

The Hon Justice Derek Price



The Hon Justice Derek Michael Price was sworn in as a judge of the Supreme Court of New South Wales on Monday, 28 August 2006.

Price J was educated at St Ignatius College and at the University of Sydney, graduating with bachelor of laws in 1972 and obtaining a master of laws with honours in 1974 with a thesis entitled *The Efficacy of Parole as a Sentencing Method*. During his university years Price J was an articled clerk at J J Carroll, Cecil O’Dea & Co and his Honour continued as a solicitor with Carroll & O’Dea until going overseas in 1973. Upon his return, he moved to Dubbo, becoming a partner with Peacocke, Dickens and King in 1974, president of the Dubbo Law Society and president of the Orana Regional Law Society.

In 1988 he was appointed a Local Court magistrate. In 1999 his Honour became an acting judge of the District Court of New South Wales, an appointment made permanent in February 2000. He was appointed chief magistrate of New South Wales in 2002. He was a member of the Governing Council of the Judicial Conference from 1997 to 2000 and chairman of the Legal Aid Review Committee from 1998 to 2000.

The Hon Bob Debus MP, Attorney General of New South Wales, noted at the swearing in ceremony that Price J was ‘one of the few people in this state who have been appointed to more than two courts’:

You have, to speak colloquially, struck the trifecta.

This is a somewhat more tasteful trifecta than those known to many defence lawyers, which is 1) offensive language, 2) resist arrest, 3) assault police. This trifecta seems to involve incarceration instead

of celebration which, of course, is the purpose of being here this morning.

Quoting Ian Harrison SC, the Attorney said Price J could be described as ‘the Jerrold Cripps of the modern era’, bringing to the court ‘a wealth of experience ... laden with sound judgment, steadiness and intellect’.

As chief magistrate, his Honour had overseen many significant changes to the Local Court. Mr Debus continued:

The changes include: changes to criminal procedures flowing from the repeal of the 100 year old Justice’s Act; the continued increase in the number of women appointed to judicial office in the Local Court, now about 50 per cent of appointments; changes to civil procedures which now mean that local courts operate under the same set of rules as the Supreme and District courts; and the change to the salutation of magistrates and the introduction of the use of robes by them. Here we saw magistrates move from being worshipped to being merely honoured.

The changes to criminal and civil procedures have had a massive effect on local courts and we are now seeing the benefit of streamlined and uniform procedures there.

Your leadership and support was critical to the successful implementation of these changes. In another guise your leadership and commonsense was, I understand, of great assistance to your fellow members of the Judicial Commission.

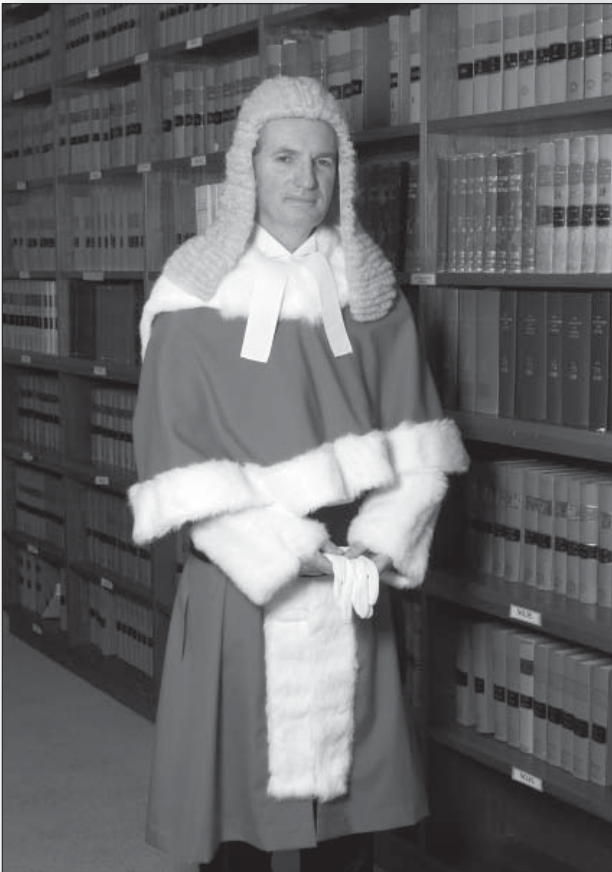
You have also studiously assisted the government and your fellow court officers with a range of criminal justice measures that have created new ground in terms of sentencing. Here I speak of youth conferencing for those between 10 and 18 years of age; young adult conferencing for those between 18 and 25, a system now operating on a pilot basis; and circle sentencing, for aboriginal offenders which is now operating out of a growing number of regional courts. Without the willing participation and skill of the Local Court, each of these measures may easily have foundered on the rocks of what passes for modern debate about crime and justice.

I believe these kinds of confronting processes have a greater and more lasting impact on offenders than brief incarceration in terms of rehabilitation, by way of yielding genuine remorse for misconduct that has harmed others.

I am grateful that you have worked closely with me and others to see these important measures produce effective justice. The proof of their success is that they appear now to have been accepted by all but the most bloodthirsty in our community, which is an exceptional feat.

Having said that, your Honour’s tenure in the Local Court occurred at a time of incredible scrutiny by all manner of commentators. You, with your fellow senior court administrators, have maintained morale and passed all but the most bizarre and tendentious tests.

Your Honour, as you move to the next phase of your career I have total confidence that the same qualities that have led to your success so far will continue to serve you into the future. Like a good day at Randwick, this is a trifecta that is well worth honouring.



Law Society of New South Wales President June McPhie spoke of his Honour's 'zest for country life' having practised in the Central West for fifteen years.

Mrs McPhie recalled that at Peacocke, Dickens and King 'you were considered a prize recruit, not for your legal knowledge, of which you had much, but because you addressed a particular lack of cricketing prowess in the solicitors' team at the time'.

Your Honour was responsible for evening up the scores between the Dubbo doctors, who couldn't believe their eyes when this new recruit came in and lashed the ball delivered by their best bowler.

Price J said he had 'observed during my judicial odyssey that there is much that courts can learn from one another':

The exchange of ideas between jurisdictions on issues of significance to the judicial system has indeed been encouraged by the chief justice and the attorney. The *Civil Procedure Act 2005*, the *Uniform Civil Procedure Rules* and the *Equality before the Law* bench book are the product of cross-jurisdictional collaboration.

As the attorney stated, innovative work has been undertaken in the Local Court in the field of sentencing. Programs are being developed with the aim of diverting offenders from the crime cycle.

These programs include young adult conferencing, which brings an offender and victim together, and circle sentencing, based on traditional indigenous forms of dispute resolution and customary law, with community involvement in the sentencing process.

Consideration might be given, in my view, to extending these initiatives in appropriate cases beyond the jurisdictional limits of the Local Court. For example, at the present time an indigenous offender who commits the crime of break and enter and steals \$14,000 from a dwelling house at Nowra may be sentenced with the assistance of a circle court, whereas should the same offender steal \$16,000, the offender is sentenced in the District Court.

Price J said that while it was 'an extraordinary honour ... to serve as a judge of this court', he had 'some knowledge of the challenges that await me':

In 1999 when I was an acting judge of the District Court I met the chief judge in a lift in the John Maddison Tower. It was a beautiful sunny day outside. By way of pleasantry, I exclaimed: 'What a lovely day, chief judge!' The chief judge, without hesitation, responded: 'It is said that the judges of my court never see the light of day.' I related this conversation at my District Court swearing in. The chief judge, I regret to say, was correct.

More recently, when I was thanking the chief justice for his support for my appointment, the chief justice said that I should not thank him as the workload of the judges of this court is immense. I have come to accept without reservation the wisdom of heads of jurisdiction.

In conclusion may I very shortly quote from the 14th century allegorical poem *Piers Plowman*, thought to have been written by William Langland (at Passus IX):

Do well my friend, is to do as law teaches;
To love your friend and your foe, believe me that is Do Bet;
To give and to guard both young and old;
To heal and to help, is Do Best, the greatest.

I will do the best that I can to do well as a judge of the Supreme Court.