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THE DISTRICT COURT OF
WESTERN AUSTRALIA

1 of 1900

WELCOME CEREMONY FOR HER HONOUR
JUDGE CLEARY

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 21 FEBRUARY 2024 AT 9.18 AM

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

MS P.N. WILKINSON President, the Law Society of Western Australia

MS J.K. TAYLOR SC Western Australian Bar Association

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

WAGER CJDC: This is a special sitting to welcome her Honour Judge Genevieve Cleary to this Court, her Honour having received her commission from His Excellency the Governor on 7 February 2024.

The District Court sits on the land of the Whadjuk people of the greater Noongar nation. I pay my respects to elders past and present and I acknowledge the history, culture and contribution made by all Aboriginal peoples in this State, and pay my respects to all Aboriginal people attending today in person or remotely.

I welcome the Honourable Chief Justice Peter Quinlan to the Bench this morning. The Honourable Chief Justice joins all of the judges of this Court, and we sit as a Full Bench as a sign of respect, support and welcome to Judge Cleary.

I acknowledge and welcome her Honour's family, her Honour's partner Mr Gavin Carter, two of her Honour's children, Oliver and Sienna, and I also welcome her Honour's son James who is in Berlin presently and, accordingly, he's joining us remotely. I welcome her Honour's family, both family members here in court, and those who are in other states of Australia, and who are also joining us remotely today. And I, of course, welcome all of her Honour's invited guests who are present in the Court.

I acknowledge and welcome Justice Katrina Banks-Smith, Federal Court of Australia, the Honourable Justice Janine Pritchard, President of the State Administrative Tribunal, his Honour Chief Magistrate Steven Heath, Ms Ros Fogliani, State Coroner, Ms Kylie Maj, Acting Director General of the Department of Justice, Ms Joanne Stampalia, Deputy Director General, other executives of the Department of Justice who are present today. Mr Craig Bydder SC, Solicitor General for Western Australia.

Mr Rob Owen SC, Director Public Prosecutions for Western Australia, Mr Martyn Plummer, Assistant Director of the Commonwealth Director of Public Prosecutions. And I particularly welcome the speakers at the Bar table, the Honourable John Quigley MLA, Attorney-General for the State of Western Australia, Ms Paula Wilkinson, President of the Law Society of Western Australia, Ms Julie Taylor SC speaking on behalf of the President of the WA Bar Association, and Mr Anthony Elliott, President of the Criminal Lawyers Association of Western Australia.

I welcome Justices of the Supreme Court, the Honourable Justices Hall, Mazza, Mitchell, Fiannaca, McGrath, Derrick, Strk, Forrester, Vandongen, Seaward, Musikanth, Cobby,

Glancy, and Master Russell, and I acknowledge retired judges of this Court.

Judge Cleary is very well known to the judges of this Court, having appeared regularly as counsel throughout her legal career, both when in the amalgam, and when practising solely as a barrister. She is also well known through judicial contact, more recently in her position as a magistrate, and Warden of Mines in Kalgoorlie and other locations. I'm confident her Honour will enjoy her judicial career and serve the people of Western Australia to the best of her ability.

Her Honour's appointment came about because of the appointment of Justice Glancy to the Supreme Court. That, of course, prompted Judge Glancy's resignation from the District Court. Justice Glancy served as a judge of this Court for six years, and held the role of Deputy President at the State Administrative Tribunal for three-and-a-half years. Justice Glancy was a significant contributor to the District Court, and will remain a friend and beloved colleague of us all.

Justice Glancy's appointment also led to Judge Fiona Vernon being appointment Deputy President of the State Administrative Tribunal. Judge Vernon remains very much a part of the District Court, but I do take this opportunity to congratulate Judge Vernon on her appointment. Her experience, both prior to appointment to this Court, and as a judge of this Court, ensure that she will be an excellent Acting President whilst remaining a greatly valued District Court judge.

Yes, Mr Attorney.

QUIGLEY, MR: Thank you, Chief Judge, and may it please the Court.

I'd like to commence by recognising all of the distinguished guests that join us this morning for this auspicious occasion, the welcoming of Judge Cleary, and to acknowledge the Whadjuk people of the Noongar nation upon whose lands we convene and meet this morning.

It is indeed my pleasure to once again appear on behalf of the State of Western Australia, the Government of Western Australia, and more importantly, the people of Western Australia, to join in welcoming your Honour, Judge Genevieve Cleary, to the District Court.

I once again would like to extend, as your Honour has done by name, a warm welcome to Judge Cleary's family, who join us here for this occasion this morning, and I want to particularly thank and honour her partner, Gavin Carter, your Honour's children, James, Sienna and Oliver, stepchildren, Clancy and Rowan, and brother Sean, sister Alison, and daughter-in-law Manon, brother-in-law David, and sister-in-law Julia. I hope I've covered all.

CLEARY DCJ: You have.

QUIGLEY, MR: Of your family, Judge.

CLEARY DCJ: Yes, you have.

QUIGLEY, MR: Not to falter at the last, one of the last hurdles. Judge Cleary, you bring to this Court extensive experience as has been detailed by the Chief Judge this morning. You were admitted to practice in Western Australia and Victoria in 1990. Your Honour's legal experience includes 11 years as a solicitor in private practice and at Legal Aid WA, and seven years as a State prosecutor at the Office of Director of Public Prosecutions.

For the five years immediately before your appointment as a magistrate in 2020, your Honour was a barrister practising in criminal law with experience in youth justice, care and protection, family and civil law. As counsel, your Honour appeared extensively in the Supreme and Magistrates Court trials, in civil appeals in the District Court, and in the Children's Court and the Drug Court.

In addition to that experience. Please pardon me. In addition to that experience, your Honour has held several academic positions at the University of Western Australia, the University of Notre Dame, Murdoch University, primarily in criminal law and evidence subjects.

Your Honour also has committee and board experience, including as Commissioner of the Legal Aid Commission of Western Australia and a director of Francis Burt Chambers, the largest Bar Chambers in the State. In addition, your Honour is an accredited mediator, has a Master's degree in Law, Policy and Government.

To all of this is added your Honour's experience as a magistrate since 2020, including as a warden in the State's Wardens Court, and in a state like ours where our economy

depends on mining, being a warden in the Wardens Court is a crucial role in our city.

Judge Cleary, you are highly regarded in the legal profession. Your Honour's extensive experience as both a magistrate and legal practitioner across criminal law, youth justice, family, civil law, and together with your wider contributions to the committee - to the community, I'm sorry, make you ideally suited to be a judge sitting on the Bench of the District Court of Western Australia.

On behalf of the Government and the people of Western Australia, I congratulate your Honour on your appointment and wish you all the very best in your next stage of service to the people of Western Australia. Congratulations.

And may it please the Court.

WAGER CJDC: Thank you, Mr Attorney.

Ms Wilkinson.

WILKINSON, MS: Thank you, your Honour. May it please the Court.

I join in acknowledging the Traditional Owners of the land on which we meet, the Whadjuk people of the Noongar nation. On behalf of the Law Society of Western Australia, I pay my respects to their elders past, present and emerging.

I recognise and acknowledge the distinguished guests present today, and I especially welcome and congratulate members of your Honour's family, those who are present here in Court and those attending on the live stream in various locations, including your son James in Berlin.

Your Honour, it is a great privilege to appear here today representing the Law Society of Western Australia to welcome you to the Bench of this Honourable Court. As we have heard already, your Honour is highly regarded and well respected in the legal profession, and you have had an outstanding career since being admitted to practice in Western Australia and Victoria in 1990.

To pick up the story of your early life, your Honour. During your secondary school years, you attended Catholic Ladies College in Victoria, and in your school days, you developed a strong leaning towards social justice and the

needs of the vulnerable in society. It appears that this led you to a very early interest and the potential for a career in the law, and particularly the criminal law.

Your friends at college were mainly from hardworking farming families and their career interests were complementary to their family backgrounds. It appears none of them were particularly interested in urban careers in the law. Many of them became vets or ran their own agricultural businesses.

But when the opportunity for work experience was offered to you, you asked the vocation department of your school if they could provide you with a place in a law office. Apparently this was an unusual request, but it appears someone at the school knew what to do because you found yourself spending a week at the office of Galbally & O'Bryan, which is still a legal criminal defence law firm in Melbourne, established by the legendary Frank Galbally. This was your first taste of the practice of criminal law and, your Honour, I believe that you loved it.

You attended the University of Western Australia and you were first in the family to study law, though definitely not the last. Your son Oliver is here sitting at the Bar table today and your daughter Sienna is in her first week of law at Notre Dame.

After studying law at the University of Western Australia, you started out as an article clerk at Parker & Parker as a building and construction lawyer, so there is an engineering and mathematical side to your Honour. You spent about eight months in that role, because, as I understand it, you had always seen yourself standing up arguing in robes. Building and construction law did not seem likely to provide you with that pathway. The Legal Aid Commission, which is where you went next, was an excellent choice for you.

In the early 1990s, your colleagues in the criminal law section of the Legal Aid Commission included your old friend, his Honour Justice Steven Jones of the Family Court of Western Australia. He very kindly told me some recollections about you.

He remembers you from those early days as one of the Parker's people. He said that Parker & Parker wanted their clerks to get court experience and they were all given the opportunity to work for a short time as duty lawyers. His recollection was that the Parker's people, about eight of them, all liked their early court experience so much that

not one of them went back to Parker's. He said you were a member of that cohort.

Justice Jones remembers you in the early days of your career at Legal Aid diary meetings where work and trials were allocated. He said you enthusiastically took on trial work from a very early time, and that you showed an early capacity for conducting trials at very short notice.

He in fact remembers you conducting your very first jury trial. He said that having considered the strengths and weaknesses of your case, you told him you had made the decision not to call your client. This had the effect in this particular case of providing a distinct advantage, and your first jury trial resulted in an acquittal. This was, he said, a really good start to a new phase of your career.

On the more social side of life at Legal Aid in those days, his Honour told me there was a group of you who followed Melrose Place very closely, which in those days was compulsory Tuesday night viewing, and he recalled that you and he one morning animatedly discussed a Melrose Place plot development while in a lift.

Your discussion in the lift was mentioned in the inside cover of the West Australian the following day, the theme of the article being, "Even the lawyers are talking about Melrose Place." Neither of you had realised there was a journalist in the lift. And further in relation to the social side of life at Legal Aid, I understand that you and he snuck out of work one day on a slow day at the office to watch the latest Star Wars movie.

And I understand you would have stayed at Legal Aid forever but there was no permanency in those days. You were on a contract. You believe you were very lucky to have been offered a place at Talbot and Olivier, and you continued to pursue a criminal law career while you were there.

Prior to your appointment as a magistrate in 2020, you were a barrister practising criminal law at Francis Burt Chambers with experience in youth justice, care and protection, family and civil law, regularly appearing as counsel in the Supreme Court and District Court trials.

You have held, as the Honourable Attorney-General observed, several academic positions at the University of Western Australia, the University of Notre Dame and Murdoch University, and you have a Masters in Law, Policy and Government. You are well known for your significant

contributions to education and mentoring in the legal profession.

Your Honour emulates what it means to be a committed and community-spirited member of the profession. You have given your time very generously to committee and board roles, including administration of the Perth Drug Court, Commissioner of Legal Aid, and Director of Francis Burt Chambers.

From 1 February 2022 until recently, you were a member of - you were the Warden of the Warden's Court. This, of course, is the court to establish disputes in relation to mining and mineral tenements. You have said how much you enjoyed your time on the Warden's Court, and how you knew you would really miss it.

Your hard work, skill and commitment has meant you have most certainly not been confined anything like exclusively to the practise of criminal law, and I wanted to acknowledge that, although I do understand that that continues to be your first and greatest love in the law.

Your Honour has been a valued member of the Law Society since 2014, and you have been a familiar face at society events. You have helped support an important value of the Law Society, which is connecting with the community. At the Law Society, we are very grateful to your Honour, and thank you for your interest and support which you have shown for the work undertaken in educating the community through the Society's Francis Burt Law Education Program.

Your Honour, you have so many friends. Those I have spoken to have mentioned how they are in awe of your ability to achieve all that you have done while balancing the needs of family life. You are described as straightforward, independent, unpretentious and genuine, with a strong commitment to social justice, and always up for a challenge. Your colleagues say that what you see is what you get, that you're an incredibly good and compassionate person and, above all, very deserving of this appointment.

Your Honour, apparently, including all these attributes, you are also very brave. The special anecdote from her Honour Judge Mara Barone SC speaks to your Honour's superior calmness and poise in the face of what could have been a terrible crisis:

One time, I was on holiday down south with Judge Cleary and Helen Prince. We were staying in a cute little Airbnb that was a converted train

carriage. It was pretty cold. We had lit a fire, or rather Judge Cleary had. She is the one with all the survival skills, and we were having dinner and playing cards.

We had been at the table for a good couple of hours when Judge Cleary casually said, "I think that might be a snake", pointing up to the rafters near the chimney. Myself and Ms Prince were out the door as quick as you could imagine. Judge Cleary seemed almost unphased, having expressed to have been watching it for a good half an hour and so wasn't sure but, yes, she had come to the view that it was a snake.

I declared, "I don't care what you say, I'm never going back in that place," while she calmly contacted the owner who called a snake catcher, who didn't catch the snake but assured us that it had been scared off. Unphased, Judge Cleary slept soundly in the room closest to the chimney, while myself and Ms Prince each slept with one eye open, and extreme hesitation at putting our feet on the ground.

So that is an example of your Honour exhibiting grace under pressure, very important in your new role.

And I thank you, Judge Mara Barone, for your help.

Your Honour's extensive experience, both as a magistrate and barrister across criminal law, youth justice, family and civil law, and your character makes you an ideal choice as an appointment to this Court. As Robert Lindsay, co-founder of Sir Clifford Grant Chambers and former Director of the Legal Aid Commission Western Australia commented upon your appointment to this Court:

Well done. Another outstanding former Legal Aid lawyer achieving distinction.

Your Honour, on behalf of the profession of Western Australia and the Law Society, I warmly congratulate you on your appointment, and wish your Honour all the very best in your new role in serving the community and the administration of justice.

May it please the Court.

WAGER CJDC: Thank you, Ms Wilkinson.

Ms Taylor.

TAYLOR, MS: Your Honours, on behalf of the WA Bar Association, I too acknowledge the Traditional Owners of the land on which we meet today, the recently very hot land on which we meet today, for this welcome ceremony, the Whadjuk people of the Noongar nation, and I pay my regards and the Association's regards to their elders past, present and emerging.

It is my privilege today to speak on behalf of the WA Bar Association in order to welcome another remarkable person to the Bench of the District Court. The most remarkable thing about your Honour is your especially long list of roles in public service and community work.

Your Honour has been described by those who admire you as a doer who is dedicated to service. Your Honour always pitches in rather than just sitting on the sidelines. So while at the Bar, your Honour was on the board of Francis Burt Chambers, your Honour is on the board of the Scotch College Foundation, the Kalgoorlie Racing Club, and a director of Rowing WA.

Prior to being appointed a Warden of Mines and magistrate, your Honour had an impressive career as a solicitor and then at the Bar. I've heard from some of your former colleagues at Talbot and Olivier that many good times were had with you while you were at that firm, working in criminal law there.

In addition, you've been described by your former colleagues there as a great mentor to a whole generation of junior lawyers, a description which also applies to you at the Bar. Your Honour was particularly popular at the Bar, and is still very greatly missed at Chambers, and the Bar more broadly.

Of course, the period in your career which the WA Bar is most proud of is your time with us at the Bar. Your Honour gave a short interview whilst still at the Bar. When you were asked what the most difficult aspect of practise is, your Honour was quick to answer that the most difficult thing is saying, "No". Plainly, your general disposition in favour of pitching in and doing what needs to be done also permeated your work there.

In terms of your practise at the Bar, your Honour is perhaps best known for your work in a particularly long trial, which all of us are aware of. One senior woman in chambers said to me at the time how proud she was that you and your leader, both members of our chambers, were

conducting that trial. She described the two of you to me at the time as true heroes.

Your colleague on that case recalls that in all the time that you worked together, and we know it was a long time, he does not recall a single cross word, or unpleasant moment between the two of you, or with anyone else on the team. Long trials are gruelling, so that is particularly impressive.

By all reports, you worked tireless and ably on that case, but I understand that it was your cheerful and cooperative way of going about things that helped everyone involved survive the experience with their collective sanity intact, and that is what you're remembered for.

I understand that one thing that you were highly conscious of in connection with that case was the fact that there was media everywhere constantly, often filming you as you went to court. I'm told that you invested some great concentration and effort in walking as elegantly as possible, especially if you're going to be filmed.

Yet one day, while dragging a trademark heavy suitcase with you that only barristers and solicitors would understand, you made it all the way to court from chambers elegantly, only to stumble over your own suitcase right at the doorstep of the court. Reports are that you did the quickest burpee ever witnessed by a barrister, and you made it up off the floor very quickly, and kept walking as if nothing had even happened. I gather you might have thought that no one saw, but there is at least one person who saw and was able to report the event to me.

If I may say so, I'm also told that your Honour was an excellent and highly effective mining warden, who produced an enormous amount of work, despite the widely-known pressures attached to that very important role. Indeed, in two years, your Honour published some 39 decisions, according to our research. They dealt with complex issues of validity of titles, environmental objections, proper construction of the Mining Act, and also left time for dealing with what was described to me as the mad prospectors.

My sources tell me that your contribution to the efficient running of cases and management of the busy administrative jurisdiction there was your Honour's hallmark. And we are also aware that that's all the more remarkable in circumstances where the Mining Act was not your natural area of practise, so that it must have been an enormous

amount of work for your Honour to conduct such an efficient jurisdiction in that role. It's unsurprising that your Honour's work in that role, therefore, attracted the Attorney's attention, and preceded your appointment to this Honourable Court.

Now, I'm told that in that role, despite the time pressures, your Honour has still been able to involve - or to enjoy your interest in literature, and some of your decisions were marked by an admirable sense of literary flourish. Your Honour's decision in Pantoro South v True Fella Pty Ltd [2023] WAMW 22 was in particular a tribute to Cormac McCarthy and caused something of a titter amongst those who practise in the area.

Your Honour opened your decision saying:

Recently, the American author Cormac McCarthy died. In his novel 'The Road', he wrote about a post-apocalyptic world. I write apparently in something akin to a post-apocalyptic world, at least as far as the mining industry in Western Australia sees it, the post-Forrest & Forrest v Wilson world, as it has been dubbed.

Your Honour, continued in that decision to describe a cataclysm, which was the High Court's decision in Forrest & Forrest v Wilson, under an appropriate heading "The Post-Apocalyptic Journey". All of us might feel that way after reading some selected High Court decisions and, dare I say it, the odd Court of Appeal decision, although we might admit it less publicly than in our published reasons.

The most marvellous literary flourish was at paragraph 15, where your Honour said:

Post-apocalyptic literature and film is also steeped in hope. Underpinning the central characters in post-apocalyptic tales is their journey of change, a search for new, affirming life, or at least, as in 'The Road', the search for a place that can provide the hope of that affirmation.

Uplifting stuff. Your Honour is plainly not one content to sail under the radar. I'm reliably informed that your findings in that case caused about a thousand re-applications for exploration licenses.

Some of us at the Bar have been wondering if you would miss your work at the mining - as a mining warden, so that if the reforms which have been proposed by AMPLA are accepted.

and the warden's administrative jurisdiction is conferred upon the State Administrative Tribunal, it may well be that you may put your hand up in favour of going back to that again.

To take another Cormac McCarthy quote in "No Country for Old Men", one of the characters, Anton Chigurh said:

Somehow you made a choice, all followed to this.

Your Honour's consistent choices have meant that you have dedicated your entire career to access to justice, and advancement of the rule of law in this state. Your experience makes you ideally suited to this new role as a judge of this Honourable Court. We're pleased to welcome you, and look forward to working together with you in the future.

WAGER CJDC: Thank you, Ms Taylor.

Yes, Mr Elliott.

ELLIOTT, MR: Your Honours and your Honour, I've mentioned before how many members of this Court just happen to have been Presidents of the Criminal Lawyers' Association before they were appointed. Your Honour is yet another example, although not the first. You are, however, the first immediate past President of the Association to be appointed to this Court. Nor are you the first person with the surname Cleary to hold office in this building. Your son Oliver, seated in the next role, managed to pip you to that post.

It's been remarked that not only do you have a habit of dipping your proverbial toe into extracurricular activities, but when you do so, you put your stamp on those activities. I think that may be what prompted someone to observe that they were absolutely baffled how you managed to raise three children, each of whom could fairly be described as time-consuming, I'll explain that later, whilst maintaining a busy legal or judicial career, and serving on the many boards, committees, and associations which have benefitted from your substantial contributions. Others have mentioned many of those, so I will confine myself to a mere five.

You're a director and deputy chair of the Scotch College (WA) Foundation (Inc), a director of Rowing WA. You were the President of the Methodists Ladies College Rowing Club, President of the Scotch College WA Parents' Association and

subsequently a life member, and the treasurer of the Scotch College Pipe Band support group.

Simply reading that list invites specific mention of your three children, all of whom have been mentioned already; James, who's 28, who's an engineer at the Tesla factory in Berlin, Oliver, who's 25 and now works at a law firm, and Sienna, who's 22 and is studying law at Notre Dame. All three of your children were in the rowing squads at their respective secondary schools. This prompted me to ask a chicken and egg question: did their interest in rowing lead you to the various clubs and associations, or did your interest in rowing lead them all to become rowers?

Either way, the commitment on your part was significant. 5am starts four times per week, long day regattas every Saturday, feeding an endless succession of rowers who would attend your house afterwards, and membership of the various clubs and associations.

It's a surprise someone said to me that you didn't get in the boat with them, before adding you would have shouted them over the line.

I was asked whether you'd ever contemplated joining the crew as the cox. It struck me and the person who told me these things that you were someone who embraces the passion. I reflected on that and it seemed to me that this phrase applied to many aspects of your life. For those in the room who don't fully appreciate the significance of judicial appointment, someone will tell you later that it is better than winning the Head of the River regatta.

Let's not leave aside the topic of passion too quickly. You are, I'm told, an avid watcher of Married at First Sight, and you're proud to be so. You like trashy TV just like the rest of us so much so that you gave a recent presentation at the Piddington conference in Margaret River, and I don't know what the presentation was about; I only know that Married at First Sight was its central and cohesive theme.

Someone described you as compassionate and embracing equality. That last point hasn't been evident in your choice of accommodation in recent years. For a period you had the swishest riverside office on that part of Level 12 in the Allendale Square building which is referred to as the western suburbs, probably because Paul Edgar SC had the adjoining room.

Now you occupy the room adjacent to Senior Judge Stavrianou, and before that you occupied the penthouse suite on the top floor of the Central Law Courts building together with Magistrate Oliver. Those accommodations I'm told have a superb balcony view of the Swan River which was ideal for after work drinks.

If the Association had kept better records or maintained access to past membership records I might be able to inform the court of how many years you were a member of the Association. I can't, but I can say that as CLA president or as a member of the Executive you contributed in many, many ways to the work of the Association and I will name just a few.

You were responsible for a submission concerning the question of whether the Corruption of Crime Commission should engage in prosecuting matters it investigates and a lot of the submission was included in the report on that topic; you were involved in the submissions relating to the Criminal Law (Mentally Impaired Accused) Act when it was enacted; in your time the constitution was rewritten.

I'm told that you take some pride in having convinced Simon Freitag to speak at a dinner in which he gave one of the funniest speeches in recent memory and that you were responsible for organising various of the CLA annual dinners including the one where Justice Pidgeon spoke at a restaurant in Northbridge at a time when the owner had just been arrested for money laundering. Apparently his Honour's speech had the entire audience in stitches and Judge Quail was trying so hard to conceal his laughter that you thought he was going to burst. I only wish I'd been there to see that, not the bursting, but I'm sure your Honour knows what I meant.

You are one of those people who has friends across the profession as those who have spoken before me have pointed out. I am told that two of your best friends, Jeanne Scaife and Anne Manuel (?) are here today. I was informed that you have so many friends that it's difficult to name them all. You have a colleague on the Bench, who I won't name, who is like that.

You were born and raised in Victoria. Your brother and sister have not been able to make the long journey in person. I am sure, however, that distance won't prevent Sean and Alison from feeling immense pride in your appointment. I am told that your parents, Marie and Barry, would be overjoyed had they survived to share this significant achievement.

Your grandfather deserves a mention. He was Gentleman Jim Cleary and he is said to have started the notorious bloodbath in the 1945 grand final between South Melbourne and Carlton. I am told that he was suspended for eight weeks.

I mention that not in order that I get a football reference in because I've got another one of those. I mention that because deciding on appropriate punishment is fundamental to your role that I am sure you will keep that suspension period in mind.

An unnamed person suggested to me that that aspect of your family history is what prompted you to, and I quote, "End up with a real footballer who played full back at South Fremantle." You can decide whether that was said by Gavin Carter or by some other unrelated random person in the community. Being familiar with DNA you will know that statistics can say a lot of things.

I thought it relevant to ask a series of questions of some people who know you, grouping together answers to a series of favourites questions. Favourite singer doesn't have one; favourite band, probably Violent Femmes; favourite food, brownies with lots of cream and fudge; favourite previous employer, it was apparently job sharing at Legal Aid with Karen Lang in the 1990s. I was somewhat saddened that you say it was your period at the Bar when you were self-employed but there we go; favourite child was apparently the Golden Child; favourite radio station, ABC National; favourite car, a BMW Z4 convertible; your favourite motorcycle, a BMW R 1250 RT Sport.

Judicial welcomes are an occasion where the profession announces to the public what qualities make a new judge an ideal appointment to the important public office which your Honour now holds.

There've been lots of statements about that by others. I am going to end with two statements, the authorship of which will remain an eternal mystery.

These are observations about you in a broad sense. Someone said:

What I can thank you for is teaching me how to work hard, how to have integrity, how to be truthful and to do the right thing even when it's not an easy option, how to be passionate and how to have drive about a topic that you love. Thank you for

exemplifying these things and being a role model and an inspiration.

And I have used that because I suspect that it reflects a popular view and it does indicate many qualities which you hold which qualify you well for judicial office.

The second might be a little easier to figure out the category of person who provided this:

I'm lucky enough to have grown up with my role model by my side. I'm lucky enough to have been able to watch her hard work, strength, resilience and dedication to every single aspect of her life, to see how she could do all of this while raising three pretty okay kids. I can even send my role model a photo of chicken I've prepared and ask her if it's cooked through or a weird looking bruise and ask her if she thinks it looks weird too.

Members of the Criminal Lawyers' Association are bound to rank you amongst their favourites on this Honourable Court going forwards. Accordingly, on behalf of the CLA, it's my honour to offer these welcoming remarks and to wish you the very best during your judicial career.

May it please the Court.

WAGER CJDC: Thank you, Mr Elliott.

Judge Cleary.

CLEARY DCJ: Thank you.

Thank you to the Honourable Attorney-General, Ms Wilkinson, Ms Taylor and Mr Elliott. Thank you for your remarks and thank you for taking the time to find out more about me. Your words will be a great support to me as I sit in this Court.

So, as has been averted to, at about 4.30 pm on Saturday, 29 September 1945, my grandfather, in front of 63,000 people, punched a young man named Ken Hands. That punch triggered several things.

Firstly, while melees had been simmering for the previous two hours, that punch was the last straw for what seems like almost everyone at Princess Park, and brawls broke out amongst the 63,000 onlookers and the 36 players on the field, stopping the game and requiring the police to

intervene on the ground. That game is now known, as you've heard, as the 1945 Bloodbath VFL Grand Final between Carlton and South Melbourne.

And my grandfather was not proud of what he had done. To that point in his VFL career, he was known as Gentleman Jim. But the tales of that game were recounted constantly in mine and my brothers', sisters' and cousins' life for as long as we and my grandfather were alive.

And that brings me to the next thing that that punch triggered, my interest in justice. Because of course, it was never my grandfather's fault. His excuses, justifications and authorisations ranged from self-defence, defence of another, provocation, consent, and a response to the code Carlton instituted in the way they approached the game, but to name a few.

There seems to be some suggestion from those that have written about the game and the umpire, as it turns out, that my grandfather had also hit and rendered unconscious that same young man about an hour earlier, although on that one, he was framed.

Now, don't worry. My grandfather was duly punished, as you've heard. The actual highest court in the land, the VFL Tribunal, suspended him for eight matches. So, from being regaled over the years of the injustice of that game, I was already thinking about how this whole justice, punishment and retribution thing - notice, I haven't said remorse - actually worked.

So fast-forward to some time in the 1980s when my father took nine months long service leave and took the family to do a very Australian thing. We bought a campervan and drove around Europe. I was 14.

We visited the Palace of Justice in Paris. It is truly a beautiful, awe-inspiring building. Golden gates, marble floors, statutes and grand staircases. I stood on the steps and thought, "I want to work in a profession where you get to ply your trade in such astounding architecture". And if it satisfies my interest in working out what justice actually is, well, so much the better.

So here we are. Obviously, my delusions of architectural grandeur have not quite come to fruition, having sat at Perth Central Law Courts for the last two years. Although sitting in Warakurna as a magistrate with the shutters and whole wall of glass in that court open, looking out on the magnificent Rawlinson Range with the accused's dogs

insisting on being part of the proceedings, I must say, that occasion came in a special way very close to that grandeur.

So, as you've heard, I landed at Parker & Parker in the early '90s, and on the first day of work there, I met some wonderful people. The three new girls were sent to do some training on those new-fangled things called computers, and we learnt how to send an email.

Now, I wonder whether there are many people in this room who can remember the content of their first email. I can. Not that I have a super memory, but because one of the other new girls, Karen Fleischer, who had only met me and the other new girl that day, sent an email to us both asking if we would like to go on an upcoming weekend to her holiday house with her.

I am forever grateful for that email, and as I recall, I and the other new girl, Katrina Banks-Smith, and her husband, Kevin, and others, had a wonderful weekend that sparked many longstanding friendships.

Karen also took the time to introduce me to others she knew at Parker & Parker on that first day: Diane Sinagra, with whom I have remained friends and even ended up with our families living in Singapore at the same time until SARS blew up our idyllic life there.

I also met on that first day a just married lovely lass named Wendy Buckley. Karen, Diane, Justice Banks-Smith and Judge Gillan, each of your paths and careers have been inspiring and interesting and empowering. Thank you.

I also met that day our not forgotten friend, William Walker, and Greg Heath, who later would become my ex-husband, but in the meantime, the father of our three wonderful children and a huge supporter of my career.

Alas, my career at Parker & Parker did not last long, as, as has been said, I soon realised my primary interest was crime, and I wound my way first through Legal Aid, where I met some very dedicated and inspiring people such as Karen Farley, Judge Shepherd, and the Honourable Steven Jones, although as you've heard, not so dedicated that he couldn't entice me to take a day off to go and watch the new Star Wars movie. However, I do recall that we got that idea from somebody else who is sitting in this room. I won't out them.

I was welcomed into the small but supportive and collegiate world of the criminal law practitioner. Many of you here today, including beside and behind me on this Bench, have come from that world.

And the welcome that I had as a magistrate and I have had as a District Court judge from colleagues is a testament to the closeness of the criminal lawyer's world. And I include in that prosecutors, and of course, ex-prosecutors, many of whom I will be working with again.

The camaraderie from those at Legal Aid and in the small criminal law firms that were the private profession and the DPP sustained me, as I think it sustained all of us, in what can be a fairly brutal, heart-wrenching and underpaid jurisdiction.

I am thrilled to be working again with fellow Talbot and Olivier ampersands, Judge Staude and Judge Prior, and hopefully seeing more of Victim Support volunteer, Kim Breidahl.

I am particularly indebted, I think, to Paul Olivier, who I juniored many times on serious, interesting and political criminal cases. Paul had a habit of half standing up to cross-examine a State witness and then turning to them and saying, "You can take this one". Needless to say, I learnt a lot and fast.

Somewhere along the way, I met Catherine Fletcher, now the information commissioner for WA. If I recall correctly, that was through Women Lawyers, and yes, that is a plug for joining associations like that.

Catherine and I have job shared twice throughout our careers, at UWA and then at the DPP. Catherine made it work. And without her asking me to join her on both occasions, I would not have had half the experience I now have. And for her trust in me, I am hugely thankful.

I am also hugely thankful to her and Judge Flynn, who was at the law school at UWA at the time, who stepped in to assist me at UWA when my life took a twist that saw me struggling. Thank you to both of you.

Eventually, I ended up at the departure lounge that is Level 12 of Francis Burt Chambers. It is there that I really felt the comfort and strength of the criminal law profession with some very worthy hangers-on, of course, Mr Gunasekera and Ms Saraceni and Mr Ghosh.

Again, I am thrilled to be working with Judge Shepherd, Judge Prior, Judge Quail, Judge Troy, and of course, Judge Barone, and Dee Martin. I want to particularly thank Judge Barone for her unwavering support of me and for challenging me to be my best.

But I just want to speak about that snake episode. Depending on your beliefs, I might not have been the first person in history to actually be pleased to see a serpent appear. That night, Ms Prince and I were playing cards, as you've heard, with Judge Barone. Well, I say playing, but more like being subjected to the talented strategic expertise of a master cross-examiner just as it is applied to card games. I was losing badly, and then a snake appeared.

Anyway, back to Francis Burt Chambers. While Judge Levy was appointed before I got there, I did have his room, as you've heard, in the Western Suburbs, and it has been wonderful over the last two years to work and share two special chambers, a balcony and a commercial kitchen with Magistrate Oliver, also from Level 12 on Francis Burt Chambers. Magistrate Oliver's plants, company, jigsaws and Diet Coke I will sorely miss, having now come across the road.

Justice Vandongen, your faith in me on that late December day in 2016 will not be forgotten, leading me to spend nine months in this very courtroom.

And yes, Justice Hall, it is funny sitting up here gazing out there at you. If only Judge Barbagallo were here to join me in that.

Senator Ghosh, I am honoured that you are here after your recent departure from Level 12.

And, Mr Elliott, I am also honoured that you have been present at my welcome and managed to find some nice things to say about me, and thank you for staying on as president for so long so I could have the honour of being the first immediate past President to be appointed to this Bench. You are a great friend and you are a wonderful colleague and, of course, a valued member of the Balthazar Six.

Of course, I am also grateful to the wider Francis Burt Chambers community, some of whom I thought I would be rejoining here, but they have now dispersed. I will miss Master Russell and Deputy Presidents Jackson and Vernon. The dedication that each of you have shown to your work at

the court and at Francis Burt Chambers has also inspired me.

And so to my last posting, being a warden. I was proud to be the first female fulltime warden of Western Australia. Often, though, I was the only female with a speaking part in that courtroom. Last year, the Mining Act was amended. Prior to that, when the warden had heard proceedings, "he" was to prepare a report for the minister and "he" was to do certain things before the matter could be determined. In the amendments, the references to "he" were removed.

While a magistrate who clearly did not share my sense of my own self-importance pointed out that the Interpretation Act always assumed that a female could be warden, I like to think that my appointment as warden showed that women can break through the gold ceiling of that courtroom. I thank the Attorney-General and the Chief Magistrate for enabling me to be the one who at least made a start on that progress.

And that brings me to Warden McPhee. Thank you for letting me come on that ride with you. Your positivity, hard work, sheer enthusiasm for the jurisdiction, tactics and strategies, knowledge of the law and procedure, and well-placed occasional grumpiness were infectious and I learned so much from you.

And to my new colleagues at the District Court. I have not been made to feel more welcome anywhere else, and while no one has sent me an email yet asking me to their holiday home on some weekend. From the offers of a charge, practical tips on how to get in and out of the building, thank you Judge Hughes, to simply the offer of an ear whenever I need it, all warmly given, I have felt respected and reassured.

And speaking of reassured, to have Ed and Lachlan as my readymade staff, who have been patient and kind and knowledgeable in the last two weeks and made my start at this Court so much better than it could have been, thank you, and I look forward to working with both of you.

To Sienna, my daughter. You are simply a delight and you are so strong. How proud I am that you have started your law studies this week and even apparently done some reading, and that you have spent your teenage and adult years helping others. From you each day, I am reminded of the honour in service.

To Oliver. How proud I am to have you at the Bar table welcoming me. How proud I am to be following in your footsteps here in the District Court. How proud I am of all you have achieved in your young life so far. From you each day, I am reminded of the virtue of humility.

To James, the black sheep of the family, the engineer. James, your hard-edged, no-nonsense advice when the lawyers in the family are all weighing up the options and consequences and arguments for and against, that is invaluable. How proud I am of you and what you are achieving at Tesla, and that you have found beautiful Manon, very soon to be our daughter-in-law. From you, I am reminded how far one get when one works hard.

To my brother, sister, in-laws, uncles, aunts and cousins, who I think are all watching in Victoria and Sydney. You are always in my mind, although we don't see each other often. I do miss being part of your lives and you being part of mine.

To Gavin. I have a suspicion that I might be a little hard to live with. You have put up with me and come on this journey with me literally, as Sienna would say, in moving to Kalgoorlie with me. Thank you for being willing to do that, and everything else that you do, and particularly everything that you have done for me and my children. I love that we are family. From you each day, I am reminded to take a breath and be positive.

I'm looking forward now to serving the people of Western Australia at the District Court.

Thank you.

WAGER CJDC: Thank you.

And that now ends the special sitting to mark the appointment of her Honour Judge Cleary.

Court will now adjourn.

AT 10.15 AM THE MATTER WAS ADJOURNED ACCORDINGLY