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Remembering the Past, Imagining the Future

Introduction

It is a great honour and privilege to be able to deliver the Hal Wootten Lecture for 2024. I have prepared a written paper as an adjunct, but I do not intend to read it. Law is inherently exciting and interesting – but not when read. The oral tradition is one of stories, not content.

I met Hal Wootten only once

her how come four plus ten. 'Well', she said, 'I have four of my own, and then if kids from my court have nowhere to go, I just take them home on bail or until they get placed. But, once I got to ten, my husband said "enough" so I would have to wait for one to go back to their village, or turn 18 or we got them independent before I got another one'. Now that was a revelation to me, and utterly opposed to all our stuffy ideals about judicial independence and aloofness from the people we serve.

Hal, like me, helped start a law school. For Hal, he saw a need for a different way of teaching and approaching the law. For me, my colleagues and I saw that regional people were being disadvantaged by having to travel to Sydney, and so we set up the first non-metropolitan law school in NSW. I am so proud of Southern Cross University, and its graduates, many of you who are here tonight, and I guess the lesson is that ideas can sometimes lead to greatness. There was no greater professional joy for me than when students I had taught appeared before me as advocates. Sometimes they would bring a book I wrote and plonk it on the bar table. Brilliant advocacy.

Hal also showed ongoing commitment to and support for Palestinian lawyers, law students and law schools. He lived in West Bank for three months and was detained by the Israeli authorities when supporting Palestinians who regularly went to protect the local farmers from Israeli settlers' violence.

jurisdictions where possession of drugs equalled a minimum of five years imprisonment. Yet the tabloids were all calling for tougher sentences because the drug situation was out of control. Same Page

Most in the legal community will be aware of two concepts: 'show cause'²⁵ and 'deemed supply'.²⁶ Show cause means if you are caught in possession of more than certain amounts of drugs, the chances of getting bail becomes infinitely more remote. Deemed supply means if you are in possession of certain quantities of drugs, then you are presumed to be a drug supplier for the purposes of sentencing. Last concept, is admixture,²⁷ which means that if you are in possession of a drug mixed with another substance, then the whole lot is counted for both show cause and deemed supply.

All this works with some minimal logic with cannabis leaf. The deeming amount, for example is 300 grams, which in the old-fashioned calculus a bit over 10 ounces. But it is completely stupid with mushrooms. The deeming amount for Psilocybin is .15 of a gram.²⁸ The amount that triggers show cause, called a commercial quantity,²⁹ is 25g. The admixture provision means the whole mushroom containing the psilocybin is taken into account. And a field mushroom, on average, from Coles at Ocean Shores weighs 111g. So you can see that a poor psychedelic seeker who picks a mushroom from the paddock is at maximum risk of being bail refused and presumed a supplier for the purposes of sentencing. This is not just academic, as cases like *Jenkinson v R*³⁰ show.

Dozens of real people posing no risk to the community are sitting in prison right now. And an amendment to make the amounts reasonable or akin to the Commonwealth provisions which rely on purity are long overdue.

