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THE SUPREME COURT OF

WESTERN AUSTRALIA

FULL BENCH

WELCOME TO THE HONOURABLE JUSTICE JENNIFER HILDA SMITH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 24 JULY 2018, AT 9.18 AM

LE MIERE ACJ: The court sits this morning to welcome Justice Jennifer Smith upon her appointment as a judge of this court. On behalf of the court I would like to acknowledge 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. We pay our respects to their elders and acknowledge their continuing stewardship of these lands.

On behalf of the members of the court, I welcome your Honour as a member of this court, and I welcome your Honour's family to the community of the court. I'm pleased to welcome members of your Honour's family to share this occasion. I welcome: your Honour's husband, Mr Noel Whitehead; your Honour's step-daughters, Mrs Meg Whitehead and Mrs Catherine Garner; and their husbands, Mr Sebastiano Bianci and Mr David Garner; your Honour's step-sons, Nicholas Whitehead and James Enderby; and your Honour's adopted son, Johnny Hawkins.

I welcome your Honour's brother Allan Smith, and his wife Jeanine. I'm very pleased to welcome: the Honourable Justices Michael Barker and Katrina Banks-Smith of the Federal Court of Australia; the Honourable Stephen Thackray, Chief Judge of the Family Court of Western Australia; his Honour Judge Kevin Sleight, Chief Judge of the District Court of Western Australia; her Honour Judge Julie Wager, President of the Children's Court of Western Australia; Mr Peter Quinlan SC, Solicitor-General of Western Australia; Miss Amanda Forrester SC, Director of Public Prosecutions for Western Australia.

I welcome, too, former members of this court, members of other courts and tribunals, distinguished guests and all others who are present on this important occasion, particularly those who will address this court: the Honourable John Quigley MLA, Attorney-General of Western Australia; Ms Hayley Cormann, President of the Law Society of Western Australia; and Martin Cuerden SC, representing the President of the Western Australian Bar Association.

Her Honour is no stranger to judicial office. Her Honour was, from 2009 Acting President of the Western Australian Industrial Relations Commission, and an Acting Judge of this court from 1 August 2017, before her Honour was sworn in as a judge of this court on 27 June this year. Indeed, had her Honour continued as Acting President a little longer, she may have rivalled some of the stars of Neighbours or Home and Away for acting longevity.

Everything her Honour has achieved is a result of her own hard work and determination. Her Honour came to the law with valuable experience outside the legal profession, in what is sometimes referred to as the real world. Her Honour was born in Three Springs. On leaving school her Honour studied at Graylands Teachers College before realising teaching was not for her. Between teachers college and law school, her Honour was a ledger machinist for the ANZ Bank in Darwin, and a pay clerk for the Department of Immigration in Alice Springs, before taking her skills to the Commonwealth public service in Perth.

In a sign of her conscientiousness and commitment to fairness and equity, her Honour found that cooks and other workers of the Woodman Relocation Centre had not received pay increases they were entitled to for years, and ensured that they did. Her Honour resumed her academic pursuits at Murdoch University, where she studied philosophy. Halfway through her degree, her Honour was persuaded that law offered a more rewarding career, and enrolled in law at the University of Western Australia.

At the University of Western Australia her Honour completed the degree of Bachelor of Jurisprudence, and Bachelor of Laws, with first class honours. I should add, as a note of caution to those who appear before her Honour, that her Honour won the Evidence Prize. After graduation her Honour joined the Crown Solicitors Office where her abilities and capacity were quickly recognised. Her Honour was a professional assistant to Dr Jim Thompson, Senior Assistant Crown Solicitor, and subsequently personal assistant to the Honourable Kevin Parker ACRFD QC, then the Solicitor-General for Western Australia, and later a member of this court, who I am pleased is in court today.

After being admitted to practice in 1987, her Honour practised as a solicitor and counsel within the Crown Solicitors Office. Her Honour appeared as counsel in this court and the District Court, as a Crown prosecutor, and later in a range of civil matters. Her Honour also appeared in the State and Federal Industrial Commissions from time to time, and appeared in the High Court as junior counsel to the Solicitor-General of Western Australia in matters raising issues of employment and constitutional law.

Her Honour was appointed Senior Assistant Crown Counsel in 1997. In 2000 her Honour was appointed a Commissioner for the Western Australian Industrial Relations Commission, and in 2006 Senior Commissioner of the Commission. Her Honour was appointed Acting President of the Western

Australian Industrial Relations Commission in 2009. Her Honour was appointed Acting Justice of this court in August 2017. Since her Honour was appointed an Acting Judge of the court she has demonstrated her wide knowledge of the law, her conscientiousness and her ability to write thorough, reasoned and easily read judgments.

It's important that the gender of members of this court should reflect the community which it serves, and so it is pleasing that a woman has been appointed to the court, though as her Honour is one of only four out of 21, there is a way to go. A number of people who know her Honour well told me that apart from her family and handbags, her Honour is most fond of her cats and her German Shepherd, Daisy. More significantly, her Honour was described by those who know her, as highly intelligent, hard-working and with a great sense of fairness and complete loyalty.

Her Honour's generosity was noted and two separate informants reported that her Honour cannot walk past a homeless person without giving them something, an approach I'm sure her Honour will be careful not to apply to all plaintiffs in this court. Finally, I express on behalf of the court congratulations to your Honour on your appointment to this court, and wish you well in the years to come as a judge of this court. Mr Attorney.

QUIGLEY MLA: May it please the court, I too would like to acknowledge and honour the people of the Whadjuk tribe of the great Noongar nation, upon whose lands we meet this morning, and pay my respects to their elders past, present and emerging. It is with great pleasure that I appear on behalf of the Western Australian government, and on behalf of the people of Western Australia, to welcome your Honour, Justice Jennifer Smith, as a judge of this honourable court.

I'm also pleased to acknowledge and congratulate your Honour's family that are present here today, especially your husband, Noel Whitehead, your step-daughters Meg Whitehead and Catherine Garner, and their husbands Sebastian Bianci and David Garner, your brother Allan Smith, and his wife Jeanine, and your extended family and friends. As noted, your Honour completed your tertiary education at the University of Western Australia, completing a Bachelor of Jurisprudence with honours in 1984, and a Bachelor of Laws with first class honours in 1986.

Whilst still at university your Honour commenced working as a professional assistant at the Crown Solicitors

Office, first to Dr Jim Thompson SC, Senior Assistant Crown Solicitor; and then as the professional assistant to the Solicitor-General for Western Australia, the Honourable Kevin Parker ACRFD QC, who is of course a former member of this honourable court, and who, it has already been noted by the senior judge, we were delighted with his attendance at your inauguration this morning.

As a former professional assistant to Mr Parker QC, and particularly your Honour is a member of an illustrious group alumni, including a number of other past and current members of this court. These include, of course, the Honourable Christine Wheeler AO QC formerly of this court and the Court of Appeal; and the current members of the court, your Honours Justice Pritchard and Mitchell - and Justice Mitchell.

Your Honour went on to complete your articles at the Crown Solicitors Office, and was admitted to practice in 1987. Your Honour quickly developed a wide and varied practice at the Crown Solicitors Office, with a particular focus on industrial law, administrative law, constitutional law, personal injuries, commercial disputes and criminal law. Your Honour has practised principally as counsel, being promoted ultimately to the position of Senior Assistant Crown Counsel.

In that capacity your Honour practised across the full range of courts and tribunals in Western Australia, as well as working in the High Court of Australia in constitutional and employment law. Your Honour was always well-liked and an engaging member of the Crown Solicitors Office, and was always available to guide and mentor to more junior members of the office. In January 2000 your Honour's considerable experience and expertise in industrial law saw your Honour appointed as Commissioner of the Western Australian Industrial Relations Commission.

Your Honour was appointed as a Senior Commissioner in 2006. Your Honour's work on the Commission continued to draw upon the breadth and a variety of your Honour's experience and practice. The determination of industrial disputes, particularly those large and complex ones, very often occurs in the context of significant and complex commercial transactions requiring an understanding of commerce, commercial law, economics and human relations.

Your Honour, during that time also became a trained and accredited mediator. Your Honour's demonstrated skill and work ethic saw your Honour appointed to the position of Acting President of the Commission in 2009, a position you

have held until now. In that role your Honour has, for almost a decade, presided over all full bench appeals within the Commission on appeals from a range of jurisdictions, courts and constituent authorities.

As a testament to your Honour's efficiency and work ethic, I recall that as Acting President of the Commission, and already having had the status of a judge of this court, your Honour approached the government to advise that your Honour had some excess capacity and would welcome an opportunity to perform any additional work or duties in any way that could be of service to the public, consistent with your position. This exceedingly generous approach, with no conditions attached, was demonstrative of your Honour's work ethic and commitment to public service. We thank you.

Taking your Honour up on the offer, your Honour was appointed an acting judge of this court on 1 August last year. Since that time your Honour has combined the role as President with that of a judge of this court, hearing dozens of matters and delivering numerous judgment in areas as diverse as insolvency in corporations, trusts, restraint of trade, freedom of information and criminal law. No small feat for a part-time appointment.

Might I say, on the acting role that you accepted, it was no case of trainer wheels but, rather, we were fortunate to be able to add to the quorum of this court from the payroll of the Commission. And upon the retirement of Justice Chaney, it only took a heartbeat to appoint you and confirm you, not more than a heartbeat to confirm you as a judge of this court. The quality and efficiency of your Honour's work has been matched only by the collegiate way in which your Honour has contributed to this court over that time. It was therefore clear that when a vacancy recently arose on the court, your Honour was the natural choice to be appointed a judge of this court.

Your Honour has demonstrated a track record of conspicuous, if quiet, contribution to the people of the State of Western Australia. The government has no doubt that that contribution will continue throughout your Honour's further judicial career. On behalf of the government of Western Australia, and on behalf of the community of Western Australia, I extend my congratulations to your Honour on your appointment. We all wish you well in your service to the people of Western Australia as a judge of this Honourable court. May it please the court.

LE MIERE ACJ: Ms Cormann.

CORMANN, MS: May it please the court. It is a privilege to appear today on behalf of the Law Society of Western Australia at this special sitting to welcome the Honourable Justice Jennifer Smith to this court. May I acknowledge and welcome your Honour's spouse, Noel, together with all of your family here today, the friends and colleagues present, distinguished guests and members of the judiciary. While today is the occasion of your Honour's formal welcome to the court, your Honour, as we have heard, is of course familiar already with the surroundings and work of this jurisdiction, having served as an acting judge now since August 2017.

And as we have heard, your Honour has a distinguished legal career and is eminently suitable for the appointment. In recent times I have also learnt your Honour has a special and important life story both prior to the law and outside of it, one giving your Honour very sound perspective and a down-to-earth attitude, standing you in excellent stead to take on the appointment. As we have heard, this included being born and spending time growing up in Three Springs and later Geraldton, completing your secondary schooling there.

After high school your Honour enjoyed significant time working and travelling around Australia. This included engaging in unskilled work that even involved pumping petrol and waitressing in cafes. Both your Honour's regional upbringing and schooling, as well as the time spent working and travelling throughout an extended period after high school exposed your Honour to people of all walks of life, giving you invaluable experience and perspective.

It may not have been realised at the time but this was preparing you exceptionally well for your subsequent work as an effective advocate in the Western Australian legal profession, and overall for the ultimate opportunity you now take on as a permanent judge of the Supreme Court of Western Australia. We are grateful and fortunate that in your 20s friends encouraged you to follow your ambitions to attend university.

After graduating in 1986 from the University of Western Australia, this led to your articles of clerkship at what was then the Crown Solicitors Office, and your subsequent admission to practice. During your time there, your Honour made many important friends and positively influenced a great many lawyers, as both a friend and also a mentor to men and women, many of whom are now very senior and

respected members of our profession, and are here today to support your Honour.

Throughout your career to date your Honour has also achieved important milestones for gender diversity within our profession. This includes when in 2006 your Honour was appointed the first female Senior Commissioner to the Western Australian Industrial Relations Commission, and later as the first female in the role as Acting President. Now senior colleagues of our profession, including members of the judiciary, describe your Honour in the highest of terms and as a most kind-hearted and generous spirit.

But equally as having a profound diligence, thoroughness and accuracy demonstrated in your work in the profession in the commission, and as well as already in decisions delivered as an acting judge of this court. In addition to your professional roles and duties, your Honour has also formed a very close parental relationship with your four step-children and, in particular, youngest step-son James. As well as, together with your family, taken on the responsibility for a student, Johnny, who lived with you and has been cared for during his studies.

Your Honour is now also a much loved grandparent, as Granny Smith, thereby attracting the beautiful nickname of Apple to your grandchildren. Outside your day-to-day work as a lawyer and advocate, and later as Commissioner, Acting President and now Judge your Honour has an enormous generosity of spirit. Your Honour acutely recognises those important obligations we all share to make a contribution to improving the lot of others, both in a legal context, through our skills and experience as lawyers, but also by what we may be able to do outside the profession.

Your Honour makes a significant personal financial contribution to an enormous array of charitable organisations every year. And your Honour's efforts towards the pro bono work of our profession are significant. This includes your Honour's role and engagement with Law Access Limited. For its annual major fundraiser, the Walk For Justice, held as part of the Law Society's annual law week program, your Honour has been an important ambassador for several years now.

Furthermore, in both the 2017 and 2018 Walk for Justice events, your Honour's enormous fundraising efforts have seen you named as the top individual fundraiser. Aside from the financial benefits these contributions make to the ongoing viability of the organisation, the engagement that leaders of the profession such as your Honour have with Law

Access, attract growing interest and profile to the organisation and its work.

As it grows this of course significantly increases its capacity to reach larger numbers of the community in need of legal assistance, and is a demonstration of the organisation's growing relevance reach and recognition, just yesterday the Law Access CEO announced that the Honourable Malcolm McCusker ACCVO QC, has been appointed by the Law Access Board to commence as a director and as its chair from 1 August 2018.

This is another important step in the development of the organisation's strategy and your Honour's input into the growth and profile of the organisation has been invaluable. Your Honour remains a valued member of the Law Society, and we thank you, in particular, for your ongoing contributions to our CPD programs, to legal education and advocacy training of the profession over many, many years. Ultimately, as we have heard this morning, your Honour possesses all the necessary legal skills and experience, the integrity and the soundness of temperament to carry out the role of judicial officer in our State's highest court.

It is an outstanding appointment announced by the Attorney-General last month, and on behalf of the Law Society I am delighted to have this opportunity to formally welcome your Honour to the court. In closing, on behalf of all of our members and the wider legal profession, I offer our congratulations to your Honour, as well as our very best wishes for this role. May it please the court.

LE MIERE ACJ: Mr Cuerden.

CUERDEN, MR: May it please the court, it is my privilege to appear on behalf of the Western Australian Bar Association this morning to welcome your Honour as a member of the court. Although this is a ceremonial welcome, of course your Honour is not new as a judge. As has been said, your Honour was appointed a Commissioner of the Western Australian Industrial Relations Commission in 2000, and has been Acting President of the Commission since 2009. And has also been mentioned, your Honour has more recently been appointed as an acting judge of this court for almost 12 months.

During your Honour's time on the Commission, your Honour acquired a reputation for politeness and fairness to those who appear before you, coupled with a razor sharp analytical mind. Your Honour has even been credited with your own trade mark phrase in the Commission. When your

Honour is listening to a submission that you are unable to accept, your Honour will often preface your observations from the bench with the words, "My problem with that is".

Those who appear before your Honour in this court should be aware that this is not a benign introduction to the expression of a contrary point of view. Rather, it is a death rattle. It inevitably precedes your Honour's unanswerable demolition of the argument being advanced. Your Honour is not leaving the Commission altogether, as you will remain the Acting President of the Commission following your appointment to this court.

Nevertheless, I am told there is negative reaction within the Commission to your Honour's appointment. In particular, there are many within the Commission who believe that your Honour ought not be appointed to any court which requires of its members the wearing of robes. That is not the result of deeply held views as to appropriate court attire in the 21st century. Rather, it is due to a widespread view that your Honour is the best-dressed member of the legal fraternity in Western Australia.

Immaculate, chic and innately stylish are but some of the terms used to describe your Honour. Your Honour's well-known appreciation of style, however, does not end there. Amongst other things, your Honour is a fan of sports cars. In fact, I am told your Honour has owned several of them, usually of the convertible, red variety. Like all judges, your Honour is of course keen to avoid the suggestion that you are out of touch. To that end, your Honour has claimed to own a pair of Ugg boots.

Apparently, however, there is no independent evidence of this, and it is merely your Honour's uncorroborated and self-serving assertion. Although your Honour may properly be described as a connoisseur, however, it is clear that your Honour is no mere Epicurean. Rather, amongst those who know your Honour well, you are described as a person of unending generosity. In addition to lending out to friends the sports cars I have mentioned, your Honour has been known to take into your home and to nurture not only local stray cats, but also local unemployed acting students.

It may be hoped that if your Honour observes counsel before you wandering aimlessly lost and confused, with no apparent means of support, that you will show them the same kindness as you do the stray cats and struggling actors. I turn now to a matter which might be thought to be more directly relevant to your Honour's appointment to this

court. When your Honour commenced as an acting judge of this court almost 12 months ago, to many members of the bar who had not practised in the Commission, your Honour was perhaps something of an unknown quantity.

It is an inapposite analogy, but given the jurisdiction from which your Honour has come, it might perhaps be suggested that your Honour has been on probationary employment for the past 12 months. If that is the appropriate analogy, then the unanimous view is that your Honour has passed with flying colours, and the bar is pleased that your Honour got the job. Almost immediately following your Honour's appointment as an acting judge, your Honour established a reputation as an extremely hard-working, courteous and patient judge who listens carefully to the evidence and arguments, and then invariably gets the decision right.

In other words, almost everything one could ask for in a judge. I say almost everything. If your Honour has revealed one flaw over your probationary period, which I perhaps ask your Honour to work on, it is that you have disclosed a tendency, disconcerting to counsel, to have prepared so thoroughly for the hearing as to know more about counsel's case than counsel does. In all seriousness, your Honour, the bar warmly congratulates your Honour and thoroughly welcomes your appointment as a judge of this court. May it please the court.

LE MIERE ACJ: Justice Smith.

SMITH J: Well, I don't know where to start after all those wonderful comments. They seem to be talking about somebody else, but Justice Le Miere, President Buss, Mr Attorney, members of this court past and present, members of other courts, members of the Industrial Commission past and present, members of Parliament, members of the legal profession, family and friends, thank you all very much for taking the time to attend this morning, and thank you, Justice Le Miere, Mr Attorney, Ms Cormann and Mr Cuerden, for your very generous and kind words.

I am very honoured to be appointed to this court and I intend to do my very best to carry out the very important functions of this court, and shall attempt to apply the very high standards set by current and past members of this court. In particular, I shall try very hard to fill the shoes of the Honourable John Chaney SC. This may be difficult given his known capacity for the timely disposition of a large volume of work with excellence, but I shall attempt to do so.

I wish to thank all of the members of the court. All have welcomed me warmly on my appointment as an acting judge last year, and have provided me from time to time with very wise counsel. I particularly wish to thank the Chief Justice Wayne Martin, and the other judges of this court, who have supported my appointment, firstly as an acting judge and as a permanent judge of this court. I would also particularly like to thank the women judges of this court who have provided me with mentoring and much encouragement, and I include in that group Justice Katrina Banks-Smith, even though she has recently defected to the Federal Court, but we still regard her as part of the women of this court. You never know; she might come back again after she sees some sense. I would also like to thank the Principal Registrar and the other registrars of the court, the administrative staff, the numerous eager and highly competent associates and orderlies of other judges of this court who have all assisted me at various times over the past year. Their assistance in the last year have been invaluable.

I would particularly like to thank my past associate, Kathy Edwards, who worked for me for over 18 years and who recently retired in December of last year, and my current associate - I wish to thank her, Vanessa Vulich, who has also worked for me for a long period of time, and my current research associate orderly, Dillon Wong, and my secretary, Alison Heuchan, and I thank you to all of you for supporting me and continuing to do so in this court.

Now, apart from the day that I married, the most significant day of my life was the day that I was admitted as a practitioner of this court. My parents were extremely proud to attend my admission and my welcome to admission. Unfortunately, both of my parents have subsequently passed away. My father's reaction to an appointment to this court would have been one of absolute delight. My mother, while she would have been happy that my career in the law has, in her eyes, been relatively successful, would say, "Oh, Jennifer, why would you want such a job? You will have to work harder than ever".

Now, this would be an observation from a woman who worked full time for most of her life, reluctantly retired when she was 60, and when she was in her late 80s, would often say to me that her life would be far more rewarding if she still had a job to go to. Now, whilst my husband Noel and I married in more recent times, we both spent our childhood in Geraldton, which was, at that time, a very small town. When I was young, I did not anticipate ever

leaving Geraldton at any time of my life, or a university education and a subsequent professional career.

The turning point of my life's trajectory, which led me on a path which eventually led me to university and later to the law, occurred when I was 10 years old. In Geraldton in my childhood, children were just basically allowed to do whatever they liked so long as they turned up for dinner each evening around about 6 o'clock, and during the summer holidays one morning, I was walking along the beach near the main wharf, and I met a woman who was travelling to Seattle on a cargo ship. She was from the United Kingdom, and I spent the whole day with her walking on the beach, talking.

She had travelled extensively in the world, and she told me much about her travels, and we collect lots of - collected shells on the beach, and some months later, I received a postcard from Seattle, and from that time onwards, I was determined to travel and find a life outside of Geraldton. By the time I reached high school, I realised if I wanted a life - such a life - a travelling life - I needed to stay at school until I was at least finished till the end of year 12. My desire was at that time simply to travel and did not translate into an interest in my school work, although I was at least smart enough to know that I needed to pass all of my subjects.

I left home and Geraldton within days of leaving school at the age of 17, having saved enough money from part-time work to fund a trip to Northern Queensland with two of my school friends. Whilst I attended teacher's college for a short period of time, for the next few years, I worked to travel, and after encouragement from friends, I decided it was time to go to university. After studying at Murdoch University for a short period of time, I decided to apply to study law at the University of Western Australia.

Now, at that time, I had never met a lawyer in my entire life, but it was clear to me that it would be a job for life, as it would provide me with a career where learning would never cease. It became more than that; learning the law became, and still is, my passion. I've been extremely fortunate in the opportunities that have come my way in the practice of law. I fell on my feet in early 1985 when I was offered a position as a professional assistant to Dr Jim Thompson SC, and after working for Jim for a period of 12 months, I was then fortunate to work for the then Solicitor General, the Honourable Kevin Parker QC, for a period of 18 months.

Now, I would not be here today without the invaluable skills in research and legal analysis that I learnt in that period of time, and I thank both of them for their patience and the opportunities they gave me to be involved in a number of complex matters. Fortunately, Kevin Parker is here today, and I'm very pleased to see him; however, Dr Jim Thompson is not here today, as I understand he is presently visiting his second if not his first home, that of Harvard in Boston.

In 1987, I was articled to the then Crown Solicitor, Peter Panagaris, who I'm very pleased to see here today. Whilst Peter instilled terror in the hearts of young practitioners when summonsed to his office, he instilled in me and in others the need for rigor in the provision of legal advice and adherence to the highest standards of ethics and accountability.

From the first time I appeared in court, I became entranced by the challenges of presenting and running a case, and this was despite the very wise words ringing in my ears that I had heard from Sir Ronald Wilson QC when he visited the law school whilst I was still a student, and he said to me and all of the other students, "It doesn't matter how simple a matter appears to be before entering a court, even if you are just asked to attend a directions hearing at the very last minute; you must be apprehensive and never confident, and be prepared for any argument or procedural issue that may arise that is raised against your case from the other side or from the Bench."

Now, my first entrée into court alone came about six weeks after my admission as a practitioner when I appeared as prosecutor in the Court of Petty Sessions in Lancelin to prosecute a case of possession of undersized crayfish. When I arrived at the court, I found I was faced with the infamously terrifying, known to be permanently grumpy and exceptionally competent criminal lawyer from the Bar, Malcolm Hall. There was no time to panic. Predictably, Malcolm, through his superior skills of persuasion, was able to persuade the magistrate to dismiss the charge.

However, undaunted by the dismissal, I prepared an appeal, which resulted in my first appearance before this court a few months later. I successfully argued the appeal; I should say, however, that the appeal was not, by that time, opposed, as by that time the respondent was in custody as he had been convicted of an offence which related to him attempting to shoot police officers who were assisting Fishery officers to apprehend him with a large bag of crayfish, which he later claimed to have been found

floating in the ocean. So hence his defence to the charge had been one of mistake.

Now, needless to say, this matter led me to become fascinated for a time with criminal law and to develop a passionate interest in preparing and presenting cases in court generally. During my time at the Crown Law Department, I was privileged to work with and be tutored by many eminent lawyers. They include the indomitable Ron Davies QC, whose skills as a cross-examiner and in addressing juries still today stand in a class of his own. I was also privileged to work with former members of this court: the Honourable Michael Murray QC, the Honourable Graham Scott QC, the Honourable John McKechnie QC, the Honourable Christine Wheeler QC and the Honourable Narelle Johnson QC.

I'm very pleased to see Michael Murray here today and Christine Wheeler and especially pleased that Christine Wheeler is here today, as she was not only the first woman silk appointed in Western Australia, but the first woman to be appointed as a judge to this court. Unfortunately, Narelle Johnson is not able to attend today, but she has conveyed to me not only her best wishes but a very nice bottle of wine.

I was also fortunate to work with and learnt much from current judges of this court: Justice Linda Jenkins, Justice Jeremy Allanson, Justice Janine Pritchard and Justice Bruno Fiannaca. I also learnt much from Robert Meadows QC, Shauna Deane QC, Libby Woods, Deputy Chief Stipendiary Magistrate, Judge Michael Muller, Deputy Coroner, Evelyn Vicker, George Tannin SC and the late Graham Delaney and the very much alive John Lyon and John Young.

I was also fortunate to work with other very talented lawyers: Caroline Thatcher, Judge Kate Glancy and Joshua Thomson SC. I became reasonably skilled in industrial and employment law after working with Robert Cock SC and Gerard Oberman for a long period of time. I'm the eighth woman to be appointed to this court in its history of well over 100 years. Of the eight, six, including all of the current members of this court - women members of the court - spent most of their early years of practice employed in the Crown Solicitor's Office, five of those under the reign of Peter Panagaris.

Four of the eight were professional assistants to Kevin Parker. Consequently, Peter Panagaris and Kevin Parker have much to be proud of fostering the careers of

the majority of the women appointed to this court, and I thank them for that. Many other eminent jurists and lawyers have started their careers at the Crown Solicitor's Office. They include Justice Robert Mitchell, Ken Pettit SC, Matthew Howard SC and the current Solicitor General, Peter Quinlan SC and of course Joshua Thomson SC.

I was also very fortunate to have been appointed a member of the Industrial Commission in January 2000. At that time, the Commission was extremely busy. The workload was heavy, and conciliation conferences were convened before and after hearings on most days. Sometimes conferences and hearings went on late at night. At the time of my appointment, Bill Coleman was the Chief Commissioner. He ran the Commission with a steady and calm hand.

He taught me much about the art of conciliation of mediation; in particular, how to read a room, when to listen and when and how to take control to guide the parties to an outcome that would stand a chance of standing the test of time. His advice to me was invaluable. Unfortunately, the current Chief Commissioner, Pamela Scott, is not able to be here today. Pam is the first woman to be appointed Chief Commissioner, which is a great achievement in itself, as the Commission as an institution is also well over 100 years old.

I also wish to thank the other current and past members of the Commission; in particular during the last almost nine years that I have acted as President of the commission, I have enjoyed the collegiate support and cooperation of all the members of the Commission, together with the Registrar, the Deputy Registrar and other staff of the Commission, and I'm pleased that, other than the Chief Commissioner, who was unable to be here, that the other members of the Commission are here this morning.

Now, turning to my friends, thank you for being here today. Without the loyal and unwavering support of my closest friends in some very difficult times in the years that have passed, I would not be here today. There are two friends who have contributed to my life greatly who are not with us any more that would be very happy that I have been appointed to this court. One is Jennifer Chauvel, who became a close friend at law school, and the other is Jennifer Harrison, who was a former member of the Commission.

I'm so happy that my brother, Alan, and my sister-in-law, Janine, are here today. I thank them for their love

and support over many years. I will also thank the eminent surgeon Dr Sudhakar Rao for making time to come today and for saving Noel's life, not once but several times, and making himself available to be telephoned by me at any time of the day or night when I was concerned about Noel's condition. Without you, Dr Rao, Noel would not be here today.

It gives me great pleasure to see all of my stepchildren and most of their partners here today. Nicholas, thank you for coming here from all the way from Canberra. Despite the differences that exist in all families, each one of you welcomed me with open arms into your lives from the time we first met. Each one of you have provided me with a great deal of love and support at different times of our lives. I also thank Johnny, who became part of our extended family about five years ago, and for making the trip from Sydney out of his very busy and successful acting career. I love all of you very dearly.

This brings me to my husband, Noel, who is my greatest supporter. You are my bright ray of sunshine on every day and the one who keeps me grounded and tells me in an - uncertain terms when I'm being too bossy. Without your love and wise counsel, I would not be here today. Once again, I thank you all for taking your time to attend today.

LE MIERE ACJ: Court will now adjourn.

AT 10.04 AM THE MATTER WAS ADJOURNED ACCORDINGLY

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- Is a written reproduction of the audio record of the proceeding;
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