

Special Sitting of the District Court of South Australia for the Presentation of the Commission by His Honour Judge Ian Press on 11 February 2020

Welcome Speech by Michael Barnett, Vice President of the South Australian Bar Association

On behalf of the Bar Association, I congratulate Your Honour on your appointment as Judge of the District Court. The President of the Bar Association, Mark Hoffmann QC, personally extends his congratulations to Your Honour and regrets that he is unable to attend this morning.

Your Honour's legal education was at the University of Adelaide and you carried on your association with that institution with a glittering 25 game career for the Adelaide University Football Club between 1982 and 1984.

The Blacks' player profile for Your Honour records that you were nicknamed "Bench" – a somewhat predictable play on your surname, but one which turned out to be quite prescient, given today's proceedings.

I am also informed that Your Honour was known as "Manos" around the club – Your Honour's pursuit of the ball reminding some less than charitable observers of a headless chicken.

Your coach, Brian Austin, whose F-Grade team rejoiced under the name "Rocky's Rat Pack", wishes to recall Your Honour as a dour tap ruckman, and to highlight Your Honour's 5 goals against Para Hills on the 4th of June 1983 and also playing in premiership side. He also recalls once hearing the sickening thud of a clash of bodies and saw Your Honour laid flat on the ground, not by an opponent, but by the umpire as he backed away from having bounced the ball.

One of the tasks to be performed as part of the process of judicial appointment is to curate the new judge's online presence – deleting social media accounts, etc. Can I assist Your Honour in that task? There appears accompanying Your Honour's player profile on the Blacks' website a photograph, which I'm told is a generic image that is applied in circumstances where no actual photograph of the player is available. I have been instructed that it is definitely not a photograph of Your Honour, although the resemblance is nevertheless quite striking. I have included the hyperlink to Your Honour's player profile page in

my written submissions:

<http://uniblacksfc.com.au/playerstats/?member=9938>, so that any

suppression order can be made. But I do have a copy of the photo available for tender, should Your Honour wish it to form part of the formal record of today's proceedings.

Your Honour's practice in recent years has concentrated on appellate work.

You have presented many complex and sophisticated arguments to the High Court and the Court of Criminal Appeal. Your Honour has been particularly skilled in arguing the "unsafe and unsatisfactory" appeal against conviction, which necessitates a mastery of the facts, as well as the law.

One case I wanted to mention is Cathcart-Perera v R, one of Your Honour's recent successful forays to Canberra on behalf of the Director. At issue on the appeal were the trial judge's directions about the permissible and impermissible uses the jury might have for the appellant's possession of and dealing in cannabis and methylamphetamine on a charge of raping one of his customers. In response to the appellant's contention that there was not a majority of the Court of Appeal that was satisfied that no miscarriage of justice had occurred in order that the proviso in s. 353 of the Criminal Law Consolidation Act could be applied, Your Honour was unable in that case to make good the challenging submission that a majority of a Court of 3 judges in fact could mean "1". You did, however, make good your alternative contention that there was nothing wrong with the trial judge's directions in the first place, proving again the legal maxim: "Directions on ice? Go to Judge Rice".

The Court of Criminal Appeal will miss Your Honour's careful and considered assistance in both your written and oral advocacy. Your Honour has successfully defended countless allegedly unbalanced summings up and allegedly erroneous jury directions from what are now your brothers and sisters on the Bench, so with that relentless exposure over many years to how not to do it, we should expect nothing less than perfect balance and precise directions in Your Honour's trials.

The Court to which Your Honour has been appointed is the principal trial court in this state. Criminal trials will be second nature to Your Honour, given Your

Honour's extensive practice on both sides of the bar table at all levels in the criminal jurisdiction. Your Honour's recent home renovations have, I'm told, provided a handy refresher on the law of contract as it applies to building disputes, so that should serve you in good stead in the civil jurisdiction.

Fairness and balance were the touchstones of Your Honour's practice of the law. But with that fairness and balance, Your Honour did not shy away from putting the Prosecution argument with vigour. Your Honour once appeared as the representative of the DPP at a Law Society forum about sentencing reforms for plea discounts. There was a discussion about flexibility of the new rules and the question was posed – "what if a plea were entered a day beyond the deadline, surely the DPP wouldn't take issue with it being a day late". Knowing full well the likely reaction, Your Honour nevertheless put the DPP position fearlessly to what became an openly hostile crowd – Yes, the DPP certainly would take issue. It was a performance that was described as quintessentially "Pressy".

In the face of all of this justifiable concentration on Your Honour's strengths and qualities, I know Your Honour's sense of fairness would require some balance in the submissions. And in the interests of balance, some of your colleagues at the DPP have made an observation about Your Honour's – shall I say – "thoroughness"? It has been observed, for example, that a junior prosecutor might come to Your Honour's always open door with a question, seeking guidance, and leave, an hour later, without an answer, but with 17 new questions.

Whilst the number of ex tempore decisions in the District Court is not expected to sharply rise with Your Honour's appointment, undoubtedly the quality of decision making will be enhanced by Your Honour's careful consideration of all matters that come before you in the discharge of your new responsibilities.

On behalf of the Bar, I congratulate Your Honour on your appointment and we look forward to our future dealings with "Bench" Press.

May it please the Court.

