewarding part of my legal career. I was the only Crown at Gosford at that stage and was rather daunted by the task ahead. I was warmly welcomed by the staff at the Gosford ODPP, local practitioners and court staff. I also had the invaluable assistance of Wayne Creasy SC, Crown Prosecutor, who was in chambers at Newcastle. Wayne was extremely generous with his time and I was so grateful for his assistance.

I am so pleased that so many of my colleagues from the Gosford ODPP have been able to attend today. They have been a large part of my life for the past 15 years, what an amazing lot you all are, a talented, hardworking and enthusiastic team of solicitors who are so well supported by an equally dedicated team of administrative staff. I also had the opportunity to mentor a number of the solicitors as they conducted their first trials, a role that I thoroughly enjoyed. I wish them every success in their future careers and look forward to them appearing before me, no doubt a rather daunting prospect for them.

One colleague who deserves special mention is David Brack, Crown Prosecutor, who has been with me in chambers at Gosford for the past ten years. David has been an incredible support to me over the years and I will so miss his wise counsel. He has often patiently tolerated my ranting after court about grave injustices and outrageous decisions and I am sure it will be much quieter in chambers without me.

I was fortunate to have four long-term judges at Gosford, Judge English, Judge O'Connor, Judge Ellis and recently Judge Bozic. Each of them formed

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a large part of my professional life and I was very grateful for their patience and tolerance, attributes that I also hope to have on the Bench. I am very pleased that Judge Ellis and Judge O'Connor were able to join me today. Unfortunately, their Honours, Judge English and Judge Bozic are sitting outside Sydney and were unable to attend.

I have thoroughly enjoyed my 23 years in criminal law and have found the work very satisfying both personally and professionally. It is such a privilege to come into contact with so many members of the community and assist them through the criminal justice process. Often they are extremely vulnerable and are so appreciative of all the efforts made to assist them. I truly enjoy advocacy and have had the opportunity to appear in so many interesting and varied trials. I have become knowledgeable in many expert fields from arson, motor vehicle accident reconstruction, DNA , firearms, manufacture of prohibited drugs, but the most interesting of all, the effect of pseudoephedrine on greyhounds.

I thank the current Director, Lloyd Babb SC, for his invaluable support. He has always given me flexibility in relation to my working arrangements and I truly appreciate that. I also thank former directors, Nicholas Cowdery SC and Reg Blanch QC. I also thank Mark Tedeschi SC, Senior Crown Prosecutor, for his advice and support over the years.

Of course I must mention my husband, Steve, and my three boys, Wilson, Huwan and Darcy. Steve and I have known each other for almost 40 years since primary school in Dubbo. It has been a long journey. He brings balance to my life and is unwavering in his support for me. He has always encouraged my career aspirations and I am so grateful for his support. My three children, Wilson, Huwan and Darcy, are amazing young men. They

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have given me so much joy in their relatively short lives but also a lot more stress than my day job. This is particularly so because, as you have heard already, they chose to pursue extreme sports, most significantly motocross racing. And when I thought that it could not get any more stressful Huwen decided to take up spearfishing. Now he regularly recounts his encounters with sharks. The boys also introduced me to snowboarding, rather unsuccessfully, and, as you have heard, surfing, more successfully, but what they have given me most of all is perspective. Whilst a career is important it is family and sharing their lives which brings me so much satisfaction. I am delighted that my swearing-in has occurred one day after Australia's first female Chief Justice of the High Court, Susan Kiefel, has been sworn in. It has taken 113 years.

Finally, it has been an honour to serve the people of New South Wales for 15 years as a Crown Prosecutor and I am looking forward to continuing to serve them in my new role.

PRICE CJ: Thank you, judge. The Court will now adjourn.