

THE SUPREME COURT OF
WESTERN AUSTRALIA

FAREWELL TO THE HONOURABLE JUSTICE PETER DONALD BLAXELL

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 24 FEBRUARY 2011, AT 4.31 PM

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MARTIN CJ: The Court sits today to farewell the Honourable Justice Peter Blaxell, who will officially retire from office tomorrow. I would like to particularly welcome today members of his Honour's family, including his wife Stella; his father and stepmother, Donald and Shirley Blaxell; his sons Tim, Sam and John Blaxell; their partners Louise, Rebecca and Elizabeth; his grandson Hamish; and also his Honour's brother Tom Blaxell and his wife Naima.

I would also like to welcome Justice Michael Barker of the Federal Court of Australia; Justice Stephen Thackray, Chief Judge of the Family Court of Western Australia; his Honour Judge Peter Martino, Chief Judge of the District Court of Western Australia; Chief Magistrate Steven Heath; Ms Cheryl Gwilliam, Director-General of the Department of the Attorney-General; and many other distinguished guests too numerous to name, including former members of this and other Courts.

I would also like to welcome those who will address the Court this afternoon, being the Solicitor-General, Mr Robert Meadows QC, representing the Honourable Christian Porter MLA, Attorney-General of Western Australia, who is unable to join us this afternoon; Dr Christopher Kendall, representing Mr Hylton Quail, President of the Law Society of Western Australia; and Mr Grant Donaldson SC, President of the West Australian Bar Association.

Prior to my appointment to the Court, I occasionally heard mutterings from my lawyer colleagues to the effect that ceremonial sittings of the Court for the purpose of welcoming or farewelling a Judge were pleasantly predictable occasions devoted to the utterance of sycophantic platitudes.

As a member of the Court I would obviously brand any such suggestion as heresy, but in case there are any heretics present this afternoon let me assure you that there is nothing sycophantic about the observations I will be making this afternoon on behalf of all of the members of the Court. That is because we are united in the firm view that Justice Peter Blaxell has made an outstanding contribution to the work and to the life of the Court and he will be very sorely missed.

My own association with his Honour goes back almost 40 years to 1971, when I was engaged as a clerk during the university vacations by the firm which then practised under the name Lavan and Walsh. His Honour was then a junior solicitor in the firm and Barry Rowland was the senior litigation partner.

On one occasion I was asked to assist in the relocation of the firm from its premises in Howard Street, which were about to be demolished, up to new premises at 524 Hay Street. I was tasked particularly with the

responsibility of packing up all the books in the firm's library and then unpacking them and re-shelving them in the new library in Hay Street.

In the course of that exercise I was able to ascertain the veracity of one of the apocryphal stories which then abounded through the firm which was to the effect that his Honour had written in large print on a wall of the library, obscured by bookshelves, that, and I quote, "Rowland is a fink."

The fact that his Honour chose the word "fink" in preference to some more other obvious Anglo-Saxon alternatives was not a prescient reference to a motorcycle gang yet to be formed but a reflection of the gentile side of his Honour's character.

Of course my first and abiding impression of his Honour was heavily influenced by his extraordinary laugh, which can be heard across several city blocks and which is utterly irrepressible. After graduation I served my articles at Lavan and Walsh and worked in sufficiently close proximity to his Honour, who was by then a partner in the firm, that earmuffs were occasionally required.

It is very pleasing to me, and I'm sure to his Honour, that a number of members of the firm from those days are able to join us this afternoon, including Barry and Jenny Rowland, Ray and Ann Lynch, and Peter and Marlene Michelides. There are many stories which could be told of his Honour's exploits during those halcyon days but unfortunately decorum precludes all of them.

His Honour was appointed to the District Court in 1991 and to this Court on 2 February 2005. I was amongst those at the bar table at the ceremonial sitting to mark his Honour's welcome. I have always thought his Honour's observations on that occasion to be probably the most amusing I have ever heard on an occasion such as this.

His Honour's correspondence with Chief Judge Kennedy on the subject of the Women Lawyer's Association was highly amusing, although of course ideologically unsound. I was soon to learn how accurate his Honour's description of the former Chief Judge as the Queen Boadicea of the Court was, given his Honour's enthusiasm for battle. I am sure there are high expectations for the levity of the remarks that we will hear from his Honour in a few minutes.

One observation his Honour made that morning was, I thought, a particularly telling observation of his approach to the law and to judicial duties when he observed that although he treated his work seriously, he never took himself too seriously. That approach has stood his Honour in good stead, as it would I think any Judge.

I have already mentioned his Honour's outstanding contribution to the work of the Court. That contribution has been perhaps most evident in his work as Judge in charge of the criminal list since 2007, when he replaced Justice Geoffrey Miller in that role.

The Court had by then adopted a suggestion made by Justice Miller that we introduce a form of mediation to criminal proceedings which we have styled voluntary criminal case conferencing. Justice Blaxell has enthusiastically embraced and refined that process, which has been a great success.

His Honour's capacity for devising new solutions to old problems is perhaps most evident in the creation of the Stirling Gardens Magistrates Court, which was entirely his Honour's idea. Since the appointment of a number of Registrars of this Court as Magistrates, we have been able to manage criminal cases falling within the exclusive jurisdiction of this Court from soon after their inception until trial or other resolution.

This has enabled us to provide what we hope is seamless case management before and after committal in which the Magistrates managing the case prior to committal liaise closely with the Judge in charge of the criminal list with a view to identifying the earliest possible dates for case conferencing or trial in the event that the matter is to go to trial.

Like voluntary criminal case conferencing, this procedure has been a great success. It has significantly reduced time to trial in our criminal cases, although our ambition is to further reduce that time. Those ambitions are limited by the fact that there are some aspects of pre-trial preparation in the criminal jurisdiction which are beyond our control, such as ensuring the adequacy of prosecutorial disclosure in a timely fashion and the production of forensic expert reports in a timely fashion.

Notwithstanding those constraints, however, under Justice Blaxell's active leadership we have made and are continuing to make significant progress in reducing the time between the laying of a criminal charge and its ultimate disposition.

His Honour has also participated actively on the work of a number of the committees of the Court, including the Executive Management Committee, the Criminal Practice Committee, the Indigenous Justice Task Force when it was in operation, and more recently the Strategic Criminal Justice Forum. Each of these committees has benefited enormously from the depth of his Honour's experience and wisdom and will miss his contribution.

I also mentioned earlier his Honour's enormous contribution to the life of the Court. His sense of humour is as indefatigable as his laugh and he has made an enormous contribution to the camaraderie and collegiate life of the Court.

He and his wife Stella will be missed from many of our social activities, although characteristically they have generously offered to continue to host the Court's annual picnic at their delightfully bucolic orchard in the foothills of Perth. I am sure that one of the attractions of retirement has been the opportunity for his Honour to spend more time in that beautiful environment, and also to resume his Honour's seafaring ways.

It only remains for me to again express on behalf of all members of the Court our sincere gratitude for his Honour's outstanding contribution to the life and to the work of the Court, and to wish him good health and happiness in a long and enjoyable retirement.
Mr Solicitor?

MEADOWS, MR: May it please the court. It's my privilege to appear today on behalf of the Attorney-General, representing the government and the people of the State at this special sitting to mark the retirement of your Honour Justice Peter Blaxell as a member of the Supreme Court. The Attorney-General extends his apologies for his absence today and has asked that I convey to your Honour his personal best wishes for a long and happy retirement.

As we have heard, your Honour has spent all of 20 years in judicial office, 14 of those as a Judge of the District Court and six as a member of this Court and now, at a relatively youthful age, you are taking a well-earned retirement. By the way, your Honour, if you get bored or become restless just let me know and I am sure we can find something useful for you to do.

The Chief Justice has traversed your Honour's life and illustrious career on the Bench and I do not propose to go over the same ground, except to say that I adopt what the Chief Justice has had to say on that score, at least the good bits. I had the pleasure of appearing at your Honour's welcome as well and I recall recounting how delighted the former Chief Judge of the District Court, Kevin Hammond, was at your appointment to this Court. He said that you could turn your hand to anything, whether it be in civil or crime, and be relied upon to deal expeditiously and efficiently with whatever you were presented.

Another of your Honour's former colleagues at the District Court observed that we were getting a proven package, namely, an experienced trial Judge who was a tried and proved performer and that we could have every confidence that your Honour would continue to discharge your judicial duties with the same skill, diligence and application you had already demonstrated.

Both of these observations have been well and truly borne out during your time on this Court, and we are extremely grateful for that. Your Honour's enthusiasm for hard work and willingness to take on whatever was on offer, especially in the criminal area, has made you a significant contributor to the work of the Court.

On top of that, the quality of your judicial work has left nothing to be desired. You always ran a good Court and were universally regarded as a pleasure to appear before. While on occasions you could be seen to be a little demanding, and so you should have been, you have remained courteous and polite to counsel at all times and your legendary sense of humour has lightened proceedings whenever required.

Your down-to-earth, practical approach to the judicial task is perhaps best exemplified by the way in which you handle the sequel following the High Court decision in the Gypsy Jokers case. In the judgment that you handed down in (2008) WASC 166, you outlined how you had sifted through the redacted material, classified as criminal intelligence by the Commissioner of Police, to determine whether its disclosure could reasonably be expected to prejudice criminal investigations or to enable the discovery of the existence or identity of a confidential source.

It was a delicate and difficult task, but the way in which you went about it has been proven to be well justified for it has been specifically approved by the High Court in *K-Generation v Liquor Licensing Court* by all members of the Court in that case and if anyone wishes to have that borne out, I suggest you read Justice Kirby's remarks at page 84 of that judgment.

Your Honour is now heading to a well-earned retirement which will no doubt involve you going down to the sea in boats. Your Honour's love of boats is well-known. Back in the good old days you very kindly took our keynote speaker for the law summer school for a sail aboard your yacht, which I think was called the Pegasus. Dyson Hayden QC, now Hayden J of the High Court, was the keynote speaker in one year and he joined us, along with his wife, Pamela, one Saturday following the summer school to head out to sea on the good ship Pegasus.

As it happened, Mrs Hayden, who had been shopping the previous day, turned up sporting a very smart and rather expensive jacket, aqua in colour and somewhat nautical in style. However, as we headed out from the Fremantle Sailing Club into Gage Roads the Fremantle doctor kicked in and disaster struck. Overboard went the jacket. As anyone who knows anything about boats knows boats, and sailing boats in particular, are not that easy to turn around and return to the exact spot where an incident has occurred. Unfortunately, when we returned to what we thought was the spot, our search proved fruitless and the jacket disappeared.

Why do I mention this? I sat next to Mrs Hayden at a dinner just the other day and I have to tell you, your Honour, she has not forgotten. I told her that you were about to retire. She expressed the hope, tongue in cheek, I might say, that you might continue your search for the missing jacket when you go down to the sea.

At your welcome I expressed confidence that you would make the transition from the District Court to the Supreme Court with ease and that you would make your mark as a judge of the Supreme Court in the years to come. My confidence was not misplaced. Your Honour, the time has now come for me to formally thank you on behalf of the government and the people of Western Australia for your many years of dedicated service to the state, first as a judge of the District Court and ultimately as a judge of this Court. We wish you all the best for your retirement, which we hope will be an enjoyable and fulfilling one. May it please the court.

MARTIN CJ: Thank you, Mr Solicitor. Dr Kendall?

KENDALL, DR: May it please the court. It is my very great pleasure today to extend the best wishes and sincere thanks of the Law Society of Western Australia for all that has been done by your Honour Peter Blaxell throughout a much-admired legal career. There are few in this room today who can boast of 41 years' service to the legal profession. Of those, 20 constitute dedicated service to both the Supreme and District Courts of this state. This

is an impressive track record and one I dare say will not be soon forgotten.

Your Honour, you have long been a dedicated supporter of the Law Society of Western Australia, and for that we are extremely grateful. Notably, your Honour worked as the coordinator for the legal assistance scheme from 1974 to 1975. You also played a pivotal and much-appreciated role in implementing two quite important programs for the society, the DV counsel scheme in the Courts of Petty Sessions and, significantly, the client legal service, a service that ensured much-needed access to legal services and, I might say, justice to those living in the north west of our state.

I have not personally had the pleasure of appearing before your Honour. I am well advised, however, that the use of the word "pleasure" in this context is indeed appropriate. In the words of one of my more junior colleagues at the bar, to appear before your Honour was to know that you would be treated with courtesy, respect and degree of kindness that did much to reduce the stresses and anxieties associated with any litigation practice. The atmosphere of civility your Honour created allowed us to focus on what is important, our clients, the articulation of their needs and the role of the law in giving those needs full expression, and we thank you for that.

Your Honour, you are described by those who know you as having an infectious laugh, a sense of humour and perspective and a unique ability to put those who appear before you at ease. For those who do so appear, the result has always been a more welcoming forum with which to present those wanting justice and a fair hearing. I'm told that with your Honour at the helm, those appearing before you were better able to focus on simply getting to the point rather than stressing sometimes on the peripheries about issues which, dare I say, are largely irrelevant to those seeking our counsel and those charged with interpreting what we have to say. Again, for that we thank you.

Your Honour, I used the word "justice" above. Of course the core of what we do as lawyers is the idea that justice and equality do indeed matter. The Law Society notes your Honour has long held a commitment to the provision of legal aid to those socially less privileged than many of us here today. Your Honour's early commitment to the Aboriginal Legal Service and the establishment of the Kununurra office of the service is particularly noted; indeed, quite significant.

Your Honour, you retire today leaving a rich legacy in your judgments. Your commitment to legal principle, your impartiality, your independence, your vast experience

and your wit are all attributes that will be deeply missed. Combine these with our genuine desire to simply do the right to all manor of people, consistent with your judicial oath, and it is fair to say you will indeed be deeply missed.

In 2006 the Honourable Justice Margaret McMurdo, president of the Court of Appeal in Queensland, noted in a farewell address to a retiring colleague that the gospel according to Matthew advises those who judge to take care. It reads:

For with the judgment you make you will be judged,
and the measure you give will be the measure you get.

There is much truth in this, your Honour. That being so, I want to wish you and Mrs Blaxell all the best, and might I say that you can indeed look forward to your just measure, a long and happy retirement. On behalf of the Law Society of Western Australia I wish you and Mrs Blaxell all the very best in the years that lie ahead. May it please the court.

MARTIN CJ: Thank you, Dr Kendall. Mr Donaldson?

DONALDSON, MR: May it please the court. It is my sombre duty to appear on behalf of the Bar at this special sitting of the Court. This sombreness derives from the fact that this will be the last occasion upon which a member of the Bar will address your Honour Justice Blaxell; that is, unless you slipped something in tomorrow, your Honour.

It is well to record as a matter of pride for the Bar that your Honour was a member of the Bar for some years. In that time your Honour appeared in all jurisdictions, but you had a large and prominent practice in crime and in mining law matters. I regret that I can't regale with recollections of your Honour as an advocate but in any event, any forlorn reflection upon your Honour's early career would simply divert proper attention from your Honour's greatest contribution to the community in the form of service on this Court and on the District Court.

That said, I will, if I might, so as to exemplify your Honour's capacity both as a Judge and as a practitioner, recount a recent appearance of mine before your Honour. Opposing me was Dharmananda K. I of course was for an innocent victim; Dharmananda was representing some shameful claim jumper in a dispute involving some mining tenements of some value.

The matter involved consideration of a number of state agreements which in terms incorporated provisions of the Mining Act 1904, which was of course repealed over time by the Mining Act 1978. Not since the mid-1980s have practitioners had to consider in detail the provisions of the Mining Act 1904. With what appeared to be no preparation, your Honour not only exhibited a complete mastery of the difficult provisions of the Mining Act 1904 but also the course of relevant amendments to that act over time and the purpose of each amendment.

More memorable was your Honour's account of the practice that was followed at the times relevant to the dispute by the mining wardens, and in particular your recounting of the particular relevant practices from the 1960s of the mining warden of the particular mineral field relevant to the dispute.

This lesson was delivered in your Honour's unpresupposing manner, without the slightest hint of superiority but with the simple, unadorned purpose of assisting and illuminating. I was mesmerised by this tour de force and embarrassed by the incompleteness of my understanding. Dharmananda, conversely, was offended by your Honour's impertinence.

It is likely that only Justice Wickham has brought to this Court a comparable depth and intensity of understanding of the mining law regime and practice in this state, but your Honour retained this knowledge over a long period of service on the District Court, where application of this knowledge in the discharge of your duties day to day was not foremost, exemplified a unique completeness and thoroughness of understanding and a mind of clarity and organisation.

Your Honour, I had understood, was appointed to this Court on 1 February 2005, although the Chief Justice has reminded us that it must have been the 2nd, and your Honour's appointment followed a well-trod path in this jurisdiction of appointments from the District Court. It is instructive to recall that in being so appointed, your Honour in this respect followed Justices Pigeon, Heenan, Jones and White and that your Honour has been followed by Justices Jenkins, Mazza, Chaney and Pritchard.

To those who harbour some doubts about the practice of so-called judicial promotion, this catalogue ought, with respect, assuage concern. I know that your Honour looks back to your service on the District Court with fondness and, I trust, with great pride. The burden borne by the Judges of that Court is unrelenting. The strain upon Judges presiding over a seemingly endless parade of criminal trials, many back to back, many of difficulty and complexity, is hard to imagine and largely unappreciated by the community, yet this burden was borne by your Honour for all of your years on the District Court uncomplainingly.

As a Judge of the District Court and as a Judge of the trial division of this Court, your Honour went about your task unobtrusively and cheerfully. I suspect that all who have appeared before your Honour have been graced with that famous and much-envied smile; if it could be bottled and sold, your Honour would be a trillionaire. And it can be said that every accused person, every litigant, every witness and every counsel who came to your Honour's Court was treated with fairness, with politeness, with understanding and with dignity and respect. That this can be stated assuredly and without the possibility of contradiction after your Honour's long years of judicial service is, with respect, an extraordinary achievement.

To this judicial service in the hearing and determination of cases must of course be added your Honour's great contribution in this Court in the role of what has come to be known in the profession as the High Sheriff of Stirling Gardens, a role which of course your Honour commenced.

The Stirling Gardens model has been a stunning success and is a model of management of criminal trials that has attracted wide interest. Though no doubt a deal of its success and prominence derives from its system and from the involvement of senior members of the profession such as the Honourable Kevin Hammond, the Honourable Hal Jackson and the great Ron Cannon, those who seek to replicate the Stirling Gardens experiment will learn that its success in this jurisdiction has been due in significant part to the role in that system which your Honour has played.

Acknowledgment of your Honour's role as the High Sheriff of Stirling Gardens brings to mind that in the United Kingdom it has been the practice from time immemorial that High Sherifffdoms take effect in the month of March after a process of appointment the details of which extend back to the reign of Elizabeth the First.

This process involves the Monarch's assent to appointment being signified by a prick from a silver bodkin to the parchment of the instrument of appointment rather than by simple signature. This practice has attracted the nomenclature of pricking or skewering. Although it may be that in some respects your Honour as High Sheriff of Stirling Gardens is irreplaceable, no doubt your successor is looking forward to being skewered in due course.

At one point I had thought that your Honour's retirement to take effect in late February had been planned having regard to the skewering of your Honour's successor to take effect in March. I noticed recently, however, that your Honour was appointed as a Judge of the District Court in February 1991, a Judge of this Court in February 2005, and of course your Honour retires in February 2011. I have no idea what it is that your Honour gets up to over the Christmas vacation but obviously it's something.

Yet these recounted dates are more notable than the simple coincidence of the month of February. These dates attest that your Honour has served as a Judge in Western Australia for over 20 years. Indeed, the period is 20 years and 13 days including today. Of the Judges who have sat on the District or Supreme Courts of this State, this is a period of service exceeded by only seven Judges, and of the Judges currently serving in Western Australia this period of judicial service is exceeded only by Justice Murray, and then by less than a year.

In modern terms it is an extraordinary judicial service and a period of service that we are unlikely often to see again in this country. For that service the profession is, and the community ought to be, grateful and thankful.

Although those of us in the practising profession are not supposed to know such things, we all know that your Honour has been a most popular colleague amongst the Judges of this Court and of the District Court - no doubt again the smile and the laugh - though in one respect your Honour will not, I have been told, be missed.

Your Honour's reputation for unreliability as an aquatic chauffeur to the annual Judges' Christmas function has extended beyond the Court. It is rumoured that the Honourable Nigel Clarke, dressed no doubt as Kamahl, is still waiting from 1995 to be collected by your Honour from the Barrack Street Jetty. It is further rumoured that the voyage navigated by your Honour from the Barrack Street Jetty to Fremantle for the 1997 Judges' Christmas function concluded some hours after the putative and abandoned lunch was to have finished.

That these blemishes were minor, however, simply confirms that the length and the distinction of your Honour's judicial service brings with it the undoubted right to what the Bar hopes will be the unburdening that will accompany retirement from this Court and more time for your Honour and your Honour's scaly crew to sail, or perhaps to learn to sail.

Please be assured that your Honour goes into judicial retirement with the Bar's admiration and gratitude and with our sense of pride that one of our former members has served the community as a Judge for so long with such distinction and with such generosity of spirit. May it please the court.

MARTIN CJ: Thank you, Mr Donaldson. Justice Blaxell?

BLAXELL J: Chief Justice, Mr Meadows, Dr Kendall, Mr Donaldson, thank you so much for your very kind and gracious remarks. I came along armed with a pad and a pen thinking I would have to make a lot of notes of things I would have to refute, but there is not a single one. I have only made one note, and that is that it really took me by surprise that there ever was an occasion when Mr Donaldson was embarrassed.

Unless there is a conga line of Mareva injunction applicants outside the Court when it opens its doors tomorrow, this is the last time that I will be sitting as a Judge. Although I still have some sentencing to do over the next few months, I am only deemed to be a Judge for that purpose and I will be doing it without pay.

I could have remained in my present position for another five years but I decided 18 months ago that I should retire upon reaching the milestone of my 20th anniversary as a Judge, when I would also be 65 years of age. The reason for that decision is that there are other things in life that my wife and I want to do which are inconsistent with me remaining on the Bench. At our age there can be no guarantee that in five years' time we will be of good health and we wish to pursue those other things while we are still physically capable of doing so.

When I think back over my time in the law I have a kaleidoscope of memories which all seem to merge together. There have been many thousands of interactions with colleagues, counsel, clients, litigants and witnesses, most of which I have forgotten, but I do experience an overwhelming feeling that it has been all thoroughly worthwhile. I am so glad that in my final months of secondary schooling I made a last-minute decision to change my choice of university studies from engineering to law.

When I entered university in 1963 I was a relatively callow youth, only 17 years of age, with little experience in life. Consequently my time at university played a big part in shaping the person that I am today. The friends I made then turned out to be lifelong friends and I am very pleased that so many of them are here today.

I went on to spend six years with the firm of Lavan and Walsh, including two years as an articled clerk, earning an average of \$15 per week. It was \$10 per week the first year and \$20 per week the second year. My principal was John Lavan, who was later to become Sir John and a Senior Puisne Judge of this Court.

I was always very grateful to him and to the other members of the firm who became my mentors and gave me a solid start in the law. Two of those mentors were Barry Rowland and Ray Lynch, who not only taught me legal skills but also taught me some boating skills, including how to clean the barnacles off the bottoms of their yachts. I am sure that there were many times when they got their \$15 worth out of me.

While at Lavan and Walsh I became actively involved with the Legal Aid Committee of the Law Society and, as Dr Kendall has mentioned, for a short period I also worked full-time for the Law Society implementing a duty counsel

scheme in the Magistrates Courts as well as a flying legal service to the North-West. There were four other staff working for Legal Aid at that time and it's interesting to reflect that that was the organisation which looked after everything that the Legal Aid Commission does today, and there were only four staff who did that.

One of those staff, Loris Wood, has since passed away, but I was surprised and gratified to learn recently that the other three staff members from 35 years ago wanted to be here today and I thank Anne, Suzanne and Mary for coming along.

Also here today are many of my friends and former colleagues from my times at the Bar and then the District Court. As most people know, time is a precious commodity for any barrister or Judge and I was always grateful that so many of my former colleagues were willing to make themselves available for wise counsel and sound advice.

The people who assisted me in this way are far too numerous to mention but they did include some former colleagues who are no longer with us. In this regard I particularly acknowledge John ('Pincher') Martin, Terry Franklyn, Brian Singleton, Henry Wallwork and Paul Healy. I am so pleased that Nano Healy is able to be here today. Paul was an exceptional man who was always totally rock solid and reliable. He was also the centre of gravity of the District Court and he is very much missed. I often turned to him for advice and he would typically urge me to be staunch in whatever it was that I proposed to do.

I greatly enjoyed my 14 years at the District Court. It was a very collegiate Court and Chief Judge Kevin Hammond liked to boast that he was the managing partner of the best firm in town. What is not so well known is that the Judges of that Court occasionally made awards amongst themselves in recognition of outstanding achievements.

During my time at the District Court I managed to accumulate three such awards and as today is my last day as a Judge I thought it was about time I brought my awards out of the cupboard and put them on public display. So I would ask my associate to produce these awards.

The first one - and you can see it's a very handsome trophy that went with the award, but this was the Chief Judge's Special Award and the engraved plaque on it states, "P.D. Blaxell, still leading the field." I can't remember in what respect I was leading the field but I was very grateful to Chief Judge Kevin Hammond for the presentation of that trophy.

MARTIN CJ: I will mark that as exhibit A.

BLAXELL J: The next one perhaps is not so prestigious because it was the H.J. Wisbey Hospital Handpass Award. The previous winner in 1996 was Judge Muller and in 1997 I was the winner. I can't quite recall why I won it but I think it was something to do with a very big, complex file which I had the management of and I was to be the trial Judge but for some reason I had to recuse myself at the last moment. I don't know why.

MARTIN CJ: Exhibit B.

BLAXELL J: The next award is the most treasured one. Former Chief Justice David Malcolm had a hand in this because it was the Chief Justice's Gender Awareness Award and in 1997 I was presented with that for "impeccable awareness". I have a feeling that Gail Archer SC also had a hand in that because she used to say my directions to the jury were always impeccable.

In any event, I was well credentialed in that area and I was ahead of the field, as you would all realise, so much so that a few years later Chief Judge Kennedy, who was very concerned about the recalcitrant attitudes of a particular senior Judge of the District Court, appointed me to mentor him in matters of gender awareness. I did put a big effort in and we did make some progress, but I think former Chief Judge Kennedy would agree that in the end the results were somewhat mixed. I see her nodding her head.

There were not many of these awards conferred but I do recall a particular one given to his Honour John Barlow which I am sure still has pride of place on his mantelpiece. It was to mark his transfer from the District Court to the Family Court and he was presented with the Judas Iscariot award in recognition of his loyalty to his colleagues.

While reflecting on these awards that I received so long ago, it occurred to me that it would be most beneficial if this court was to adopt a similar system. Chief Justice, in the coming months I expect to have some spare time and I am quite prepared to volunteer my services in order to implement such a system. I have already given some thought as to who would be worthy recipients of the awards.

Starting with your Honour the Chief Justice, it seems to me that you deserve the Regalia Craft Award for the preservation of the longstanding traditions of the judiciary. The Honourable Justice McLure, the President of the Court of Appeal, I think should be awarded the Mahatma Gandhi Award for tolerance and patience with counsel. To the Honourable Justice Heenan, I think he should receive the Sir Isaac Pitman shorthand award for judgment writing; to the Honourable Justice Hall, I think the Gucci Handbags Award for leading the fashion in judicial accoutrements.

My final suggestion is Mr Justice Ken Martin. I think he should receive the John Worsfold Award for championing lost causes. The reason for that is that he insists on displaying in his chambers a framed Eagles football jumper in a very prominent position, and he did so throughout the last football season. I think in the end it became quite embarrassing for him. Chief Justice, I know that you also have a framed Eagles football jumper, but you have had the discretion to place yours in a dark corner of an inside corridor which is little used, where it's not really seen by anybody, so you have obviously shown a lot more sense than your namesake.

When I came to this Bench six years ago there had been few District Court judges who previously had made that transition. It was a fairly rare event and I thought that I should provide at least one of my District Court colleagues with a suitable memento of the occasion. Accordingly, I sent off one of my freshly-printed compliment slips to him, and it was a very handsome compliment slip embossed with the words, "With compliments of the Hon Justice Blaxell" and I endorsed the following note on it:

Dear Wis, I am conferring on you the great honour of being the first to receive one of my new compliments slips.

Signed, Peter Blaxell.

I thought he would frame that and put it on his shelf in his chambers; alternatively, put it on his desk, where it would have made a very appropriate conversation piece. However, I received it back very promptly the same day with a very rude note on the back, which I am not going to read out - it would be inappropriate - but it said, "Dear Hon Blaxell," and it went on to suggest other uses the paper in my compliments slips could be put to. It also suggested that there was more need for such use of paper in that way by members of the Supreme Court and it ended up saying because of misuse of Ministry property, I was the subject of a complaint to the Commissioner for Corruption and Crime.

I have greatly enjoyed my six years on the Supreme Court Bench. It has been a very pleasant and satisfying experience with a wide variety of work, which at times has had an unexpected quality about it. For five of those six years I was Judge in Charge of the criminal list, and during that time the Court implemented some significant procedural changes. Those changes would not have occurred without the enthusiastic collaboration of the Chief Justice, and the hard work of many others, including Principal Registrar Keith Chapman and his fellow Magistrates, the DPP team in the Stirling Gardens Magistrates Court and, notably, Sandy De Maio and Joanne Andretich, as well as the staff of this court, including Sam Truglio and my associate, David Watson.

Furthermore, the changes required the input and cooperation of the Legal Aid agencies as well as the profession generally. Accordingly, there are many people who can collectively claim ownership of the improvements and efficiencies that have been achieved.

It has also been very pleasing to see the growth in the system of voluntary case conferencing initiated by my predecessor, Justice Geoffrey Miller. Criminal mediation has significantly reduced the numbers and lengths of criminal trials and the good work of our mediators Ron Cannon, Kevin Hammond and Hal Jackson has been critical to achieving that success.

In my opinion, with appropriate legislative changes there is no reason why there cannot be further significant improvements to the process of criminal litigation. The Stirling Gardens Magistrates Court has worked very well, but it is really only a compromise for what could be the best working model. Historically, there were good reasons why indictable charges had to progress from a Magistrates Court to a superior court. However, those reasons no longer apply and the time has surely come when all indictable charges should commence in the jurisdiction where they are ultimately dealt with.

During my time on the bench it has been my privilege to work under five different Chief Judicial Officers. The first of them, Chief Judge Desmond Heenan, is no longer with us. However, three of the other four, Chief Judges Kevin Hammond, Antoinette Kennedy and our present Chief Justice are all here today. Unfortunately, David Malcolm was a last-minute apology.

Having been a first-hand witness to the ways in which each of them ran their courts, I can vouch for the fact that the citizens of this state have been very fortunate to have had such people at the upper levels of the judiciary. Despite those Chief Judicial Officers having their differing styles of Court governance, they each succeeded in implementing necessary changes and in guiding bodies of individuals who were not always prone to think as one.

In this regard a Court as an institution has a very unique structure because a Chief Judge or a Chief Justice is merely the first among equals. The members of the Court are independent of each other and they have no say in who their future fellow members will be. Most of them are former barristers and it is no secret that barristers are not always lacking in ego and that they sometimes have personal idiosyncrasies.

It is inevitable that any Bench will have a wide variety of personalities and points of view and on some issues it is no easy task to get a consensus. More than one Chief Judge or Chief Justice has been heard to say that the task of getting Judges to agree is very much like herding cats, yet each of the Chief Judicial Officers I served under successfully accomplished that task.

The present Chief Justice in particular has had to deal with a number of controversial issues but they were all dealt with fairly and in a way which has ensured that we remain a very happy Court. This is in no small part due to his Honour's outstanding leadership abilities and his implementation of a very open and transparent system of court governance. It is the best system of court governance that I have ever seen and it is the main reason why we have no still currents running deep in this Court.

We have also been fortunate to have some particularly good appointments to this Bench in recent times and I predict that this Court will continue to grow from strength to strength over the coming years. That is perhaps especially so now that I am leaving.

Before I conclude I need to thank a number of people for the support they have given me. Firstly, I thank all of my colleagues on this Bench for their wise counsel, good advice and camaraderie over the past six years. They will be glad to know that I am retaining their direct phone numbers and I trust that they will not mind the occasional call to take advantage of their better knowledge on some matters.

In that regard I expect there will be times when on my boat at Rottnest when I will need good advice on which bottle of wine I should select to drink with my fresh-caught lobster. I may well canvass a number of views on that subject each time.

I also thank all of the staff of the Court who work very hard behind the scenes to keep the wheels of justice turning. They are led by Robert Christie, who in my humble opinion, having seen him operate in both the District and Supreme Courts, is undoubtedly the best court administrator in the state. We are also very fortunate to have the state's best listings manager, Sam Truglio.

All of the staff are very obliging and willing to go that extra little distance to get a job done properly. We have a remarkable number of dedicated and diligent people on our staff.

I also thank all of my personal staff who have worked for me over the past 20 years. I have had three long-term associates during that period, namely, Don Reece, Geoffrey Escott and David Watson. They and my other associates, and particularly those who have worked under me for shorter periods in recent months, have all rendered excellent service. I also thank David Watson for his very proactive assistance in my management of the criminal list.

I have been fortunate to have had some excellent orderlies, and I particularly thank John Foster for his services. Furthermore, I have been lucky to have some very obliging secretaries, including June Page, who has been my mainstay in this regard over the past year.

Turning now to the members of my family, I thank my parents for a loving upbringing and for the opportunities that they provided to me when I was young. Regrettably, my mother died 12 years ago, but my father is now 92 years of age and he is still going strong.

However, the person to whom I owe the most is my wife. We decided to marry two weeks and two days after we first met and I consider that I was a very lucky man on the day I met Stella. When the invitations went out, most of my friends and relatives had not even met her. Considering those circumstances, our marriage has been a remarkably successful partnership and I have no doubt it will endure to the end.

Throughout our nearly 40 years together we have been willing to make sacrifices for each other, but I freely acknowledge that most of those sacrifices have been made by her. In that regard it was very soon after we married that we produced three marvellous sons all in the space of 30 months, so we had three babies in nappies. Someone had to stay home to change the nappies and we faced a difficult decision because Stella was at the start of her career as a medical practitioner and I was a newly-fledged barrister.

In the end it was Stella who stayed home while I became the sole breadwinner. I cannot now recall how it was that we reached that decision but I am absolutely sure that at the time I had at the forefront of my mind the need for gender equity and equal opportunity. But no matter how the decision was made, I am hugely indebted to Stella for the sacrifices that she made to her career in order that I could pursue my own.

I am, of course, very proud of my three sons, their partners, as well as my four grandchildren. One of the great benefits of my retirement is that I will now be able to spend much more time with my grandchildren, including a fifth one who is soon to arrive. So, Hamish, you may find from time to time that I am waiting at the school gate at the end of the day.

I am also blessed with the make-up of my extended family and I thank all of them for their support over the years. Finally, I thank each and every one of you who have come along today to honour me with your presence. After we have adjourned I hope that you will all be able to spare some time and come to the foyer to have a drink or two with me. Thank you.

MARTIN CJ: Thank you, Justice Blaxell. The Court will now adjourn.

AT 5.19 PM THE MATTER WAS ADJOURNED ACCORDINGLY