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THE SUPREME COURT OF

WESTERN AUSTRALIA

WELCOME TO THE HONOURABLE JUSTICE FORRESTER

FULL BENCH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 24 AUGUST 2022, AT 4.19 PM

QUINLAN CJ: The Court sits this afternoon to welcome the Honourable Justice Amanda Forrester 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 her Honour Justice Forrester's family who are here. Her Honour's mother, Julie Forrester, and her sisters, Shelly Thompson, Joann Johnson and Kate Forrester. Shelly and Joann's partners, Brett and Adam, and her Honour's nieces and nephews, Lilly, Jasmine, Ashley and Seth. Unfortunately, Kate's partner Ky and her children Chase and Cooper, who did make the journey for our first attempt at this ceremonial sitting, were unable to be here this time.

We also welcome many other distinguished guests here this afternoon, including the Honourable Justice Darren Jackson from the Federal Court of Australia; Senior Judge of the District Court, Judge Andrew Stavrianou; many of our judicial brothers and sisters from the District Court and the Magistrates Court; State Coroner, Ros Fogliani; Joshua Thomson SC, Solicitor General; Dr Adam Tomison, Director General of the Department of Justice; Ms Joanne Stampalia, Executive Director, Courts and Tribunal Services; Acting State Solicitor, Angela Komninou; Acting 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 Forrester'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 Sam Vandongen SC, on behalf of the WA Bar Association.

Justice Forrester's appointment marks a much needed and welcome increase to the judicial resources of the Court, made possible by the Justice Pipeline Model adopted by the executive government. Mr Attorney, the Court acknowledges and recognises the executive government's continuing commitment to meeting the needs of the community of Western Australia by the provision of the judicial resources necessary to meet the Court's ever expanding jurisdictions and workload.

Justice Forrester was sworn in on 1 July this year during a brief interregnum between the retirement of the Honourable Kim Beazley as Governor of Western Australia and the appointment of his successor, his Excellency Chris Dawson. The absence of a Governor meant that I had the personal good fortune to be able to administer her Honour's affirmation of office as a judge of this Court.

Later that day, I was also lucky enough to meet her Honour's mother, Julie, and sisters Shelly and Joann, over lunch. Any doubt that I may have had as to the source of your Honour's tenacity, your frankness, and your integrity was quickly dispelled by our conversation over lunch that day. It is clear that your Honour's many qualities were forged in a family of immensely strong and talented women.

The affirmation of office that your Honour made on 1 July was in accordance with the oath or affirmation made by all of the judges of this Court to faithfully serve the people in the State of Western Australia, and to do right to all manner of people according to law without fear or favour, affection or ill will.

It is by adherence to that oath or affirmation to do right according to law, and only by that adherence that the rule of law can be maintained. And it is only by doing so without fear or favour, affection or ill will, that in the long run, confidence in the rule of law and with it our civil society, can hope to survive.

I say in the long run, because in the ever decreasing attention span of our media cycle, the importance of our adherence to those oaths and affirmations can often be difficult to see, and even more difficult to appreciate. Public confidence in the due administration of justice, so essential to an ordered and civil society, can too often be equated with the approval of self-appointed arbiters of public opinion or with the clamour of uninformed keyboard warriors.

So it is important that we remind ourselves that fleeting popularity is no substitute for enduring confidence, and that to act in accordance with the transient impulses and fashions of the moment, rather than our solemn oaths and affirmations, would in the long run only serve to corrode the public's confidence in the rule of law.

I mention these matters because your Honour, having most recently served for over a-half a decade as the Director of Public Prosecutions of this State, knows all

too well the responsibility of having to make difficult decisions affecting the administration of justice without fear or favour, affection or ill will. And your Honour knows what it is like to have to make decisions, that while undoubtedly in accordance with the law, and sometimes for that very reason, may be very difficult for others to accept.

As a result of that service and indeed your Honour's entire career to date, the people in the State of Western Australia can have real and enduring confidence in your Honour's commitment to, and responsibility for, the maintenance of the rule of law as it now takes on its new form and its new dimension. Your Honour, in turn, can have real and enduring confidence that you will have the support of all of the members of the Court, the registrars, the staff and the whole community of the Court as you discharge that responsibility in the years ahead. Yes, Mr Attorney.

QUIGLEY MLA: May it please the Court, thank you Chief Justice. I would like to commence by recognising the distinguished guests that are present today, welcomed this afternoon by your Honour by name, and I extend also my greetings and acknowledgements of them. I also particularly want to pay my respects to the Whadjuk People of the Noongar Nation upon whose lands we are meeting this afternoon and pay my respects to their elders, past, present and emerging.

It is my great pleasure to appear here today on behalf of the State of Western Australia and the government and the people of Western Australia to honour and to welcome your Honour Justice Forrester to the Supreme Court of Western Australia. I do note that it is the second scheduled welcoming for your Honour to this Court, the first one was clashing with a meeting of the caucus in Karratha of which I was given leave to come down to your Honour's welcoming and I only got news of the cancellation when I was at the airport and too late to return to caucus, thank goodness.

I would also like to extend a warm welcome to your Honour's family, who have been named personally by the Chief Justice and welcome them here to the ceremony this afternoon. Before saying something about your Honour personally, I would like to point out the significance of your Honour's appointment to the Court. The appointment of Justice Forrester involves, as the Chief Justice has noted, an additional judge and not a replacement judge.

This has occurred by reason of our government committing to provide an additional funding over the number of years pursuant to the Pipeline of Justice Model which allows for the increase in the judiciary and all other elements of the justice system so that they will all remain in relative sync in terms of need. The increased numbers of judicial officers in all levels of the court system over a number of years has been to address the increase in the criminal cases in our courts. This expands this Court's bench to 23 judges and one master.

By my calculation, rudimentary as they may be, the ratio of Supreme Court judges per person in the State of Western Australia is now significantly better than in New South Wales, Victoria or Queensland. There is another significant point to observe. Your Honour's appointment presently makes you the sixth sitting female judge of this Court. While there is still much more to be done to ensure diversity upon the Court, which properly reflects the community, your appointment means now that more than one quarter of the Court is constituted by female judges, all appointed on merit after full consultation.

I think this has been the first time that this has occurred, that there has been so many female judges on our Court, as well as, I note that five of the six of those sitting judges were appointed by the present government. These aspects of the present appointment naturally required that the new position should be filled by a person of significance.

For that reason, it is truly appropriate that the appointment should be of your Honour, as the former Director of Public Prosecutions. The Director is the highest legal officer of the State practising in the field of criminal law. There were ample reasons why your Honour occupied this role and will now be a success in your new position.

Your Honour attended Applecross High School until year 12 and was awarded the dux of English. That was no mean feat for a school which specialises in academic excellence. Your Honour attended the University of Western Australia in 1990 and completed a Bachelor of Laws in 1994. May I pause to say, that 1994 must have been a vintage year. I think that was also the year that the Chief Justice completed his Bachelor of Laws, and it may have also been the Solicitor General's year as well.

Between 1995 and 1997, your Honour worked for Jackson McDonald in Perth, firstly as an article clerk and then as

a restricted practitioner and as an admitted practitioner; your Honour was admitted in 1996. For the next decade, from September 1997 to May of 2007, your Honour worked for the Office of the Director of Public Prosecutions as a Crown or Senior State Prosecutor. During this time, your Honour was involved in the implementation of what was then an innovation, namely, the rolling lists in Kalgoorlie.

Feeling the need for a change, your Honour signed with the Victorian role of barristers in September 2007 and worked for the Office of Director of Public Prosecutions in the State of Victoria as a Crown Prosecutor until 2011. This involved prosecuting cases in the Supreme Court and the County Court and appearing as counsel in the Victorian Court of Appeal.

On one significant case, your Honour appeared alongside the then Acting Crown Prosecutor and soon to be Victorian Director of Public Prosecutions, Jeremy Rapke QC, and it was the initial trial of Robert Farquharson. This notorious triple murder case and its various legal twists was the subject of a book written by Helen Garner in which depiction of your Honour's arrival at the initial Victorian Supreme Court trial provided a rare moment of levity. The author described your Honour as a shiny face, brown-haired young junior, Amanda Forrester who clattered into court with ankle strap stilettos.

The impression you made on the author was not limited to your courtroom attire, however, but also your forensic style in cross-examination which was readily apparent even in this early part of your career. Helen Garner gave this account of your Honour's sparing with a pivotal defence witness, an expert giving extremely technical evidence about how the car came to plunge into the dam, and I quote from the book:

Sometimes under cross-examination by Amanda Forrester, the expert's whole person radiated alarm, his head would rear back, and he would show white all around his irises like a startled horse. Forrester took him on with leisurely teasing and confidence. She was completely at ease in the territory of arcs, radii, percentages and degrees.

The expert addressed her as ma'am, but it must have been galling to be roughed-up by a woman young enough to be his daughter. Each time he threw a technical correction or a piece of jargon, she would pause, let him think he had got the upper hand, then tilt her head and with a twinkling smile that showed her white teeth,

swelled her rosy cheeks, scooped up the point to enlist in her own larger argument.

At every coup, the faces of the younger women on the jury would flicker with what I read as relief, or perhaps a version of general exhilaration outside the court, that in those same weeks of June 2010 when the country's first female Prime Minister took office, the heartening spectacle of a woman who was not afraid, who was out there in her natural sphere, and would proceed to kick arse as she pleased.

In Forrester's hands, the confusing mists of the defence case dissipated and left a prospect of clean dry lines.

No doubt this sojourn into this other jurisdiction enhanced your Honour's general experience of criminal prosecutions. If not yet, the adoption of sensible footwear. However, your Honour felt the inevitable tug of your home state and returned to Western Australia in the latter half of 2011. You worked at the Director of Public Prosecutions as a Senior State Prosecutor from May 2013 and as a Consultant State Prosecutor. This involved cases in the Supreme Court, the District Courts and appearing as counsel in the Court of Appeal.

In November 2016, your Honour became the Acting Director. You were then formally appointed into that role on 5 April 2017. This appointment made your Honour the first female Director of Public Prosecutions in this State and the third in the history of Australia. It is a mark of the high esteem in which your Honour has always been held. The role of Director of Public Prosecutions is one of the most demanding jobs which exists in the legal profession. The Director is required to lead a large team of prosecutors, often by example.

As well, the Director must manage an office. In this regard, I got a view of your Honour that most in the profession do not get, that of your administrative ability and your huge work ethic. The Office of the Director of Public Prosecutions has an annual budget of around 50 million dollars. The Director must make technically difficult decisions in the glare of the public spotlight.

I came to office about a month before your Honour did and had a early meeting with you. You appeared to be under enormous strain and were under enormous strain by reason of the previous government's policy of not replacing public servants with another public servant of more than 60

per cent of that retiring person's salary. This meant that the Office was under stress because it was juniorised-down, to use an American slang, because more senior people were being appointed to courts and some were going to the Bar.

I can well remember, and it was a privilege to appear before that sort of jury, the Expenditure Review Committee with your Honour where we would argue for increased funding for your Office and for the Director's Office to be regarded as a frontline agency, and therefore quarantined from expenditure cuts.

I can well remember - it wasn't like a jury, sometimes the members of the Economic Review Committee took on the persona of prosecutors and I can well remember they were chaired by your former law school colleague and our former State Treasurer, the Honourable Ben Wyatt who would interrogate you carefully as to your budget requests with me sitting beside you and I was always impressed by your advocacy in this regard and how you would take Ben on, and we usually walked out of that room with good results.

Quite beyond your administrative ability and administrative efforts, your Honour was very attuned to the stressors that your staff worked under, and you took innovative steps to safeguard their mental health with my full support. Your Honour's innovations, however, were not just limited to looking after staff's mental health and make sure they had the right supports, but you also introduced a new IT system in the office.

You were responsible for overseeing the Office's move and relocation to more modern premises on St Georges Terrace. All of this while you were overseeing the most difficult prosecutions in this State's history. Notably, the trial of Bradley Edwards, the biggest and most complex trial in Western Australia's legal history which was successfully managed and prosecuted by the Deputy Director, the then Carmel Barbagallo, now District Court judge, and you oversaw that prosecution, secured a whole floor in premises so that the prosecution team could be isolated, appeared with me before the Economic Review Committee, and secured an extra \$1 million a year to keep the prosecution on track.

On top of that, your Honour had to cope with the additional demands of the COVID pandemic and the pressures it caused on your Office in terms of trial listings, jury trials being held over, witnesses, people being held on remand, it was a very, very, stressful time for your Honour and for this Court. Your Honour always acquitted your

duties in a calm and professional manner, and I know that this came at a substantial personal cost which required your Honour to work incredibly hard including many long hours outside of normal office hours.

The administrative aspects I have described were only half your job. Your Honour elected to remain personally engaged in prosecuting and appeared as both a trial counsel and an appellant counsel in some of the most serious matters coming before your office, including appearing in the High Court to defend various appeals. You were a formidable counsel across all forensic details of the case, but you also had a deep and wide-ranging understanding and knowledge of the law.

In my role as Attorney General, I have personally come to respect your Honour's fierce independence from executive government. At the same time, your Honour was always respectful and willing to resolve any issues that arose in a positive manner, and to advise me on contemplated law reform or advise me on occasions against contemplated law reform.

You were always willing at short notice to provide myself and the government with absolutely impeccable legal advice. This will be sorely missed by myself, when five minutes before question time, I was asked to be asked questions on some B grade controversy I could rely on ringing you up and getting a complete understanding of the case and the reasons behind the Court's decision in short time.

You were always able to give me context and the reasons behind a judge's ruling or the Office of the DPP's carriage of a case. This in turn allowed me to give an intelligent and informed response to points raised in question time, which helped me to maintain public confidence in the judicial system, as it did on those occasions where I was called upon to respond to media queries about cases. I think that your Honour's answers and advice to me also contributed to the maintenance of public confidence in the justice system in Western Australia.

I was very impressed early on by your commitment to the cause of justice when having been alerted that one offender had been convicted as a result of a flawed DNA examination, not only did you concede the gentleman's appeal, you also called for dozens of other files that the same examiner had reported on and wrote to each of those persons or their solicitors alerting them to the problem

and assuring them that the results would be re-examined, and they were. No further errors were found, but I think that your Honour's response to that error evidenced your Honour's commitment to fairness and to justice.

Justice Forrester, you are a highly qualified and experienced member of the Western Australian legal profession. You bring to the Court a wealth of experience in the practise of law, having undertaken previous roles with complete dedication. Justice Forrester, you are about to embark upon a new venture as a judge. This role which will require the same levels of integrity, hard work and personal commitment which you have already exhibited serving the public as a prosecutor for over a quarter of a century.

Of course, there are clear differences between being a prosecutor and a judge, as you now leave public service - and the public service and being an advisor to the executive and assume a position on an entirely independent court, independent of government, independent of the executive, and forming a third branch, an equally important branch in our democracy, and I am pleased as I am sure you are as well, that it will allow you to continue in this role, your dedication to serving justice.

Justice Forrester, on behalf of the Government of Western Australia, on behalf of 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 for the people of Western Australia. May it please the Court.

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

GOLEM, MR: May it please the Court, may I firstly begin by passing on the apologies of the Society's President, Rebecca Lee, who was not able to attend today for personal reasons. In these circumstances, it is my great privilege today, to appear on behalf of the Law Society of Western Australia and the wider legal profession to welcome her Honour Justice Amanda Forrester 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. On the Society's behalf, I pay respect to their elders, past, present and emerging. Much has already been said by the Attorney about your Honour's distinguished legal career. I will also add that your Honour has been a longstanding member of the Law Society.

I would like to focus today on the significant and far-reaching impact of your Honour's work, especially in terms of public confidence and trust.

The former Chief Justice of the High Court, the Honourable Murray Gleeson AC QC, once observed that confidence in the courts and public institutions generally, is an important hallmark of effective democratic governance. He said:

The general acceptance of judicial decisions by citizens and by governments which is essential for peace, welfare and good government of the community rests upon public confidence.

As a Senior State Prosecutor and later the Director of Public Prosecutions, your Honour has played a vital role in sustaining and building public confidence in our legal system and the administration of justice. Your Honour has led an exemplary career, spanning over 25 years and has built an outstanding reputation within the legal profession, as well as in the public arena.

As we have heard, the biggest and most complex trial in Western Australia's legal history, the Bradley Edwards trial, was successfully managed under your Honour's stewardship and highlighted your Honour's expert understanding of legal processes and case management.

The former Chief Justice of the Supreme Court of New South Wales, the Honourable Thomas Bathurst AC, believed that to maintain judicial legitimacy, it is essential that judges are chosen not merely on their technical ability, but on their ability to inspire trust in the community in which they serve.

Your Honour was the first woman to be appointed as Western Australia's Director of Public Prosecutions, an important role which your Honour has achieved great success in during the past five years. Your Honour has been a true trailblazer in the legal profession and what truly stands out is your Honour's leadership, innate sense of responsibility and the outstanding commitment and dedication to the law and serving our community.

Members of the legal profession have also commented to me that you have been fierce in speaking up for the profession, and for that, we are truly grateful. I have also been told that your Honour has always said to the staff of the Office of the Director of Public Prosecutions for Western Australia, that you are extremely proud to have

had the opportunity to lead such a group of professional talented and dedicated people.

In response, members of the staff have always been extremely proud in you being the Director of the Office and their leader and have also taken great pride in working in the Office under your term as Director. As stated by the Attorney General, the Honourable John Quigley MLA, in a media statement published following your Honour's appointment:

The breadth of your Honour's experience and knowledge will make you an invaluable member of the Supreme Court Bench.

I have no doubt that your Honour will bring to this new role, 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 legal profession of this state, I warmly congratulate your Honour on your appointment. May it please the Court.

QUINLAN CJ: Thank you, Mr Golem. Mr Vandongen.

VANDONGEN, MR: Thank your Honour. Your Honours, it's my very great pleasure to appear on behalf of the West Australian Bar Association, and to express the best wishes and congratulations of all of its members in welcoming your Honour Justice Forrester on your appointment to the Supreme Court.

I would also like to acknowledge the traditional owners of the land on which this Court sits this afternoon, the Whadjuk People of the Noongar Nation, and pay respects to their elders, past, present and emerging.

The course of your Honour's career to date has already been well chartered by the Attorney General, the Honourable John Quigley MLA, and by Mr Golem, representing the Law Society, and I don't want to unnecessarily repeat what they have said.

It is abundantly clear that your appointment to this Court is yet another significant step in a distinguished career. It is also an appointment that has been met with universal approval. At his own welcoming, over a year ago, Justice Solomon reminded us of the true purpose of judicial welcomings, and that is to reinforce transparency by publicly airing the attributes of judicial appointees. In your Honour's case, there are, of course, many attributes that should be publicly aired.

In that context, you can rest assured that I will not be publicly airing your Honour's acting attributes, and I have resisted the temptation to ask his Honour, the Chief Justice to allow me to use the Court's audio visual technology so that we could all witness your famous Spice Girls' performance at the 1998 DPP Review in all its glory, or to see the role that you played in Justice Fiannaca's epic film as one of Fulsham's Angels in the Spy Who Loved the DPP.

What I will say, however, is that that may be why when the ABC's Australian Story saw those performances, that they prompted them to use a professional actor to portray you in one of their stories about a case that you had been involved in.

You arrived at the Director of Public Prosecutions in September of 1997 as a relatively young and inexperienced lawyer. Obviously, you thought the place was all right. Apart from the four years in the middle that you spent as a Crown Prosecutor in Victoria, you walked the corridors of that Office for a total of just under 21 years.

The first few years of your life as a prosecutor was spent in the offices that were based at Westralia Square, and I'm sure you will agree with me that it was a fantastic place to work. A very loud, but very impressive man by the name of John McKechnie QC was the Director. Like all of us who worked for Commissioner McKechnie, even if only for a short time, your career as a prosecutor was greatly influenced by his leadership and example, and by his wise counsel. And I'm sure that he's sitting somewhere behind me with a Cheshire's grin on his face feeling very proud of you and what you have achieved.

The DPP's Office was, and probably still is, the State's biggest litigation firm, teeming with what many people think were and are, some of the best advocates to have appeared in this jurisdiction. You were, and I think you would agree, fortunate to have been exposed to those advocates at a very early stage of your career. The very highly skilled advocate that you became was in large part, the product of that exposure and the influence that many of those people had on you has been obvious.

When you landed at Westralia Square, you also found that you were surrounded by a number of very bright and enthusiastic young prosecutors, some of whom are now your very closest friends. Many of those now not so young prosecutors, are here today. Many of them, like you, have also accepted judicial appointments in recent times. The

energy that we bright young things brought to the Office, the desire to meet whatever challenges the work presented, and the overall aim to do what was right, was palpable and you loved it.

As we've already heard, in 2007, you decided that you wanted to expand your horizons and so you joined her Honour, Judge Barbagallo at the Victorian Office of the Director of Public Prosecutions as a Crown Prosecutor or a Crownie as they're called. Fortunately, when being a Victorian obviously became too much for you to bear, in 2011 you decided to return to Western Australia, and you did not stray far from where you left.

From 2011 until your appointment as a Justice of this Court, you remained at the DPP before assuming that Office on an acting basis in 2016, and then becoming this State's first female DPP on 5 April 2017. As the Director, your Honour's contribution to the criminal justice system in Western Australia has been quite profound.

Your skills as a trial and appellate advocate are very well-known. However, it has been your Honour's calm, committed and highly competent occupation of one of the most demanding and difficult public offices that has had a significant positive effect on the proper and efficient operation of the criminal justice system in this State.

You have appeared as prosecuting counsel in a staggering number of jury trials and appeals, including some of the most difficult and demanding cases this State has ever seen. However, when you became the Director, not only did you continue to appear as counsel in very significant matters, which is a feat you would actually have to experience to truly understand how hard that would have been, you also managed an Office that was conducting some of the biggest trials this country has ever seen. And all of this happened with apparent ease.

You have appeared before the Court of Appeal on countless occasions. All of those cases in which you appeared were decided with the benefit of your Honour's intelligent insightful and forceful submissions. Many of those cases have had and will continue to have a very significant effect on the practice of criminal law in Western Australia.

You have also appeared as counsel in the High Court of Australia on a number of occasions in cases that have fundamentally affected some basic principles underpinning the operation of the criminal law of this State. And I'm

talking there about Kalbasi, Pickett and most recently O'Dea, of course. You can now look back on your experiences in arguing those cases with a great sense of satisfaction, and I hasten to add I suspect relief that you don't have to go through those things again.

The people who have worked with you and for you are always very keen to make it clear that first among your priorities as Director was the well-being of your staff. You always recognised, no doubt because of your own experiences, just how incredibly difficult life as a prosecutor can be.

Reducing the adverse effects that can flow from the relentless pressure associated with the conduct of criminal trials, and the regular exposure to some of the most depraved aspects of humanity, was something you keenly pursued while you were the Director and you have on a number of occasions, publicly warned of the risks that might materialise if those effects are not properly addressed.

It was inevitable that lots of nice things would be said about your Honour's legal and managerial skills on an occasion like this. But the people who know you best on a personal level have described you as incredibly smart, impeccably honest, committed to doing what is right and fair and intensely loyal. Those descriptors amply demonstrate that you have the attributes that are necessary for this role.

As we've already heard, your Honour's family is here today including your mother, Julie, and your three sisters and some of their partners as well as some of their children. We're all products of our family and you are no exception. Your family has every reason to be very proud of what you have achieved and what you achieve in the next phase of your professional life. On behalf of the West Australian Bar Association, I congratulate your Honour on your appointment and wish you the very best for a fulfilling career as a member of this Court. Your Honours please.

QUINLAN CJ: Thank you, Mr Vandongen. Your Honour.

FORRESTER J: Chief Justice, current and past members of this Court, members of other courts, Mr Attorney, Mr Golem, Mr Vandongen, members of the legal profession and my family and friends, thank you to all of you for your attendance this afternoon. I am unbelievably pleased to have you all here.

I first want to acknowledge the traditional custodians of the land on which we gather today, the Whadjuk People of the Noongar Nation, and recognise their continuing connection to land, water and community. I pay my respects to their elders, past and present.

Mr Attorney, thank you very much for your kind words. I am humbled by the trust and confidence you and the government have placed in me by appointing me as a Justice of this Court. I have always regarded myself as being privileged to work in a job that I love which also serves the community of Western Australia, and I am honoured to have the opportunity to continue to do so in this new capacity.

Mr Golem, thank you for your warm address on behalf of the Law Society. I've long valued the hard work of the Law Society and its support for the legal profession, and I look forward to a continued association with the Law Society where possible.

Mr Vandongen, thank you also. I was very pleased as Director of Public Prosecutions to be accepted as a member of the Western Australian Bar Association and to now continue that membership as a judicial member. I very much appreciate the welcome you have expressed on its behalf. I have a great appreciation for the work of the Independent Bar and I'm particularly well-aware of its members invaluable contribution to the operation of the criminal justice system.

I have sat at the bar table on many occasions such as these and observed others undergo the ritual of what they assured everybody attending was a succession of flattering and overly generous speeches and sanitised accounts of their careers to this point. I can attest to the same feeling.

I would like to express my gratitude to the Chief Justice and the members of this Court for being so welcoming and generous to me on my commencement. Their advice, offers of assistance, and expert tips have been invaluable to me since my appointment, and I have no doubt they will continue to be. The women of this Court, in particular, have gone out of their way to make me feel a sense of belonging, although everyone has been very inclusive. It truly is a very collegiate place to work, and I am delighted to be joining it.

I would also like to thank all of those members of other courts and members of the profession who have sent me

notes or texted, called, or emailed me with congratulatory messages since the announcement of my appointment. It really has been very overwhelming. I hope I have earnestly tried to respond to every single message, and I hope I have, although it has been very difficult to fully express just how much I have appreciated the support and kindness of all of the people who have taken the time to contact me.

There are many people here today who have played a very significant role in my sitting here. I wish I could thank all of them individually, but that would make for an impossibly long speech, and I have always tried to avoid them. I mean to continue to do so, even though from now on, I have a more captive audience.

I emerged from my years at university with no legal connections, and even less idea how to commence my legal career. I knew I wanted to work in the criminal law, but there were very limited avenues open to me or to a graduate at all back then. I have always been very grateful to the partners at Jackson McDonald which was one of the few law firms willing to take a chance on a very professionally naïve law student in offering me articles.

In the two and a-half years I spent at Jackson McDonald, I learned many skills which have been invaluable to me in my career and which I never would have learned had I started my career immediately as a criminal lawyer. Despite the fact that my articles year involved being sequestered, in effect, for eight months on a separate floor of the office with few other people working on a huge discovery, I did have the chance to work with people who taught me the essentials and I was given enough court work to know that that was what I wanted to do. I have always been very glad in hindsight to have been given that experience.

As a junior lawyer though, I positively bolted towards the first available opening at the Director of Public Prosecutions and eventually managed to snag myself a role as a very junior Crown Prosecutor. I knew straightaway that I had found the place where I belonged. The work was interesting, challenging and variable, and I had a sense of worth in my work that had hitherto - eluded me, that of working for the benefit of the community.

I worked with incredibly talented men and women who from the outset taught me the fundamentals, the importance of ethics and integrity above all else, how to be robust, but fair, and how there can never be a substitute for knowing your case inside out. None of those things have

changed in my career and I doubt they ever will. I have tried in turn to pass those lessons on to others.

I was very fortunate as a new Crown Prosecutor to work with John McKechnie QC, who has had a profound influence on my career. At first, he was an awe-inspiring Director and advocate, and he set the standard immediately for me. Later, he became a trusted mentor and I have always been grateful for his wise advice and counsel.

I was also very lucky from an early stage to learn from and be influenced by former Deputy State Coroner, Evelyn Vicker, Judge Troy Sweeney, and Justice Gail Archer as they now are. To me, as a young woman at the ODPP at that time, they were inspirational.

In an office and profession where the senior ranks were male dominated, they excelled as powerful and clever advocates with a grasp of the finer points of law that was hugely daunting, and their lessons on integrity and ethics, by example and discussion, remained with me throughout my career. As that junior Crown Prosecutor, all I wanted to be, was even half as good as they were. And years later, I am pleased to be able to call them all my friends.

I was also very fortunate to work with former District Court Judge Simon Stone. He taught me very many important lessons about advocacy and the criminal law, and he had a terrific forensic instinct. He was also to me, one of the most generous mentors. Not once do I remember him not having time to talk with me about a case, whatever the issue. And even if we disagreed and we often did, he taught me to have confidence in my own decisions, something which has been so important in my development ever since.

One of the best things about the ODPP was the ability to access support and knowledge from my colleagues. I was privileged after a relatively short time to be part of a group of strong smart women who were highly supportive of each other and who were always available to discuss anything which came up from day to day.

I have such great memories of the occasions where we would get together and laugh at the absurdities that our jobs and our lives threw at us. I would like to thank those women for all contributing to making my life at the ODPP so memorable and personally rewarding, as well as professionally. I have made some amazing life-long friends.

I went to the ODPP from a private law firm, and to me as a young woman in the law in the nineties, gender equality in the WA public sector was by comparison vastly advanced. However, there was a long way to go, and many very bright young women lawyers left the ODPP along the way because children and a prosecuting career were incompatible, and other opportunities arose which were better for them at that time.

Some stayed, but had to fight every inch for maternity leave, the right to return part-time, let alone to get promoted. I have a great deal of admiration for those women, for at that time they were all women, and their efforts. Because as you all know, it is not enough that those things are theoretically available, they have to be actually available and accepted as being so. And many of the women that I worked with, made that more of a reality at the ODPP.

As Director, I tried as much as I could to advance that. However, I also know full well, that 20 years after witnessing those early battles, having a career as a trial lawyer as well as raising families still presents real challenges, despite the progress. Change is hard, and we work in a system which was designed decades ago for and by people in traditional roles.

Unfortunately, that's not something which will change in a hurry, and some of it may never change, but I firmly believe that we should always want those who come after us to have it better than we did. If there was one benefit of COVID-19, it was that it did force some changes to the system which had previously been seen as impossible but will now likely endure. I hope that in the future, change doesn't require such drastic impetus.

As it was, I chose an alternate path and I have never wished it otherwise. In many ways, I have the easier time of it, and I have the benefit of my fantastic nieces, Jasmine, Ashley and Lilly and my nephews Seth, Chase and Cooper, if I ever need reminding.

Even so, there have been times in my career when work has asked too much. I have missed important events in my own life and much to my regret, events in the lives of good friends and family. I don't think I ever really mastered work life balance, although perhaps I have become better at it. I would very much like to see those who come after me, have a better opportunity to do so.

While my life of crime has only ever been as a prosecutor, I've always had very high regard for those who appear on behalf of accused people, be they members of the Bar, sole practitioners or part of a larger firm. In an ideal world, everyone accused of a crime would have access to legal representation and those who appear on behalf of accused do a very difficult and sometimes unpopular job. Like prosecuting, it can also have significant personal impacts. As most of us here know, the system would collapse without them.

I have no doubt that as a judge, I will have an even greater opportunity to appreciate their role in the criminal justice system. In my prosecuting career, I have seen some of the worst of humanity, and some of the best. To misquote a rhyme which has always stuck with me since I was little:

When it was good, it was very, very, good, but when it was bad, it was horrid.

Both parts have had impacts on me which will last for the rest of my life, and many of my former colleagues know that feeling very well. But there was enough of the very, very, good to keep me coming back for more, and I cannot have hoped for a more rewarding career.

I had never thought to aspire to be the Director of Public of Prosecutions and I always felt there was a little bit of the right place, right time for me being offered the role. I was never in any doubt what a significant responsibility I was taking on and I tried my utmost every day to deserve that responsibility.

I fear I've been given too much credit for stewardship of the Bradley Edwards' trial, and I cannot continue to take that credit away from now, her Honour Judge Barbagallo. I did, however, have to manage the Office while she was dedicated solely to that role, and I am proud of the fact that together we managed to guide the Office through such an enormous case.

It was a privilege to serve as the Director of Public Prosecutions for the State and to take the Office through a time of such immense growth and challenge. I am so proud to have led such a group of dedicated and talented people. I am also very grateful to them all, legal, prosecution support, and corporate for their hard work and support of me during my time as Director, and I wish them and the future Director all of the best in the future.

Mr Attorney, I would also like to thank you for your support of me in my former role, and for the Office of the Director of Public Prosecutions more broadly. You were always a highly-principled and vocal protector of the independence of the Office of Director and that is so integral to its proper operation. You also ensured that good effect could be given to that independence by your support as the responsible Minister.

Despite the sometimes vast volumes of material that passed between our offices as part of our respective roles, I could always be assured that you were across every detail and ready to do whatever you could to ensure that appropriate action was taken as expeditiously as possible. I have very much enjoyed working with you and your staff.

I want to thank my closest friends, who I am so pleased could almost all be here today, who have been a source of support, advice, comfort and laughs throughout my time as Director as well as before then. There is so much of that job which has to be done alone, and kind and understanding friends are imperative. Words cannot properly express how fortunate I feel to have you in my life.

And finally, I come to my family. For most of my childhood, it was my mum and the four of us girls, with a relatively small but loving extended family, some of whom I am pleased to have here today. Our close family unit didn't have a lot, but we had enough. Growing up, my sisters and I played together and fought each other, sometimes in equal measure. Mum raised us all to be fiercely strong and independent, and between the four of us, my mum and the ever precious pets, our household was rarely a peaceful place.

As adults, my sisters can always be relied upon to keep me grounded. The community can rest easy knowing that I will never be allowed to get above myself. I was reminded of that only last night. However, against the world we have always had each other's backs, and all of my sisters have been very successful in their chosen careers. I am thrilled that they are all able to be here today, particularly my sister Kate, who has now travelled here twice from the Gold Coast as a result of my poorly timed COVID.

I never forgot my mum telling me how she had to leave school at 15 because her father thought further education would be wasted on a girl whose inevitable destiny was getting married and having children. What I really remember about that is my feeling of injustice for her when

I heard that, and how much obviously it still rankled her 20 years on. So much so that she went back and did night school and then her tertiary entrance exams, and she did this as I was going through high school, and she still was raising her four daughters. She got better marks than me too.

If anyone wants to know where I got my determination from, you need look no further. It won't surprise anyone to know then that mum drilled into all of us the importance of education and hard work and despite everything, she made sure that as long as we were studying, we always had free board and a room at home.

As a child, I saw some of the sacrifices mum made for us, and as an adult, I see many more, and I appreciate them far more. It's lucky that it's not the job of a child to repay their parents for sacrifices they make, because I would never be able to repay my mum. Not only did she make it possible for me to be here, she taught me to see all things as being possible.

I've always been the sort of person to tackle a challenge head on. I have no doubt that this next chapter in my life will put that trait to use on a very regular basis. It's an exciting prospect as well as being a little daunting, but it wouldn't be a challenge otherwise. I look forward to making the most of it, both for myself and the community of Western Australia. Thank you.

QUINLAN CJ: Thank you, Justice Forrester. That concludes this afternoon's ceremonial sitting. The Court will now adjourn.

AT 5.13 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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