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THE DISTRICT COURT OF
WESTERN AUSTRALIA

1 of 1900

WELCOME CEREMONY FOR HIS HONOUR
JUDGE GARY MASSEY

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 19 AUGUST 2020 AT 9.14 AM

MR J.R. QUIGLEY MLA Attorney-General of Western Australia

MR N.P. VAN HATTEM President, The Law Society of Western Australia

MR S.M. DAVIES SC Vice President, Western Australian Bar Association

MR A.G. ELLIOTT President, Criminal Lawyers' Association of Western Australia

WAGER CJDC: This special sitting is to welcome his Honour Judge Gary Massey to the court, his Honour having received his commission from His Excellency The Governor on 29 July 2020.

The court sits on the land of the Whadjuk Noongar people and I pay my respects to their elders past, present and emerging and I acknowledge the continuing culture and contribution made by all Aboriginal people in this State.

The judges of this court are sitting in the body of the court today rather than on the Bench consistent with social distancing measures. However, their presence demonstrates how welcome his Honour has been to the court and marks the respect that his judicial colleagues pay to him by their attendance this morning.

They are represented on the Bench by his Honour Senior Judge Stavriano. The court is honoured to have the Chief Justice of Western Australia, The Honourable Peter Quinlan sitting with us today. I extend a special welcome to his Honour Judge Massey's family, his Honour's wife Belinda, sons Benjamin and Tim and daughter Kate. I also welcome his Honour's brothers and sisters-in-law and acknowledge that his Honour's brothers Michael who is in Busselton and Shaun who's in Queensland have sent their apologies because they can't join us today. I welcome his Honour's invited guests and friends.

The court also acknowledges all distinguished guests who are present today including the Honourable Justice Janine Pritchard President of the State Administrative Tribunal, Ms Ros Fogliani State Coroner, Mr Martyn Plummer Assistant Director Office of the Director of Public Prosecutions, Mr Nicholas Egan State Solicitor State Solicitor's Office, Ms Joanne Stampalia Executive Director Court and Tribunal Services, Ms Clare Thompson President of the Women Lawyers Association of Western Australia and executive officers of the Department of Justice.

I welcome the counsel to this court including Mr Joshua Thomson SC Solicitor General of Western Australia and Ms Amanda Forrester SC Director of Public Prosecutions and that welcome is extended to counsel who have been invited to attend today. I welcome retired judges, members of the legal profession, friends, family and community members who will have the opportunity of viewing this welcome from Thursday 20 August 2020 on the District Court of Western Australia website.

I also welcome the speakers at the Bar table, the Honourable Attorney-General Mr John Quigley MLA, Mr Nicholas Van Hattem President of the Law Society of Western Australia, Mr Stephen Davies SC President of the Western Australian Bar Association and Mr Anthony Elliott President of the Criminal Lawyers' Association of Western Australia. Judge Massey's appointment is the second that has been made possible because of the creation of two additional judicial positions.

Once again I thank you, Mr Attorney and you, Mr Joshua Thomson as well as the former Chief Judge Kevin Sleight for your determination and success in securing additional judicial resources for this court given the significant judicial caseload that the judges face and the impact of legislative changes on that caseload. It's often said that justice delayed is justice denied and this court was facing significant delays prior to COVID-19 measures that required the vacation of jury trials. Jury trials are now, of course, back on track with COVID measures in place.

But once again I call on those who have supported the court so well in the past to do so in the future to ensure that our COVID-19 backlog doesn't blow out disproportionately. I know that the judges of the court and the District Court staff have enjoyed welcoming Judge Massey and his staff to the team. I thank Ms Janene Howard Manager of Associates and Ushers, Ms Laura Sutton Acting Executive Manager of the Court, Ms Tania Sloan my executive assistant and all of the staff for assisting and welcoming Judge Massey, his associate Ms Zoe Botica and his usher Mr Tayt Mumme to the team.

His Honour comes to this court with 32 years of experience in the profession. His Honour has appeared regularly and successfully in the jurisdiction in both civil and criminal litigation. He is known to be skilled, hardworking and a fair advocate. He will be a true asset to this Bench. I have no doubt that his Honour will make an excellent judge and I welcome his Honour to this court.

Yes, Mr Attorney?

QUIGLEY, MR: May it please the court and thank you, Chief Judge. I'd like to start by recognising the traditional owners of the land upon which we meet here today, the Whadjuk people of the Noongar nation and pay my respects to their elders past, present and emerging. I would also like to pay tribute to the community of Western Australia and the policy settings that have come from the government that

have enabled this court to gather during this time of COVID pandemic.

I note that it was the day before yesterday that Chief Justice Bathurst in New South Wales noted at the admissions ceremony for new practitioners it was the first time in 120 years that the court could not convene for admissions. Yet in Western Australia in perhaps the safest place in the world this court has not only been able to convene for this wonderful welcoming ceremony this morning, but has been able to reconvene and get jury trials and other trials under way in person and that's a tribute to all Western Australians that this has been able to be achieved.

I'd also like to offer the apologies of the State Solicitor Mr Nick Egan who is elsewhere this morning monitoring proceedings in Queensland and offers his apologies for his nonattendance. And I also would like to add my acknowledgment to the distinguished guests gathered here on this occasion this morning which you have acknowledged, Chief Judge, but in particular Judge Massey's family, his wife Belinda and their three children Ben, Kate and Tim. It is my great honour to appear before you on behalf of the State Government and the people of Western Australia to welcome Judge Massey to this court.

His Honour has accumulated an extensive experience and expertise during 30 years plus in the legal profession and I'm confident he will serve with distinction. Before I go any further, please let me indulge in this one observation. Having made two dozen or so judicial appointments now as the Attorney-General, I have seen a few CVs come in. Judicial appointments are not only made solely on the strength of a CV, let me assure you, but nonetheless they are used to help to inform the cabinet and the cabinet submission which is ultimately endorsed to make the appointment official.

Some CVs are very long and detailed and provide an intricate account of the candidate's professional life and upbringing and so forth. And then we've got to Judge Massey's, a one-pager, even double-spaced. One view which could be taken of the CV as sparse as Judge Massey's is that it was the sign of a person so comfortable with their abilities and standing in the profession that they believed that their reputation preceded them and, Judge, it did. However, the real story emerged after speaking in recent days to those who know his Honour best.

Judge Massey is a very humble person who is not in the habit of listing his achievements, not even on his own CV. Here's what I can tell you. Judge Massey has over 30 years' experience as a lawyer in commercial and criminal law with over 16 years spent in criminal trials. Judge Massey is the eldest of five sons to parents Clive and Sue. Judge Massey's father Clive was an agricultural scientist for the United Nations, an occupation which saw his Honour along with his four brothers Michael, Chris, Shaun and Kim grow up between Kununurra and in rural Western Australia and in Chiang Mai in northern Thailand.

Judge Massey was initially home schooled by his dedicated mother Sue before attending no fewer than nine separate schools before boarding at Hale to complete his secondary education. Judge Massey graduated from the University of Western Australia and was admitted into practice in 1989. His Honour practiced in commercial litigation in the commercial litigation team at Jackson McDonald before working as a solicitor and a barrister in the goldfields where he met his wife Belinda and later in Perth. It is of course, here in Perth where his Honour formed a partnership in 2004. Holborn Lenhoff Massey was born.

For the past 17 years, his Honour has worked tirelessly not only practicing law, but also in mentoring and guiding and supporting employees of Holborn Lenhoff Massey including up and coming lawyers. Indeed, one of your former associates recall Judge Massey sharing not only his office, but a computer with him as the young graduate completed his Articles. On one occasion, the young articulated clerk jumped up from the computer when the named partner walked in. Rather than pull rank, his Honour insisted the articulated clerk complete his assignment at the computer while Judge Massey worked on his notes by hand sitting on the other side of the desk.

Judge Massey's former colleagues describe his Honour's most notable qualities as his tolerance and his ability to compromise. I'm told that in 17 years of partnership not once did his Honour and his former partners exchange an angry word. This I'm reliably informed is a testament to his Honour's enormous capacity for empathy and the ability to understand and respect the differing opinions and positions in an argument, conflict or disagreement, qualities I am confident that will serve his Honour well as a judge of this honourable court.

Those close to Judge Massey also describe his Honour as extremely humble and speak of his warm temperament, objective insight and practicality, traits his Honour's

wife Belinda says means she never wins an argument. Family is incredibly important to his Honour. Not only his Honour's wife Belinda and his three children, but the extremely close and unwavering supporting relationship his Honour has with his four brothers. The family is extremely proud of his Honour. Judge Massey is also an accomplished athlete.

His Honour was a track and field runner at the University of Western Australia. After winning the State title with the relay team for the University of Western Australia in 1986, his Honour was invited to Singapore to compete as part of the team representing Australia in the 1987 South-Eastern Asian Games. At the games, his Honour's relay team won the four by 200 metre sprint setting a record which stood for 10 years, a title which his Honour and the team were invited back to Singapore to defend for several years after.

It was the 1987 games that Judge Massey met Mr Loh Lin Kok, then president of the Singapore Athletic Association, an esteemed criminal lawyer in Singapore, Deputy Crown Prosecutor and Ambassador to Singapore for the United Nations, an enduring friendship that remains today. Mr Kok sends his best wishes to Judge Massey today. Ever the athlete, I am also informed that Judge Massey made the world semi-finals of another event in Singapore only to be robbed of a potential title when the managing partner at Jackson McDonald at the time, the late Peter Momber would not release his Honour to compete in the grand final.

Not only was his Honour an avid athlete, his Honour also enjoys attending social functions during his time at the University of Western Australia, so much so that his Honour was bestowed the Best Connoisseur of Leisure Award in every year of residence at the then St Columbia College. Never was his Honour's wicked sense of humour more apparent than at these functions. Whilst attending a formal dinner hosted by the University of Western Australia some way through his law studies, his Honour was seated next to a distinguished guest that had been invited by the University to attend.

When his Honour politely turned to the guest to ask what he did for a living, the guest replied that he was a High Court Justice. His Honour then proceeded to ask the guest to explain what a High Court Justice does. That guest happened to be none other than the Honourable Sir Ronald Darling Wilson AC KBE CMG QC. Anecdotes aside reflecting on your career and on your life to date, Judge Massey, it is clear that you are eminently qualified to be appointed

to sit on the Bench all these years later. Sam Vandongen SC who is at the Bar table this morning also described your Honour recently as one of the very best criminal lawyers this State has seen.

Your Honour's extensive experience in practicing criminal law and in conducting criminal trials in particular coupled with your good temperament and good standing in the legal profession give me every confidence in your abilities. Indeed, I expect the taxpayer to get a lot out of Judge Massey. His Honour's judgment will be flying out of the chambers at a rate of knots, such will be their brevity and precision if his CV is anything to go by. Judge Massey, on behalf of the Government of Western Australia and on behalf of the community 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.

WAGER CJDC: Thank you, Mr Attorney.

Mr Van Hattem?

VAN HATTEM, MR: May it please the court. It's my privilege to appear on behalf of the Law Society of Western Australia to welcome your Honour Judge Massey to the Bench of the District Court. As the Honourable Attorney has noted, your Honour spent some early formative years growing up in Thailand. Colleagues suggest that this early experience may have contributed to your innate sense of equity and empathy and deep understanding of the many different paths that peoples' lives can take. Your Honour earned a Bachelor of Law at the University of Western Australia in 1987. Your Honour was well liked at law school and a champion of university athletics.

In 1989 your Honour was admitted to practice. In the same year, your Honour joined the Law Society and has been a much valued member and supporter of the Law Society for over 30 years. Your Honour started working at Jackson McDonald and also worked in Kalgoorlie with David McSweeney & Co and then with Fiocco Hopkins Nash. In 2000, your Honour established your own legal firm Gary Massey & Associates and from 2004 until this year, your Honour was a partner of Holborn Lenhoff Massey. With your Honour's partners you led a highly regarded firm which continues to have a strong culture of training and teamwork.

Your Honour was known for legal excellence and ruthless efficiency. The work was very important and was given all care and attention. Everyone also knew when the long day was done how much your Honour wanted to get back home to be with your family.

One story is illustrative both of that office culture and your Honour's commitment to people. On a fairly typical day, your Honour had important back-to-back commitments, but one of your hardworking and reliable staff had not yet come to work which was itself unusual. That she had not called to advise of lateness or illness caused some concern. Your Honour called her phone, but there was no answer. Without a second thought, I'm advised your Honour immediately rushed to her house to make sure she was okay. Your Honour arrived to find that she was okay, just a little embarrassed to have locked herself and her phone out of her house.

Your Honour was a preeminent defence lawyer, a view shared by local defence lawyers, interstate senior counsel and prosecutors from the offices of the State and the Commonwealth. Over a career of more than three decades, your Honour has earned a reputation as a true gentleman.

Descriptions vary from unfailingly courteous to "such a nice guy". That your Honour's reputation is described so consistently by both defence lawyers and prosecutors is a product of your Honour's unquestionable integrity and ethics. Your Honour has enjoyed a 30-year career devoid of career limiting moments. I have only learned of one. Some practitioners asked your Honour to participate in a video for the office review. Your Honour did so with good grace and good humour. I'm told it was very good and that when it was over, your Honour looked to the camera and said, "Well, there goes any chance of appointment".

The profession is very grateful that your Honour was not correct in this instance. The Society and the broader profession have no doubt that your Honour will bring to this new role the aptitude, vigour and pursuit of excellence that have characterised your Honour's legal career to date. We warmly congratulate your Honour on this appointment and wish you every success in your judicial career.

May it please the court.

WAGER CJDC: Thank you, Mr Van Hattem.

Yes, Mr Davies?

DAVIES, MR: On behalf of the Western Australian Bar Association, may I present our compliments and congratulations on the occasion of your Honour's appointment as a judge of this court. I wish to associate the Bar Association with each and all of the complimentary remarks that have fallen from others. To say that your Honour is eminently suited for appointment to this court is rather to understate the matter.

Prior to your Honour's appointment, your Honour was undoubtedly the pre-eminent practitioner in the amalgam practising in the area of criminal law.

Your Honour managed to combine the solicitor's side of the practice in crime together with the practices of counsel, and a significant practice as counsel, undertaking very significant and extensive counsel work yourself.

That is done by many practitioners in crime to a greater or lesser extent. But the context in which your Honour did it was that your Honour was able to combine those two roles with a practice at the level that your Honour was operating. A very busy practice, a practice specialising in crime at the highest and most complex levels.

Your Honour had the conduct of many notable, highly complex criminal matters including complicated white collar crime, matters that went all the way to the High Court in which your Honour not only acted as solicitor, but also appeared as counsel with prominent and demanding senior counsel.

In relation to those senior counsel who your Honour briefed outside of this State, I'm told that some of them were beyond demanding, and might fairly be described as difficult or prima donnas. But your Honour handled all of that with no apparent break in your Honour's step.

I've mentioned difficult and high profile cases, but what came with that, people for whom your Honour acted were high profile clients. And while one doesn't know as to the particular disposition of those clients, but common experience tells us that high profile clients can sometimes be difficult clients as well.

What is a mark of your Honour's competence and character is that not only was your Honour retained by high profile clients in the area in which your Honour practises, not only was your Honour able to navigate some of the difficult issues that arise in that - the relationship with a client - and yet keeping the proper distance necessary between a professional and a client, not only was your Honour chosen

by those clients but inevitably, invariably, whenever a query was put out throughout the profession between lawyers as to who should be retained, whether to help a friend or relation, almost always the recommendation came back through the traps that your Honour was the person to retain.

So not only did your Honour attract and retain high profile clients in the area in which you practised, but it is clear that your Honour is also a lawyer's lawyer. Because whenever the question was asked, the answer always seemed to be Gary Massey as the person to engage. That says a great deal about your Honour.

Your Honour was also known for your compassion to your clients, to your careful and moderate charging, for your regard to people's capacity to pay, and also for very extensive pro bono work that your Honour undertook over a very extended period of time in relation to quite important matters.

One matter is still outstanding. It's a matter where no doubt your Honour feels some regret at not being able to take it through to a conclusion. But your Honour has put in very considerable hard yards, unseen largely by the public over a very extended period.

In respect of the West Australian Bar, we are delighted by your Honour's appointment. Your Honour is, of course, well-known at the West Australian Bar because your Honour practises as counsel yourself.

But your Honour is well-known in other ways as well.

Firstly, your Honour is particularly known as a practitioner who honours almost beyond what might be expected in relation to the obligation between solicitor and barrister in relation to matters of fees.

Your Honour has an impeccable reputation in that regard. Even in some circumstances where it would be well-known that there might be difficulties, those difficulties never existed where your Honour was concerned.

But secondly, even in circumstances where your Honour's career progressed and your Honour was able to and did retain silk at the very highest level throughout Australia was at your Honour's option, your Honour nevertheless took considerable efforts to retain and give opportunities to barristers at the West Australian Bar. And in particular, junior barristers practising crime at the West Australian

Bar in circumstances where there would be very many easy options available for your Honour to brief right across Australia.

The West Australian Bar welcomes your Honour to this court and wishes your Honour all good fortune in this next phase of your Honour's career.

WAGER CJDC: Thank you, Mr Davies.

Yes, Mr Elliott?

ELLIOTT, MR: Your Honours and your Honour, on behalf of the members of the Criminal Lawyers' Association of Western Australia, I congratulate your Honour on your appointment as a judge of this honourable court.

Like Mr Davies has done, I associate the Criminal Lawyers' Association with the complimentary remarks that others have already made about your Honour. I'm sure one of your colleagues recently confided in me that when you become a new judge, there can never be too many compliments.

I don't know if two examples qualify as a theme or a feature, but as I was thinking about your Honour's past, it struck me that you appear to attract - associate might be a better phrase - people with big, bold personalities and even bigger voices.

The two that immediately came to mind are Paul Holmes who worked with you at Holborn Lenhoff Massey, and Eric Balodis with whom you were friends at university. Your Honour is, unlike them, unimposing, even if your intellect isn't. And so perhaps they are the yin to your yang.

I've heard that Paul Holmes suffers from industrial deafness. Perhaps that's why he talks so loud. And that his voice would boom at Holborn Lenhoff Massey. Paul has himself wondered out loud whether one of the reasons why your Honour has gone to the Bench is to enjoy a quieter life. Quieter literally rather than figuratively.

For those who have heard me speak on these occasions before know that preserving the integrity of my sources is sacrosanct. I never tell. Never. Until now.

I am sure that when I mentioned Eric Balodis just a few moments ago, your Honour's face lengthened, just a little.

Perhaps with the thought "what could that blonde-headed Latvian Crown Prosecutor from Port Hedland have said about me from our days at university?" Well, what he could have said is, indeed, an excellent question, one to which I care not to even seek out the answer.

What is important is what he did say. Only you and I will know, really, how much of what follows came from him and what has been embellished because of the nature of this occasion. I should add that he's not my only source, but he is the most interesting.

When Judge Flynn was welcomed just a week ago, it's been said that some in the audience might have wondered whether his new Chambers might become the secret storage space for a new bicycle. Those who know of your penchant for buying books might be wondering the same of your new chambers in respect of books.

Your days at university have been described, if I might paraphrase, as being "efficient". Having appeared as your opponent in a matter which I don't think ultimately went to trial, that characterisation appears supportable.

It's been suggested that you were so efficient that when it came time in your final year at law school to attend civil procedure and conveyancing seminars, nobody in your seminar groups knew who you were.

As the Attorney has pointed out, you also sometimes have difficulty in knowing who other people were, particularly Sir Ronald Wilson. As a judge, your Honour will inevitably travel on circuit, which prompts me to relate some observations about your travels through Europe and the United States as a young man.

When you did so, I'm told you were prone to favour cheaper accommodation. In fact, your Honour's travel stories, so my source informs, would rival George Orwell's *Down and Out in Paris and London*. Although, in your Honour's case, it was down and out in Amsterdam, London and New York.

For those who are unfamiliar with George Orwell's first full-length work, published in 1933, here's a short description of it. It's a memoir in two parts on the theme of poverty in two cities, which was written deliberately in a non-academic tone.

The first part is an account of living in near destitution in Paris and the experience of casual labour in restaurant

kitchens. The second part is a travel log of life on the road in and around London, from the tramp's perspective.

If the comparison is, in any way, accurate, your Honour brings to the Bench an understanding of what might drive people who are on the margins. I'm told that your Honour took a particular view during your travels about the conveniences in McDonald's being superior to anywhere. But as my sources observe, now that your Honour's a judge, no doubt you will prefer more upmarket accommodation and visit McDonald's far less frequently.

The Association hopes that your judicial career is not the disappointment that your family trip to the Grand Canyon was. I'm told that when you went there, it was filled with fog and nothing of the great landmark could be seen. I hope that you will forgive me this foray down memory lane. Many people here might wonder at my purpose in bringing up the dim, distant past.

The answer lies in one word, and that word is experience. Your Honour has a life filled with broad experience, which puts you in a position of being better able to judge those who come before you, counsel, witnesses and accused the like.

On occasions like this, it's important for a speaker not to simply promote their own views, but to echo what others have said about the new appointee. Throughout your Honour's career, you have consistently striven to obtain justice for your clients.

You have doggedly pursued their interests in an enormous number of cases. You are careful, you are considered. You seem, to an observer, to be impartial, yet determined. Importantly, you are well-regarded and well-respected within the ranks of criminal lawyers, many of whom have been anticipating this appointment for some time.

All of these qualities make you not only suitable for judicial appointment, but eminently so. The experience which you have in dealing with difficult clients will stand you in good stead for dealing with difficult advocates.

I wondered, as I thought about my speech, whether it is a matter of regret to your Honour that the timing of your appointment means that you will never have the opportunity to say, "Just sit down, Mr Urquhart". At least there is still Mr Holmes.

It's my honour to address the court on behalf of the Criminal Lawyers' Association at this ceremony to welcome you to the Bench, and to wish you the very best during your judicial service.

May I close with a question? Perhaps a challenge. Can your Honour manage to squeeze a smile from Senior Judge Stavrianou, the way your colleague, Judge Flynn, did last week?

WAGER CJDC: Thank you, Mr Elliott.

Yes, Judge Massey?

MASSEY DCJ: There are impossible tasks and there are more difficult tasks, and I'm not even going to attempt that last one. Thank you very much, all the speakers. Of course, ladies and gentlemen, what you've just heard is not evidence. It's comment by the lawyers.

And as far as all the embarrassing stuff is concerned, it's completely unsupported, and I direct you to disregard it. One week ago, many of us sat in this courtroom for Martin Flynn's welcome and heard him speak. One of my colleagues remarked to me afterwards that he had set a high bar. I'm not going to try and jump over that bar.

Instead, my goal will be to live up to one of the things my children used to say to their siblings when he or she was about to leave for a sporting contest. And obviously, anxious to do well and nervous, my children, in order to ease those nerves, would say, "Don't play like rubbish".

I'm paraphrasing, because, of course, they used a four-letter word. But if I adopt that as my mantra for this speech, and having had Judge Flynn set the bar high last week, maybe my goals might be slightly lower. But for me, more achievable.

As you've heard, I grew up in predominantly Kununurra and Thailand. I'm one of five boys, two of whom, Kim, with his wife Lauren, and my brother Chris, with his wife Jane, are here today. My brother Shaun and his wife Kath are marooned interstate. My brother Michael is busy at his medical practice in Busselton, although his wife Lisa is here with us, as well.

Living in those places gave me first-hand experience of the problems disadvantage causes in society. In Kununurra, I attended school in grade 1 with indigenous children who

were academically gifted but, by grade 5, weren't coming to school.

In Chiang Mai, unlike the situation there now, there was widespread poverty. And my father worked in the hill tribe community, and I saw that, as well. I've seen children of greater ability than me get left behind because of their disadvantage.

And, of course, we see the problems caused by that disadvantage every day in these courts, both in those who are accused and those who are the victims. I hope that my own experiences will assist me in being empathetic to those who appear before me.

And reflecting on my appointment today, I understand that it says more about the advantages I have been given by others, rather than anything I have done for myself. There are a number of people who I've met along the way who have got me to this point today, who have made sure that I have not been left behind, as those I went to school with were.

And the first of those advantages was to have been given the parents I had. My parents, Clive and Sue Massey, are no longer with us. And my only regret about my appointment was they're not here to see this day, because they would have been very happy.

However, they provided us with a childhood which enabled us to live in interesting places and meet a variety of interesting people, and to feel that we were valued. Dad, himself, made life unpredictable. At various stages, he brought home a joey whose mother had been killed, a couple of gibbons, and one morning, woke up to find a crocodile in our laundry trough.

My mother was a very intelligent woman who was the bedrock of our family. But as you can imagine, from what I just said, had to be a steadying influence on my father. And together, they gave us an example to live up to. Their sacrifices and love for me and my brothers ensured that we had opportunities that they never had.

When I was in grade 1 in Kununurra, we had a school excursion. Whereas my city counterparts probably had excursions to the zoo or to the beach or somewhere pleasant, ours was to the local police station, culminating in a tour of the lockup, meeting some of the prisoners. Perhaps not recommended by the Department of Child Protection today. I vowed, there and then, I would have nothing to do with prisons. In Chiang Mai, we regularly

drove past the Children's Court. My mother would say to me I should stay away from places like that. It seems that, through my appointment today and my earlier work, both of our hopes have been dashed.

My path to this point has been marred by a few missteps. You heard about my involvement with Sir Ronald Wilson. In fact, I didn't know he was a High Court judge before I started speaking to him. He introduced himself as Ron. And having had him inquire what I was doing, I told him I was at law school. I was two weeks into law school. I was 19. I started to explain the subjects I had, and thought it appropriate that I would explain to him what a tort was. And so I gave a quick tutorial in torts to a serving High Court judge, and that really was the start of my legal career.

There are a lot of people whose assistance has got me to this point. I cannot thank all of them, but have selected a few for specific mention. Starting with Garry Tester, who is here today. Garry selected me in the athletics team. It's funny how small things lead to bigger things. Through that athletics team, I met two partners at Jackson McDonald, who offered me a job, and things flowed from there. So thank you, Garry, for the selection at the time.

At Jackson McDonald, I met Kevin Pratt, who's been a close friend ever since. And I'm pleased to say he's here today. Kevin has been involved in a number of the important decisions that I've made in the legal profession. He told me it would be a good idea to go to Kalgoorlie when I was mulling over whether to go there. He told me to set up my own practice, and then provided me with my most significant client, when I did so.

He also forgave me my early transgressions as a young lawyer at Jackson McDonald. Kevin gave me some work to do, I did it, brought it into his office for checking. And while he was checking it, thought it appropriate that rather than engage with what he was telling me, put my feet on the desk, put The Australian newspaper between him and me and read it. He let me off with an amused warning, but bided his time.

My next task for him was to serve a writ on a proprietor of a scrap metal yard. When he refused to accept service, I dropped the writ at his feet and with words I had learnt by watching LA Law, told him he should consider himself served. With that, he set his Alsatian dog on me, and as I ran in terror in my suit and tie, vaulting over rusty bits of metal, I appreciated just how clever Kevin really is.

I first met Kanaga Dharmananda at the University of Western Australia in 1984 in our first year of law school. He provided an example of what hard work allied with a sense of humour can achieve. I'm happy to say that he and his wife, Jacinta, who are both here today, who was also in my year at law school, remain close friends to this day.

Andrew Hodge's name is known to many, but I had the advantage of knowing Andrew. It's entirely appropriate the Andrew Hodge Award is given to young lawyers because he was of great assistance to me. He was the first barrister I ever briefed, and combined hard work with great intellect and a sense of humour.

Through Andrew, I came to know and brief his wife, Gillian and I'm very pleased to be able to join her on the Bench now.

I was lucky enough to be employed by John Fiocco for five years. He was the best employer I ever worked for. He provided me with an example of how to treat employees with respect and how to make the workplace an enjoyable place to come to.

Stephen Shirrefs and Con Heliotis were two barristers I worked with regularly from Victoria. Stephen not only provided me with a lot of work when I started my practice but patiently answered any questions which I had. And their passion and intellect were unmatched. And Stephen's untimely death left the profession poorer.

It's become customary at welcome ceremonies in recent times when criminal lawyers are appointed to thank Sam Vandongen. We should produce a template. And this will be no exception.

I had some vague dealings with Sam when he was a prosecutor as a young man, but got to know him when he went to the Bar and he became my counsel of choice in Western Australia pretty soon afterwards. His forbidding demeanour in court masks a very kind person who completely lacks the ability to say "no" to anyone, and often to his own detriment.

Having people like me ringing up to run legal issues by him must exponentially increase his workload but he's always been very patient and forgiving and has been of great importance to me ending up here.

Finally, from a professional sense, I've been lucky enough to have been in partnership for the last 16 years with

Rodney Holborn whose integrity and attention to detail is instrumental in making it such a great place to work.

For more than 10 years, we had David Lenhoff as a partner as well, and I can't remember a time, as Mr Attorney said, when we had any issues between us.

Our staff have been tremendous. Ben Jackson who's been a partner of mine for the past year, Deborah Colvin who's been unbelievable in keeping our office functioning in the way it has, and Nick Terry, Paul Holmes and Hubert Gawley over the years who've made up for my shortcomings. My appointment would not have been possible without you.

I've already mentioned my parents, but the rest of my family have also been instrumental in my life. This includes each one of my brothers. In order, Michael, Chris, Shaun and Kim. Fortunately, I was the eldest so could win all the fights. And so perhaps my memory of our childhood is perhaps fonder than theirs.

However, their achievements and ethical standards have given me an example to follow and to live up to. Our household was always the best place in town to be, and the funniest. And rather than go out on Friday and Saturday nights, I found myself at home as their company was the best I could hope for. The support they have given me is demonstrated by the fact that when I telephoned one of them to tell him of my appointment, his words were "who - you?"

I have three children, Ben, Kate and Tim. To watch them grow from babies to the young adults they are today has been the biggest privilege of my life. Despite the fact that my parenting style is a mixture of the father from the American Pie series of movies and Homer Simpson, my children still look at me as the cool dad, are in awe of my skill with computer technology, and try to emulate my fashion sense whenever possible.

As his Excellency, Kim Beazley, alluded to at my swearing in, hopefully today will perhaps give them cause to doubt that I am the biggest idiot they know.

I am very proud of each one of them and the people they have become. Apart from what they have done so far with their lives, they live their lives with respect for others and are positive influences on their peer groups. I've been lucky enough, in effect, to create my own friendship group with them.

Now, in 1992, I was working in Kalgoorlie. Life was good. I was personally and professionally fulfilled, money in my pocket, regular and interesting work, and I was flying. And then I met my wife. That may have come out wrong.

It just goes to show you don't know what you don't know. Meeting her and having her as my wife taught me what I was missing. She has an incredible work ethic and always gives her best to any task she takes on. I've never seen her shirk a challenge, including her biggest which was taking me in hand.

Her encouragement, strength of character and integrity has meant that feckless youth of 1992 has become a slightly less feckless adult of today. Without her, our family unit would degenerate into a Lord of the Flies-type situation. She is also very, very funny. 25 years ago, she voluntarily entered into a life sentence without any hope of parole. Mr Attorney, I would implore you to refuse any petition of mercy she waves at you. She has been my friend for nearly 30 years and I hope will be my best friend after today as well.

I regard my appointment as both an honour and a privilege. I hope to, as the oath says, do right to all manner of people. When I commenced in the position, I was reminded of something that I had once read, and that is that a judge is a law student who marks his own examination papers. However, two and a half weeks in, I now realise more of what is involved. There's more to it than what it looks.

Secondly, my colleagues have been extremely generous with their time in fielding queries and providing information to me. I have been very impressed with the commitment they bring to the task of doing right to all manner of people, and would like to thank them for welcoming me in the way they have.

I was very sad at leaving my old firm and the friendships I had there behind, but their genuine welcome has helped me to ease the transition.

I'd like to thank the Chief Judge for the great understanding she has shown in providing me with a very graduated introduction into my new role, and Senior Judge Stavrianou with all the material and time he has devoted to me.

I'm also very grateful for the fact that I was able to commence with two such fine people as Martin Flynn and Karen Shepherd.

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I'm very lucky to have the team which I do in Zoe and Tayt. It is good that at least some of us know what we're doing, and I would like to thank them for coming on board.

And finally, I ask myself what sort of judge will I be? I hope to be fair and just, to live up to my oath and to be worthy of the honour, always remembering, of course, that as the great George Costanza said, "when you look annoyed all the time, people think that you're busy".

Thank you, Chief Judge.

WAGER CJDC: Thank you, Judge Massey.

And that completes this special sitting and the court will now adjourn.

AT 10.02 AM THE MATTER WAS ADJOURNED ACCORDINGLY