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THE SUPREME COURT OF

WESTERN AUSTRALIA

FULL BENCH

WELCOME TO THE HONOURABLE JUSTICE LARISSA STRK

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON FRIDAY, 30 JULY 2021, AT 4.17 PM

**QUINLAN CJ:** The court sits this afternoon to welcome the Honourable Justice Larissa Strk to the bench of this court. The court acknowledges the traditional owners of the land on which we sit this afternoon, the Whadjuk people of the Noongar nation, and pay our respects to their elders past, present and emerging. I would like to particularly extend a welcome to Justice Strk's family here present today, her partner Simon Tan, her son Anderson Strk-Lingard, her Honour's parents, Anne and Miro Strk, and her Honour's brother Adrian Strk. Not a bad turn out, eh, Ads?

I also welcome the many distinguished members here this afternoon from the Federal Court of Australia: the Honourable Justices Katrina Banks-Smith and Darren Jackson, Chief Judge Julie Wager of the District Court and many of our judicial brothers and sisters from the District Court; Ms Ros Fogliani, State Coroner; Mr Joshua Thomson SC, Solicitor General for Western Australia; Ms Amanda Forrester SC, Director of Public Prosecutions; Dr Adam Tomison, Director General of the Department of Justice; Ms Joanne Stampalia, Executive Director, Court Services, and other distinguished guests, including many past members of this and other courts.

I also welcome those who will address the court this afternoon, sitting at the bar table: the Honourable John Quigley, MLA, Attorney-General of Western Australia; Ms Rebecca Lee, representing the Law Society of Western Australia, and Mr Martin Cuerden SC, President of the WA Bar Association.

Justice Strk is no stranger to this court and no stranger to this bench. For almost five years her Honour served with distinction as the Principal Registrar of the court, the first woman to hold that position.

During that time her Honour has also held the office of Acting Master and Acting Justice of the Court. And so to the members and staff of the court her Honour requires no introduction. She has already proved herself to be an outstanding colleague whose commitment to the work of the court and sense of service to the community are renowned. Justice Strk has a keen sense of justice and what can only be described as a prodigious work ethic that very few, if any of us, could hope to emulate. And notwithstanding the heavy workload that she carries, her Honour is always available to provide pastoral care to staff and colleagues alike.

It is often the case at events like this that one looks for the sense in which the appointment is a first. In Justice Strk's case there are at least two: her Honour is the first registrar of the court to be appointed as a judge of the court, which is a testament not only to her Honour, but to the excellence and high standing of all of the registrars of this court.

Her Honour is also, by our reckoning, the first judge of Croatian heritage to be appointed to the court; a mere 163 years since Vicko Vukovic, the first Croatian settler arrived in Western Australia in 1858.

The personal and professional qualities that make her Honour so well suited to appointment to this court will soon be the subject of detailed remarks from those at the bar table. I shall hold you in suspense no longer. It only remains for me on behalf of the court to welcome your Honour to the bench of this court, to express our gratitude for your, Simon, and Anderson's, continuing contribution to the life of the court, and to assure you of our continued solicitude and support throughout what will no doubt be a remarkable judicial career. Yes, Mr Attorney.

**QUIGLEY MLA:** May it please the court, and thank you, Chief Justice Quinlan. I would like to commence by recognising the distinguished guests welcomed by your Honour here 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, present and emerging, upon whose lands we meet this afternoon.

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 to welcome the Honourable Justice Larissa Strk to the Supreme Court of Western Australia. I would like to begin by extending a warm welcome to her Honour's family and many friends that are here today. And I particularly acknowledge her Honour's partner, Simon; her Honour's son, Anderson; her brother, Adrian, and her Honour's parents, Miro and Anne.

Justice Strk attended Iona Presentation College and I'm pleased that Presentation Sisters Lucy van Kessel, Sister Consuela Worthington, and I'm told your first debating coach, Sister Mary Mackin, who did a wonderful job in that regard, obviously. Justice Strk then, after graduating from Iona Presentation College, went to the University of Western Australia between 1993 and 1997, and obtained a Bachelor of Laws with honours.

Justice Strk then joined Dwyer Durack in 1998 as an articled clerk, and was admitted to the Supreme Court of Western Australia later the same year on 22 December 1998. Her Honour was later admitted to the High Court of Australia on 3 March 2010. In July 2003, your Honour commenced as a senior associate with Mallesons Stephen Jaques, now known as King Wood Mallesons, and eventually obtaining partnership in January 2011.

In that capacity Justice Strk practised in the Dispute Resolution Group, and was widely acknowledged as an experienced practitioner in commercial litigation, particularly in insolvency disputes. Your Honour performed leadership roles within King & Wood Mallesons in the equity and diversity and mentoring programs. In addition, your Honour settled opinions as a member of the King & Wood Mallesons Judicial Review Asylum Seeker Project team, hosted numerous events, and volunteered your time to raise awareness for a range of charities.

Your Honour was also a regular participant in the Vinnies CEO Sleepout, raising funds and awareness for the homeless. Having practised as a litigator since your admission, Justice Strk has extensive knowledge of civil procedure. Her Honour was recognised by Best Lawyers in Australia, including the areas of litigation, commercial law, alternative dispute resolution and insolvency and reorganisation law.

Her Honour was recognised in Doyle's WA insolvency and legal market rankings. Her Honour remains a regular contributory to seminars, and has written numerous papers and articles on various aspects of insolvency and restructuring law. Your Honour was appointed as a Principal Registrar of the Supreme Court of Western Australia on 1 August 2016. I'm told that such was your standing in the profession that the former Chief Justice queried one of her Honour's referees as to why she would want to take such a role.

Be that as it may, it was to the court's good fortune that your Honour did. And as Principal Registrar, your Honour has led the court's transition into electronic files and lodgement, developed and implemented amendments to the Rules of the Supreme Court of Western Australia 1971, and the Court's Consolidated Practice Directions, and instructed Parliamentary Council's Office.

From August 2016 your Honour regularly performed in the role of Acting Master, and was a magistrate at the Stirling Gardens Magistrates Court. From 1 November 2018

to 30 June 2019, your Honour was appointed as an Acting Judge of this honourable court. In these capacities your Honour has delivered more than 70 written decisions already. I'm told by the Solicitor General that prior to his appointment he road tested one of these judgments by trying it out before the Court of Appeal, but he was unsuccessful.

Her Honour was appointed as a judge of the Supreme Court of Western Australia on 1 July 2021. In undertaking various roles within the court, your Honour has introduced several initiatives to improve access to justice, including conducting regular information sessions for litigants who appear in person, the profession, students and the public. Your Honour has also sought to assist unrepresented parties by produced detailed procedural guides now published on the Supreme Court website.

Your Honour is often praised by members of the profession for your patience and willingness to cater to party demands. In your short time since commencing as a judge of the court, you have received comments such as, "Her Honour is the most gracious and forgiving as always" in response to preparedness to grant adjournments on proposed orders filed not 15 minutes prior to the hearing. Your willingness to accommodate extreme measures was humorously witnessed by those fortunate enough to be involved in an expert conclave in which the witness attended court from their living-room couch, from their family holiday via webcam placed on their car dashboard, or from the offices of a firm in which they had accidentally been locked inside.

Your Honour's fair and compassionate nature is evident through your consistent willingness to resume sitting at the end of a court day - that is after 4.30 pm - just in case anything urgent arose for the parties, or commencing at 5 am to allow for time zone differences. These generous offers are now frequently pre-empted by the phrase, which is quickly becoming a daily remark, "My associate is going to give me a sharp look in a moment."

However, I'm told that your Honour has been an extremely hardworking judicial officer; that should suit you well for your new role. As stated by a long-term friend and colleague of your Honour's, her Honour has always displayed a kind and inclusive nature; ever willing to bring junior lawyers into the fold, and give them a sense of belonging. Your Honour is the consummate hostess, using invitations to drinks which you have generously

supplied as an opportunity to build her team, and to elevate the well-being of all those around you.

Finally, your Honour is known for the sense of fun and humour, and is not afraid of the odd boogie on the dance floor. Reflecting on your career today, Justice Strk, your extensive expertise displayed during your time as Principal Registrar gives me every confidence in your abilities as a judge of the Supreme Court of Western Australia. Justice Strk, on behalf of the government of Western Australia, on behalf of all the people of Western Australia, I congratulate you on your appointment 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, Ms Lee.

**LEE, MS:** May it please the court. As I begin, I also wish to respectfully acknowledge the traditional owners of the land on which we meet, the Whadjuk people of the Noongar nation, and pay my respects to their elders past, present and emerging. It is my privilege to appear this afternoon representing the Law Society of Western Australia as we welcome her Honour Justice Strk to the bench of this honourable court.

May I also welcome the members of your Honour's family, and acknowledge your friends and colleagues present here today, and those who would have loved to have attended this ceremony but are not able to be present. As has already been outlined by the Attorney General, your Honour has enjoyed a stellar legal career to date, and has served the Western Australian community with distinction.

Whilst your family may joke you were "bred for work", your Honour does so with fun and with great style. Your Honour showed a strong aptitude for law as a student, and it has been noted obtained a Bachelor of Laws with honours from the University of Western Australia in 1997. The same year as your Honour was admitted as a barrister and solicitor, 1998, I'm delighted to report your Honour joined the Law Society of Western Australia, and has been a much valued supporter of the Society ever since.

Your Honour is an ex officio member of the Society's Courts Committee, and has also made a significant contribution to the Law Society's continuing professional development program on matters related to the courts such as the introduction to e-trials, and A View from the Bench seminars. In these sessions your Honour has generously shared your expertise while providing practical advice and

appearing before the courts to junior practitioners, bringing immediate engagement and relevance to them.

The Law Society is grateful for all of your Honour's personal and professional contributions and continued support. Members of the profession have described your Honour as "an excellent team leader, who, while working hard, is able to be authentic," and that your happy personality shines through. It may well have been in recognition of your Honour's hard work and strong litigation skills that your Honour was promoted to partner at King & Wood Mallesons, formerly Mallesons Stephen Jaques.

Yet this achievement has been noted as even more remarkable as you became a partner not long after a great love of your life, your son, was born. And undertaking your varied roles within this court, from Principal Registrar through to Acting Judge, your Honour has continued to show strong leadership skills, empathy and energy, especially in supporting others.

Always leading by example, your Honour has not only made an enduring impact on the legal profession but also within the wider community. The Attorney General has mentioned your Honour has settled opinions as a member of the KWM Judicial Review Asylum Seeker Project, hosted numerous events, and generously volunteered your time to raise awareness for a range of charities; that includes being a regular participant in the Vinnies CEO Sleepout, raising funds and awareness for homelessness.

Those I spoke with for this speech discussed with joy the way a person who is always so impeccably dressed and presented was willing to make the sacrifice of nights lying on a piece of cardboard for a worthy cause. But it is the sacrifice of prior generations which has given your Honour to seize opportunities presented to you with both hands, and apparently with quite a few shoes, and undoubtedly a bit of sequin, bling, underneath those robes.

The Law Society is pleased to note that your Honour's appointment brings to five the number of women judges on the Supreme Court. Your Honour was also the first woman to be appointed Principal Registrar of this honourable court. In an interview for the upcoming August edition of the Society's Brief Journal, we asked what motivated your Honour to achieve so much in your legal career. Your Honour answered that you are motivated by your enjoyment of the law, gratitude and obligation, in equal measure.

Your Honour's joy in the legal profession, profound sense of duty and service, humility and integrity, have made your Honour a highly respected member of the West Australian legal profession. Members of the profession describe you as "whip smart, quick-witted, kind, hardworking and generous," and it is clear friends are honoured to hold that role in your life. I have no doubt that your Honour will bring to this next step in your career the dynamic drive, leadership and pursuit of excellence that have characterised your Honour's legal career to date.

On behalf of the Law Society, and the West Australian legal profession, we warmly congratulate you on your appointment, and wish your Honour the very best in this important new role, may it please the court.

**QUINLAN CJ:** Thank you, Ms Lee. Yes, Mr Cuerden.

**CUERDEN SC, MR:** May it please the court. I too pay my respects to the traditional custodians of the land on which the court today sits, the Whadjuk people of the great Noongar nation, and I too pay my respects to their elders past and present. It is my great pleasure to appear this afternoon on behalf of the Western Australian Bar Association to join in welcoming your Honour as a member of this court.

Appointment to this court - the highest court in the State - is a matter of great significance, and, of course, great honour. In assessing a potential appointee one is ordinarily limited to inferences to be drawn from what we know about them and their skills and talents as a lawyer. In your Honour's case, of course, the Attorney was not limited to prognostications of this type. As has been mentioned, your Honour was not only the Principal Registrar of this court for five years, during which your Honour frequently sat as Acting Master, but your Honour sat as an Acting Judge of this court for eight months in 2018 and 2019.

In your Honour's case, therefore, the Attorney was given a rare opportunity to try before he decided whether to buy; an opportunity such as that could go one of two ways; plainly the Attorney was happy with what he saw. And the reasons for that are, with respect, self-evident, and your Honour's subsequent appointment as a judge of this court comes as no surprise to those who know your Honour or who have appeared before your Honour.

Even before joining the court your Honour had a reputation as a prodigious worker. In your Honour's time on this court, in the various capacities I have mentioned, your Honour has demonstrated that that reputation is well-deserved. As Principal Registrar, your Honour's duties were varied, but they included work as a mediator, and your Honour carried out mediations in some of the most difficult matters that came before this court.

As Acting Master, and in your Honour's time as an Acting Judge of this court, your Honour did - as the Attorney mentioned - produce a significant number of judgments. As a judicial officer, your Honour has shown yourself to be courteous and patient to appear before, quick in producing judgments, and correct in the outcome; those three qualities, of course, reflect the trifecta of judicial achievement.

I've spoken with a number of people who have worked with your Honour, both before and on the court; the reports are all to the same effect: your Honour is well liked, a hard worker and a team player. Now, it's cliché to observe that there is no I in team; what is less clichéd, although no less true, is that there is no I - or for that matter any vowel at all - in Strk. This is not lost on those who have worked with your Honour at the court.

Such was their fondness for your Honour, that I understand on one occasion a number of your staff banded together and purchased your Honour a letter I. Your Honour has also taken steps within the court to make the heavy affairs of the administration of justice a little lighter. I am less qualified than the Attorney to critique your Honour's dancing skills, but I understand that when Dolly Parton comes on it would be contributory negligence to get between your Honour and the dance floor.

I understand your Honour introduced champagne Tuesdays at the court; I'm led to believe it occurs monthly. I assume that, like today's welcome, it occurs at the end of the day and not the beginning. I also understand that before your Honour's time on the court at your previous firm your Honour introduced a tradition in which members of your team would dress according to a specified theme on a regular basis.

On some occasions it would be the same colour clothes; on other occasions it would be what has been described to me as monochrome Friday. There may well have been a sign of things to come, because as we survey the attire of your

Honour and those who now surround you at the bench and at the bar, it might be thought that every day for your Honour has now become monochrome Friday. Your Honour's appointment to the court is to be welcomed. On behalf of the West Australian Bar I wish your Honour every success as you begin this new chapter in your legal career, may it please the court.

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

**STRK J:** Thank you. Chief Justice, current and past members of this court, members of other courts, Mr Attorney, Ms Lee, Mr Cuerden, members of the legal profession, family and friends, I thank you all for your attendance this afternoon.

Mr Attorney, I am deeply honoured to have been appointed as a judge of this court. I have had the privilege of serving as the Principal Registrar of this court while undertaking a number of acting roles. For better or worse, I have had a taste of the workload, and the responsibility with which I have been entrusted. I intend to run hard in service, honoured and fortified by the trust and confidence placed in me by you, and by the government on behalf of the people of Western Australia. I will do my very best.

Ms Lee, I have always valued being a part of this profession. I recall that as a paralegal some time ago at Quigley Coulson Chenu, I would borrow copies of the Law Society's Brief magazine to read overnight, aspiring to be admitted and to appear in this court. It is important that we - the members of the profession - support the organisations that support us. I acknowledge the work of the Law Society of Western Australia, Women Lawyers of Western Australia, the Piddington Society, to name but a few professional associations.

I thank you, Mr Cuerden, for your words on behalf of the Western Australian Bar Association. I have been privileged in having been so well supported by the independent bar, as a practitioner and as an officer of this court. As a practitioner I instructed excellent counsel. More recently, as an officer of this court, I have had the benefit of considered submissions and concessions properly made. I particularly wish to acknowledge the guidance and sage advice that I have received from Mr Joshua Thomson over many years.

While I sincerely thank all who have spoken today for their flattering account, I am mindful of the imprudence of

taking a victory lap on day 30 of my tenure as a judge. There is much to do between now and my statutory expiry date in June 2045, but I hope that you will indulge me while I reflect for a moment.

I am blessed to have family, colleagues and friends here today, many with encouraging smiles. I see the faces of the family that I was born into, and those that have become family along the way; I have many people that I must thank.

I first turn to my court family. I acknowledge the past and current members of this court, all exemplars of service.

I thank the Honourable Justice Quinlan, Chief Justice of Western Australia. As was promoted by his Honour's namesake, his Honour uses the gifts he has received to faithfully serve others. I am grateful for the many opportunities that you have given me to serve. I also thank you for your stewardship and for the fierceness with which you support your judges, registrars and staff.

I turn to thank all of the judges of this court for your guidance, encouragement, support and friendship.

There is high risk in singling out any colleague on an occasion such as this, particularly at the beginning of one's tenure and not at the end. While appreciating the clear and present danger, I do wish to sincerely and publicly thank the Honourable Justice Le Miere. Whilst supporting his Honour as the Principal Registrar, I have had the privilege to sit and learn from one of the greats. I am grateful to have your guidance for a further six months. You are a very hard act to follow. I also acknowledge the debt I owe to the former Chief Justice, Mr Wayne Martin, and to Justice Le Miere for having interviewed and selected me to serve as this court's Principal Registrar a little over five years ago. It is a role that I have loved and I thank you.

I acknowledge the talented and committed registrars of this court, past and present. I have been afforded the opportunity to work with a group of dedicated registrars who seek to diligently serve the administration of justice and who with skill, nuance and empathy, attend to an ever-expanding scope of work. Acting Principal Registrar McDonald, Registrar Davies, Registrar Whitbread, Registrar Gilich, Court of Appeal Registrar Eaton, Registrar Fatharly, Registrar Griffin, and Acting Registrars Hosking and Beggs, you are each exceptionally talented lawyers and

valued officers of this court. I thank you for your friendship and the extraordinary support that you have shown me.

I also acknowledge former registrars of this court: Judge Gething, Judge Whitby, Simon Dixon, Christopher Boyle and Sandra Boyle. I owe you a great debt for your continued support, friendship and kindness.

My court family is large. I acknowledge my current and former associates, and all of the personal and registry staff of the court. I have learnt so much from each of you and I thank you.

I now turn to my Mallesons family. In my career I have had the fortune to work with exceptionally talented lawyers who have generously provided me with training, constructive criticism, and encouragement in equal measure. Mr Brahma Dharmananda and Mr Beau Deleuil, you are exceptional lawyers. I had the privilege of working with you, learning from you, a member of an extraordinary team.

I acknowledge that by your example of intellectual generosity, cut through, fierce work ethic, and your daily pursuit of legal excellence, I'm a better lawyer than I would have otherwise been.

I thank all of my former partners and I acknowledge Mr Nathan Collins, Mr Alan Murray, Mr Nigel Hunt, Mr Jeremy Wade, Mr Phillip Willox, Mr Nicholas Creed, Mr Michael Lumberg and Mr James Wang. I am so pleased that you are here today, joined by many of my former colleagues and Mallesons friends.

Like many families, my Mallesons family is loud, hardworking, very funny, sometimes messy, not shy of a strong opinion, but always generous and true. You have borne witness to some of my best work, my best jokes, my best days and some of my hardest. In harder times you stood by me, true friends and partners, and that makes you family.

But before my Mallesons family I had a Dwyer Durack family. I thank the partners of Dwyer Durack for the training I received as an articulated clerk and restricted practitioner. In particular, I acknowledge and thank the brilliant Ms Carolyn Tan and the Honourable Justice Marcus Solomon for your generosity and patience. I look forward to working again with Justice Solomon.

I am also blessed today to be joined by members of my Iona Presentation College family, my Scotch College family, my UWA Law School family, and a tribe of close friends who have adopted me along the way. You have all shown me kindness and support and I am grateful for your presence today.

I now turn to my kin. It is with much joy that I am able to proudly welcome my parents, and show them off to you today. Miro Strk turns 71 today. At the age of 16, he made his passage from Croatia - then known as Yugoslavia - to Western Australia on the SS Galileo, a ship built in Italy for the Australian immigration route. He made that journey without family. Here he met Anne Marinkovich. While Anne was born in Australia, she was a child of Croatian immigrants. They built their home in Spearwood on land gifted to them by Anne's parents who had worked that land. My parents taught me the importance of family, of loyalty, of hard work, and set the foundation for what has followed. Without their love and support, the sacrifices made by them and the generations before my own, the career that I love so much would not have been possible.

I was promoted to partnership a little after Anderson's first birthday. It was at that time that Anne and Miro announced their retirement in name only. They have since provided extraordinary support to both my brother and to me in each of our careers. Anne and Miro, by your support and many sacrifices, you have allowed me to pursue opportunities that were not available to the hardworking women of the Strk and Marinkovich families in the generations before my own.

I won life's lottery by being the first born of Anne and Miro Strk and the sister of Adrian Strk. Adrian, you are stoic, talented and kind; you are a loving brother and a very generous uncle. You can also be relied upon to graciously and, happily for me, most diplomatically hand over the control of your drum kit when asked by a head of jurisdiction.

Simon, you are generosity, kindness and courtesy embodied. You always think first of the needs and comfort of others. You are a supportive and loyal partner with sound judgment, save for your unwillingness to concede the skill and dominance of the Strk tribe at Uno and board games. It is a most unfortunate failing. We hope that on quiet reflection you will come to appreciate that the Strks never cheat. We simply support each other in Monopoly by offering no doc, no interest, non-conforming loans; and in Scrabble by making appropriate allowances for children

under 12 when it comes to triple word scores and the use of the Urban Dictionary. But with this failing aside, you are wonderful. You give so much love to Anderson and to me. You are stability and goodness and kindness, and we are so grateful.

And finally, I now draw everyone's attention to the young man seated in the front row; my happiness. Anderson, you bring so much joy to all of your family. You have now spent a solid 12 years in the company of lawyers. You made your first appearance at Mallesons well before you could roll over.

You have spent many a school holiday entertaining yourself quietly, excited to be going to work with me and out to Sushi Train for lunch. It has not always been smooth sailing. There was that time I returned from a meeting room to find that you had convinced more than a few law graduates to turn a floor of QV1 into a race track. The grads propelling themselves backwards in their office chairs while you were pushed, unrestrained and at high speed, in a court trolley, squealing with delight. I recall that it was very much like walking into the chariot race in Ben-Hur.

With your good humour you have endeared yourself to the most senior of the profession and many of the judges of this court. On more than one of occasions I have returned from court to find you in my chambers with gifts of cake, books, and an array of colourful court stamps and seals.

You are a boy influenced by your environment. You enthusiastically assume that well-reasoned, balanced submissions, with appropriate concessions, will get you out of going to bed on time, feeding the dogs, consuming vegetables other than potato, and cross country running.

And like many counsel, you take your losses stoically, while privately reflecting where the trial judge got it wrong, and hoping for a correction on appeal. Happily for you, your appeals are heard and determined with expedition by your grandmother, Nanny Annie, and are almost always successful. Otherwise you appear relatively unscathed by your upbringing, and you are the joy and the light of your family.

So fortified by the love and encouragement of so large a family, I feel well supported as I start this new chapter as a judge of this court. Cognisant of the trust and confidence placed in me, I am grateful for the opportunity to serve.

**QUINLAN CJ:** Thank you, Justice Strk. The court will now adjourn.

AT 4.53 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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