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THE SUPREME COURT OF

WESTERN AUSTRALIA

WELCOME TO THE HONOURABLE JUSTICE TOTTLE

FULL BENCH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON MONDAY, 10 AUGUST 2015, AT 9.25 AM

MARTIN CJ: The court sits this morning to welcome his Honour Justice Paul Tottle to the bench of this court following his Honour's receipt of a commission to serve in that capacity from her Excellency the Governor at Government House on Friday. I'm very pleased to welcome members of his Honour's family to this morning's sitting, including his Honour's wife, Eibhlin; son Simon, and his wife Kate; daughter Felicity; son Sebastian; his Honour's sister, Anne; his mother-in-law, Eileen McCloskey; and other members of his Honour's family and invited guests.

I'm also very pleased to welcome the Honourable Robert French AC Chief Justice of Australia who's able to join us on the bench this morning. I would also particularly like to welcome the Honourable Malcolm McCusker AC QC, former Governor of Western Australia; the Honourable Justice Michael Barker of the Federal Court of Australia; his Honour Judge Kevin Sleight, Chief Judge of the District Court of Western Australia; President Denis Reynolds of the Children's Court; his Honour Chief Magistrate Steven Heath; and Cheryl Gwilliam, Director-General of the Department of the Attorney General; and many other distinguished guests, too numerous to name, including many past members of this court.

I would also like to particularly welcome those who address the court this morning, being Mr Grant Donaldson SC, Solicitor General, representing the Attorney General of Western Australia; Mr Matthew Keogh, President of the Law Society of Western Australia; and Mr Stephen Davies SC, representing Mr Peter Quinlan SC, President of the WA Bar Association.

Justice Tottle was born and educated in England, studying law at the College of Law in London before completing the qualifications necessary to be admitted as a solicitor in 1981. While undertaking those studies, his Honour had worked as an articled clerk at a firm of solicitors in Somerset. Following his admission to practice, his Honour was employed by the firm of Beveridge & Co in the City of London before becoming a partner in that firm, then moving to the firm of Knapp Fishers Solicitors in Westminster, becoming a partner of that firm in due course.

I don't know whether it was the grey weather of London or the lure of antipode and adventure, but in all events, in 1986 your Honour was recruited to join the Perth firm which then practised under the name of Robinson Cox and

which now practises under the name of Clayton Utz. It's particularly pleasing to see a number of partners and former partners of that firm present this morning and I know that Justice Neil McKerracher very much regrets his inability to be present this morning as a result of commitments interstate.

Your Honour soon became a partner of that firm and served in that capacity until 1995. During this time your Honour quickly earned an enviable reputation within the legal profession and within the business and professional community of Perth as a proficient and extremely capable litigation practitioner. 20 years ago your Honour left the relative safety and security of a major firm to strike out on your own behalf, forming the firm now known as Tottle Partners.

At the time the firm was founded by you in 1995, it had only two employees. At the time you left the firm in order to join the court 20 years later, the firm had nine partners and approximately 50 employees, an expansion attributable, no doubt, to the continuing reputation for excellence which your Honour has enjoyed in a variety of fields of practice, including commercial litigation, health law, professional regulation and media and defamation law.

It's common for those taking up judicial office to forego the liberties and remuneration which often attend private legal practice, but in your Honour's case the price of public service has required you to leave the firm which you founded and nourished diligently and attentively for almost 20 years. Your Honour has also been active in the organs of the legal profession, having served as an elected member of the Legal Practice Board, an elected member of the Council of the Law Society of Western Australia, and as a member and co-convenor of the Law Society's Education Committee, which I venture to suggest is one of the society's most important committees.

After appointments to this court are announced, I customarily receive feedback on the merit of such appointments from a wide variety of sources within the legal profession. I'm not so naïve as to think that such feedback is provided in candid terms, but, nevertheless, the general tenor of the feedback provides some guide to the profession's reaction to the appointment. In the case of your Honour's appointment, the feedback has been uniformly and overwhelmingly positive, even effusive.

One recurrent theme within the feedback was your Honour's reputation for professional courtesy and

integrity. As one very senior practitioner put it, in the many cases in which he was engaged in opposition to your Honour, it was never necessary to make any note of the many agreements that were made to narrow the issues and facilitate the expeditious hearing of the case because there was not the slightest doubt that those agreements would be honoured.

It will be apparent from this brief review of your Honour's professional career prior to joining the bench that you've not practised at the Bar. Of course, this is no impediment to judicial appointment in this court and the community have been very well served over many years by judges who practised as solicitor advocates prior to their appointment. In my view, one of the continuing strengths of the structure of the legal profession in this State is the opportunity which that structure provides to practitioners who wish to have direct contact with clients, but also, where necessary, to present cases in court on behalf of those clients.

Perhaps even more significantly, it provides clients who do not wish their cases to be handled by more than one practitioner to enjoy the convenience of dealing with only one lawyer and the opportunity to harvest the efficiencies and savings which practice under that model can offer in appropriate cases. Of course, this is not to say that the Bar does not fulfil a very important function within the legal profession of this State, particularly by providing an extensive group of practitioners with particular expertise in the many fields of litigation regularly practised in this State, but rather it is to reinforce the view that a profession in which a developed and specialised Bar operates alongside solicitor advocates offers the best of all possible worlds to those in need of legal services.

A broad range of your Honour's experience will stand you in good stead during your service on the bench given the broad range of jurisdiction of this court. Your Honour will be exposed to that broad range of jurisdiction in your role as a judge managing cases in the commercial and managed cases list and in due course, after allowing a little time for adjustment to judicial life, when you undertake some cases in the criminal jurisdiction of the court.

Your Honour's curriculum vitae specifies that your non-professional interests lie in the area of history, literature, language and endurance sports. A knowledge of history and literature at a facility in language will be of obvious and direct assistance in the discharge of

your Honour's judicial duties. However, even more relevant, and more helpful, I suggest, is your enthusiasm for endurance sports given the nature of judicial work and the likely length of the judicial career now opening up before you. It's often said that life is not a sprint, but a marathon, and that observation is particularly pertinent to judicial life.

It only remains for me to express on behalf of all members of the court our most sincere congratulations upon your appointment to the bench, to welcome you and your wife Eibhlin to the community of the court and to observe how much we are looking forward to your assistance in the discharge of the inevitably onerous burdens of judicial office. Mr Solicitor.

DONALDSON, MR: May it please the court. The Attorney General is unable to attend this special sitting of the court and has asked that I convey to your Honour Justice Tottle his apology for this and his best wishes for your future on the call. In a number of respects, your Honour's appointment to this court is out of the ordinary and why this is so should be acknowledged and celebrated.

As the Chief Justice has noted, your Honour comes to this court directly from what is often times, perhaps rather oddly, referred to as the amalgam. In the 1980s the independent Bar grew to prominence in this State and that first extraordinary era of Crown law officers was at its peak. Between the Bar and this Crown cohort from this time the bulk of the major counsel work on the civil side of this court's jurisdiction has been done and it has followed from this that appointments to this court since the 1980s from the amalgam have been something of a rarity. In my reckoning, since this time only two judges out of a total of over 50 have been appointed to the bench of this court directly from the amalgam.

The enormous service to this court of the Honourable Neville Owen and the ongoing service of Justice Newnes bode well for your Honour, but be these harbingers as they may, your Honour's appointment from the amalgam is extraordinary and speaks loudly of your Honour's attainments. Rare to a similar degree is appointment to this court of those who commence their legal careers outside of Australia. Those of us who have progressed snugly in our profession in our home jurisdiction, or at least country, cannot, I'm sure, really appreciate the leap of faith required to move to a wholly foreign jurisdiction and start again in the legal profession. Of course, in recent times Justices Ipp and

Steytler preceded your Honour in this and their perhaps uniquely distinguished service bodes well too for your Honour.

It's interesting to observe that the last judge of this court to have started their legal career in England was the Honourable Tony Templeman QC and his story is a unique one. Before the Honourable Tony Templeman QC, one looks back to Sir Robert McMillan and Justice Burnside who were appointed weeks apart in 1902, Justice Rooth three years later, and Sir Thomas Draper in 1921, as the last judges of this court to have started their legal careers in England before emigrating. I might say, with respect, in this respect also your Honour is to be found in pretty good company.

More rare still than these matters is that your Honour has progressed to the summit of our profession without the advantage of a university law degree or, indeed, any university formal qualification. I must say, with respect, that this deficit appears not to have held you back much in any particularly observable way and in recent times a similar burden did not seem to overbear that near greatest of Australian judges, the Honourable Michael McHugh AC QC.

I'm sure that your Honour is delighted to join his Honour Judge Keane, a fellow former Brit, as members of the Western Australian judiciary whose formal qualifications involve practical training and who have progressed with great distinction in our profession. Your Honour shouldn't feel obliged as a result of my reference to Judge Keane to refer to the cricket in response.

The recounting of these, perhaps, irrelevancies does not, of course, reveal and is not intended to obscure your Honour's great suitability and qualification for appointment to this court. This suitability and qualification has been earned in and by many years of dedicated legal practice as a solicitor and as counsel appearing before all of the courts of this State and, I am sure, all of its tribunals.

Too often hard years of service as a solicitor are undervalued when qualification for appointment to courts comes to be considered, but experience and success in dealing with clients, with real people, often at times most difficult for them, at times of great stress and vulnerability and at times where crisp, concisely expressed advice is most needed teaches a great deal that is readily translated to judicial services.

Your Honour's practice since arriving in Australia has been exemplary and has been very much the practice of an all-rounder. Your Honour has advised on and appeared in many substantial commercial matters and acquired a universally acknowledged pre-eminence in regulatory matters. Your Honour has advised and counselled the wealthy and the powerful, major corporations and individuals of fame and notoriety, including defamed individuals of fame and notoriety, but you have just as often appeared in small matters for people who just needed help and who had no hope of meeting a fee and who you never intended to charge.

With one or two others, your Honour has been the first port of call for those in the legal profession who have hit the rocks hard and you've given great service to the whole profession in advising, counselling and appearing for such practitioners, often in times of their greatest professional need. Those who have not done it cannot really appreciate the patience, skill and effort required to act for fellow members of the profession who have gone horribly astray. Few of such clients tend to be keen to admit error or accepting of fault or grateful or thankful, but over many years your Honour has acted for countless such with compassion, but with clarity and the surest of good judgment.

That your Honour has had for many years a pre-eminent practice in matters medical also speaks volumes. Doctors, medical profession regulatory bodies and medical profession insurers are clients of perhaps unique discernment. It is fitting, though I suspect a pure coincidence, that your Honour's appointment follows soon after the retirement of the Honourable Eric Heenan QC who prior to his appointment to this court contributed, as has your Honour, so much to the medical profession and medical practitioners in this State.

In short, your Honour will be greatly missed as a practitioner but, miss you as the profession and the community will, all who have dealt with your Honour look forward to this next phase of your legal career with high expectation. Your Honour has accepted this appointment with humility and a clear understanding of the Honour which appointment brings.

Those of us who have had the privilege of appearing with, for and against your Honour have no doubt that your Honour will marshal and apply your enormous gifts, including those of politeness, good sense and sure

judgment, to the important work of this court. On behalf of the Executive Government of the State, I thank your Honour for accepting this appointment, congratulate you on it and express the hope that you derive satisfaction from this new phase of your career. May it please the court.

MARTIN CJ: Thank you, Mr Donaldson. Mr Keogh.

KEOGH, MR: May it please the court. It is my great pleasure to welcome his Honour Justice Paul Tottle to this court on behalf of the Law Society of Western Australia and the Western Australian legal profession. Your Honour's career has already been well summarised by his Honour the Chief Justice and the Solicitor General, so I will not try to dwell on it much further. But as was mentioned, your Honour takes up this appointment after 20 years of heading your own firm that you founded, precisely this anniversary was only just on 3 July.

I believe on that occasion that you took the opportunity to remind those in your firm of this by borrowing from the Law Society's email subject tagline of Friday Facts and proceeding to remind the firm of the number of clients and files that you have dealt with other that time, as well as employees and importantly the graduates trained and admitted, but most interestingly an estimation, I presume, of the amount of wine consumed by that firm on Friday night drinks after the last 20 years. No doubt your Honour's eye for such detail will keep your Honour's associates and counsel appearing before your Honour on their toes for many years to come.

As has also been mentioned, your Honour worked and became a partner at the firm then known Robinson Cox before founding your own firm, and it is of note, therefore, that the last member of this court appointed directly from the amalgam, former Justice Neville Owen was also a partner of that firm. Indeed, this is not all that you have in common with the former Justice Owen. You married his former associate, you were both sticklers for grammar, and in particular you both share a hatred for split infinitives.

Your appointment to this court, as has been remarked, though, is of course not only a reflection of your Honour's own eminence and suitability, but also a reminder of the fused nature of the legal profession in Western Australia. The legal profession that contains great depth of experience and skill in the dark arts of legal advocacy, which is not the sole preserve of the independent bar, though of course they also do it very well. Turning to your Honour specifically, though, your Honour has

demonstrated great breadth of experience, practising and appearing trials in the fields of trade practices, resources, health law, professional indemnity claims, business partnership dissolution and insolvency, administrative law, intellectual property, media and, as has been mentioned, the interesting area of defamation.

It's of note that Doyle's Guide to the Australian Legal Profession has described your Honour as the most efficient and clinical litigator in town, noting your pre-eminence in the field of commercial litigation and dispute resolution. Your Honour has been consistently recognised as a leading legal figure, having been referred to as one of Australia's best lawyers each year that that list has been published in the Australian Financial Review. Such praise is, of course, entirely fitting and reflects the great skill and experience that your Honour brings to this honourable court.

If I may turn briefly to your Honour's contribution to the legal profession as a whole. Not only has your Honour been a member of the Law Society since admission in this state, your Honour has been a member of the Society's council, a member of the Legal Practice Board, and a member of the International Bar Association. Your Honour's contribution to education in the profession is particularly noteworthy, though, as a member and then as the convener of the Society's education committee. The education committee is one of the Society's key committees, overseeing the provision of CPD to ensure practitioners in all areas and fields of practice have access to the legal training they require, not just the training that makes a buck, and ensures that the topics are interesting and well presented.

During your Honour's tenure as convener you led an overhaul of the operations of that committee and the program within the Society and the introduction of a new strategic plan, as well as enhancements to the Law Summer School. Your commitment to legal education and training, though, has not just been at the whole of profession level. Over 20 years at Tottle Partners you have trained and admitted 23 solicitors, and your Honour has been described to me as "a pretty awesome supervisor".

I don't believe this is solely due to your Honour's enjoyment of a good post-admission ceremony lunch, but also your Honour's collaborative approach with solicitors, where juniors have felt that their input and alternative views were always valued, and the very tactful and gentle way in which you have put your disagreements with their views. For those who will appear before your Honour, they hope

that such tact will remain; though, no doubt, they will also come to learn your Honour's very strict views on compliance with the rules of a properly drafted affidavit.

Over the years your Honour has also generously donated your time and the resources of your firm to take on pro bono matters referred through the Law Society's Law Access Pro Bono clearing house program, as well as many other pro bono matters. This is a testament to your Honour's commitment to access to justice for all members of the community. Your Honour is highly respected within the legal profession as a litigator and an advocate with extensive knowledge and skill. Your Honour's appointment demonstrates the depth and breadth of the West Australian profession and means that your Honour will no longer have to try to get words and phrases from your submissions quoted in judgments. You can just write them in yourself.

The Chief Justice referred to the role of a judge and life as being similar to a marathon. You may relate to it more like taking part in, as you are well known to do, in an Ironman competition. The Society congratulates your Honour on your appointment as a justice of this honourable court. We have no doubt your Honour will serve with great distinction in this new role as your Honour has done throughout your career to date. May it please the court.

MARTIN CJ: Thank you, Mr Keogh. Mr Davies?

DAVIES, MR: Your Honours, on behalf of members of the Western Australian Bar Association may I present our compliments and congratulations to your Honour on the occasion of your Honour's appointment as a judge of this court. The President of the Bar Association, Mr Quinlan SC, is in the north-west today and is unable to be here and sends his apologies. It's a great honour to speak today on his behalf and I'm very grateful for the opportunity to do so.

Your Honour's career has been outlined by others and I associate the Bar Association with the complimentary remarks which have already been made. Your Honour has practiced in the amalgam and has done so in the real sense in that your Honour has truly practised both as a solicitor and a barrister and your Honour has had a substantial practice in both respects. Among the members of the bar, indeed, among the profession generally, your Honour is highly regarded as a lawyer. Insofar as the bar is concerned, the invariable experience of those whom your Honour has briefed was that it was a privilege and a pleasure to be briefed by your Honour.

Your briefs were characterised by your Honour's thoughtfulness as to the issues in the case, by economy in the presentation of the materials and in the clarity of the exposition of the matters for consideration. Your Honour's capacity in that regard arose no doubt in part from your long years in the law, but also, one suspects, from the fact of your Honour's own practice as an advocate. At the bar your Honour's appointment has been met with universal acclaim.

Your Honour is well known to have in abundance qualities of courtesy and equanimity. Those are most important qualities for a judge. Few things are as important to our system as ensuring that litigants receive and feel they have received a fair hearing of their case. Most litigants can deal with an adverse outcome so long as they feel they have had a fair hearing. Few things are as damaging to confidence in our system than a belief on the part of parties that their arguments have not been fairly heard and properly understood.

Evidence of your Honour's even temperament has not been hard to find. When your Honour's appointment was announced one of your partners told me he had been working with your Honour for 25 years and in all that time your partner at this point telling me, he was invoking the words of Ronnie Corbett speaking on the death of Ronnie Barker, the two of you have never had a cross word. The second example of your Honour's temperament concerns your Honour as a party to a legal dispute rather than as a practitioner.

Your Honour, like all sensible lawyers, has always eschewed any personal involvement in litigation; however, on one rare occasion where your Honour was personally involved in a legal dispute, after the resolution of the matter your Honour received a case of wine. It was from the other party's solicitor. I can't imagine that has happened before or since and it's testament to the qualities for which your Honour is known.

I hesitate to tell the final story in this sequence in case I get accused of hyperbole, but I'm assured it's entirely true. It is that when your Honour's departure from your firm was announced that numerous lawyers in the firm cried. Now, it takes something to make a lawyer cry and the opening up of an advancement within a commercial firm is not one of the usual triggers. It is, however, indicative of the regard with which your Honour is held within the firm you founded, and it is entirely consistent

with the regard in which your Honour is held in the professional generally.

On behalf of the Bar Association may I welcome your Honour to appointment to this court. We have no doubt that your Honour will be a member of the bench respected not only for your office but for your ability and capacity. We hope and we trust that service to the community will bring satisfaction and fulfilment to your Honour as well. May it please the court.

MARTIN CJ: Thank you, Mr Davies. I will now pass the podium, literally, to Justice Tottle.

TOTTLE J: Thank you. Thank you, Chief Justice. Your Honours, ladies and gentlemen, family and friends, thank you for attending this sitting to mark my appointment to the court. I am particularly honoured by the presence of the Chief Justice of the High Court of Australia and by the presence of judges and retired judges before whom I have had the pleasure of appearing over many years. My appointment follows the recent retirements from this court of the Honourable John McKechnie QC and the Honourable Eric Heenan QC, and I am pleased that they are present today and I wish to acknowledge their distinguished service to the court over many years. Mr Donaldson, Mr Keogh and Mr Davies, I am most grateful for your very generous and flattering remarks.

I have some idea of the sources of your information and perhaps I should be grateful also for what you have not said. The people, and in particular the legal profession in Western Australia, have been very good to me. This is an opportunity to acknowledge publicly the debts of gratitude that I owe to many. Of course this is an impossible task, precisely the kind of task which in my former life as a solicitor I would have briefed counsel to undertake. I will start with those important people without whom I would not be here.

They are the clients who entrusted their affairs to me and for whom it was my privilege to act over the past 29 years. I am touched by the presence of those clients or now former clients, many of whom are firm friends, who have taken the time to attend this sitting, particularly those who have travelled from interstate. As has been noted, I have a particular interest in law and medicine and I am pleased that representatives of the Medical Board and representatives of one of the country's medical defence organisations are in court so that I may thank them

personally for the opportunities that they have afforded to me to work in this challenging area.

I turn now to the profession. Like it or not, sometimes luck rather than planning can determine one's career. Certainly that has been true in my case. In April 1986 when I left London for Perth I had little idea of what lay ahead. Would I suffer the fate experienced by many hapless English batsmen at the WACA. Would I be battered by bouncers and out for a duck and go home defeated or would I be able to dig in and make a score. Unlike many English careers over the years, luck was on my side. I survived and I had the good luck to work with the energetic, talented and enthusiastic lawyers who were the partners and staff of Robinson Cox.

I could not have hoped for a better welcome to the profession than that which I received from all of my colleagues at Robinson Cox, nor for a more solid foundation to my career in this state. The strong bonds I formed in my early days in practice in Western Australia have endured to this day. I spent a very happy nine years at the firm and was pleased to be able to participate in a minor way in its transition into the national firm Clayton Utz.

I acknowledge and thank my former Robinson Cox and Clayton Utz colleagues. Over the last 20 years, I have had the privilege and pleasure of working with many excellent people. I say a heartfelt thanks to all of those with whom I have worked. I include, not just my partners and the lawyers, but each and every secretary, outside clerk, receptionist, articled clerk, vacation clerk and librarian. The fact that I cannot mention you all by name does not diminish my deep sense of gratitude to you for your support and friendship.

There are four people whose contribution to my career has been such that I wish to mention them by name. The first is Justice Neil McKerracher of the Federal Court. His Honour was one of my supervising partners when I first joined Robinson Cox. I worked closely with him at the firm, and that relationship continued when he joined the Bar. His Honour's energy and appetite for hard work are legendary. Although the most industrious person I know, he has always given his time freely to me to talk through difficult issues. As I have contemplated my appointment to the court, he has provided much insightful guidance as to what lies ahead.

The second is Michelle Kershaw. In 1995, Michelle made the brave decision to leave the security of Clayton Utz and to join me when I set up practice in my own name. Michelle's friendship and advice were invaluable. I am delighted that our friendship has stood the test of time. The third is Stephen Penrose. We were partners for 18 years and no one could have wished for a more steadfast partner. Among the many things I will miss is his ability to analyse complex legal problems by analogy to the tale of The Little Red Hen.

The fourth is Yin Fang, the most indefatigably cheerful lawyer I have known. As partners, we worked on many cases together, and as counsel, I was the beneficiary of Yin's disciplined and careful approach to preparation. Yin's good humour and friendship made the tough times bearable and the good times great. I have enjoyed the support and friendship of many members of the profession, for which I will have lasting gratitude. I have been overwhelmed by the congratulations and good wishes I have received.

I have one particular reflection on practice in this State which I would like to share. It honours some of the observations made by his Honour the Chief Justice. The profession is fortunate to have an independent Bar which grows stronger and is a vital resource. There is another important respect in which the profession here is fortunate; namely, its long tradition of solicitor advocates appearing in the courts.

For me, it was one of the attractions of practising as a solicitor in this jurisdiction. The seemingly inexorable move towards increased specialisation at an early stage in young lawyers' careers threatens this tradition. The Law Society is to be commended on the excellent advocacy training programs it offers. I encourage young solicitors to take up these and other avenues for advocacy training, and to seek out opportunities to appear in Court.

In making these observations, my aim is not to encourage work away from the Bar, but to encourage junior lawyers to develop their forensic and analytical skills by appearance in suitable cases. Solicitors with advocacy experience will complement a strong Bar. Their instructions will reflect their enhanced skills. I turn now to my family. Achieving a balance between professional and family life is not easy as a lawyer. Try as we do, it is hard to avoid working long hours. It is a source of great joy to me that I can share this occasion with my

children Simon, Felicity, Sebastian, and Simon's wife, Kate.

I am very proud of each of you and all that you have achieved. My parents, Peggy and John, have been unable to make the journey from England. I am delighted that my sister, Anne, is here and that she will be able to provide a first out - a firsthand account of the sitting. Words cannot adequately express my thanks to my parents for the love and support they have provided to enable me to get to this point in my career.

I hope that the pride, which I know they feel in this appointment, will be some small recompense for that love and support. To my wife, Eibhlin, I will say only this: Eibhlin, your love has sustained me and you light up my life every day. I look forward to sharing this next stage of my life with you. I have been made very welcome by my new colleagues on the Court. Your Honours, I look forward to working alongside you as a member of the Court.

I doubt whether there has been a day in my career when I have not learned something new about the law or had a new insight into recurring problems. I am sure that this learning process will continue and that the learning curve will be steep. I am greatly honoured by my appointment to the Court. I hope that by diligence and hard work I will justify the confidence that the State of Western Australia has placed in me. Thank you.

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

AT 10.01 AM THE MATTER WAS ADJOURNED ACCORDINGLY

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