

## Her Honour Judge Dina Yehia SC

Dina Yehia SC was sworn in as a judge of the District Court of New South Wales on 5 May 2014.

Her Honour arrived in Australia in 1970 from Egypt. Her father had been an officer in the Egyptian Army and was at one point held in secret detention in Egypt during a period of political upheaval. During her Honour's swearing-in speech, her Honour said of her parents' decision to come to Australia:

Today is a long way from December 1970 when my parents, my brother and I arrived in Australia having left Egypt and our very large and close-knit extended family. As a child of nearly eight, unable to speak or understand a word of English, I thought my parents quite mad in choosing to leave our country of birth and our family to come to a foreign land. I was frankly bewildered.

...

It was not long, however, before bewilderment and fear were replaced by understanding and appreciation of my parents' single minded determination to give their children a better future than they thought possible, at the time, in Egypt.

My mother was especially instrumental in that move. For her, education was a religion. And she was a devout believer.

Their decision was especially influential in my life. As an Arab woman I was allowed independence of thought and action that would, no doubt, had been more circumscribed had we stayed in Egypt.

Her Honour graduated from the University of New South Wales with a Bachelor of Arts and Bachelor of Laws in 1989.

While studying at the College of Law her Honour rang the principal solicitor of the Western Aboriginal Legal Service (WALS), Eric Wilson, from a public payphone and asked for a job. Her Honour's application was successful and she spent the next seven years working for WALS and representing Indigenous people across towns including Bourke, Broken Hill, Wilcannia and Brewarrina. The work was gruelling and relentless – a day in court might have involved representing up to 50 people in a list before boarding a midnight coach to the next town to be greeted by the next day's list. Her Honour would take instructions in hotel rooms and the offences might include resisting arrest or offensive language at a time when such offences would certainly result in prison time. Her Honour said that the many people that she met in the Aboriginal communities taught her the lessons of humility, courage and resistance – they took her Honour into their homes with incredible warmth, generosity and good humour.

Her Honour became a solicitor advocate at the Legal Aid

Commission of NSW before coming to the bar in 1999. During her swearing-in, her Honour acknowledged the excellent work of the solicitors of the Aboriginal legal services throughout Australia as well as the solicitors of the Legal Aid Commission of NSW.

In August 1999, her Honour began practice as a barrister. She read with John Stratton SC and Gerard Craddock SC, who had also taught her Honour criminal law at university. For the next 14 years, her Honour worked at the Public Defenders Office. Her Honour's style of advocacy was described as methodical and meticulous – she had an affinity with juries and understood the implications of social and economic exclusion and disadvantage.

Her Honour took silk in 2009 and that same year her Honour appeared in long-running terrorism trials, *R v Baladjam*; *R v Elomar*. In October 2012 her Honour was appointed as a deputy senior public defender.

In 2013, her Honour appeared in *R v Bugmy*. It was the first time since *Neal v The Queen* in 1982 that the High Court considered disadvantage and Aboriginality. The High Court held that the effects of profound childhood deprivation do not diminish over time and should be given full weight when sentencing the offender. Phillip Boulten SC, who spoke at her Honour's swearing-in, said of this case:

*R v Bugmy* was the case which some say your Honour was 'destined to argue'. The gallery was packed; people lined up to shake your hand. Your advocacy has been described as 'electrifying'.

Her Honour made a sobering remark on the over-representation of Aboriginal people in the prison population during her swearing-in:

Anyone who truly reflects upon the fact that Aboriginal people make up approximately 27 per cent of the prison population, with Aboriginal women representing over 30 per cent and Aboriginal children approximately 50 per cent of those in juvenile detention, must acknowledge that there is a continuing and distressing crisis.

Her Honour worked on the committee organising the annual Public Defenders Conference and has presented papers on various aspects of criminal law, including being invited to speak to representatives of the International Criminal Court in The Hague in 2005. Her Honour has been involved in legal mentoring programs at the University of Sydney and the University of Wollongong and supervised the Public Defenders' Aboriginal Law Graduate Program.