

Cricket competition. His Honour described one experience from that period of which practitioners were urged to take note:

Normally proceedings arise following a complaint made by an umpire about a player's behaviour during the course of a match. On this particular occasion, the umpire at the bowler's end complained that the batsman, whom he had just given out LBW, had displayed dissent as a consequence of that decision. The umpire said that although he had clearly seen the batsman's lips moving, he had been unable to discern what had been said. Accordingly, the dissent consisted of relatively innocuous facial expressions and other gestures. The batsman/defendant was presented with an exquisite dilemma – should he attack or defend?

The batsman assured the Tribunal that it was an essential part of his case to demonstrate that he had been the victim of an appalling decision. In order to recreate the scene for the Tribunal with as much authenticity as he could muster, the batsman not only repeated verbatim what he had said to the umpire upon being given out, but did so at precisely the same decibel level. He spoke forcefully and in full quadraphonic sound. As a result there was little room for misunderstanding his views about the umpire's competence. By this time the batsman was in full stride and his voice reached a crescendo. He was now in full advocate's mode as he prepared to deliver the coup de grace. Stripped of the searing language and the early epithets, the substance of his submission was that if the umpire had been unable, as he had said, to hear those incredibly offensive words which had been shouted at him then that would explain why he had been apparently unable to hear the very obvious inside edge from the bat before the ball hit his pad. As Sir Humphrey of Yes Minister fame may have been moved to say, that was indeed a courageous submission.



The Hon Justice Ian Gzell

The Hon Justice Ian Gzell was sworn in as a judge of the Supreme Court of New South Wales on Monday, 4 February 2002. In his welcoming remarks, the President of the New South Wales Bar commenced by noting that His Honour had come to us from Queensland, something which is not forgotten, either by the Queenslanders or by those around them. His Honour's practice when he resided in Queensland was not limited to that State; His Honour practised, amongst other places, in Papua New Guinea, Fiji, Singapore, New Zealand and the Solomon Islands. His Honour was a reporter for the Commonwealth Law Reports from as early as 1973. Subsequently His Honour moved to the Sydney Bar and established a varied practice from in 5 Selborne Chambers, with special emphasis on revenue law.

Once in Sydney, His Honour became director of both Barristers Superannuation and Counsels Chambers, of which he was chairman since 1999. In Queensland he had been secretary of Barristers Chambers in the 60s and 70s. He has also been a director of the International Dispute Centre and has made contributions through the Business Law Section of the Law Council, the Commercial Law Association and the Taxation Institute of Australia. Outside the law, His Honour provided financial and moral support of music through the Queensland Philharmonic Orchestra, the Queensland Symphony Orchestra, the National Council of Opera Australia and regional arts organisations.

The President of the New South Wales Bar Association, Bret Walker SC, in welcoming His Honour to the Bench, had the following to say of His Honour's extraordinary career and achievements:

Your Honour comes to this court after a career as a barrister and as a member of

the legal community and, indeed, as a member of the wider community which is exemplary in its service and which is daunting in the combination of high individual achievement and devotion to the common good.

Those are indeed broad words of praise and occasions like these have been known from time to time to attract some hyperbole, but in Your Honour's case, the barest objective description of the post you have achieved, the jobs you have discharged, and the achievements as a legal scholar, advocate and advisor, makes for once the hyperbole quite absent.

Your Honour, you come to this bench with all the best wishes, admiration and congratulations from the Bar. We are sure you will discharge of this bench your duties with the same flair, with the same diligence, and the same excellence as you have displayed elsewhere.

His Honour Judge John Nicholson SC

John Nicholson SC was sworn in as a judge of the New South Wales District Court on 23 July 2001.

His Honour was called to the Bar in June 1977. He first went to Wardell Chambers, where he remained until 1984, practising primarily in Industrial Law, Common Law and criminal law.

He was appointed as a public defender on 1 August 1984 and took silk on 4 November 1994. Two years later His Honour was appointed as deputy senior public defender and in 1999 he became the senior public defender.

In that role, and for many years prior to that, his Honour was known for his deep concern for Indigenous people and their experiences under the criminal justice system - at one stage commenting publicly that 'increased incarceration of Aborigines is also a de facto policy of the courts'.

His humanitarian concern was matched by a practical commitment to improving the prospects of Indigenous law students. He was instrumental in establishing a scheme to assist Indigenous lawyers to develop a legal practice by being placed at the Public Defenders' Office. He worked closely with Slattery QC and the Bar Association's Equal