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THE SUPREME COURT OF

WESTERN AUSTRALIA

WELCOME TO THE HONOURABLE JUSTICE VANDONGEN

FULL BENCH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 17 NOVEMBER 2022, AT 4.16 PM

**QUINLAN CJ:** The Court sits this afternoon to welcome the Honourable Justice Sam Vandongen as a judge of the Court. We acknowledge the traditional custodians of the lands on which the Court sits this afternoon, the Whadjuk People of the Noongar Nation and pay our respects to their elders, past, present and emerging.

We warmly welcome members of his Honour Justice Vandongen's family who are here: his Honour's wife, Merrilee Garnett; their children, William, James and Charlotte; his Honour's mother, Yvonne Vandongen; and mother-in-law, Leonie Garnett; and his Honour's sister, Gemma Porter; and brother-in-law, John Garnett.

We also welcome many other distinguished guests here this afternoon, including the Honourable Justices Craig Colvin and Darren Jackson of the Federal Court of Australia; Chief Judge Gail Sutherland of the Family Court of Western Australia; Judge Hylton Quail, President of the Children's Court of Western Australia; Senior Judge of the District Court, Judge Andrew Stavrianou; Deputy Chief Magistrate, Elizabeth Woods; and many of our judicial brothers and sisters from the District Court of Western Australia and the Magistrates Court of Western Australia; Joshua Thomson SC, Solicitor General; Ms Kelly Martinelli, Executive Manager of the Supreme Court; State Solicitor, Angela Komninos; Director of Public Prosecutions, Robert Owen; and Assistant Director Commonwealth Director of Public Prosecutions, Martyn Plummer; together with many past members of this and other courts; Justice Vandongen's friends and invited guests.

Finally, I welcome those who will address the Court this afternoon: the Honourable John Quigley MLA, Attorney General of Western Australia; Mr Ante Golem, Senior Vice President of the Law Society of Western Australia; and Mr Brahma Dharmananda SC, President of the WA Bar Association.

Justice Vandongen's appointment fills a vacancy in the General Division of the Court, arising from the appointment of his Honour Justice Stephen Hall to the Court of Appeal. I take this opportunity on behalf of the Court to publicly acknowledge and congratulate Justice Hall on his appointment to the Court of Appeal following what has already been more than 13 years of dedicated service as a judge of this Court. That appointment was made possible by a recognition of the need for additional judicial resources to meet the increasing complexity and burden of the work of the Court of Appeal.

Mr Attorney, the Court acknowledges and recognises your continuing commitment to meeting the needs of the community of Western Australia in this way and acknowledges your personal advocacy for the role of this Court and all courts in this State in meeting those needs.

Justice Vandongen brings a wealth of experience to the Court with over 30 years of the practice of the law, including at the highest levels. His Honour has in particular, appeared in the High Court of Australia in a number of significant decisions that define the structure of criminal responsibility in this State. In this Court, his Honour has appeared in hundreds of cases in criminal law, commercial law, corporations and administrative law.

In addition to his busy practice as Senior Counsel, Justice Vandongen was renowned for his guidance and mentorship, not only of junior practitioners, but of experienced and senior practitioners who would turn to his Honour for guidance in relation to the most difficult legal and ethical issues that arise in legal practice.

Having had the privilege of being invited to sit on the bench of the District Court to welcome a number of new judges to that Court in recent years, I can safely predict that Justice Vandongen's departure from the practising profession will result in a significant reduction in the average length of acknowledgement and thanks offered by new judges of the District Court. There were indeed times that I have wondered whether "being guided and mentored by Sam Vandongen SC" had become part of the statutory criteria for appointment to this State's principal criminal jury trial court.

Justice Vandongen's reputation as a source of wise ethical guidance particularly in the practice of the criminal law deserves particular mention on an occasion such as this. In his many years of practice in accordance with the ethical principles that must guide the legal profession, his Honour has without fear or favour, represented persons in the community who were unpopular or for whom some would wish to see an exception made to the rule of law which must govern us all. At a time when the rule of law is often grossly misunderstood by some in our community, your Honour's commitment to the objective and impartial application of the law is a reminder to us that it is only by objectivity and impartiality that real confidence in the administration of justice can be maintained.

Your Honour, as you commence this new role in upholding these principles, you can be assured that you have and will continue to have in the years ahead, the support of all the members of the Court, the registrars, the staff, and the whole community of the Court. Yes, Mr Attorney.

**QUIGLEY, MR:** May it please the Court, and thank you Chief Justice Quinlan. I would like to commence my address this afternoon by recognising the distinguished guests welcomed by your Honour by name this afternoon, and I would particularly like to pay my respects to the traditional owners, the Whadjuk People of the Noongar Nation, their elders, past and present and emerging, and upon whose lands the Court convenes this evening.

It is my pleasure to appear here today on behalf of the State of Western Australia and the Government of Western Australia and the people of Western Australia to honour and welcome the Honourable Justice Sam Vandongen of the Supreme Court of Western Australia as the newest member of the third estate of governance in Western Australia, the independent judiciary, the independent courts.

I would like to begin by extending my warm welcome to his Honour's family and the many friends that are here today, and particularly, to his Honour's wife, Merrilee Garnett; his children, William, James and Charlotte; his mother, Yvonne Vandongen; and mother-in-law, Leonie Garnett; sister, Gemma Porter; and brother-in-law, John Garnett.

I would also like at the outset to immediately acknowledge your Honour's pre-eminence as one of the most senior and respected barristers in this State before you accepted this appointment. Your Honour has participated in over 170 appeals before the WA Court of Appeal and the High Court of Australia. Many of those appeals have been the result of your Honour's preparedness to appear pro bono on behalf of those who could not afford representation, and in that regard, the appellants probably obtained a better representation than they could have ever afforded themselves. By appearing in such cases, your Honour has naturally contributed to the upholding of the rule of law. You have ensured that the relevant court received the best possible assistance in resolving appeals.

A well-known example of your Honour's efforts on behalf of the underprivileged was your Honour's appearance as lead counsel in the Gene Gibson v The State of Western Australia. However, there are many other cases in which

your Honour quietly pursued. Your Honour's commitment to assisting those in legal need was formally recognised in 2017 when your Honour was awarded the Attorney General's Individual Community Service Law Award in recognition of your outstanding pro bono service to the community of Western Australia.

Having mentioned your Honour's experience as an appellant advocate, which is unparalleled in this State in modern times, I should also say that your Honour is also regarded as one of the top criminal lawyers in this State. The number of jury trials in which your Honour has conducted are too numerous to even estimate. Your Honour was known for your technical superiority of your arguments used to secure victory as well as the inevitable logic of your submissions made to juries.

While many of the matters your Honour has conducted have been related to the criminal law, your Honour has also diverse interests and proficiencies, your work has extended widely to include insolvency matters, corporation matters, matters related to Parliamentary privilege, real property matters and general commercial litigation. The breadth of your Honour's legal interests and learning has also been evident from your role as the editor of the WA Law Reports for many years.

I commenced these remarks as your Honour's pre-eminence as counsel to make a particular point. The administration of justice in this State depends on the preparedness of people of your Honour's capabilities being willing to take up judicial appointment. The task of judging is arduous and difficult at many different levels. Not only does it require diligence, but it requires experience, and the ability to make good assessments about people and claims. It requires a level of intellectual and emotional commitment to an abstract notion of the rule of law, but it also requires practical judgment to apply this abstract notion to the facts of individual cases.

Your Honour has demonstrated that you have the necessary qualities in ample supply. In one sense, your Honour's decision to accept appointment to the Bench is the next logical step in your distinguished career. However, it is not a step which your Honour was compelled to make. Your decision to accept the appointment confirms the nature of your commitment to justice and the Western Australian community. That commitment to community service has been evident throughout your Honour's career.

Your Honour was admitted to practice in 1992 and became a Crown Prosecutor for the WA Office of the Director of Public Prosecutions between 1996 and 2004. You then moved interstate to continue as a Crown prosecutor in New South Wales between 2004 and 2006. After returning to Western Australia in 2006, you served as Consultant State Prosecutor for two years until 2008. You then joined the Independent Bar in 2008 and were quickly appointed as a Senior Counsel in 2010.

While at the Independent Bar, you were a moving force in setting up the new floor of Francis Burt Chambers known as Level 12. Your Honour was one of the most senior members of the Bar who provided guidance and assistance to junior members of that floor. No doubt as a result of this, rooms on that floor have traditionally been in high demand as your Honour helped mentor new practitioners.

While at the Bar, your Honour has been keenly interested in professional development of barristers. You have been an annual contributor to the Bar Association's Bar Readers' Course, you have assisted in coaching advocacy both for that course and other courses run by the Law Society. You have been an active contributor to seminars run by Legal Aid and the Criminal Lawyers Association of Western Australia. You have written and presented numerous papers and seminars.

Your Honour has also contributed to the Western Australian community in other ways. Your Honour has been the president of the Professional Standards Board for the Anglican Diocese of Perth, Bunbury, and north West Australia. You have served upon the school council for which your sons attended. You have also been a member of the Royal Perth Hospital Medical Research Foundation Audit & Risk Committee. These positions are a reflection of your Honour's willingness to serve communities of which you are part.

Justice Vandongen, on behalf of the Government of Western Australia and on behalf of all the people of Western Australia, I congratulate you on your appointment to the third estate, the independent judiciary and wish you all the very best in the next stage of your service to the people of Western Australia. May it please the Court.

**QUINLAN CJ:** Thank you, Mr Attorney. Yes, Mr Golem.

**GOLEM, MR:** May it please the Court, it is my privilege and personal pleasure to appear today representing the Law Society of Western Australia in welcoming your Honour to

the Bench of this Honourable Court. The Law Society joins in acknowledging the traditional owners of the land on which we meet, the Whadjuk People of the Noongar Nation, and on behalf of the Society, I pay my respects to their elders, past and present.

As has been outlined, your Honour, you have enjoyed a distinguished career spanning over 30 years, having served as a Crown Prosecutor both in Western Australia and New South Wales for 16 years, followed by 14 years at the Independent Bar. Your Honour is unquestionably a recognised leader of the criminal bar. Your Honour has also widely practised in administrative law and civil law. In 2010, your Honour was appointed Senior Counsel and has participated in more than 170 appeals before the WA Court of Appeal and the High Court of Australia.

Aside from your Honour's impressive career, your Honour also serves the community in important ways. Your Honour has been a member of the Law Society for nearly 10 years, has previously sat on its Criminal Law Committee for four years, and has been a contributor to our CPD seminars including the advocacy weekend and various programs for young lawyers. As has been mentioned by the Attorney, in 2017 your Honour received the Attorney's Community Service Award in recognition of your Honour's pro bono work in the WA community, with special mention being made of your Honour's role as lead counsel for a man wrongly convicted of manslaughter. Your Honour's leadership, work ethic, and service to the community continues to be an example to others and is also the reason why we are here today to celebrate your Honour's achievements and welcome you to the judiciary.

In his book, *Good Judgment Making Judicial Decisions*, Justice Robert Sharp a judge of the Court of Appeal of Ontario, identifies integrity, independence, impartiality and compassion as the four qualities judges should exhibit in their work to meet the legitimate expectations of the public and to satisfy the ideal of doing justice in a diverse society.

In that text, his Honour also refers to a highly respected former colleague who once said that being a judge calls for qualities of both head and heart. A good judge is a person who has a passion to do justice, combined with the knowledge and skills necessary to give effect to that passion. With the numerous appearances as counsel that I previously mentioned, your Honour has demonstrated in an exemplary manner that you not only have the core qualities

of a judge, but also the required head and heart to make a good judge.

Those who've have had the pleasure of working with your Honour over the years speak warmly of that experience. Let me share some of their words. He has been a source of constant advice and wisdom for anyone who comes knocking. He is always willing to provide counsel on any matter, large or small, and there was never a stupid question. He always gave his advice with support and with immense grace.

I have also been informed by some of those who have worked with your Honour as a junior prosecutor over the ~~example that that have given a shenlon v. s. o. s. a. a. d. a. y. s. e. r. e. m. b. e. r. e. that~~ it's your place to be fair and to treat everyone with dignity in the courtroom, including the accused. Be fierce, do your job well, cross-examine vigorously, but don't lose your humanity.

I have no doubt your Honour that you will bring to this role, the outstanding qualities that have characterised your Honour's legal career to date. On behalf of the legal profession of this State, the Law Society, we warmly congratulate you on your appointment and we wish your Honour all the best in this new role as you serve the community and the administration of justice. May it please the Court.

**QUINLAN CJ:** Thank you, Mr Golem. Yes, Mr Dharmananda.

**DHARMANANDA, MR:** May it please the Court. May I also acknowledge the traditional owners of the land on which we meet, the Whadjuk People who form part of the Noongar Clan. I also pay my respects to their elders, past, present and emerging.

On behalf of the WA Bar, it is my privilege and pleasure to speak at this official welcome of the Honourable Justice Vandongen. As is now well known, following Justice Marcus Solomon's research into this question, the purpose of welcome ceremonies is to ensure that the Court is seen as transparent, open to all, and that judges appointed to the Court are selected so as to maintain the integrity of the system and the rule of law. May I say, with great respect, that the appointment of your Honour will serve these purposes without any doubt.

Your Honour brings to the Court, significant forensic black-letter law and analytical skills. I recall that I first met your Honour in around about 2008 when your Honour

joined the Independent Bar. A leading silk told me at the time your Honour had been much praised by the former President of the Court of Appeal, Justice Chris Steytler. Your Honour had by then, appeared before the Court of Appeal on several occasions and had made the argument with precision and disarming clarity.

I thought then and think now, this was well earned praise reflecting your Honour's great innate ability. I knew that it did not reflect the fact of any skills that your Honour might have picked up from your wise friends in the east coast whilst you served as a Crown Prosecutor for the Director of Public Prosecutions of New South Wales. Your Honour is much respected for your knowledge and your willingness to help colleagues.

A barrister has mentioned that on more than one occasion they approached you after grappling with a difficult legal issue for hours to get some guidance from you. Your Honour would always help, whether during office hours or when you were called at home. Your Honour would provide the answer "off the top of your head" usually referring to the relevant authority. I understand you have a nickname CWE which stands for Computer With Eyes.

This story reminds me of the response David Deutsch, the author of *The Beginning of Infinity* gave when asked who he thought was the one human brain present or past, that had achieved the most. Deutsch's response was Karl Popper. Karl Popper reasoned that for something to be true it must be capable of being falsifiable or refutable. The need for proof beyond a reasonable doubt or indeed on a balance of probability assumes the truth of Popper's theory.

I have little doubt that your Honour, being a computer with eyes, will intuitively ensure the rule of law is served and justice is administered by applying the truth behind the theory of falsifiability. I have little doubt also that your Honour will bring humanity and fairness, not mere mechanical or technical rigor to the administration of justice.

Your Honour's wife, Merrilee Garnett, tells me that your Honour is a man of integrity, commitment and excellence, an iceman it might be said. Your Honour treats all with respect, whether rich or poor, seeking to understand rather than to judge human frailty, meeting Rudyard Kipling's demands for perfection.

Your Honour has a great commitment to your family, including making sure your Honour is involved in the life

of your children. Your Honour pursues excellence and is appropriately competitive. Your Honour went to school at Christ Church Grammar School. Your Honour was a very successful rower, winning the 1986 Head of the River in the First Eight crew. I understand that a boat was named after you. More than one junior barrister who when to Christ Church after your Honour, fondly remembers The Vandongen. I do not know whether the boat is still in service.

I understand your Honour loves rock music and went to the Kiss concert a few weeks ago. No doubt you will be recruited by the Court's entertainment committee to provide input for future gatherings. Your Honour hails from the 12<sup>th</sup> floor of Francis Burt Chambers, a floor that included the Solicitor General, Judge Quail and Judge Prior. I understand that it is called the "fun floor". Hopefully, that will continue despite your Honour's departure.

From all quarters, your Honour is praised for your hard work, gentle sense of humour and your humanity. On behalf of the WA Bar, may I say we look forward to your hard work continuing as a member of this Court. May it please the Court.

**QUINLAN CJ:** Thank you, Mr Dharmananda. Your Honour.

**VANDONGEN J:** Thank you. Chief Justice, current and past members of this Court and of other courts, Mr Attorney, Mr Golem, Mr Dharmananda, my family and friends, members of the profession, ladies and gentlemen, thank you all very much for taking the time out of your busy lives to attend ceremony this afternoon. Your presence means a great deal to me. I'm particularly honoured that there are current and former judicial officers who I have appeared before over many years who have been kind enough to come today.

Those of you that know me well, know that I hate being the centre of attention, and fortunately this means that I have no desire to talk for very long, so I hope that this will all be over very soon. Someone suggested to me about 10 minutes ago that if I do go on too long, you should just sit and sing a song to yourself in your head and that might entertain you.

I appreciate that all the speakers before me have paid their respects to the traditional custodians of the land on which this sitting is taking place. However, and to echo some remarks that resonated with me when they were made at an earlier welcoming ceremony, words matter. And so I wish to add to the important acknowledgments that have already

been paid and pay my own respects to the traditional owners of the land on which this Court sits, the Whadjuk People who form part of the Noongar People of the south-west of Western Australia.

It may come as a bit of a surprise to at least some members of my family to hear that I have been spending a little bit of time thinking about what to say today. Fear and anxiety, particularly in the last few days, have certainly focused my mind. That focus centred primarily on the purpose of judicial welcomings, and Mr Dharmananda has stolen my thunder there a little bit.

I wanted to loosely borrow from Monty Python, and I wanted to know what it's all about. I have to confess that it wasn't until I did also hear Justice Solomon speak at his own welcoming, that it first dawned on me that my understanding of the purpose of these occasions has really been quite superficial. I should also say that it is very hard for me to publicly confess that I had been positively influenced by Justice Solomon.

Having now carried out my own research on the topic, it seems clear that welcoming ceremonies are designed to ensure that there is some transparency in and to enhance public confidence in judicial appointments which might otherwise be seen to have taken place in secret and behind closed doors. Some academic writers have said that transparency and confidence is achieved by publicly airing a new judge's relationships, their experiences and their values that influence the pathway to the Bench, perhaps constrained by appropriate limits of what are in fact extrajudicial speeches.

However, for some reason, tradition also seems to demand that the attributes of a new judge must be extolled by using words and tones that exaggerate and embellish. In a paper that was published in the Sydney Law Review in 2012, the author suggested that speeches sometimes strongly evoke the narrative features of the classical epic form. I sincerely thank you, the Chief Justice and each of you, Mr Attorney, Mr Golem and Mr Dharmananda, for avoiding the temptation to use long narrative verse describing heroic deeds. However, I do wish to express my genuine thanks for your very kind exaggeration and embellishment.

I would like to express my appreciation to you, the Chief Justice and to all of the other members of this Court for their extraordinary warmth and generosity, both immediately before and after I was appointed. I have been overwhelmed by very kind offers of support and advice which

I have greatly valued. I would also like to thank all of the support staff that work in this Court who have made me feel very welcome and they have all made sure that I have settled in over the past two weeks. I very much appreciated their very able and freely given assistance. I would particularly like to thank Anne Hatten, Jamie Freestone and Graham Kelly, and everyone else who was involved in arranging this afternoon.

While everyone has been very kind, I cannot say the same kind things about this building. It has not been very nice to me. In the course of two short weeks, I have been locked in, and then could not get out of a bike cage in the end of trip facilities downstairs, a shower cubicle on level 14, and the revolving door on the ground floor, three times. The revolving door really dislikes me. The lifts have also made their feelings clear. On one occasion, I experienced what it must be like to be an astronaut as the lift I was in plummeted about a level or two before it came to a sudden halt. I don't know what I have done to make this building mad at me, but I'm going to ask one of the Court's very able registrars to mediate.

Mr Attorney, I feel as though you have been a part of my professional life almost from the very beginning. You ~~prosecutors and the main I have very and frankly~~ confidence you have placed in me by recommending my appointment. I am going to try very hard to live up to that confidence and I hope that Justice Vaughan will have noted that I do not follow the teachings of Yoda.

Mr Golem, I think that the Law Society has had an extremely important role to play as a participant in the State's legal system and that it carries out that role with distinction. I very much appreciate the kind things that you have said to me today on behalf of the Society. You and I share some very good friends. I am relieved that they appear to have exercised much better judgement in the decisions they have made about the information they fed to you for your speech than the judgement they exercise every year when they plan their outrageous Christmas lights.

Mr Dharmananda, I am very pleased to see you here today. I understand that you may not have received a lot of notice and so I am very thankful for the eloquent things that you have said on behalf of the West Australian Bar Association. The Bar has been a very important part of my professional life since 2008. It was difficult to step out from the relative safety of the public service into what

seemed at the time to be the great unknown, however, the Bar Association was and has always been a great source of support and collegiality to me.

Can I just take this opportunity to thank through you, and to acknowledge the work of the Executive Officer of the Bar Association, Ms Debbie Cole, and her administration assistant, Karen Knox. Both of them have always been - I have been very grateful for their help and for their kindness.

Earlier I made mention of the need for a new judge to make an autobiographical statement to publicly air his or her relationships, experiences and values. I hope that what I'm about to say does not sound too much like an Academy Awards acceptance speech. It was not by accident that I mentioned the word "relationships" first. In my view, a person is ultimately defined by the relationships that they have with other people.

And so I hope you don't mind if I break with tradition somewhat and mention my most important relationships first, rather than waiting until the end. I met my wife Merrilee when we were both in first year at university and we have been together ever since. She doesn't really want me to talk about her, so I'm not going to dwell, but I do want to say that she is quite simply the love of my life. For those of you that know her, know that she is one of the most intelligent, loving, thoughtful and generous people alive. I received a lot of accolades, not just today, but for a long time now, but it's Merrilee, and not me that deserves the accolades.

We have got three children: Charlotte, William and James. The three of them are very intelligent, strong-willed, and independently minded young people. And each one of them has very intelligently, strongly and independently made it very clear to me that I'm not to talk about them today. I hope that I will not embarrass them too much if I just say that I feel very privileged to be their father. I do need to warn you however, that despite what they might tell some of you later on today, none of them are taller than me, and none of them can play Fortnite quite as well as I can.

I am the eldest of three children. Our family moved around a fair bit when we were quite young. We followed my dad and his work, and we were fortunate to live in places like Adelaide, Brisbane, London and Rotterdam before we finally settled here in Perth when I was eight years of age. My mother, Yvonne, who is here today, has worked hard

all of her life to make sure that her family has been well educated, safe, secure and happy, and for that I owe her a great deal. She has endured more than most people, she has lost a daughter, a husband and a partner over the course of her life, but she has never faltered. She is quite amazing really. She has been on her own, but she hasn't sat still and only of late, it's COVID that has kept her still. She has travelled to places most people would never even think of going to, including Iran, Kazakhstan, Central America, the Amazon, and Antarctica, and she takes some truly spectacular photographs.

You can see that there are no old men sitting in the jury box with the rest of my family. Sadly, my father died three days before I was admitted and after he had lost his fight with leukaemia. He was only a bit younger than I am right now. Working out that fact was quite confronting for me, I can tell you. Even though he died almost 30 years ago, it is a rare day that goes by without me thinking of him.

My youngest sister Gemma and her husband Chris and their two children, Arie and Izzy, are also here, and I am very pleased that they were able to come, and that they had not been tempted by a late afternoon windsurf.

I have also been extremely lucky to have two families in my life, for most of my life. Merrilee's mum and dad, Leonie and David have been like another set of parents for me for over 30 years, and I'm very pleased that Leonie is here today. It's distressing for all of us that David passed away only a few months ago. He was such a generous and kind man. For some strange reason he really loved to watch court proceedings and I think that he would have been quite unable to contain his excitement at this sort of occasion.

For several reasons, my brother-in-law John Garnett and my sister-in-law Fiona Dempster and their children, Rory and Jack, cannot be here. I said he was my brother-in-law, but he really is my brother. He is one of the few people on the planet who I will actually row with, whether it's in the surf or on the flat water, and for those of you that know me, that's a really big deal.

I had the time of my life at university, and I don't think that now is the right occasion to give you any more details than that. I don't mind telling you that I had absolutely no ambition to be a lawyer. In fact, I really wanted to be a doctor. As it turned out, I wasn't smart enough. The idea that I might end up with a degree in

chemistry or physics drove me to law, and I have to tell you I was not a very good law student.

The UWA Law School was not nearly as appealing to me as the environment that had been created by a close group of friends that I formed in the first year. Instead of wasting time attending lectures or tutorials, I and most of that group preferred to while away the time solving the problems of the world while drinking cheap instant coffee on the duck pond terrace at the Reid Library or playing pool in the tavern on Fridays. I noticed that Bill Keane is not here. He was one of those friends. I suspect he would agree with me that while the location and the quality of the beverages have changed over time, not much else has.

Somehow, I managed to graduate and then secure articles at a law firm that now no longer exists. On my first day one of the other article clerks asked me what I was doing there. When I told her I was there to do articles, she appeared to be quite surprised. I understood why when she told me later that she didn't realise that I had in fact studied law.

Unfortunately, I was retrenched after my first year. The economic position in Australia at that time resembles the economic position at the current time. I'm forever grateful to Richard Huston who is here today for the lifeline that he threw me and gave me work as a restricted practitioner at his firm in Midland. I learnt a lot from Richard during those two years. We worked together in a small office that was a stone's throw away from the Titles Office and I was very grateful for that experience.

You have heard that I ended up at the DPP office in 1996. It was an amazing place. While I was there I worked with some truly exceptional people. I learnt court craft from the very best. I'm not going to mention everybody and I'm quite aware that I've gone on a lot longer than I should have, but if you would just bear with me a moment.

John McKechnie KC, the current Commissioner of the Corruption and Crime Commission and a former member of this Court and most significantly for me my first Director of Public Prosecution, was and remains a very important person in my life. I'm very disappointed that he is not able to be here today. I know that he is disappointed as well. His leadership and example while Director and beyond have had a permanent and positive impact on me.

I was very lucky to see John's advocacy close up, although on one occasion it was a little too close. I was

his junior in an attempted murder trial that took place in Kalgoorlie. He thought it was a good idea to demonstrate the concept of intent to kill by pointing a pistol at my head in front of the jury. He assured me it was unloaded.

There are some other people who I worked with at the DPP, many of whom are here today. In no particular order, I want to acknowledge their Honours Justices Archer and Fiannaca, Judge Jennie Girdham, Judge Simon Stone, Magistrate Taverner, Evelyn Vicker, Ken Bates, Helen Porter, Jeff Lawrence, Paul Yovich, Coroner Phillip Urquhart, Tony Elliott and Patti Chong. I was fortunate to work in New South Wales. There I worked with some very amazing people including Nick Cowdery and the Senior Crown Prosecutor, Mark Tedeschi KC.

When I went and came back to the DPP I moved over to Francis Burt in 2008, found myself on level 17. For some reason it's still a mystery to me, Chris Zelestis KC took an interest in me when I arrived, and for all too brief a period before I took silk in 2010, I was very privileged to have the opportunity to learn from him. I was equally fortunate to work with Craig Colvin SC, as his Honour then was. He was always a calm and thoughtful refuge for me when I needed sage advice. I also very much enjoyed the company of Kanaga Dharmananda SC, who is here, who knew just about everything that was going on in the legal profession. Joshua Thomson SC, now the Solicitor General, was also on level 17.

And as you've heard, we moved to level 12. Level 12 has always been a happy wiggery of barristers and support staff. There have been too many people who have occupied level 12 for me to mention today. Looking through this courtroom I can see quite a few of them here. Many of whom have moved on from level 12 and have also assumed responsibility as judicial officers.

Lindy Cartledge was my secretary in one way or another from the start of my time at the Bar. I owe her a big debt of gratitude for everything that she has done for me over that time. She has been fiercely loyal and hardworking, and I thank her very much.

I want to specifically mention James Scovell, who I can see sitting at the bar table. I first met James when he briefed me with Zelestis KC almost 13 years ago. He was the first commercial solicitor who trusted me with a commercial litigation brief and for that I will always be very grateful. He selflessly promoted me even when he

decided to come to the Bar, although he wisely recommended that I never did any work in costs ever again.

Over the years, I've spent a fair bit of time in all three levels of court that serve the State. Various courtrooms in the buildings that house those courts feel a bit like home to me, but those buildings are also filled with dedicated people who are committed to ensuring the State enjoys a fair and efficient justice system. I would like to thank all of the judicial officers whose courts I have appeared before over the years for the courtesy and respect that they have shown to me. I would also like to thank all of the Court support staff and the security officers that I've had the pleasure of interacting with over the years. Without them, judicial officers and lawyers cannot do what they needed to do.

As you've heard, I have bothered the Court of Appeal and the High Court from time to time, I sincerely hope this will not continue. Without intending any disrespect to any other court, I would just like to say that it was the challenge of appearing in those courts that I enjoyed the most and I think I will miss the most.

Can I finally thank all of those people who have sent me text messages, emails, letters, and notes after my appointment was announced. If I haven't yet responded to you, I am truly sorry, and I'm still working my way through them all and I promise that I will. Thank you once again, all of you for being so kind as to attend today. I look forward to getting on with doing my best to contribute to the important work that is done by this Court. Thank you.

**QUINLAN CJ:** Thank you, Justice Vandongen. The Court will now adjourn.

AT 5.00 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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