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THE DISTRICT COURT OF
WESTERN AUSTRALIA

1 of 1900

FAREWELL CEREMONY FOR HIS HONOUR
SENIOR JUDGE STAVRIANOU

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON FRIDAY, 22 MARCH 2024 AT 4.14 PM

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

MR J.R.B LEY SC representing The Law Society of Western Australia

MR J. THOMSON SC representing the Western Australian Bar Association

MR S.F. RAFFERTY SC representing the Criminal Lawyers' Association of Western Australia

WAGER CJDC: This is a special sitting to honour and farewell our Senior Judge, his Honour Andrew Stavrianou, from the District Court. It's a long time since we've had a formal farewell sitting in this Court, and we attempted to do so on the retirement of his Honour Kevin Sleight as our Chief Judge on 1 May 2020.

At that time, we couldn't gather together, and although the Court produced a video comprising of sitting judges appearing Brady Bunch style, each having been filmed separately and then placed in little squares to resemble a full bench, we couldn't have the presence of dignitaries, judges, barristers, family and friends. Today's sitting is a powerful reminder of how welcome the support of the profession as well as personal and community support is for all judges, but particularly for Judge Stavrianou today.

We sit as a full bench, and I welcome and thank the Honourable Chief Justice Peter Quinlan for joining us. I acknowledge that we're meeting on the lands of the Whadjuk people of the greater Noongar nation, and I pay my respects to elders past and present. I acknowledge the history, culture and contribution made by all Aboriginal peoples in this State and pay my respects to Aboriginal people attending today in person or remotely.

I welcome his Honour's wife, Dr Eve Clarkson, his Honour's daughters, Ms Angela Juengling and Dr Winsome Santa Maria, his Honour's son, Mr Christopher Stavrianou, and their partners, Mr Daniel Juengling, Mr Adam Santa Maria and Ms Dena Stavrianou. It is with great pleasure that I also welcome his Honour's grandchildren, Alexander, Andreas, Nicholas, Lucinda, Persephone, Henry, Samuel and Sidney.

I welcome his Honour's sisters and their partners, Mrs Annette and Dr George Macrides, Mrs Athena and Mr Charter Mathison, and Mrs Fay and Mr Paul Miriklis. I acknowledge and welcome the Honourable Justice Janine Pritchard, President of the State Administrative Tribunal, the Honourable Craig Colvin from the Federal Court of Australia, his Honour Chief Magistrate Steven Heath, Mr Craig Bydder SC, Solicitor General for the State of Western Australia.

Ms Kelly Martinelli, Acting Executive Director of Higher Courts and other executive officers, Mr Robert Owen SC, Director of Public Prosecutions for Western Australia, Mr Martyn Plummer, Assistant Director of the Commonwealth Director of Public Prosecutions, Mr Anthony Elliott, President of the

Criminal Lawyers' Association, and Ms Paula Wilkinson, President of the Law Society.

I welcome many Supreme Court justices, particularly President Buss, President of the Court of Appeal, and nearly too many justices to mention, but I will mention them. They are Justices Hall, Mazza, Mitchell, Tottle, Fiannaca, McGrath, Vaughan, Derrick, Smith, Hill, Strk, Forrester, Vandongen, Seaward, Whitby, Lemonis, Howard, Cobby, Glancy and Master Russell.

I welcome back retired judges of this Court who have enjoyed many years of professional collegiality and friendship with his Honour, their Honours Kevin Sleight, Allan Fenbury, Richard Keen, Philip Eaton, Stephen Scott, Bruce Goetze and Simon Stone, and I of course welcome their partners. I welcome many current judicial partners today as well.

I especially welcome at the Bar table, the Honourable John Quigley MLA, Attorney-General for the State of Western Australia, Mr John Ley SC, who will be speaking on behalf of the Law Society of Western Australia, Mr Joshua Thomson SC, who'll be speaking on behalf of the President of the Western Australian Bar Association, and Mr Seamus Rafferty SC, who'll be speaking on behalf of the Criminal Lawyers' Association of Western Australia.

When Judge Stavrianou formally retires, he will have served 18 years as a judge of this Court. From day one, his Honour has been both an excellent judge and a fantastic colleague. For 18 years, he's generously provided wisdom and practical advice to the judges. This has extended to legal precedents, jury directions and sentencing guidelines.

His Honour has always been available when judges have sought his counsel, even when the time that discussion has taken has led to an extension of his Honour's own working hours or has sidelined his personal commitments, a fact that he has never raised with his colleagues. His Honour's chambers have been the meeting point at 9.15 every weekday for coffee and spirited discussion on appropriate directions and sentencing outcomes. He's made it a place for down to earth collegiate support and plenty of laughs.

On 2 May 2020, I was appointed to the role of Chief Judge. Prior to accepting the position, I had a frank discussion with Judge Stavrianou, who of course was then to become

Senior Judge Stavrianou. I asked if he would support me as Senior Judge by providing leadership and mentorship to new judges. Senior Judge Stavrianou gave me an undertaking that he would do so, and he has fulfilled that undertaking, and indeed done so every day for the past four years.

And those four years have been interesting times. Since May 2020, we've had three years of COVID issues and complex listings. From May 2020 until today, there have been 21 new judicial appointments to this Court and 13 judges have resigned or retired. Only ten of the current 38 judges, which will be nine of the 38 very soon, have been appointed for more than seven years.

In the past four years, judges have dealt with relentless lists, longer and more complex trials and multiple accused and increasingly graphic and disturbing material. The learning curve for judges has been huge. The personal impact and the toll this has taken on all judges has been significant. This has been recognised and practically dealt with by his Honour.

It would, however, be very wrong of me if I was to mislead anyone into believing that his Honour and I always see eye to eye and that neither of us is prepared to voice an opinion. We may have engaged in colourful discussions, but happily so. Importantly, we have never disagreed on what we believe to be the two most important things for this Court, the judicial independence of all judges of this Court, and the work that this Court performs.

Yes, Mr Attorney.

HON. QUIGLEY: May it please the Court, and thank you, Chief Judge.

And I would like to commence by recognising the Whadjuk people of the Noongar lands, on whose lands the Court convenes for this wonderful ceremony this afternoon, and pay my respects to their elders past, present and emerging.

I'd also like to thank you, Chief Judge, for mentioning by name each of the family members and other distinguished guests present for this ceremony this afternoon.

And I shan't repeat them all, but I acknowledge their presence and delight at their attendance, and we welcome them all. Of course, it is my pleasure here to appear today on behalf of the Government of Western Australia and the people of Western Australia to honour Judge Stavrianou's service and, on behalf of the community

of Western Australia, to thank him; thank him for his 18 years of unswerving loyalty to the rule of law in Western Australia and to judicial independence.

I've often sat here during welcoming ceremonies looking at Judge Stavrianou sitting there po-faced, some say like Easter Rock statue never giving anything away, and I wondered whether I would ever see his Honour smile in Court and I did for the first time today and it was delightful. It was when your Honour was acknowledging the presence of the judge's grandchildren, and for the first time I saw him lift his chin and a delightful smile spread across his face, and he's got good reason to be proud of his family and they of him.

Of course, before your Honour was appointed a judge of this Court you served on three separate occasions as a Commissioner of this Court. The District Court plays a central role in our justice system in Western Australia as most indictable criminal offences are heard here and determined by this Honourable Court and in addition, many important civil cases come to this Court for resolution as well, and since being the Attorney these last seven years - a little over - I've come to appreciate in detail the pressures that have been on each of the judges before the Court to dispose of indictments and other hearings and the enormous pressure that the judiciary of this Court are under on a day-to-day basis.

Therefore, I also extend further thanks to Judge Stavrianou as being the Senior Judge mentoring new judges and helping steer this Court through these most challenging times in terms of the number of indictments and the number of judicial officers and the growing lists. Over the last 18 years, of course, your Honour has made an enormous contribution besides sitting on cases as the Honourable Chief Judge has already mentioned.

Every morning it became legendary around town. Every morning there would be morning tea in your chambers where important issues that would be arising in the courts later that day could be freely discussed with you by other judges and receive practical advice. Being a Senior Judge and acting as mentor added to your load as a trial judge of this Court, and in doing so, you alleviated the load of your judicial colleagues who sit with you on this bench.

You also help in the consultation process for the appointment of judges to this Court, and I delegate that task to the Solicitor-General of Western Australia who has received enormous wise counsel from the Chief Justice when

he was the Solicitor-General from my good friend Mr Joshua Thomson SC when he was Solicitor-General, and from the Solicitor-General today, Craig Bydder. All of whom are very appreciative of the feedback they get from the Chief Judge as to suitable judicial appointments, and in turn myself and the Government are most pleased that you've been able to do that, your Honour.

In addition to your long contribution as a judge, as I've said, this role of advisor, mentor and guiding new judges has been crucial to the smooth running of this Court. There, I come to my concluding remarks, and should say in conclusion that I want to disabuse the city of a vicious rumour. That is, that I wouldn't announce my retirement until you'd announced yours. I came on it separately because you're not into your seventies yet, your Honour, and I'm well and truly a septuagenarian and as Matt Taylor sang in a song, there comes a time.

There comes a time for all of us. We can't run down Father Time. He'll run down the lot of us and my time has come and your time has come on this Honourable Court, and I wish you well in your retirement. I wish you the very best of retirements and the most enjoyment and fulfilment you can have with your family and other endeavours that you embark upon. Judge Stavrianou, it is my humble privilege to stand here this afternoon and, on behalf of the Government and the people of Western Australia, offer sincere thanks for all you've given to Western Australia in your service as a judge of this Court. May it please the Court.

WAGER CJDC: Thank you, Mr Attorney.

Mr Ley.

LEY, MR: May it please the Court. It gives me great pleasure to appear this afternoon on behalf of the Law Society of Western Australia to farewell your Honour Senior Judge Andrew Stavrianou. In anticipation of your retirement from this Court next month, by which time you'll have given over 18 years of distinguished service to the people of Western Australia, on behalf of the Law Society and I join with the Attorney in acknowledging the Traditional Owners of the land on which the Court sits today, the Whadjuk people of the Noongar nation and pay my respects to their elders past and present.

Your Honour and I go back a long way. Not quite as far back as Law School but we certainly crossed swords a number of times in the old Local Court in Stirling Street when you were an employed solicitor at Frank Unmack & Cullen, and we appeared before magistrates such as Rod Edison, Hilary Ryan and Gavin Fielding.

Your Honour and I were also heavily involved in the work of the Law Society. We served together on the Society's ethics committee and your Honour also served on the Court's committee. Your Honour will remember that some of the members of the ethics committee in those days had some very unusual ideas about whether conduct referred to the Society was unethical or not, and it fell to us to re-educate them, and we did.

Your Honour left the amalgam and went to the Bar four years before I did. We both joined Francis Burt Chambers where you once again demonstrated your capacity to serve the profession as a member of the council of the WA Bar Association and as Director of Chambers. You are also an elected member of the Legal Practice Board, a member of a number of the Board's committees and at one point, the Deputy Chair on what was then known as the Legal Practitioners Complaints Committee, now the Legal Services and Complaints Committee.

All of that experience coupled with the variety in your fields of practice, both as a solicitor and as a member of the Bar, equipped your Honour well to cope with the rigours of life as a judge of this Court when you were appointed in 2006 and you will have proved your ability to cope with those rigours by still almost being here when you reached the compulsory time and age. As I say, almost.

I well remember when your Honour was appointed to this Court. Shortly after your appointment, I was appointed as a Commissioner of the Court for a period of two months and was allocated chambers next to your Honour. One morning as I was walking towards my chambers, I looked into your Honour's room and saw your Honour standing beside your desk with your arms outstretched, appearing to be doing an impersonation of Christ the Redeemer. However, I then realised that your usher was also in your room and was dressing you in your robes in preparation for court. Quite clearly, your Honour had made a seamless transition from the Bar to the Bench.

Throughout your long career as a judge of this Court, your Honour, you have become well known for your hard work, for your no-nonsense approach in court and for being

scrupulously fair to all those who have come before you. You have obvious respect for the institution of which you form a part and have always endeavoured to dispense justice to the best of your ability.

However, in addition your Honour has always been a stickler for starting court on time. Woe betide an unsuspecting counsel who turned up late in your Honour's court. One thing was certain. That counsel would never be late again.

I'm told that your Honour is very proud, with some justification, of your efficiency in presiding over trial listing hearings in criminal matters. Although listing matters for trial is essentially a clerical matter, your Honour was always reluctant to grant an adjournment without good reason and even listed some matters for trial notwithstanding that counsel on both sides of the Bar table were prepared to consent to the listing hearing being adjourned.

Your Honour has always been very competitive. I understand that at the Court that competitive streak has manifested itself in a long-running contest with his Honour Judge Bowden to see which of you could preside over the greater number of hearings in a year and stats were kept and constantly quoted backwards and forwards. I have not been told who's in front this year but if your Honour is in front, I'm sure you'll tell me later.

One statistic to which your Honour has not aspired is the highest number of judge alone criminal trials. In fact, I'm reliably informed that in relation to judge alone criminal trials, your Honour has, to use old cricketing parlance, failed to trouble the scorer. However, that was not a duck that your Honour wanted to break. It is fair to say that just as your Honour participated fully in the social life of the Bar when your Honour was a barrister, your Honour has also participated fully in the social life of the Court.

The most regular of the Court social activities is of course a drink in the judges' common room at the end of a long day in court and as is often the case when people, including judges, gather for a drink, jokes are told and your Honour has always loved a good joke. Your Honour also likes telling jokes but sometimes you have difficulty remembering the punchline. There was, however, one joke which was told in the common room that your Honour had diabolical trouble with. It became part of the folklore of the Court. It was known as "the white horse joke".

The white horse joke is pretty simple and it's probably not the funniest joke you've ever heard. It goes like this. A white horse walks into a bar. The bartender says to the white horse, "What'll it be?" The white horse says, "I'm not sure. I feel like a whiskey but I can't decide which whiskey I want". The bartender starts looking at all the different bottles of whiskey in the bar and you guessed it, sees that one of these is a bottle of White Horse Old Blended Scotch Whiskey. He says to the horse, "You're not going to believe this, but I've actually got a bottle of whiskey here named after you". The white horse looked incredulous and says, "You're kidding me. You've got a whiskey called "Big Eric"?"

As I said, not the funniest joke I've ever heard but your Honour loved it and loved telling it. The problem was that your Honour could never remember the whole joke. The best you could usually do was, "A white horse walks into a bar" and then either Judge Scott or Judge Keen would have to finish the joke for you. Notwithstanding that, at the end of the joke, the common room would erupt into rapturous laughter. However, your Honour was never quite sure whether your judicial colleagues were laughing at the joke or your Honour's inability to remember it.

As is well known, your Honour is of Greek heritage and your forebears, like many other forebears, members of the Greek community in Perth, came from the Greek island of Kastellorizo, more often than not referred to simply as Kazzie. Kazzie's a small island. It has an area of about 12 square kilometres and although it's a Greek island, it's over 500 kilometres from Athens. On the other hand, it's only about three kilometres off the coast of Turkey.

Kazzie has sometimes been described as nothing more than a rocky spit off the coast of Turkey. That's not how your Honour sees it. For your Honour, it's the land of your Honour's forefathers and you love it there, so much so that you have a house there and you will celebrate your 70th birthday there in July. Your house on Kazzie is well known to some current and many past members of the Court. In 2014, you invited all of the then judges of the Court to Kazzie to help you celebrate your 60th birthday, and help they certainly did.

Your Honour's love for Kazzie is reflected in the photo of Kazzie Harbour which adorned your wall while you were at the Bar and has adorned your Chambers at this Court. And what of the future? After such a long time in the Court, your Honour will need to make some adjustments to cope with life without the Court. In the first place, your Honour

will find that service stations have undergone massive technological changes in the last 18 years and you will need to learn a new set of skills to fill up your car. The other thing you will find is that when Eve asks you about those scrapes and dings on the car, you won't be able to blame your usher.

More seriously, the Law Society is aware that in addition to your tireless work as a judge and as the Attorney has outlined in some detail, your Honour has for many years been a great mentor for more junior judges on the Court and has provided pastoral assistance when other members of the Court have needed it. In more recent times, as the Chief Judge herself has said, your Honour has provided great support to her and there is little doubt that you will be sorely missed.

The Law Society sincerely thanks your Honour for your long and dedicated service as a judge of this Court and wishes you and Eve a happy and productive retirement. May it please the Court.

WAGER CJDC: Thank you, Mr Ley.

Mr Thomson.

THOMSON, MR: May it please the Court. I would like to commence by respectfully adopting and associating myself with the recognition of the Indigenous Owners which has been made by others and I would also like to adopt the acknowledgments which have been made before me of the many distinguished guests who have attended this sitting today.

Let me begin by reflecting upon the fact that I was privileged enough to attend your Honour's welcome almost precisely 18 years ago. My overwhelming memory of it was that the ceremony had the sheer number of people in it that filled the Court. Re-reading the speeches made on that day confirms that there was standing room only. Looking around this afternoon, it seems that your Honour is as popular as ever. Eighteen years as a judge have not caused you to lose any friends. You may have even acquired some.

Indeed, your Honour's popularity is a constant theme which has come to the fore in speaking to people for the purposes of preparing these remarks. Your Honour is an immensely well-regarded member of the judiciary. That is the case both among members of the Court and among members of the Bar. I venture to suggest that it is worth dwelling upon

the reasons why that is so. Your Honour's popularity is the product of a number of different factors.

First, there is the respect with which your Honour is held. That respect stems from an acknowledgment that at all times you have strived to advance the interests of the Court and of justice. One person I spoke to described you as having an abiding interest in the law and that you were very well versed in the law. That sentiment was repeated or endorsed many times. Interestingly, the comment that you were legally excellent was generally followed by another remark. People said that you downplayed or dismissed your own knowledge.

In other words, you are humble and did not pompously flaunt your legal understanding. I must say that humility, combined with detailed knowledge, is not a quality often found either within or outside the legal profession. It is a mark of a person who is truly great. I myself can say that I thoroughly analysed your judgments, which were the subject of scrutiny by the Court of Appeal. As you can imagine, over 18 years there were many of them.

To be precise, I found 76 appeals. However, the result is that more than 80 per cent of appeals against cases which your Honour ran or decided were wholly unsuccessful. In the language of universities, that means that your Honour earned a high distinction or an A+ when being marked by the Court of Appeal. That particular observation also shows another quality about your Honour which has garnered much respect. Your Honour's good practical judgment can be the only explanation for such a high strike rate.

The ability to decide a case fairly and correctly is perhaps the *raison d'être* of a judicial officer. Your Honour proved that you satisfied this requirement many times over. However, your popularity is not only a product of the esteem in which you are held as a judge. It has been substantially contributed to by the fact that you have always been ready and willing to share your skill.

Many people told me how you have mentored your junior colleagues, partly because it was in your nature to do so, but also, I suspect, partly to ensure that the Court's reputation was upheld. Indeed, I understand that your Honour has often been used as a sounding board by judges of all levels about how to approach difficult issues of evidence or substantive law.

Someone suggested that since you became the Senior Judge your mobile phone was always ringing or full of text messages asking for guidance and assistance. It is in your character that you always found time to reply and did so with good grace and humour.

Not only this, your Honour fostered a sense of camaraderie and collegiality within the Court. As we have heard, your Honour's room was a focal point for a morning coffee before Court whenever your Honour was not on circuit. Judges would gather and discuss questions of sentencing and other issues arising for the day. The benefit of such meetings was obviously not only legal, it undoubtedly had a unifying effect upon the Court and boosted the morale of those judges who attended.

Another matter is that your Honour has done your best to ensure that practitioners have been educated about proper standards of Court behaviour. Your Honour's desire for punctuality has already been remarked upon and is well known. Your Honour has also insisted on little things, such as prosecutors representing but not appearing for the State. Although it is possible that particular individuals may have felt aggrieved by tripping over some of those requirements on any given day, overall these traditions have been designed to build respect for the institution of the Court. They have generally been accepted by your fellow judges and members of the profession in that character.

Notwithstanding all the good things which I have said, I suppose that I should mention one human foible. There is much agreement that you have always liked to know what is going on. This means that you have been a magnet for new information about fellow members of the judiciary and the profession. Possibly, if one was uncharitable, this might even be called gossip.

While it is not for me to pass judgment about such an allegation, it has always been my personal experience that you have been one of the most well-informed people within my own circle. That is not to say that you are not sometimes beyond starting your own hare's running, never malevolently, but sometimes with the mischievous intent to see what might be flushed out. Nevertheless, I suspect that this one foible has elevated your popularity rather than diminished it.

Having reflected upon the reasons why your Honour has been so well regarded as a judicial officer, can I draw it together in this way. The Australian Institute of

Judicial Administration has published suggested criteria for judicial appointments. The satisfaction of these criteria requires an element of prediction when applied to prospect of candidates.

On the other hand, where your Honour is concerned, that performance anxiety has now been removed. It is possible to say in retrospect that your Honour has amply satisfied the requirements prescribed by the Institute of Judicial Administration. Your Honour has exhibited great intellectual capacity and your Honour's personal qualities, particularly your integrity and independence of mind and the soundness of your judgment, is manifest. Your Honour's ability to understand and deal fairly with litigants is unquestionable, or at least where it has been questioned, the Court of Appeal has generally upheld you. You have demonstrated authority in communication skills and efficiency. And as a Senior Judge you have shown superlative leadership and management skills.

All that leads me to conclude that your Honour should retire from the Bench with great satisfaction with a job well done. Your Honour has been a model judicial officer and will be sorely missed by the Court, the profession and the wider community.

May it please the Court.

WAGER CJDC: Thank you, Mr Thomson.

Mr Rafferty.

RAFFERTY, MR: May it please the Court.

It is with a great deal of sadness that the Criminal Lawyers' Association of Western Australia, and indeed criminal lawyers all over Western Australia, farewells your Honour Senior Judge Stavrianou, upon your retirement from this Court.

Since your appointment to this Court in 2006, your Honour has been a dedicated, fair, diligent and humane judge.

Now, this speech will be very different to many of its type in recent times. Particularly of those who normally stand at this place; it will be brief.

Such brevity should not be construed as having a lack of material to work with, far from it, but a response of fear to your Honour's direct and stern direction to me that today's ceremony is not a roast. As always, I shall abide

by a judicial direction, but there is a great sense of disappointment of the many stories that I cannot share today.

To get an idea of how long your Honour has been a judicial officer, it's worthy to note a number of things. Antoinette Kennedy was the Chief Judge at the time of your appointment. The District Court was still based across the road in the Central Law Courts building. There were 25 District Court judges, which has now expanded to 36; 21 of whom have been appointed since 2020 and only eight of the 25 judges in 2006 were women. That number has now properly increased to 18.

Not only has the composition of this Court changed, but the workload of this Court has grown significantly since 2006; not only in volume, but also in seriousness and complexity. Back in 2006, it was not unusual to get through 10 sentencings in one list in one day. We now struggle to get through five, due to the amount of materials that need to be considered and the detail that is now required in sentencing remarks.

Trials are longer and require more directions to juries than ever before. The work is relentless and often gruelling. Yet your Honour has always been able to complete whatever task was assigned to you, mostly in good humour, but always with an innate sense of fairness and propriety.

In his speech at your welcome in 2006, the President of the Western Australian Bar Association referred to your Honour's direct style, to a dislike of pompous rhetoric and hubris, and your straight to the heart of the matter approach. Clearly, he knew you very well, as these were always the hallmarks of your Honour's approach as a judge of this Court.

It's really your work behind the scenes though that many people in the profession probably never understood. Your Honour's dedication to the effective running of this Court is best reflected by the following examples; the assistance in mentoring provided to new judges, many of whom were no doubt terrified at the thought of having to sit in the big chair and make critical decisions that impacted on the lives of so many. Their transition into this Court was always made easier by your Honour's preparedness to help into judicial life.

Secondly, the advice provided to members of the Court as to how to deal with matters, which often arose at short

notice. You were always free to provide advice at any time, often putting aside what you were doing and working on so as to help a fellow member of this Court.

Thirdly, the morning coffees in your Honour's chambers that provided an outlet for judges to raise issues, to enjoy each other's company. But what hasn't been mentioned, no doubt to often whinge about the counsel that were no doubt appearing in front of the members of this Court.

Fourthly, the support that you've given to the Chief Judge, particularly in the difficult times that were posed by COVID-19. Albeit those that appeared in front of you remotely, will never forget the dainty white felt gloves that your Honour felt the need to wear to court on a daily basis. It certainly resembled Michael Jackson from the early 1980s.

In preparing this speech, I have spoken to a number of your judicial colleagues, because they don't get a voice at these hearings, and asked them to describe the qualities that they have observed about their interactions with you. Those responses included the words "generous", which was the most often used word, "leader", "honourable", "integrity", "mentor", "fierce defender of judicial independence". Your Honour, if that is how your fellow judges feel about you and describe you after almost two decades on the Bench, you can be well satisfied of the massive contribution that you've made to this Court and you should reflect upon that with great pride.

Can I advise the Attorney General that today is actually not the first time that you have ever smiled in court. That occasion was actually two weeks ago. It was particularly unusual because it hadn't been seen before. It was more unusual because I was counsel for the accused. It gave me a warm fuzzy feeling until I turned around and realised that four of your family members were sitting in the back of the Court. It was obvious from that, your Honour, how much your family mean to you and it was clear that they are very special.

The criminal lawyers in this State have come to know you well over the last 18 years. At your last appearance in this Court a week ago, many took the time to acknowledge your retirement; some with relief, some with sadness - clearly Judge Barone enjoyed that - but all with respect. You have always been a great supporter of those of us who practice in the field of criminal law, whether it by way of a kind word after a good performance or a piece of advice as to how we could do things better.

Can I say, your Honour, the one thing we won't miss is you presiding at trial listing hearings and your often-quoted question "So what's your defence?". Perhaps at some stage we can have a discussion as to which power your Honour was exercising in asking that question that terrified so many counsel, particularly those who may not have mastered their brief. At your welcome in 2006 your Honour stated:

I look forward to applying myself assiduously to my functions in accordance with the judicial oath which I have taken this morning. The oath which I have taken required me to faithfully serve the people and 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. I take that responsibility imposed upon me by the oath extremely seriously and intend to do my best.

Your Honour, you have been loyal to that oath. You have done your very best. You and your family should look back with immense pride at the contribution that you have made to the criminal justice system in this State. Your Honour, it is with a great deal of sadness but an immense privilege on behalf of all criminal lawyers in Western Australia to say, for one last time, may it please your Honour, and may it please the Court.

WAGER CJDC: Thank you, Mr Rafferty.

Yes, Senior Judge Stavrianou.

STAVRIANOU DCJ: I too pay my respects to the Traditional Owners of the land on which the Court sits today, the Whadjuk people of the Noongar nation and their elders past and present, as well as all First Nations persons who may be observing this proceeding. I acknowledge and am grateful for the presence of the Honourable Peter Quinlan, Chief Justice of Western Australia, and I'm honoured that he's chosen to sit on the Bench today.

I also acknowledge the Chief Judge, together with many justices of the Supreme Court, the Honourable President and other justices of the Court of Appeal and many former judicial colleagues. I am particularly honoured by the number of justices of the Supreme Court who have chosen to attend today. As will be apparent I have a respect for the hierarchy and I consider it, as I've said, a great personal honour that so many judges of the Supreme Court have attended today.

I also particularly acknowledge the judges of the Court on the Bench with me today. Some of the Court's more recently appointed judges are attending a judicial orientation and training program this week in Queensland. I thank the judges who have conveyed apologies to me and best wishes to me. I also acknowledge the many distinguished guests, practitioners and court staff.

I also thank Ms Paula Wilkinson and Mr Anthony Elliott, being the Presidents of the Law Society and the Criminal Lawyers' Association of Western Australia respectively for their attendance today. I, of course, thank especially my friends and family, including my three sisters and extended family. Some of my friends here today I have known since primary school. I value your attendance and friendships. I thank each of the speakers for the very generous words which they have spoken about me.

The Chief Judge and I have worked together, as you've heard, for many years. She has a long history of service to the community of this State. I have a deep respect for her capacity to discharge her role and the thorough and thoughtful attention which she gives to her duties. As you would have heard from what she said, we often have not seen eye to eye, but that should not be taken as any indication of any disharmony in our relationship. I thank the Chief Judge very sincerely for all the support she has provided to me and the kind words which she has spoken about me.

Mr Attorney General, we met in law school. Thank you very much for your very kind remarks. I thank the Government of Western Australia through you for the opportunity to have served the people of this State. In your time as Attorney General you have provided much appreciated, and might I say appropriate, support to this Court and for that the judges of the Court thank you.

Mr Ley SC I've known you from - well, I thought it was from university but you've corrected me, so I'll accept the correction. You were an accomplished solicitor and a fine barrister in the true common law tradition. We developed a friendship and mutual respect during our many years as members of Law Society committees and through matters where we were on opposite sides of the Bar table, as you've outlined.

Soon after admission, I did join the Law Society and still remain a member. The Law Society performs a valuable community function, as do other organisations representing the practitioners in this State, including the Western Australian Bar Association and the Women Lawyers

Association of Western Australia. The Law Society is the principal voice of the legal profession and is an important institution. It has made important contributions to law reform, access to justice and maintenance of the rule of law over the years.

Mr Thomson SC, your accomplishments are well known. As Solicitor-General, you're involved in many significant pieces of litigation on behalf of the State. We first met when you were a very junior practitioner employed at the Crown Law Department and we've been friends ever since. The role of counsel and the orderly disposition of court process cannot be underestimated.

Barristers understand the role they must perform. Their support in the process is critical and appreciated. The Western Australian Bar Association, with its focus upon the maintenance and development of appropriate standards of competence and ethical practice of barristers plays an important role in the proper administration of justice.

Mr Rafferty SC, you have appeared before me many times. You are a fearless, helpful and careful advocate and have provided great assistance to me over the years, albeit that on occasions you consider that you should be sitting in the big chair. The members of the Criminal Lawyers' Association come from both the prosecution and defence side. This is entirely appropriate and recognises the role each plays in the criminal justice system.

I've always been conscious that the system is an adversarial one and the parties each have their own roles. At times, the work which criminal lawyers are called upon to perform is difficult and emotionally draining. I have found criminal lawyers to be diligent and cooperative with the process. Thank you to the members of the Association and all of the criminal lawyers who have appeared before me, both prosecution and defence.

It is uncommon in these types of speeches, and I have read many over the last five days, for speakers not to describe the retiring judge in glowing terms. What has been said today clearly falls into that category and I'm very grateful and thank each of the speakers for their kind remarks. The list of people to whom I am indebted is almost endless. I did, at my welcome ceremony, name some of them. I'll not repeat the list. It has grown significantly over the last 18 years and mostly comprises my judicial colleagues.

I enrolled in law in 1972. The course was relaxed by today's standards. There were many people with big characters and personalities at Law School in those days. The President of Blackstone Society at that stage was one Wayne Martin, soon destined to become Chief Justice of Western Australia. Wayne and I developed a friendship and I am privileged that he is here today.

Others at Law School in that time in my year included Michael Buss, who was to become the President of the Court of Appeal, and Christine Wheeler. It's fair to say that her Honour, as she then became, was reasonably far in front of the pack. Apologies, President Buss. There was plenty of time for study and recreational activity. I was reminded of the latter in a congratulatory communication I received from one of my fellow law students which read:

It's amazing how quickly time goes, playing cricket at Law School and then retiring from the Bench all in the blink of an eye.

Like my correspondent, I feel like time has gone by in the blink of an eye. I had the benefit of many fine lecturers and tutors. At Law School I learned to think in terms of principle when considering a legal problem. I've tried to apply this throughout my time in the law. I completed articles at the firm of Ilbery Barblett & O'Dea. This was a great firm which produced many able and accomplished lawyers and a significant number of judges. It was a privilege to work at the firm where I learned so much about dealing with people and responsibility as a legal practitioner.

I was admitted to practice as a barrister and solicitor of the Supreme Court in December 1977. The admissions ceremony which I attended on my own behalf was a significant event in my life. The Court was presided over by the then Chief Justice, Sir Lawrence Jackson. I was in awe when he spoke. I was very pleased to recently attend an admissions ceremony conducted by the now Chief Justice.

He spoke in glowing terms and I had the privilege of being able to sit in the jury box to observe two of my associates admitted as practitioners. It's fair to say, and a lot of the judges of this Court and, indeed, some of the justices of the Supreme Court are aware of this, that I almost went the blub as I listened to Chief Justice Quinlan speak. My role number was 1,440. My current associate, Alex Nilsson-Faulds, who was admitted in that session in November 2023 has role number 15,629.

Quite apart from the difference in the number of practitioners, there are now many differences in the way legal practice is carried on. Modern practice generally does not utilise paper files. There is no role for a short-hand typist. Dictaphones are largely a relic of the past. There are no wigs, and the number of matters which proceed to trial, because of successful alternate dispute resolution principally by mediation, is significantly reduced. These are but a few of the changes.

And at his swearing in as Chief Justice, Sir Owen Dixon described the Court and the legal profession as the necessary foundation of any community. As his Honour said, the lawyer's business was to keep the foundations and the framework steady. From Sir Owen Dixon's remarks 70 years ago, through my admission as practitioner 1,440, to my associate's admission just over 14,000 practitioners later, the tools practitioners utilise have varied greatly.

What does remain, and will continue to do so, is the importance of the legal profession to the community. In 1992, I became a member of the Independent Bar, where I remained for 14 years. Practice at the Bar was rewarding. I had an opportunity to work with and against some of the great practitioners this State has produced.

In 2006, when I was appointed to this Court, I swore the judicial oath that has been referred to already that judges have taken for many years. Lord Judge, the former Chief Justice of the United Kingdom speaking at Equality and Justice Day in October 2008, said of the oath of office:

Ponder the words. I hear them frequently and they'll send a shiver up my spine. It binds my conscience as it binds the conscience of every judge who takes it.

Lord Judge's reference to the shiver up the spine is apt. It is so because of the very serious and significant responsibility which attaches to the judicial office. The responsibility arises because of the power judges wield over the lives of the people whose decisions affect. I have been conscious of this throughout the period of my appointment.

The first civil trial in this Court which I presided over as a judge was a building partnership dispute. The trial began on the day I was sworn in by the Governor. The defendant had retained an extremely diligent solicitor, Mr Matthew Curwood, now a judge of this Court, who had in turned briefed a very young and able barrister,

Mr PD Quinlan, now the Chief Justice. With that formidable combination, it is unsurprising that the defendant succeeded.

Before I came into court, his Honour reminded me of the fact that he had, in fact, appeared for the defendant in a trial which I presided as Commissioner, which he had lost. In that first year of my appointment, I delivered judgments in five civil trials. I presided over my first criminal trial about three weeks after my appointment. This was notwithstanding I was told I would, in accordance with the then usual practice, be in civil for the first three months.

At that time, my last jury trial as counsel had been more than a decade before. The first trial was a difficult drug conspiracy. For the lawyers and judges in the room, it had Ahern and Section 7 issues. As an aside, the concept of criminal responsibility has been a significant and ongoing issue for trial judges during my entire period on the Bench. The trial ran for ten days and I recall that I worked day and night during that entire period.

I managed to empanel the jury. I managed to direct the jury and, surprisingly, was able to take verdicts. The ability to charge the jury was made so much easier by the support I received at that time from my fellow judges. Even so many years ago, the Court was an amazingly caring and collegiate place. Nothing has changed in my time on the Bench.

By far the most challenging of the matters to be dealt with by a judge of this Court is sentencing. There are so many different factors to be taken into account, and the impact of decisions upon members of the public is so significant. Over the 18 years that I've been on the Court, there have been many changes to the Court. I wish to mention only but one of those changes, and that concerns judicial education.

There was traditionally very little training or education of new judges. This was regardless of their level of experience or background. One story which circulated in the Court when I was appointed was that a judge with a civil background went querying the then Chief Judge as to his capacity to conduct a criminal trial, was informed that if he could read, he would have no difficulty. Regardless of whether the story about the judge is apocryphal, the situation has fortunately changed.

However, there remains a need for more significant focus to be placed upon judicial education. The Chief Judge and her

predecessors have acknowledged this to be the case. One example of an important innovation is the On Country Immersion Program. This was developed through the diligent and personal persistent efforts of Former Chief Judge Kevin Sleight. Participation by judges in that particular program has enabled the development of a greater appreciation of the challenges Indigenous people face within the justice system.

My parents were of Greek origin. My father arrived from Kastellorizo when he was just 17 years of age, unable to speak English, with no family and no possessions. He arrived with his younger brother, who was then aged 13 years. He had great delight in telling the story that when he arrived in Australia, he inquired of his younger brother, Giriaco, as to where his clothes were, and Giriaco responded that he'd thrown the clothes into Fremantle Harbour, as he was in a new country and they'd be providing everything.

My mother arrived as a baby in arms. Through their sacrifices and effort, I was able to attend university, become a lawyer, and ultimately a judge. I am sure each would be very proud if they had been here today. I have served on this Court under four Chief Judges. All approached the task differently. Each engendered great respect and provided significant support to me. The Court was busy when I was appointed. It remains a very, very busy Court.

There can be no easy ride for appointees to the Court. The work is important and, as Mr Rafferty has said, unrelenting. I was welcomed by the judges of the Court, who included Chief Judge Antoinette Kennedy AO and Senior Judge Healy. Antoinette Kennedy is a very accomplished and talented person. She was the first Vice President in 1982 of the Women Lawyers Association, upon its establishment.

As Chief Judge, she instilled and fostered in judges an acknowledgement of responsibility and a significant work ethic, which are so much a part of the makeup of a judge. Those same qualities have been emphasised by each subsequent Chief Judge to this Court. There are now 37 judges, with the most recent appointment being the 104th appointee. It has been a privilege and an honour to be able to serve as a judge of the Court for over 18 years.

I have enjoyed my time on the Court. As one former Chief Judge remarked, "This is the best firm in town". One aspect of the role of Senior Judge about which you've heard

much is the advice and mentoring. The response by the mentorees and the appreciation which has been expressed to me has been overwhelming. It's not all one way. I've been inundated with gifts, for which I'm very grateful, over the last 48 hours. I particularly enjoyed the sun hat, shorts and shirt provided by Judges Barbagallo and Petrusa to me today.

At the welcome of one of those I class as one of my mentorees who'd been very properly elevated to the position of a Supreme Court Justice. There was reference by her to what I had said in one of our many discussions.

What I said concerned adherence to the oath of office and the ability of a new judge to discharge her responsibility. I was very proud and pleased to hear the reference, and very appreciative of what she had said. The comments reinforced in my mind the value of the mentoring program. At my welcome, I referred to the expectations placed upon me by the appointment and the road ahead being challenging.

I have taken the role seriously. I believe I have done my very best at all times. The correspondent to me expressed the matter as follows:

Without any disrespect -

Which is usually an intro for with the greatest of disrespect:

Without any disrespect, you've achieved what I suspect is the case with most judges. You've stayed off the front page of the West Australian. Given that you were appointed on 10 April 2006, that is a huge effort.

Now, Judge Sweeney, who I rely upon a lot in relation to English, read that for me on a number of occasions and said that it was a compliment. I take it as a compliment. The huge effort was all part of the responsibility I assumed upon appointment. It remains the case that it is, of course, for others to judge my performance. The work has been stimulating and rewarding. I'll miss the collegiality and daily interactions with my fellow judges.

When the Court moved to this building in 2008, Nine South was established. The original court cohort comprised Wisbey, Deane, Sweeney and myself. And we lasted together for six years until there was a retirement. It was a cohesive and harmonious group. There was significant

interchange of ideas and we helped each other enormously. It's fair to say the chambers in Nine South remain much sought after.

I've greatly valued the friendships which I have established with past and current colleagues. I will miss the always good-hearted banter and the discussions which have occurred. Morning coffees being referred to, it's not about me, it never has been, it is all about the participants and contributors. This week, even Judge MacLean produced a cake for me, which was very much appreciated.

I've also worked with and received great support from the Court's Chief Executive Officers. I thank in particular, the Court's current Executive Officer, Laura Sutton, the Listing Coordinator, Kathy Woods and the Court's Resource and Administration Officer, Julie Emerson. Each has been in the Court for many years. Each has a difficult and demanding position. Each has made it so much easier for me to discharge my judicial duties. Thank you.

I thank Kahlia Sullivan, the Executive Officer to the Chief Judge, who has coordinated and organised this ceremonial sitting and assisted me greatly over the years. I've also had the benefit of work performed by registrars and registry staff, together with all the other employees who enable the Court to function so efficiently.

Since my appointment, I have had six associates and two ushers. Each brought their own special skill and competence to the position. I developed a special relationship with each. I am happy to see that five of my associates are here today. I particularly enjoyed the interactions which I had with my three legally trained staff, Helen Barratt, Femke Elferinke, and Alex Nilsson-Faulds who provided me, at times, with significant reality checks. Each, I am sure, will develop into accomplished practitioners.

Mr Stephen Pomgracz and Mrs Cheryl Ghilarducci each worked for me for a number of years. Each was diligent, patient and an extremely competent associate. I would also like to mention and thank, particularly, my current usher, Mr Umesh Malelo who has been with me for eight and a half years. He is a true gentleman. And unfortunately for the Court, retires on the same date that I do.

The stories about your driving, Umesh, are legendary and I'm sorry that you've had difficulty with those pillars over the years. All of my staff over the years made my

time as a judge so much easier, and I thank each of you. I've had a fortunate life thanks to my family and friends. I'm proud of my Greek heritage but also proud to be an Australian.

My three children, Christopher, Angela and Winsome, and their partners are all here today. Eve and I are very proud of their individual achievements in different fields but, importantly, the commitment which each shows to the family. Tuesday night in the Stavrianou household is family dinner night. There are usually 16 attendees. It's fair to say that Eve does nearly the entirety of the work.

My contribution - that was Judge Barone - my contribution is usually to arrive just as dinner is being plated up. With retirement, I might now be able to make some contribution to Tuesday night family dinner. I doubt, however, that the family will ever refer to it as dinner at Bapou's rather than at Yiayia's house.

Our grandchildren, Nicholas, Henry, Lucinda, Samuel, Alexander, Persephone, Andreas, and Sidney are also here and have sat patiently through the ceremony. Notwithstanding that Nicholas, on reading my speech, said this is particularly boring. We're very proud of and love each of our children and grandchildren.

To Eve, my wife, you not only have had your own amazingly successful career but have also provided me with support and wise counsel, which has always been sensible, practical and logical. You are such a competent person in so many different ways. As well as everything else, you run the family and our household. My contributions in that respect have, I would describe as being relatively minimalist.

You have been tolerant and patient beyond belief, and I thank you. We've been with each other for a long time and I look forward to retirement with you. This occasion is one of considerable sadness for me. I have received many letters and other communications of congratulations and best wishes, following the announcement of my resignation. I will, in the old-fashioned style, be writing to each of the authors. In the meantime, I thank each of you.

Last Friday I presided over my last list. It was a long list. There were in excess of 100 accused, each seeking a listing of their trial. At about number 40, one well-informed counsel for the accused, at the conclusion of his matter, congratulated me on my pending retirement. Each subsequent counsel then wished me well. Whilst it did

prolong the proceedings, it's fair to say that I felt overwhelmed by the congratulations received.

In the circumstances, I made no comment to any counsel who was late or chose to wish me good morning at the commencement of their matter. I have been involved in the law for just over 47 years. After that period, it's hard to imagine that I can simply walk away. I doubt that I will say, as some of my retired colleagues do, that I have not read a single Court of Appeal decision since my retirement.

I accept that there are plenty of other things to read. It will be refreshing to read something that does not begin with catchwords. I think I'll maintain an interest of the law. It's now time for me to go. I have no concerns or trepidation in relation to retirement. I am looking forward to it. There seems to be so much to do. I enjoy bridge, chess, exercise and sailing. That sounds like something I might have written somewhat disingenuously in an articles application so many years ago.

But I do have a genuine interest in each of those pursuits. I have enjoyed my time and hope that I have been of service to the people of Western Australia. I feel very privileged that so many of you have taken the time to attend today. I know that so many of you are so very busy. You have done me a very great honour by your presence. Thank you all most sincerely. Please the Court.

WAGER CJDC: Thank you, Senior Judge Stavrianou.

That completes the special sitting to farewell our Senior Judge. And Court will now adjourn.