



**Law Society of Western Australia & Western Australian
Bar Association Gala Dinner**

Address

by

**The Honourable Wayne Martin AC
Chief Justice of Western Australia**

**The State of Justice: A Perspective After 10 Years
as Chief Justice of Western Australia**

Perth Convention Centre
9 September 2016

Acknowledgement of Traditional Owners

I would like to commence, as I always do, by acknowledging the traditional owners of the lands on which we meet, the Whadjuk people, who form part of the great Noongar clan of South Western Australia, and by paying my respect to their elders past and present and by acknowledging their continuing stewardship of these lands, and by thanking my friend, Dr Richard Walley OAM, for his characteristically generous welcome to country.

I would also like to particularly welcome our special guests, the members of the Law Council of Australia, to Perth. Some of our visitors may not be aware that the place on which we meet is, in fact, land reclaimed from the bed of the river known to the Whadjuk as Derbarl Yerrigan and to us as the Swan River, and which is a place of special significance to the Whadjuk as it is one of the homes of the Wagyl, a Serpentine creature of particular significance in the dreamtime lore of the Whadjuk.

Introduction

I am greatly honoured and, I must say, a little surprised to have been nominated as the guest of honour for this evening's gala dinner. That honour is magnified by the pleasure of being surrounded by so many good and old friends who know me well enough to know that I am not easily embarrassed. But I am embarrassed this evening not only because of all the fuss that has been made over the fact that I have managed to serve 10 years in office without either dying or being impeached, but also because I suspect many of you have been encouraged to attend by the assumption that I am about to give a valedictory address on the eve of imminent retirement. You are not alone in that

assumption. The publicity for this dinner has resulted in me receiving a lot of calls from colleagues near and far who have enquired as to my retirement plans, requiring me to respond rather in the manner of Mark Twain, who observed that 'The report of my death was an exaggeration'. I will come back to my future plans at the end of this address.

If I was a more paranoid person I might be inclined to think that this dinner is a polite but not so subtle means for the Law Society and Bar Association to remind me that I am now entitled to a judicial pension and should give serious thought to making way for someone else. However, I am not quite that paranoid. I think it much more likely that both were fossicking around looking for an excuse for a big party now that the High Court hardly ever comes to Perth, following the appointment of a Western Australian as Chief Justice of that Court. Of course, I do Chief Justice French a great disservice by that facetious remark – I know that his desire to bring the Court to Perth on circuit more often has been thwarted by the failure of the Court of Appeal to make sufficient errors to justify bringing the Court across the Nullarbor.

Milestones

Milestones of any kind, be they birthdays, anniversaries or whatever, provide a good occasion to look back, and then use the benefit of hindsight to try and look forward and, hopefully, improve. That is the course I will follow in this evening's address, starting with some observations about the changes that have occurred over the 10 years I have had the extraordinary honour of serving as Chief Justice of this great State.

Age

The first change I would like to mention is one we all share, because we are all 10 years older. In my case, however, there are some indelible and very public records of the effect of the passage of time, the inverse of the picture of Dorian Gray. One of those records takes the form of my introductory remarks at the commencement of the video which is shown to every person summoned to perform jury duty in this State on the first morning they assemble at Court. That introduction was recorded a little over 10 years ago. In recent years my Associates have overheard jurors remarking that the Judge in their trial looks a bit like the bloke in the jury video except a lot older. Happily, that section of the video was recently re-recorded, not to ease this confusion but to enable me to administer a severe warning about the dangers of jurors misusing the internet.

However, subjective impressions, inevitably influenced by vanity, are an unreliable guide to the extent of change. Hard data is a much better guide, and I will turn now to some of the lead indicators.

State Population

Between 31 December 2005, four months before I was appointed, and 31 December last year, the population of Western Australia rose from 2,028,700 to 2,603,900 – an increase of 575,200 people, or 28%.¹ That increase, achieved over just 10 years, is only a little short (by about 25,000) of the entire population of the State in the year in which I was born (1952).² It will be important to bear

¹ Australian Bureau of Statistics (ABS), 3101.0 – *Australian Demographic Statistics, Dec 2005* (2006) & *Australian Demographic Statistics, Dec 2015* (2016).

² In 1952 the population of WA was 599,858 – see 'A Century of Population Change in Western Australia', ABS 1367.5 - *Western Australian Statistical Indicators, Sep 2001* (2001).

in mind the extent of population growth over the last 10 years - namely, 28% - when we come to look at some of the other statistical data.

Gross State Product

Western Australia's gross State product increased from \$165 billion in the year ending 30 June 2005 to \$276 billion in the year ending 30 June 2015 - an increase of \$111 billion or 67%³ - no doubt reflecting the resources and energy boom during that period. After adjustment for inflation, the increase reduces down to \$55 billion or about 25%.⁴ Perhaps counter-intuitively, the State's unemployment rate went from 3.4% in May 2006 to 5.8% in May 2016⁵ - an increase of 70% - that is, an increase significantly greater than the increase in gross product after adjustment for inflation. That statistic supports what many have felt over the last 10 years, and that is that the benefits of the economic boom have not been felt evenly across our population, and that while many are better off, some are significantly worse off following the boom.

Justice System Expenditure

Between the year ended 30 June 2005 and the year ended 30 June 2015 real recurrent funding on the justice system of Western Australia, measured per person, and therefore taking into account population increase, rose from \$503 to \$837⁶ - an increase of \$334 per person, or 66%, or, after adjusting for inflation,⁷

³ ABS, 5220.0 - *Australian National Accounts: State Accounts, 2014-15* (2015) (Gross State Product: Chain volume measures).

⁴ Based on Productivity Commission, *Report on Government Services 2016* (2016) Table 2A.48 CGFCE price deflator in 2014-15 dollars (2014-15 = 100); 2004-05 dollar = 74.3.

⁵ ABS, 6202.0 - *Labour Force, Australia, Jul 2016* (2016).

⁶ Productivity Commission, *Report on Government Services 2016* (2016) & *Report on Government Services 2006* (2006).

\$160 or 24%. So why is the justice system more expensive, in real terms, (by about a quarter) than it was 10 years ago?

WA Prisoners

A good place to look for a significant source of increased expenditure in the justice system is in Western Australia's prisons. The table below sets out relevant data by reference to the end of March 2006, as compared to the end of March 2016.

PRISONERS IN WESTERN AUSTRALIA – AVERAGE DAILY NUMBER⁸				
	March 2006	March 2016	Difference (Number)	Difference (%)
Aboriginal prisoners	1 351 ⁹	2 313	+ 962	+ 71%
Non-Aboriginal prisoners	2 181	3 694	+ 1 513	+ 69%
Male prisoners	3 282	5 431	+ 2 149	+ 65%
Female prisoners	250	577	+ 327	+ 131%
TOTAL	3 532	6 007	+ 2 475	+ 70%
% of Aboriginal Prisoners	38%	38%		

There are a number of significant conclusions which can be drawn from this table. First, the increase in the prison population, of 70%, is more than double the increase in the overall population. Second, the number of Aboriginal

⁷ Based on Productivity Commission, *Report on Government Services 2016* (2016) Table 2A.48 CGFCE price deflator in 2014-15 dollars (2014-15 = 100); 2004-05 dollar = 74.3.

⁸ ABS, 4512.0 - *Corrective Services, Australia, March Quarter 2006* (2006) & *Corrective Services, Australia, March Quarter 2016* (2016) (average daily numbers unless otherwise indicated).

⁹ Only available as count on first day of the Month over March Quarter.

prisoners has increased at approximately the same rate as non-Aboriginal prisoners, with the result that the percentage of Aboriginal people in the prison population has remained relatively constant. However, one group of prisoners has grown at a significantly greater rate than others, namely, women prisoners, whose number has increased by more than 130% over the last 10 years.

These figures are extremely depressing. I have said many times over the last 10 years that I consider the gross over-representation of Aboriginal people to be the biggest single issue which confronts the justice system of this State and, indeed, this country. Clearly, we have made no progress in reducing the rate of Aboriginal incarceration and, in fact, there are almost 1,000 more Aboriginal people in WA's prisons than there were at the time I was appointed. The fact that this increase is only two-thirds of the increase in non-Aboriginal prisoners is cold comfort indeed when consideration is given to the very small proportion of Aboriginal people amongst the general population. The increase in the prison population over the last 10 years has meant that there are now more people in prison in Western Australia (which has roughly 10% of Australia's population) than were in prison in the whole of Australia when I was born (in 1952).¹⁰

Increases in imprisonment of this magnitude call out for explanation. One place to look for a possible explanation is in the data relating to recorded crime.

Recorded Crime

Data relating to recorded crime in selected categories is set out in the table below.

¹⁰ ABS, 1301.0 *Year Book Australia, 2001* (2001) 'Crime in the Twentieth Century' (Table C8.11).

RECORDED CRIME¹¹				
	Year to 31 December 2005	Year to 31 December 2015	Difference (Number)	Difference (%)
Homicide and related offences	53 ¹²	48	-5	- 9%
Assault	20 384	29 351	+ 8 967	+ 44%
Sexual assault	1 791	2 012	+ 221	+ 12%
Robbery	1 617	1 291	- 326	- 20%
Unlawful entry with intent	39 266	37 515	- 1 751	- 4%
Motor vehicle theft	7 203	8 416	+ 1 213	+ 17%
Other theft	76 088	92 483	+ 6,395	+ 22%

A number of conclusions can be drawn from this data. First, in a number of significant categories of crime - homicide, robbery and burglary - recorded crime fell over the 10-year period. Second, in those categories in which recorded crime increased, there was only one category - assault - in which the increase exceeded the population increase. Third, none of the categories of recorded crime show an increase anything like the 70% increase in the prison population over the same period.¹³

¹¹ ABS, 4510.0 - *Recorded Crime - Victims, Australia, 2009 (2010) & Recorded Crime - Victims, Australia, 2015 (2016)* (Based on offences recorded by police).

¹² Excluding driving causing death as this is no longer included in this offence category.

¹³ I have utilised ABS data for calendar years, which obviously differs from the data published by WA Police relating to financial years. The latter data also reveals greater volatility in reported crime rates, especially over the last year or so, but the long term trends evident in both data sets are consistent. The ABS data doesn't include illicit drug offences, which have undoubtedly increased and contributed to the increase in prison numbers, but not sufficiently to explain the dramatic increase.

So, the data relating to criminal activity provides no explanation for the dramatic increase in the State's prison muster. This phenomenon of prison numbers rising at a much greater rate than recorded crime is not unique to Western Australia – in fact, it can be observed in most Australian jurisdictions and, indeed, most western democracies with similar criminal justice systems to our own, although in recent years the trend appears to be reversing in some countries. In common with many other jurisdictions, over the last 10 years Western Australia has become increasingly punitive and, once allowance is made for the proportion of population which is Aboriginal, we have maintained our position at the top of the table of imprisonment rates in Australia.¹⁴

This dubious honour is not something in which I take any pride. It is also something which I think is difficult to reconcile with the views of many Western Australians, who appear to have an intuitive belief that the State is drowning under a crime wave of tsunami-like proportions to which the Courts of the State are responding insipidly and pathetically, with patently inadequate sentences. Nothing could be further from the truth. The more than 6,000 prisoners in our State's prisons did not get there by themselves – they were put there by the Courts of this State at a rate which, over the last 10 years, has significantly exceeded both the increase in population and the increase in crime.

A Personal Assessment

Against the background of that macro data, I would like to move now to an evaluation of the current state of justice in Western Australia which has a more personal focus, by returning to each of the issues which I addressed in the course of my remarks on the occasion of the ceremonial sitting held to mark my

¹⁴ ABS, 4512.0 - *Corrective Services, Australia, March Quarter 2006* (2006) & *Corrective Services, Australia, March Quarter 2016* (2016).

appointment on 1 May 2006. Of course, I appreciate that this is extraordinarily self-indulgent, but this might be an occasion upon which a little self-indulgence might be forgiven.

I will endeavour to assess whether the ambitions which I expressed 10 years ago have come to pass as a rudimentary and idiosyncratic way of assessing the performance of the justice system, and myself, against the key performance indicators I selected 10 years ago. Of course, I accept that the process of self-assessment is notoriously unreliable, being replete with inherent and unavoidable bias, but the respect usually shown to the office which I hold is such that if I do not try and undertake this assessment, warts and all, nobody else will – at least not publicly.

There is another very important qualification upon the extent to which this process can be used as a measure of my own performance. No Chief Justice can achieve anything on his or her own. In relation to the topics which I will be addressing, any achievement is dependent upon support and assistance provided by judicial colleagues, court and departmental administrators and staff, and, sometimes, the government of the day. So, to the extent that something I foreshadowed 10 years ago has been achieved, credit is not due to me alone but, rather, to all of those who will have combined to produce that result.

However, sadly for me, the converse is not true. To the extent that my ambitions have not been achieved and, as we will see, there are many, that lack of achievement can be fairly attributed to my failure to persuade and encourage others to join with me in making something happen.

With these important qualifications in mind, I turn now to the inevitably biased process of assessment of the extent to which the objectives I expressed in May 2006 have been achieved.

Aboriginal Incarceration

At my welcome, I expressed my concerns about the relationship between the Courts, the law of this state and Aboriginal members of our community. Since then I have spoken more often, and spilt more ink, on the subject of the gross over-representation of Aboriginal people in the criminal justice system of this State than upon any other topic. While I accept that the many possible remedies to this multi-faceted and apparently intractable problem generally lie outside the responsibility of the Courts, the data I have set out above shows that little or no progress has been made on this topic over the last 10 years, in fact quite the opposite. There are now almost 1,000 more Aboriginal people in custody and the Aboriginal imprisonment rate is significantly higher than it was when I was appointed.

Access To Justice

When appointed, and many times since, I have spoken of the many barriers in the path of access to justice for ordinary Australians, including cost, delay, complexity and uncertainty of outcome. Regrettably, I do not think we can claim any significant improvements in this area over the last 10 years – to the contrary, the relatively recent report by the Productivity Commission reveals the many ways in which we could do much better.¹⁵

¹⁵ Productivity Commission, *Access to Justice Arrangements* (2014).

Self-Represented Litigants

During my welcome I observed that the internet provided significant opportunities to increase the information available to self-represented litigants to assist them to manoeuvre their way through an extraordinarily technical and complicated system. Despite the best of intentions and some efforts, we have simply been unable to mobilise the resources needed to provide the sort of information and assistance in a user friendly way that would reduce the extraordinarily heavy burden carried by a self-represented litigant.

Reform of Judicial Review of Government Decisions

During my welcome ceremony I spoke of the need to implement the WA Law Reform Commission's recommendations on the overdue reform of the substantive law relating to the judicial review of government decisions. I have been unable to persuade governments of either persuasion to proceed with that reform, with the result that the law of Western Australia lags significantly behind the corresponding law in many other Australian jurisdictions. The Rules of Court have, however, been amended to simplify and modernise the procedure relating to judicial review of government action.¹⁶

Judicial Accountability

During my welcome I spoke of the need to improve the accountability of the judiciary of this State through a transparent and independent mechanism for processing complaints, along the lines of that provided by the Judicial Commission of New South Wales. Subsequent to my appointment, all Western Australian courts supported this proposal, which was also endorsed by a report

¹⁶ *Supreme Court Amendment Rules (No 3) 2013 (WA)*

of the WA Law Reform Commission.¹⁷ However, my many representations to government on this topic remain unrewarded, although a former Attorney General, the Hon Mr Jim McGinty AM, did announce his government's support for the creation of a judicial commission in early 2008.

Autonomous Court Administration

On 1 May 2006 I also spoke of the desirability of systems of court administration that were autonomous and independent of executive government. I did not then realise or appreciate just how important those issues were because I then lacked any real understanding of how the courts of this State are administered. As I gathered that understanding, I soon came to realise what an important issue this is for the independence of the judiciary.¹⁸ A court which cannot determine where and when it will sit, how to allocate the funding made available for its operations or how it will communicate with the community it serves, and which depends upon executive government to make those decisions cannot be described as independent of government. That lack of independence is all the more important when, in the case of most of the Courts of this State (with the notable exception of the Family Court) the government is the most prolific litigant in the Court, and the potential for conflict of interest is real and tangible.

The systems of court administration which we inherited from the colonists were fashioned during a time in which there were clear and well understood lines of demarcation between the political and administrative arms of government.

¹⁷ Law Reform Commission of Western Australia, *Complaints Against Judiciary* (2013), Recommendation 2.

¹⁸ I have expanded on this topic in an address I gave in 2013, 'Court Administrators and the Judiciary – Partners in the Delivery of Justice' (7th International Association for Court Administration Conference, Sydney, 26 September 2013).

When I worked for the Commonwealth government in the late 70s, there was a very obvious distinction between the functions performed by the Minister's office and the functions performed by the Department under a permanent head who had life tenure. Those permanent heads were powerful mandarins with great experience. Ministers did not take them on lightly, or often successfully.

Regrettably, in my view, all that has changed and the boundaries between the political and administrative functions are now somewhat blurred and indistinct and agencies and their officers are increasingly required to undertake administrative tasks in a way which will further political objectives. The Directors General of departments in this State are appointed to those roles for a term of years, and their future careers depend upon government endorsement. Differing views might reasonably be held as to whether these changes are a good thing, because they enhance political responsibility and accountability or a bad thing because they weaken the checks and balances between the different branches of government. But there can be no doubt of the vital importance of the courts being independent of the other branches of government. The threats to the independence of the courts have magnified, and the risk of conflicts of interest has increased, as the boundaries between the political and administrative branches of government have become blurred, when the courts do not have responsibility for their own administration.

Shortly after my appointment the Courts of Western Australia unanimously endorsed the creation of an autonomous authority under the control of the courts to take responsibility for the administration of the courts of this State. However, I have been singularly unsuccessful in persuading any government of either persuasion to implement this change.

Gender Balance on the Bench

During my welcome ceremony I remarked upon the need to increase the proportion of women serving on the Supreme Court, and I have made a number of remarks to the same effect since then. Regrettably, over the last 10 years the proportion of women on the Supreme Court bench has fallen, not risen, and is now the lowest of any court at any level in any jurisdiction in Australia.¹⁹

A Building to House All Supreme Court Functions

At my welcome I undertook to pursue the strenuous efforts of my predecessor in an endeavour to obtain government support for the construction of a single building or complex in which all the work of the Court could be performed. Although the General Division of the Court has recently taken up occupation of chambers and civil courts in the David Malcolm Justice Centre, which have been very well fitted out by government and for which we are most grateful, the inefficiencies inevitably associated with conducting operations across a number of buildings remain.

Relationships Among West Australian Courts

I spoke at my welcome of the need for all the courts of Western Australia to act collegiately and co-operatively together. I am pleased to record that this proposal was warmly endorsed by the heads of other State courts, and we meet regularly, along with senior officers of the Department, in order to discuss matters of common interest. Judicial officers of all courts have participated in a number of joint activities, including continuing professional development. I think it fair to say that the various State courts work collegiately and co-operatively together.

¹⁹ Australasian Institute of Judicial Administration (AIJA), 'AIJA Judicial Gender Statistics - Judges and Magistrates (% of Women) March 2016'.

Interlocutory Proceedings In Civil Cases In The Supreme Court

During my welcome I spoke of the need to reduce interlocutory disputes, to encourage the early identification of the real issues in a case, and to reduce the burden and expense of pleadings and discovery of documents, and suggested that achievement of these objectives might be enhanced by a system of docket case management by Judges of the court across a wider range of cases than had previously been managed in this way. Those proposals were embraced by my colleagues and the Commercial and Managed Cases List was formed and the Rules of Court amended, through which many of these objectives have, I believe, been achieved.

Judgment Delivery Time

At the time of my appointment I spoke of the need for the timely resolution of cases before the Court. At that time a number of members of the Court had reserved decisions that had been outstanding for unacceptably long periods, measured in years rather than months. Changes have been made to listing procedures and work allocation which have significantly reduced this problem, although it can probably never be entirely eliminated. On the other hand, delays in listing criminal trials are greater than we would like.

Reform of the Rules of Court

Although some changes have been made, the Rules of the Supreme Court are, in many respects, antiquated and outmoded, and require root and branch revision, ideally in conjunction with legislation, which would bring the antiquated *Supreme Court Act 1935* into the 21st Century, and which would enable all civil rules of court to be promulgated under a *Civil Procedure Act*, as occurs in New South Wales and Queensland. While I was able to persuade the government of the day to undertake a project along those lines, that project lapsed when the

government changed and I have been unable to persuade any successive government to resuscitate the project.

Simplification of Language in Forms

At my welcome I spoke of the need to translate legalese into plain English and to rewrite court forms in terms comprehensible to non-lawyers. I had hoped that this would occur as part of the project for the revision of the rules to which I have just referred. However, unlike that project, it was not significantly dependent upon legislative support. Nevertheless, a substantial revision of the forms and language used is a major project, and we have been unable to mobilise the resources necessary to undertake that project.

Criminal Case Management and ADR

At the time of my appointment I spoke of the desirability of utilising procedures for case management and alternative dispute resolution (ADR) which had evolved in the civil side of the Court's work in the Court's criminal jurisdiction. My judicial colleagues embraced that notion and went one step further, proposing the integration of pre-committal proceedings into the case management procedures utilised by our Court, through the creation of the Stirling Gardens Magistrates Court, which has, I believe, worked well.

Publication of Sentencing Remarks

As I foreshadowed at the time of my appointment, remarks made by Judges of the Supreme Court at the time of passing sentence are now published on the internet shortly after sentence is passed, improving the extent of the information available to the public in relation to the reasons for any individual sentence.

Improving Public Awareness

I share, and enunciated at my welcome, the views of my predecessor, the Honourable David Malcolm AC, with respect to the importance of using every means at our disposal to improve public awareness of the justice system and of the reasons why it operates as it does. Like him, I have spoken regularly on various forms of media and have accepted every reasonable invitation to address a community group on issues relating to the justice system, and my many addresses have been published on the website of the Court. I am sure that there is more that could be done in this area, but I think quite a lot has been achieved.

Webcasting of Court Proceedings

In the course of my remarks concerning public awareness of the courts and our justice system, at my welcome I spoke of the desirability of utilising contemporary technology, such as webcasting. My initial efforts to secure the support of government to provide public access to court proceedings through this means were not successful, but I am pleased to report that the Attorney General has recently indicated that he is now amenable to the provision of these resources, subject to funds being available within the relevant budget line, which is most unlikely to be an obstacle to implementation given the modest sums involved. I am hopeful that this facility will be achieved before the end of the year, and utilised sparingly initially, as we gain experience of its strengths and weaknesses.

Court Regalia

The only time I have ever worn a judicial wig and the red robes of the Supreme Court was at my welcome. I spoke then of the desirability of Australian Judges dressing in a manner more relevant to contemporary Australian society. It took me a little while to garner the support of my colleagues for this proposal, but

horse hair wigs and Supreme Court Judges dressing like Father Christmas are now a thing of the past.

Procedures for the Appointment of Silk

At my welcome I spoke of the desirability of broadening the consultation procedures relating to the appointment of Senior Counsel and my colleagues subsequently endorsed a proposal which has had that effect. Although there will always be people who are dissatisfied by the outcome of that process, appointment now only occurs if there is a general consensus in favour of appointment and does not turn upon the possibly idiosyncratic view of any individual, not even the Chief Justice.

Summary

It will be apparent from this review that some of the objectives I identified 10 years ago have been achieved, and some have not. Generally speaking, those that have not come to pass are in areas of greater importance and require the support and involvement of those outside the Court.

So, if I were the principal of a school reviewing a report of my performance, I would probably write these words at the foot of the report:

'Wayne has displayed potential in the easier areas of the curriculum, but needs to work harder in the more difficult areas and to improve his capacity to encourage the support and assistance of others.'

Looking Forward

So, what does this subjective review of the past tell me about the future? I expect there would be general consensus with respect to the worthiness of at least some of the objectives which I have espoused and which have not yet been

achieved, although I am sure differing views are held as to the relative priorities of these objectives. I remain convinced of the need to do whatever we can to reduce the over-representation of Aboriginal people in the justice system of this State, to improve access to justice for ordinary Australians, to improve the information and facilities available to self-represented litigants, to improve the Court's gender balance, to enhance the accountability of the judiciary through an independent and transparent mechanism for the handling of complaints, to modernise the law relating to judicial review of government action, and of the need to enhance the independence of the courts by providing them with the autonomy to conduct their own administration. Root and branch reform of the rules of court, and simplification and modernisation of the language used in court forms are also thoroughly desirable objectives.

Much remains to be done. If I am to take the advice given to myself by me as school principal, I must work harder, and I can only do that if I remain in this position for a little longer at least. So, those of you who came to hear a valedictory speech this evening will go away disappointed.

However, I have always said that I do not want to outstay my welcome, and I recognise the reality that if I have failed to achieve something in 10 years of trying, the probability of me achieving that result in the future must be significantly reduced. There will come a point in time at which I will likely form the view that somebody else a bit younger, with fresh eyes and vision and with the enthusiasm that inevitably accompanies taking up a new office could make a better fist of the office than I am. When that time comes, I will step aside and make way for such a person. It would, however, be disingenuous to suggest that my decision will be entirely altruistic – I really enjoy this job, the extraordinary variety of work that it has brought and, probably most especially

of all, the opportunity which it provides for me to meet many Western Australians across all walks of life who make such a great contribution to our community. I won't be surrendering those opportunities lightly.

And In Conclusion – Thanks

There are so many people I should thank this evening it is difficult to know where to start, and the process is fraught with the risk that I will miss out somebody really important, for which I now apologise. First and foremost, I would like to thank the Law Society and Bar Association for the great honour that has been paid to me this evening, and which remains a source of embarrassment, and, of course Jackson McDonald and the other sponsors for their generous sponsorship of this event. Second, I would like to thank the many people who have made my last 10 years so enjoyable with their invaluable support, assistance and encouragement. Those people include my judicial colleagues, not only on the Supreme Court but on all the Courts of the State, the many government officials with whom I have worked over those years, including the staff of the Supreme Court and my personal staff, which have included ever-accommodating Orderlies, a succession of brilliant Associates who have made me look much cleverer than I really am, and three extraordinary women, my Chief of Staff, Ms Christina Curtis, my media advisor, Ms Val Buchanan, each of whom have done extraordinary work to keep me out of trouble over the last 10 years, and Dr Jeannine Purdy, who has worked with me over much of that time, providing me with invaluable research and insight into topics I have been addressing, while at the same time encouraging me, ever so gently, to get into trouble.

Finally, and perhaps most important of all, I owe a huge debt of gratitude to my wife, Margie, who has given up countless hours of her time to accompany me to

the many functions which populate the life of a Chief Justice, and who has inevitably had to shoulder a greater share of the burden of raising our children because of the many demands of my office, and who has always been supportive and encouraging.

Might I also conclude by expressing my gratitude to all who have attended this evening, in the naïve hope that I might be at least part of the reason you are here, while acknowledging that I am sure many of you are here for a very fine party.